

CITY OF NEWBURGH
INDUSTRIAL DEVELOPMENT AGENCY (IDA)
MINUTES OF MEETING
January 26, 2015

Present

Board Members: Joshua Smith, Chairman
Richard Bedrosian, Austin DuBois, John Penney, Nancy Thomas
Absent: Jimmy Mera
Counsel: Thomas Whyatt
CFO: Craig Skelly
Staff: Theresa Waivada, Executive Director

1. **Roll Call:** Chairman Smith called the meeting to order at 7:10 pm. A quorum is present.
2. **Proof of Notice of Meeting:** Accepted.
3. **Approval of the December 15, 2014 Minutes**

Mr. Penney: Motion to approve the December 15, 2014 minutes as presented
Mr. DuBois: Motion seconded.
Discussion: No discussion.
VOTE: Unanimously passed.

4. **Request for Communications**

The Executive Director shared with the board information from an Empire State Development letter notifying the IDA of an initial allocation for calendar year 2015 of \$474,762.

5. **Request for Bills; Treasurer's Report**

Treasurer Mike Curry reported that there would not be a Treasurer's Report for this month. He reported on the checks requested to be paid for this period—check numbers 509-513 with check numbers 507 and 508 written with prior approval—for a total disbursement amount of \$19,430.53 for checks numbered 507-513.

Mr. Penney: Motion to approve payment of checks as presented and pay insurance bill next month when due
Mr. Bedrosian: Motion seconded.
Discussion: No discussion.
VOTE: Unanimously passed.

6. **Committee Reports**

The Governance Committee met before the IDA Board meeting to review the mission statement and performance measurements for 2015 already received electronically. The committee recommends adopting the Mission Statement and Performance Measurements as distributed and to post on the agency's web site.

Mr. Penney: Motion to approve Resolution #2015-1-26-1
Mr. DuBois: Motion seconded
Discussion: None
VOTE: Motion carries, resolution approved.

The Finance Committee did not meet this month.

7. **Report from Counsel**

Resolution Number 2015-1-26-3, Authorizing Transfer of 150 Ann Street to Habitat for Humanity of Greater Newburgh for Nominal Consideration

This follows the Agency's authorization given in January to the Executive Director to negotiate terms of transfer of 150 Ann Street to Habitat for Humanity. Under the terms as discussed with Habitat, the IDA would transfer the parcel for no consideration to Habitat, based on provisions of the Procurement Policy permitting transfers for less than Fair Market Value in certain circumstances in furtherance of the Agency's goals and mission.

The transfer would be subject to a reverter and condition subsequent providing that the parcel would be returned to the IDA within a period of time to be mutually agreed to by the parties if the parcel has not been improved by a single-family dwelling and a Certificate of Occupancy for same obtained by the date certain.

Mr. Penney: Motion to approve Resolution #2015-1-26-3
Ms. Thomas: Motion seconded
Discussion: None
VOTE: Motion carries, resolution approved.

Resolution No. 2015-1-26-2, Authorizing Contracting for Tree Cutting and Removal on Scobie Drive Parcel without Completing the Full Bidding Process

This follows the Agency's action in December 2014 authorizing the Executive Director to seek bids for contractors to cut and remove trees from the Agency's Scobie Drive parcel. Since that time, the Executive Director has determined that the deadline for completing the work, March 31, 2015, cannot be achieved if the fully bidding process is carried out prior to awarding a contract. This Resolution authorizes the Executive Director to operate under a shorter bidding process, using best efforts to notify as many qualified contractors as feasible.

Mr. Bedrosian: Motion to approve Resolution #2015-1-26-2
Mr. Penney: Motion seconded
Discussion: None
VOTE: Motion carries, resolution approved.

Discussion of Three-Party Agreement. Counsel discussed the latest draft of a proposed agreement between the City of Newburgh, Hudson Valley Lighting and the Agency regarding development of the Scobie Drive parcel, including compliance with the DEC's BCP provisions, conformance with requirements imposed by grants as well as local, county, state and federal laws and regulations.

8. **Old Business**

There was no old business to discuss.

9. **New Business**

The Board will not meet in February and will re-convene in March. Any items of urgency should be addressed to the Chairman.

10. **Adjourn**

There being no further business to come before the board, on a motion made by Mr. Penney and seconded by Ms. Thomas, the board unanimously agreed to adjourn the meeting at 8:30 p.m.

**CITY OF NEWBURGH
INDUSTRIAL DEVELOPMENT AGENCY**

Resolution No. 2015-1-26-1

BE IT RESOLVED that the Board of Directors of the City of Newburgh Industrial Development Agency, in compliance with the transparency and compliance requirements of the New York State Authorities Budget Office, do hereby approve a Mission Statement for 2015.


The Members of the Agency reviewed the 2014 Mission Statement.

The Members of the Agency answered all "Additional Questions."

The foregoing resolution was duly put to vote, which resulted as follows:

	<i>Yea</i>	<i>Nay</i>	<i>Absent</i>	<i>Abstain</i>
Joshua Smith	X			
Richard Bedrosian	X			
Michael Curry	X			
Austin DuBois	X			
Jimmy Mera			X	
John Penney	X			
Nancy Thomas	X			

This resolution was thereupon duly adopted on January 26, 2015.



John Penney, Recording Secretary
January 26, 2015

**CITY OF NEWBURGH
INDUSTRIAL DEVELOPMENT AGENCY**

RESOLUTION NO. 2015-1-26-2

**AUTHORIZING CONTRACTING FOR TREE CUTTING
AND REMOVAL ON SCOBIE DRIVE PARCEL WITHOUT
COMPLETING THE FULL BIDDING PROCESS**

WHEREAS:

The City of Newburgh Industrial Development Agency desires to stimulate industrial development in the City of Newburgh in order to create new jobs, expand the tax base, and redevelop certain areas of the City of Newburgh in accordance with IDA's purposes;

For such purposes, the Agency on January 29, 2013 entered into an agreement with 5 Scobie Partners, LLC for the sale of IDA property located at 5 Scobie Drive in the City of Newburgh and made joint application with 5 Scobie Partners to participate in a New York State Brownfields Clean-up Program to provide funds to assist in the remediation of 5 Scobie Drive.

In December, 2014, the Agency learned that an essential element of the BCP clean-up required that any trees from the site that need to be cut down prior to construction must be cut down before March 31, 2015 or after October 15, 2015, pursuant to Federal Environmental Regulations, to help preserve two endangered species of bats that use the trees as a habitat during the warmer months of the year.

Failure to complete the tree removal by March 31, 2015 would thus prevent the BCP work from being completed by November, 2015, and thus foreclose the possibility of BCP funding that has been relied upon by the parties.

By Resolution 2014-12-15-1, the City of Newburgh Industrial Development Agency ("IDA") authorized the Executive Director to, inter alia, (a) publish and circulate a Request for Proposals ("RFP") containing a Scope of Work for cutting and removing trees from the Agency's Scobie Drive parcel, such as was attached to the Resolution; (b) select a contractor with advice of counsel and project engineers; and (c) enter into contract in accordance with the provisions of the Agency's Procurement Policy, including provisions exempting the contract from bidding requirements if necessary and appropriate.

The Executive Director will circulate the RFP as soon as feasible after extensive discussions with the City of Newburgh and Brownfield Cleanup Program engineers;

The Agency has been informed that it may not be possible to complete the work by March 31, 2015 if the contract is not awarded until after the full bidding process is carried out;

Section B.10b of the Procurement Policy provides that “The Agency may adopt a resolution waiving the competitive bidding requirements whenever it is determined to be impracticable”;

The tree cutting work envisioned for the project has been reviewed by the City of Newburgh Planning Board as part of its site plan review, and the Planning Board has made a finding that the project will have no significant environmental impact.

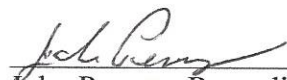
NOW THEREFORE BE IT RESOLVED:

1. The tree work contemplated has been reviewed for environmental impact by the City of Newburgh Planning Board as Lead Agency, which has found that the project, including the tree removal, will have no significant environmental impact; no further review pursuant to SEQRA is thus required.
2. The Agency hereby determines that it is not practical to carry out a full bidding program prior to awarding the tree work contract because that would delay completion of the work past March 31, 2015 and likely terminate the BCP clean-up efforts.
3. The Executive Director is directed to use best efforts in obtaining qualified bids for the work but to award the contract as soon as feasible to the contractor best qualified among those who have submitted bids, without delaying until the full bidding process is complete.

The foregoing resolution Number **2015-1-26-2** was duly put to vote, which resulted as follows:

	<i>Yea</i>	<i>Nay</i>	<i>Absent</i>	<i>Abstain</i>
Joshua Smith	X			
Richard Bedrosian	X			
Michael Curry	X			
Austin DuBois	X			
Jimmy Mera			X	
John Penney	X			
Nancy Thomas	X			

This resolution was thereupon duly adopted on January 26, 2015.



John Penney, Recording Secretary
January 26, 2015

DRAFT

**CITY OF NEWBURGH INDUSTRIAL DEVELOPMENT AGENCY
REQUEST FOR PROPOSALS**

For

Forest Management Services

At 5 Scobie Drive, Newburgh, NY 12550

Issued: January 26, 2015

Submittal Deadline: on or before February 5, 2015

Bid opening: February 6, 2015

Bid Announcement: February 6, 2015 (Subject to change)

Project Start: Upon execution of contract

IDA Address etc. officers etc.

CITY OF NEWBURGH INDUSTRIAL DEVELOPMENT AGENCY

REQUEST FOR PROPOSALS
For
Forest Management Services

I. Introduction:

The City of Newburgh Industrial Development Agency (IDA) seeks to hire a forest management company to cut all trees having a diameter at breast height (DBH) of 2-inches and greater from a 15-acre parcel prior to its remediation under a NYS Dept. of Environmental Conservation designated brownfield cleanup program located at 5 Scobie Drive ("the site") in the City of Newburgh, Orange County, New York. The parcel is owned by the City of Newburgh Industrial Development Agency.

To avoid disturbance of potential habitats, in trees, of the endangered Indiana bats, little brown bat and other species as they emerge from hibernation, all work must be done prior to March 31, 2015 and while the ground is frozen. Once remediated the IDA's property will be transferred for development of a warehouse/office/assembly facility.

II. Background:

The City of Newburgh Industrial Development Agency (NIDA) is a public benefit corporation of the State of New York created in 1976 pursuant to Article 18A of the General Municipal Law. Industrial Development Agencies are authorized to promote, develop, encourage and assist in the acquiring, constructing, reconstructing, improving, maintaining, equipping and furnishing industrial, manufacturing, warehousing, commercial, research, recreational and other facilities and thereby advance the job opportunities, health, general prosperity and economic welfare of the people of the State of New York and improve their recreation opportunities, prosperity and standard of living. The Agency purchased the subject property in 1984 from the New York State Dept. of Transportation. It is adjacent to a former landfill operated by the City of Newburgh.

In 2013 the IDA and a private developer applied and were approved for remediation assistance under the Brownfield Cleanup Program administered by the NYS Dept. of Environmental Conservation.

IN January 2015, the Orange County Industrial Development Agency approved funding to the City of Newburgh Industrial Development to undertake the tree felling under its Shovel Ready Program. (See resolution attached)

Because of need to complete the scope of work detailed in Request, the NIDA passed a resolution (attached) to fast track the public bidding process. The RFP is being circulated to a number of forest management firms in the Hudson Valley and a copy of the RFP is available on the Agency's website www.cityofnewburgh-ny.gov/industrial-development-agency

III. The SITE and PROJECT PARAMETERS:

The site is a 15+/- parcel located at 5 Scobie in the City of Newburgh and owned by the City of Newburgh Industrial Development Agency. It is an approved New York State Brownfield Cleanup Program site. The Boundary between the site and the adjacent City of Newburgh DPW facility will be posted. A one hundred foot deep wetland area paralleling Route 84 will marked and left as is. See attached topographical map.

NOTE: The scope of services must be undertaken while the ground is frozen and before March 31, 2015 when endangered Indiana bats, brown bats and other species emerge out of hibernation and seek habitats in the trees on the project site.

The Project is being funded by Orange County Industrial Development under its Shovel Ready program. The City and the IDA have been awarded a total of \$53,000 to complete the scope of services for tree removal on two parcels. The City's portion of the project will be undertaken on a 100 foot swath along the border between the IDA and City properties. The boundary line will be marked.

IV. Scope of Services:

- CUT all trees having a diameter at breast height (BHD) of 2-inches and greater
- No stumps will be removed.
- Work will consist of the following silvicultural activities: felling, preparation (e.g., delimiting and trimming); trees will remain and be stacked on site or disposed of by contractor for resale.
- Hard and desirable timber may be harvested for resale by the contractor as a reduction against the project costs
- No ground disturbance activities will be undertaken during the conduct of the work on site which is a Brownfield Cleanup Program site and a portion of the former City of Newburgh Landfill which ceased accepting waste circa 1976-78.
- All residues from activities must be maintained on the site and may not extend on to Scobie Drive.
- Wetlands will be delineated by the IDA on the site and are subject to the jurisdiction of the U.S. Army Corps of Engineers. No work will be done in wetlands or other waters of the U.S., including but not limited to the felling of trees into wetlands or other waters of the U.S.
- All petroleum products utilized by the contractor will be stored in areas with secondary containment a minimum of 100 feet from any delineated wetland or other water of the U.S.
- Accepted timber harvesting "Best Management Practices" (BMP's) will be employed.
- Stabilize site entrance with anti-tracking pad.
- Advise if special hazard materials procedures are required.

V. Proposal Site Visit:

February 30, 2015 at 9 am. Respondents should call the Offices of the IDA at 845-569-7369 and 434-3275 -- leave a message advising of your attendance. Meet at the Entrance to Newburgh DPW City Yard at 88 Pierces Road, Newburgh, NY.

VI. CONTACT PERSON

If there are any questions concerning this RFP, please email ida@cityofnewburgh-ny.gov or call Teri Waivada at 845 569-7369.

VII. Payment schedule

All payments will be made by the Orange County Industrial Development Agency. The payment schedule will require that invoices be submitted by the end of the month, and then submitted to Orange County Industrial Development for approval and Payment by second Thursday of the following month.

VIII. Service contract.

The proposer chosen is required to provide the IDA with a certification of insurance and endorsement of the IDA, and a service contract to the IDA for review, editing and execution within 2 working days of the making of the award.

IX. CANCELLATION

Any violation of the terms, conditions, requirements and/or non-performance of the agreement Resulting from this RFP may result in immediate cancellation. The agreement may be cancelled by the IDA for any other reason(s) upon 5 days written notice.

X. ADDITIONAL TERMS AND CONDITIONS

- a) The successful respondent must comply with all Federal, State, Orange County and City of Newburgh statues and Codes as may be applicable to the scope of work detailed herein, including all labor laws.
- b) All respondents must quote their fees in the proposal response clearly labeled "Project Budget/Cost Summary Section".
- c) Proposals and prices must remain valid for three (3) months.
- d) This contract shall be constituted under the laws of the State of New York

In addition, respondents that are not incorporated in the State of New York shall produce a Certificate to do Business in the State of New York from the New York Secretary of State.

XI. CONTENTS OF THE PROPOSALS

To be responsive to this RFP, one original and 4 COPIES of this form must be submitted. Use the section headings described below to facilitate a fair and consistent review of your Proposal. Your pages should be numbered consecutively.

In addition to facilitate your review, please email a copy of your proposal to ida@cityofnewburgh-ny.gov

XII. RFP REVIEW

The RFPs will be reviewed by engineers representing the City and BCP developer, the Executive Director, Agency Council, IDA Chairman and the IDA Treasurer.

Supervision of the Contract and Activities will be by:

Michael B. Curry, Treasurer, City of Newburgh Industrial Development Agency

Bidders Response

TO: City of Newburgh Industrial Development Agency
3rd floor 83 Broadway, Newburgh, NY 10524
Ida@cityofnewburgh-ny.gov

FROM:

1. Name, Address, etc.

The Proposal should set forth the full name, address and telephone numbers, and email of the Respondent.

2. Description of Organization.

The Proposal should contain a description of the Respondent's organization, including a history of the organization (when, where and how formed); a listing of all partners; and biographical/professional resume of organization's principals, and Project Contact/Manager

3. PROJECT BUDGET/Cost Summary

The Budget should include any discount for the value of the harvesting for resale by the proposer.

4. QUALIFICATION REQUIREMENTS

The following lists the minimum qualification requirements of the respondent(s):

- At least 5 years' experience providing similar consulting services
- At least 3 references of clients currently/previously served;

A.. Qualification Statement.

The Proposal should demonstrate that the Respondent principal and organization possesses the following minimum qualifications, which will be required of any firm to whom an award is made:

- (a) experience and examples in projects by size and how quickly project was completed.
- (b) experience on publicly owned lands, meeting needs of brownfields, etc.
- (c) familiarity with municipal contracts requirements and relevant laws.

4. Initiatives Statement.

The Proposal should set forth the Respondent's methodology for undertaking the project:

- (a) Meeting the March 31, 2015 deadline or an early thaw and

- (b) Cost reduction from harvesting and resale of timber
- (c) Needs to facilitate ingress to site , contain activities to site and off of Scobie Drive

5. Proof of Insurance

List coverage

6. Additional requirements

Name and required services of any subcontractors

- Project schedule
- Three references from comparable types of projects;

7. ADDITIONAL TERMS AND CONDITIONS

a) The successful respondent must comply with all Federal, State, Dutchess County and City of Newburgh statutes and codes as may be applicable to the scope of work detailed herein, including all labor laws.

b) All respondents must quote their fees in the proposal response clearly labeled "Project Budget/ Cost Summary Section".

c) Proposals and prices must remain valid for three (3) months.

d) This contract shall be constituted under the laws of the State of New York

In addition, respondents that are not incorporated in the State of New York shall produce a Certificate to do Business in the State of New York from the New York Secretary of State.

**CITY OF NEWBURGH
INDUSTRIAL DEVELOPMENT AGENCY**

RESOLUTION NO. 2015-1-26-3

**AUTHORIZING TRANSFER OF 150 ANN STREET TO
HABITAT FOR HUMANITY OF GREATER NEWBURGH
FOR NOMINAL CONSIDERATION**

WHEREAS:

The Agency has been in possession of a vacant lot located at 150 Ann Street, located in a residential section of the City of Newburgh and not eligible for industrial development;

By Resolution No. 2014-12-15-4, the Agency authorized the Executive Director to enter into negotiations with Habitat for Humanity of Greater Newburgh ("Habitat") for transfer of 150 Ann Street;

As a result of the negotiations, the Executive Director has recommended that 150 Ann Street be conveyed to Habitat for the nominal consideration of one dollar (\$1.00) for the reasons set forth in the earlier Resolution, and as further set forth below, as follows:

- (a) The parcel was transferred by the City of Newburgh to the NIDA on July 29, 2004 and has been wholly exempt from property taxes since transfer to the NIDA.
- (b) The parcel is zoned residential and is not suitable for industrial development;
- (c) Due to residential market conditions within the City of Newburgh for many years, 150 Ann Street, along with hundreds of other distressed properties, has been unmarketable and provided no taxes or other economic value to the City.
- (d) The lot is located in a highly distressed census district.
- (e) The City of Newburgh's Distressed Properties Taskforce, charged with implementing the City of Newburgh's Vacant Property Revitalization Program, has identified hundreds of properties in the City of Newburgh due for development through, among other programs, public and private revitalization initiatives.
- (f) Habitat, the not-for-profit corporation, that has asked that the NIDA transfer 150 Anne Street to it for the nominal consideration of One Dollar (\$1.00), is one of the private

partners identified by the Distressed Properties Taskforce.

(g) Through cooperation with low interest-rate lenders and the provision of “sweat equity” by purchasers, Habitat reports having rehabilitated or constructed 72 homes since the year 2000 in the City of Newburgh, adding \$7.8 million in property values and annual property tax payments of an estimated \$350,000 to the City and School District.

(h) The parcel has been appraised by Valuation Consultants to have a value of \$5,000 by the sales comparison method, but Habitat has asked that the NIDA convey 150 Ann Street to Habitat for a nominal price of \$1 so as to provide for construction of a new home on 150 Ann Street within the financial constraints within it must work.

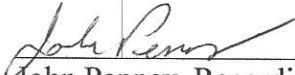
NOW THEREFORE BE IT RESOLVED:

1. The activity under review, transfer of a parcel of land of less than 100 acres, is an Unlisted Action under the State Environmental Quality Review Act, and is governed by the Agency’s Disposition Policy.
2. The Agency hereby finds that the transfer of 150 Ann Street to Habitat for Humanity for the purposes of constructing a single-family dwelling will not result in a significant environmental impact because the transfer will result in no change to the parcel except for construction of a single-family dwelling which is exempt from SEQRA.
3. For the reasons set forth above, the Agency finds that Conveyance to Habitat of 150 Ann Street for nominal consideration of One Dollar (\$1.00) is consistent with the IDA’s Property Disposition Policy because: (i) such a conveyance will most quickly return the parcel to the property tax rolls, thus providing economic benefit to the City of Newburgh and the Newburgh Central School District; (ii) construction of the premises will provide employment during the construction period, which Habitat estimates to take an average of 498 days; (iii) provision of affordable residences will enhance the City of Newburgh’s ability to attract and hold potential contributors to the City’s work force, and will promote stability of the neighborhood; and (iv) continuing to own and be responsible for security and maintenance of an undeveloped parcel of land that lacks commercial or industrial development potential is not consistent with the purposes of the NIDA to enhance industrial development.
4. The Chairman is authorized and directed to execute a deed and associated recording documents as required to convey 150 Ann Street to Habitat consistent with the provisions of this Resolution and in consultation with Counsel.

The foregoing resolution Number **2015-1-26-3** was duly put to vote, which resulted as follows:

	<i>Yea</i>	<i>Nay</i>	<i>Absent</i>	<i>Abstain</i>
Joshua Smith	X			
Richard Bedrosian	X			
Michael Curry	X			
Austin DuBois	X			
Jimmy Mera			X	
John Penney	X			
Nancy Thomas	X			

This resolution was thereupon duly adopted on January 26, 2015.



John Penney, Recording Secretary
January 26, 2015