NEWBURGH IDA
INDUSTRIAL DEVELOPMENT AGENCY

# BOARD OF DIRECTORS MEETING
## Minutes of June 17, 2024
## DRAFT

The Board of Directors of the City of Newburgh IDA met on Monday June 17 commencing at 6:10 pm on 83 Broadway 3rd Floor, Newburgh NY 12550.

Present:

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| Board Members: | Marlon Ramos, Chairman<br>Gregory Nato, Secretary – 6:16<br>Adam Pollick, Treasurer<br>Christina Amato, Vice Chair |
| Staff: | Cherisse Vickers, Executive Director |
| Counsel: | Robert J. McLaughlin, Esq., Whiteman Osterman & Hanna<br>David L. Craft, Esq., Whiteman Osterman & Hanna |
| Guests: | Sims Foster, FSH Newburgh Hotel<br>Walter Garigliano Esq., Garigliano Law Offices<br>Charles Bazydlo Esq., Law Office of Charles T. Bazydlo, P.C<br>William Pasik, Brookfield Properties<br>Matthew Stoddard, Iron Workers Local 417<br>Zion Smith<br>Nicole Russo<br>James Hill<br>Marquis Hill<br>Craig Coulter |

1. **Roll Call:** Marlon Ramos, Chairman called the meeting to order at 6:10 pm. A quorum was met.

Public Comment

Matthew Stoddard, business manager of Iron Workers Local 417 and a board member

of the Town of Montgomery IDA, introduced himself to the board. He expressed his thanks to the board as Mr. Stoddard read the Agency's local labor policy which he believes is the best in the state. He helped write the local labor policy for the Montgomery IDA and highlighted the good local labor language used in the Agency's policy to protect the people that live in the community. The Montgomery IDA currently used the Agency's language in their policy. Mr. Stoddard presented to the board different members of the union in the audience. Ms. Amato asked how many apprentices are in programs. Mr. Stoddard responded the building trades take about roughly 200 to 300 young men and women that live in the Hudson Valley. Ms. Amato asked how they advertise for apprentices. Mr. Stoddard said through the Department of Labor, job fairs and online. Ms. Amato suggested once the Agency's new website is up and running, a link could be added to the website. Ms. Russo brought to the board's attention that in recent years the Newburgh School District offered classes that would teach students different trades and if the students were successful, they would go to a local apprentice. She also said it is nice to see others succeed in learning trades they would not have otherwise. Mr. Ramos added that it was pleasant to hear how the Agency can be a model for other IDA's.

2. **Proof of Meeting Notice:** Marlon Ramos, Chairman. Notice Sent and Accepted.

3. **Reading and Approval of April 15, 2024 Meeting Minutes:**

Regular Meeting: Minutes from the regular board meeting of April 15, 2024, were distributed to the board via e-mail.

**Motion to approve April 15, 2024 regular meeting minutes as presented:**

Mr. Pollick: Motion to approve the minutes
Mr. Ramos: Motion seconded
**VOTE: Unanimously passed**

4. **Report of the Treasurer; Approval of Payment of Bills:**

Adam Pollick presented the April and May Treasurer's Report to the board.

**Motion to approve the April 2024 Treasurer's Report**

Ms. Pollick: Motion to approve
Mr. Ramos: Motion seconded
**VOTE: Unanimously passed**

**Motion to approve the May 2024 Treasurer's Report with the revision of the Lakeland Bank Account ending in 5683 to reflect the correct balance of $4,154,731.08.**

Mr. Pollick: Motion to approve
Ms. Amato: Motion seconded

**VOTE: Unanimously passed**

**Motion to approve April 2024 Bill Payments**
Ms. Amato: Motion to approve (Checks 1241, 1243, 1244, 1245, 1246, 1247, 1248, 1249, 1250, 1251, 1252)
Mr. Ramos: Motion seconded
**VOTE: Unanimously passed**

**Motion to approve May 2024 Bill Payments**
Ms. Amato: Motion to approve (Checks 1253, 1255, 1256, 1257, 1258, 1259, 1260)
Mr. Ramos: Motion seconded
**VOTE: Unanimously passed**

5. **Chairman's Report:**

Mr. Ramos shared with the board that two of the Agency's projects, 191 Washington St and 103 Washington St, were rewarded the Momentum Fund from NYS Empire State Development.

6. **Counsel's Report:**

Mr. McLaughlin mentioned to the board 104 Washington will be the subject of a future meeting. Scobie Drive is moving forward on their due diligence and DEC requirements.

Mr. McLaughlin told the board that he was acquainted with Mr. Stoddard when Mr. McLaughlin represented the Montgomery IDA. Mr. Stoddard asked Mr. McLaughlin if he would be able to speak to the Board when he heard about the Agency's local labor policy. Mr. McLaughlin wanted to make it clear he was an intermediary but did not arrange for Mr. Stoddard to come to the IDA board meeting.

7. **Executive Director's Report:**

Ms. Vickers mentioned to the board that the new website will go live soon. Anthony from blackDog was able to come and take photography of city-wide locations. Mr. Ramos asked Ms. Vickers if they have a good understanding of the participation rate with the photos. Ms. Vickers responded that out of the list given to blackDog, three or four companies did not want to participate but the majority complied.

8. **New Business:**

*Resolution # 2024-06-17-01 Amendments to Certain Provisions of Resolution #2022-02-16-03 Grand Street Newburgh Property Co, LLC*

Mr. Walter Garigliano, representing FSH Newburgh Hotel, gave an overview to the board of the project approved by the board in February 2022. The timeframe for redevelopment is no longer rational due to events that have occurred since then. Mr. Sims Foster presented himself to the board. Mr. Foster shared with the board that the three buildings will be rehabilitated to historic standards for historic tax credits. Mr. Foster also mentioned they have two term sheets, one for Commercial Property Assessed Clean Energy loan which will give financing to the project's water and energy

efficiency improvement and another term sheet with the USDA Business and Industry Program. The resolution for the board's consideration will give Mr. Foster the time needed bring this project to reality. Mr. Ramos asked the extension amount; Mr. Craft responded it goes from two years to an extension of fifty-four months from the day of the approving resolution for the investment of funds to the project.

In regard to the creation of construction and employment of local labor, it has been extended from two years commencing within three months of the day the project facility was delivered to the company to thirty-six weeks. Ms. Amato asked Mr. Foster if they are still pursuing the same project. Mr. Foster responded that they are. Ms. Amato asked if the project qualifies for the Momentum Fund to which Mr. Foster said he does not know. Ms. Amato suggested for Mr. Foster to look into the grant since the deadline for it is June 28. Mr. Ramos asked Mr. Foster if he is still in partnership with Orange County Community College. Mr. Foster responded yes. Mr. McLaughlin pointed out to the board that the investment amount has been changed from $29 million to $39 million which is projected not guaranteed. Mr. Garigliano reiterated they are asking the board to authorize additional sales tax abatement which may be necessary.

Ms. Amato: Motion to approve
Mr. Nato: Motion seconded

A roll call was taken for the vote.
Mr. Ramos: Yes
Ms. Amato: Yes
Mr. Pollick: Yes
Mr. Nato: Yes
**VOTE: Unanimously passed**

*Resolution # 2024-06-17-02 Extension of Access Agreement Previously Approved with Scobie Industrial Partners, LLC Located at 5 Scobie Drive*

Mr. Ramos asked if the Agency has done an extension recently, Mr. McLaughlin responded an extension was done for one year subject to certain bench marks which will run to June 30, 2025. This resolution is especially for the wetland investigation and is consistent with the DEC's new regulations.

Mr. Nato: Motion to approve
Ms. Amato: Motion seconded

A roll call was taken for the vote.
Mr. Ramos: Yes
Ms. Amato: Yes
Mr. Pollick: Yes
Mr. Nato: Yes
**VOTE: Unanimously passed**

*Resolution # 2024-06-17-04 Second Public Hearing for the Benefit of IV5Newburgh South Logistics Center, LLC*

Mr. Charles Bazydlo, counsel for IV5Newburgh South Logistics Center, presented himself to the board. Mr. Bazydlo mentioned they were not in agreement with one of the recapture items which was the guarantee of the minimum amount of jobs the

project would create. Depending on who the end user might be, a facility of this size could have a fairly wide range of employment. An amendment was added to the application that presents the job numbers as a range. Per Mr. Bazydlo's conversation with Mr. McLaughlin this change would require a second public hearing. Mr. Bazydlo stressed the project cannot move forward without IDA benefits and is requesting an additional public hearing as soon as possible and to set a special meeting date for an approving resolution. Mr. McLaughlin mentioned they would need to give a ten day notice of a public hearing. Mr. Ramos mentioned to Mr. Bazydlo he noticed on their website they had several projects done with IDA benefits therefore having an understanding of the job number they are expected to provide. Mr. Ramos asked what has changed. Mr. Bazydlo said when they presented during the last meeting they did speak about the job range. Mr. Nato asked for an example of what a thirty-seven-person company would be and what a two hundred twenty-five-person company be. Mr. William Pasik, from Brookfield Properties, responded that it does not depend on the type of company but on the use of the building. Mr. Pasik mentioned they have a fully leased 315,000 square feet facility in Montgomery that was built on spec to source building materials and they are going to have 30 people working in the warehouse. Mr. Ramos mentioned this was a significant change in the original application and Ms. Amato asked if the board was just voting on a public hearing, not the approving resolution. Mr. Ramos confirmed. Mr. McLaughlin added after the hearing the transcript needs to be produced and shared with the board. It would be unfair to ask the board to schedule a special meeting today, the board can consider after they receive the transcript. Ms. Amato asked how long it takes to produce a transcript, Ms. Vickers said it can take one to two weeks to which Mr. McLaughlin added the stenographer could expedite the transcript for an expedited fee. Ms. Vickers said between July 8 and July 15 the public hearing could be set. Mr. McLaughlin mentioned they did prepare the material for the public hearing and would be a matter of updating the dates and that could go out to the executive director tomorrow. Ms. Amato agreed to set the public hearing date as soon as possible. Mr. McLaughlin added Ms. Vickers did arrange for a new cost benefit analysis to be done by MRB. Mr. Ramos said he would like to engage with MRB ideally before the public hearing.

Ms. Amato: Motion to approve
Mr. Nato: Motion seconded

A roll call was taken for the vote.
Mr. Ramos: Abstain
Ms. Amato: Yes
Mr. Pollick: Yes
Mr. Nato: Yes
**VOTE: Did not pass**

Ms. Amato reiterated to Mr. Ramos that this resolution was just for the public hearing, not a resolution to approve the project. Mr. Ramos would like to speak to MRB before the public hearing date. He asked for the roll call to be taken again.

Ms. Amato: Motion to approve
Mr. Nato: Motion seconded

A roll call was taken for the vote.
Mr. Ramos: Yes
Ms. Amato: Yes
Mr. Pollick: Yes

Mr. Nato: Yes
**VOTE: Unanimously passed**

9. **Executive Session:**

**Motion to enter into Executive Session to discuss employment and real estate disposition.**

Ms. Amato: Motion made
Mr. Pollick: Motion seconded

Motion to exit Executive Session

Ms. Amato: Motion made
Mr. Ramos: Motion seconded

No decisions were made during Executive Session.

*Resolution # 2024-06-17-01 Amendments to Certain Provisions of Resolution #2022-02-16-03 Grand Street Newburgh Property Co, LLC*

Mr. McLaughlin reviewed this resolution and it is no longer necessary to include the language in Sections 2 and 3 "subject to further resolution of the board prior to the provision of any financial assistance." The financial assistance has already been provided since the board approved it. Only the time period is being amended in the recapture. A proposal was made to amend resolution to remove this wording.

Ms. Amato: Motion to approve
Mr. Ramos: Motion seconded

A roll call was taken for the vote.
Mr. Ramos: Yes
Ms. Amato: Yes
Mr. Pollick: Yes
Mr. Nato: Yes
**VOTE: Unanimously passed**

*Resolution # 2024-06-17-03 Authorizing a Form of Contract for the Sale of Real Property to be Submitted to the State Authorities Budget Office*

**Tabled**

*Resolution # 2024-06-17-05 Authorizing Contract Agreement with Agency Staff*

**Tabled**

10. **Old Business:**

UTEP

Ms. Vickers mentioned to the board she had biweekly meetings with Tracy from MRB

which was paused due to the two board members resigning. Ms. Vickers asked the board how to proceed since a work session with her was scheduled for the last board meeting. Also, did the board prefer to have a work session before the September meeting to go over the options at that time or meet with her individually. Ms. Amato suggested that she would like to have the input of the other board members to bounce ideas around while being able to hear the same information in a work session together. The information will be fresh in their minds doing this in September and hopefully by then the Agency will have new board members. Mr. Ramos agreed to do this after the summer break. Ms. Vickers asked the board if the work session should be held on the same day as the board meeting or on a different day, Mr. Pollick responded he would not mind dedicating a day or a half day for this besides the board meeting. Mr. Ramos would like to ask MRB the strengths and weaknesses of having a structured UTEP or not.

11. **Adjournment**

A motion to adjourn was made by Mr. Pollick and seconded by Ms. Amato. Unanimously passed at 8:48 pm.

DRAFT