

CITY OF NEWBURGH
INDUSTRIAL DEVELOPMENT AGENCY (IDA)
MINUTES OF BOARD MEETING
January 11, 2021

Present

Board Members: Austin DuBois, Chairman
Christina Amato, Michael Kelly, Gregory Nato,
Marlon Ramos, Adam Pollick and Nancy Thomas

Staff: Cherisse Vickers, Executive Director
Counsel: Robert McLaughlin, Whiteman, Osterman and Hanna, LLP
Catherine Kemp, Associate, WHO

GUESTS: John Furst - Catania, Mahon & Rider
Michelle Rider - Catania, Mahon & Rider
Andrew Schrijver – Attic Labs
Jacob Chai – Attic Labs

1. **Roll Call:** Chairman Austin DuBois called the meeting to order and accepted the proof of notice of meeting.

2. **Presentation on the Foundry Project** - out of courtesy for everyone's time, the board approved moving the presentation by Attic Labs to next on the agenda.

Mr. Furst from Catania, Mahon and Rider representing Attic Labs gave a half hour presentation on what they are hoping to achieve at the Foundry and the time frame for doing so. (Entire presentation is on the IDA YouTube Channel.)

2. **Executive Session:** the board voted to go into Executive Session to discuss ongoing litigation with a motion made by Christina Amato, seconded by Nancy Thomas, and unanimously agreed.

No actions were taken during Executive Session.

3. **Reading and Approval of minutes of the previous meeting**

Minutes from the previous board meeting of December 14, 2020 were distributed earlier to the board via e-mail.

Motion to approve the minutes as presented:

Mr. Ramos: Motion to approve the minutes

Ms. Thomas: Motion seconded.

Discussion: None.

VOTE: Unanimously adopted.

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

Treasurer Marlon Ramos read the Treasurers' Reports to the board.

Motion to approve the Treasurer's Report was made by Nancy Thomas, seconded by Mike Kelly, and unanimously approved.

Motion to pay bills (check numbers 908-915) from prior Treasurer's Report of December 14, 2020, was made by Christina Amato, seconded by Mike Kelly, and unanimously approved.

Motion to approve that the IDA have an online presence with TD Bank, with a monthly cost not to exceed \$100.00 was made by Mike Kelly, seconded by Nancy Thomas, and unanimously approved.

The Treasurer informed the board that he reviewed the PPE Grant request that the IDA received and recommends that the board approve the expenditure.

Motion to approve Resolution No. 2021-01-11-01, *Resolution Authorizing A State Disaster Emergency Grant for a Small Business*, a PPE Grant with a reimbursement request of \$1,832.77 from NPRG Fitness LLC, was made by Christina Amato, seconded by Gregory Nato, and unanimously approved. Roll call of the resolution resulted in all ayes by those present.

5. **Chairman's Report**

The Chair updated the board on his work relative to the Strategic Economic Development Council. The council is going to be reviewing the RFPs that have been received for the City Club project.

The county continues to move forward with the historic properties on Grand Street.

6. **Counsel's Report**

IDA Counsel Robert (Bob) McLaughlin updated the board on: a) Foundry project – both he and his assistant Catherine are available for any consultations needed to move that project along; b) no change on Scobie Drive as purchasers are still waiting on DEC; this past Spring St. Luke's was discussing re-financing of the bonds that were purchased with IDA assistance, which was put on hold due to the pandemic. This has come up again, and they are seeking to have a forbearance agreement with the IDA. This is still very preliminary and need to find out the impact it would have on any outstanding IDA bonds.

7. **Executive Director's Report**

The Executive Director mentioned that there is a draft of the UTEP that should be going out later this week to the board for review. The Chair asked all board members to review the draft and asked the board for a special meeting to go over the policy. This document is the main guiding instrument for IDA activities and would like to have the policy thoroughly reviewed by each board member.

The Executive Director also mentioned that the board received a copy of the official transcript of the public hearing for 104 Washington Street project. Of note, the two

concerns were the number of floors and the potential PILOT agreement, wanting to know what the agreement would look like. As the agreement is not yet written, this concern cannot be addressed at this time.

The Executive Director had a meeting with the auditor. They are not coming to the office due to the pandemic, the audit will be done virtually.

Annual letters will be mailed as soon as possible to the project managers and bond trustees requesting the information needed for PARIS.

The NYS EDC annual meeting will be coming up soon. Both the director and treasurer have signed up. Board member Gregory Nato asked about information on how to sign up. Counsel highly recommends that if any board member has the time, to sign up and attend whatever session they would be interested in. Of particular interest may be the Question and Answer section. Many IDAs face similar situations and solutions may be found there.

8 **New Business**

Items under New Business have already been addressed elsewhere.

9. **Old Business**

No old business to discuss.

10. **Adjournment**

As there is no further business to come before the board, a motion to adjourn was made by Nancy Thomas, seconded by Marlon Ramos, and unanimously passed.

CITY OF NEWBURGH INDUSTRIAL DEVELOPMENT AGENCY
 Treasurer's Report for the IDA January 11, 2021 Board Meeting

OPERATING Account

Opening Balance As of December 15, 2020 \$ **274,582.25**
from Quickbooks

<i>Deposits</i>	Payor	Amount	Remarks
1/5/2021	T-Mobile	4,758.21	Cell tower
	TOTAL	\$4,758.21	
12/1/2020	AT&T	3,551.02	Cell tower
			<i>Amount in Dec. 15, 2020 balance above</i>

Disbursements

Check Number	Check Date	Payee	Amount	Remarks
916	1/4/2021	Diana Hesse	521.01	Inv. # 2021-01-04
917	1/4/2021	NYS EDC	300.00	Two registrations for Virtual Academy
918	1/4/2021	Salvick Corp.	1,440.00	Inv. # 160
919	1/11/2021	Mary T. Babiarz	388.37	Inv. # 203493, Transcription of public hearing
		TOTAL	\$2,649.38	

Closing Balance As of January 11, 2021 \$ **276,691.08**
from Quickbooks

APPLICATIONS FUND Account

Opening Balance As of December 1, 2020 \$ 14,137.50
Closing Balance As of December 31, 2020 \$ 14,137.50

LESSOR/TENANT Account

Opening Balance As of December 1, 2020 \$ 2,400.00
Closing Balance As of December 31, 2020 \$ 2,400.00

MONEY MARKET Account

Opening Balance As of December 1, 2020 \$ 749,893.20
Interest credit **63.25**
Closing Balance As of December 31, 2020 \$ 749,956.45

**CITY OF NEWBURGH
INDUSTRIAL DEVELOPMENT AGENCY**

Resolution No. 2021-01-11-01

**RESOLUTION AUTHORIZING A STATE DISASTER
EMERGENCY GRANT
FOR A SMALL BUSINESS**

A regular meeting of the City of Newburgh Industrial Development Agency (the "Agency") was convened by telephone and video conference in accordance with the State of Emergency declared by the City Mayor on March 16, 2020 and Governor Cuomo's Executive Order No. 202.1, as amended and extended, on January 11, 2021 at 6:00 o'clock p.m., local time.

The meeting was called to order by the Chairperson of the Agency and, upon roll being called, the following members of the Agency were:

PRESENT:

Austin F. DuBois	Chairperson
Nancy Thomas	Vice Chairperson
Marlon M. Ramos	Treasurer
Christina Amato	Secretary
Michael Kelly	Member
Adam C. Pollack	Member
Gregory Nato	Member

ABSENT:

AGENCY STAFF PRESENT INCLUDED THE FOLLOWING:

Cherisse Vickers	Executive Director
Robert J. McLaughlin, Esq.	Agency Counsel

The following resolution was offered by Christina Amato, seconded by Gregory Nato, to wit:

Resolution No. 2021-01-11-01

**RESOLUTION AUTHORIZING
A STATE DISASTER
EMERGENCY GRANT FOR A SMALL BUSINESS**

WHEREAS, the City of Newburgh Industrial Development Agency (the "Agency") is authorized and empowered by the provisions of Chapter 1030 of the 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 577 of the 1982 Laws of New York, as amended, constituting Section 913 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 manufacturing, warehousing, research, commercial and industrial 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, Executive Order 202 of 2020, as amended, declared a state disaster emergency; and

WHEREAS, Chapter 109 of the Laws of 2020 made certain amendments to the Enabling Act, authorizing the Agency to establish a grant program for eligible small businesses for the purpose of acquiring personal protective equipment or the installation of fixtures necessary to prevent the spread of novel coronavirus, COVID-19, during the period in which Executive Order 202 of 2020, as amended, is in effect; and

WHEREAS, Executive Order 202 of 2020 remains in effect; and

WHEREAS, to address the need determined to exist in the City, by Resolution dated October 26, 2020, the Agency established the City of Newburgh Industrial Development Agency State Disaster Grant Program ("SDGP") in accordance with Chapter 109 of the Laws of 2020, and the Enabling Act, upon such terms as determined by the Agency; and

WHEREAS, the Agency has received an SDGP application from NPRG Fitness LLC (the "SDGP Applicant"); and

WHEREAS, the Executive Director has reviewed the application submitted by the SDGP Applicant and has recommended the Agency approve a grant in the not to exceed amount of \$1832.77 in accordance with the terms hereof.

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

Section 1. The Agency hereby determines the following: (i) the SDGP Applicant is a small business of not more than 50 employees; (ii) was and is a financially viable small business located in the City of Newburgh, and has been in business since 06-27-2018; (iii) the SDGP Applicant conducts business in the area served by the Agency; and (iv) the SDGP Applicant has been negatively affected by the state disaster emergency.

Section 2. The Agency authorizes an SDGP grant in an amount not to exceed \$1832.77 to reimburse the SDGP Applicant for the cost of acquiring personal protective equipment or installing fixtures necessary to prevent the spread of novel coronavirus, COVID-19, during the period in which Executive Order 202 of 2020 is in effect.

Section 3. The Chair, the Executive Director and Agency Counsel are directed to prepare such agreements as are necessary and consistent with the Enabling Act to provide the SDGP grant to the SDGP Applicant in accordance with this resolution.

Section 4. This Resolution shall take effect immediately.

The question of the adoption of the foregoing resolution was duly put to vote on roll call, which resulted as follows:

Austin F. DuBois	VOTING	Yes
Nancy Thomas	VOTING	Yes
Marlon M. Ramos	VOTING	Yes
Christina Amato	VOTING	Yes
Michael Kelly	VOTING	Yes
Adam C. Pollack	VOTING	Yes
Gregory Nato	VOTING	Yes

The foregoing resolution was thereupon declared duly adopted.

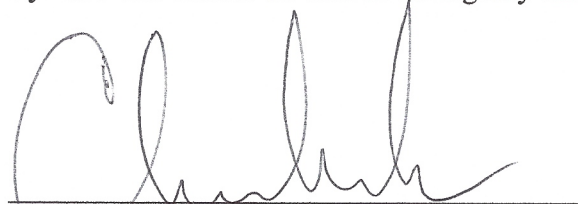
STATE OF NEW YORK)
) SS.:
COUNTY OF ORANGE)

I, the undersigned Secretary of City of Newburgh 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 held on January 11, 2021 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 said original 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") as amended by Executive Order No. 202.1, as amended, said meeting was open to the general public, and due notice of the time and place of said meeting was 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 12 day of January, 2021.



Secretary

(SEAL)