

CITY OF NEWBURGH
INDUSTRIAL DEVELOPMENT AGENCY (IDA)
MINUTES OF MEETING
February 25, 2019

Present

Board Members: Austin DuBois, Chairman
Adam Pollick, Marlon Ramos, and Nancy Thomas
Excused Members: Michael Curry, Jack Penney, Joshua Smith
Staff: Cher Vickers, Executive Director

GUEST: Jim Akins, P.E., Property Rights Specialist, R.K. Hite & Co., Inc.

1. **Roll Call**: Chairman DuBois called the meeting to order at 6:30 pm. A quorum is present.

2. **Proof of Notice of Meeting**: Accepted.

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

The Chairman allowed time for board members to read the minutes from the previous meetings if they had not already done so.

Approval of the January 28, 2019 board meeting minutes:

Mr. Pollick: Motion to approve the January 28, 2019 minutes as presented
Ms. Thomas: Motion seconded.
Discussion: None.
VOTE: Unanimously adopted.

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

Treasurer Marlon Ramos presented the Treasurer's Report to the board and discussed the activities in the accounts (Attachment 1).

On a motion made by Nancy Thomas and seconded by Adam Pollick, the Treasurer's Report was accepted.

On a motion made by Nancy Thomas and seconded by Adam Pollick, the payment of bills (check Nos. 764 through 768) is approved.

The Treasurer also gave a brief synopsis of the work the Audit Committee has been doing to research agency fees of other IDAs, other work programs of IDAs such as a loan program (such as loans for façade and minor improvements/\$5000-\$40,000/3% interest), and their findings, along with recommendations of changes to the 2019 budget, and fees of the agency.

The Audit Committee recommends that the Fee Structure of the Agency be updated and are reflected on Attachment 2, highlighted in yellow. Also recommended are changes to the 2019 budget, Attachment 3, highlighted in yellow. There are no recommendations at this time to change the Investment Report (Attachment 3).

A motion to approve the 2019 budget with recommended changes from the Audit Committee, was made by Nancy Thomas, seconded by Adam Pollick, and unanimously passed.

A motion to approve the 2018 Investment Report as presented, was made by Nancy Thomas, seconded by Adam Pollick, and unanimously passed.

A motion to approve the Fee Structure of the Agency, with recommended changes from the Audit Committee, was made by Nancy Thomas, seconded by Marlon Ramos, and unanimously passed.

5. **Lake Drive Permanent Easement**

Mr. Jeff Akins attended the board meeting to answer any questions that the board may have regarding the permanent easement needed on a small piece of property on Lake Drive (Belvedere site). Discussion took place on how the valuation is calculated, that the Board cannot see the report as it is the property of the sponsor (the City of Newburgh), and why the need is pressing at this time to get this done, etc.

On a motion made by Adam Pollick and seconded by Nancy Thomas, the board authorizes the Executive Director to execute the Agreement to Purchase Real Property, located at 207 Lake Drive (Lake Drive over Quassaick Creek Bridge Replacement) for a permanent easement at a cost of \$5,500.; motion passed unanimously.

A roll call vote was taken on the above motion for the record.

Austin DuBois	Aye	Marlon Ramos	Aye
Nancy Thomas	Aye	Adam Pollick	Aye

With the board being represented with a quorum of four, the above-motion passed unanimously.

6. **Chairman's Report**

The Chairman reported on a meeting he had with Senator Skoufis (39th District, NY Senate) concerning IDAs and their value, especially to urban communities.

At this time the Chairman tabled the potential board member interview results for later in the meeting and in Executive Session.

7. **GEMMA**

Discussion took place concerning monies being held and what should be done with them. After the chairman filled in the board on a recent meeting with county attorneys, IDA legal counsel will reach out to them on this matter.

8. **Executive Director's Report**

Executive Director Cher mentioned several meetings that she has attended recently and several coming up that she'll be attending. The March 19 Opportunity Zone workshop looks to be interesting.

At this time the board moved to go into Executive session, with a motion made by Nancy Thomas, seconded by Marlon Ramos, and unanimously passed.

The board needed to come out of executive session to deal with a pressing matter, with a motion made by Adam Pollick, seconded by Nancy Thomas, and unanimously passed.

It has come to the board's attention that the IDA mail has been opened on several occasions in the recent past. This is distressing and not sure why this is happening. To ensure better handling of our mail, the board has authorized the executive director to rent a post office box immediately. On a motion made by Nancy Thomas and seconded by Marlon Ramos, a check will be made payable to the post office, signed, and tomorrow the executive director will go to the post office and rent the box and put in a change of address form; unanimously passed.

9. **Executive Session**

At this time the board moved to go into executive session to discuss the potential board candidates, with a motion made by Adam Pollick, seconded by Marlon Ramos, and unanimously passed.

The board left executive session with a motion made by Adam Pollick, seconded by Nancy Thomas, and unanimously passed.

10. **Potential board members**

After deliberation in executive session, the board has decided upon three candidates to present to the City Council for I.D.A. board membership. The three names are: Christina Amato, Sarah Beckham Hooff, and Michael Kelly.

A motion to present to City Council the name of Christina Amato for IDA board membership was made by Austin DuBois and seconded by Adam Pollick; unanimously passed.

A motion to present to City Council the name of Sarah Beckham-Hooff for IDA board membership was made by Marlon Ramos and seconded by Adam Pollick; unanimously passed.

A motion to present to City Council the name of Michael Kelly for IDA board membership was made by Adam Pollick and seconded by Nancy Thomas; unanimously passed.

11. **Adjournment**

The board meeting ended at 8 p.m.

CITY OF NEWBURGH INDUSTRIAL DEVELOPMENT AGENCY

Treasurer's Report as of February 25, 2019

OPERATING Account

Opening Balance As of January 28, 2019 \$ 233,827.33

Disbursements

Check Number	Check Date	Payee	Amount	Remarks
764	2/25/2019	HV Pattern for Progress	\$ 25.00	March 19 workshop, Opportunity Zones
765	2/25/2019	C.N.A. Insurance	715.36	General liability insurance
766	2/25/2019	Salvick Corp.	2,196.25	Inv. # 111
767	2/25/2019	BST & Co., CPAs	3,000.00	Inv.# 356124
768	2/25/2019	Diana Hesse	643.80	Inv. # 2019-02-25
TOTAL			\$ 6,580.41	

Deposits

	Payor	Amount	Remarks
1/29/2019	AT&T	2,796.49	Cell Tower
2/4/2019	Sprint	1,900.77	Cell Tower
2/19/2019	AT&T	2,796.49	Cell Tower
2/19/2019	AT&T	550.69	Cell Tower
2/19/2019	T-Mobile	4,230.25	Cell Tower
TOTAL		\$ 12,274.69	

Closing Balance As of February 25, 2019 \$ 239,521.61

APPLICATIONS FUND Account

Opening Balance As of January 1, 2019 \$ 14,137.50

Closing Balance As of January 31, 2019 \$ 14,137.50

LESSOR/TENANT Account

Opening Balance As of January 1, 2019 \$ 2,400.00

Closing Balance As of January 31, 2019 \$ 2,400.00

MONEY MARKET Account

Opening Balance As of January 1, 2019 \$ 741,000.02

Interest credit 566.41

Closing Balance As of January 31, 2019 \$ 741,566.43



INDUSTRIAL DEVELOPMENT AGENCY

83 Broadway
Newburgh, NY 12550
ida@cityofnewburgh-ny.gov

TEL: (845) 569-7369

FEE STRUCTURE OF THE AGENCY

PROJECT FEES

Application Fee:	\$1,000
Public Hearing Notification Fee:	\$ at cost
Legal Fees for preparation of project documents	\$ at cost
Annual compliance processing fee:	\$ 150 to \$500

Annual compliance fee should be tied to amount of benefits provided.

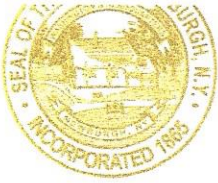
- Confirmation of insurance
- Compliance with PILOT payments (if applicable)
- Sales tax exemption reporting
- Job status - # of jobs created, retained
- Bond status (if applicable)

Closing Fee(s):

Taxable/Tax Exempt Bond and Straight Lease Transactions

Sliding Scale:

- ½ of 1% of total project costs on the first \$10 million
- 1/3 of 1% of total project costs on the \$10,000,001 - \$15,000,000
- ¼ of 1% of total project costs in excess of \$15 million



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MISCELLANEOUS FEES

<u>TYPE</u>	<u>MINIMUM AMOUNT</u>
Document Processing	\$750.00 - \$1,500.00
Extension of Inducement	\$250.00
Amendments, waivers assignments, leases and subleases, etc.*	\$500.00
Consent, 2 nd Mortgages and other Financings	Set by Board on a case-by-case basis
Refinancing of Bonds*	½ of 1% of the outstanding bonds, plus the applicable Administrative Fee as scheduled above for new money
Assumption of Outstanding Bonds*	1/8 of 1% of the outstanding Bonds, plus the applicable Administrative Fee as scheduled above for new money
Termination Fee	\$500.00

* - Each transaction is reviewed for its complexity, and these fees are subject to an adjustment at the discretion of the IDA.

EXPENSES

All expenses incurred by the IDA (i.e. notices, court recorders, meeting rooms, etc.) shall be for the account of the applicant. All underwriting, trustee, legal, etc. expenses for the issuing of the bonds, notes, or straight leases shall be for the account of the applicant.

City of Newburgh Industrial Development Agency

2018 Investment Report

Requirements

Section 2925.6 of the New York State Public Authorities Law requires public authorities to “annually prepare and approve an investment report which shall include the investment guidelines..., amendments to such guidelines since the last investment report, an explanation of the investment guidelines and amendments, the results of the annual independent audit, the investment income record of the corporation and a list of the total fees, commissions or other charges paid to each investment banker, broker, agent, dealer and advisor rendering investment associated services to the corporation since the last investment report.”

Investment Guidelines

The primary objectives of the Agency’s investment activities are to conform to all applicable federal, state, and other legal requirements; to adequately safeguard principal; to provide sufficient liquidity to meet all operating requirements; and to obtain a reasonable rate of return. The current investment policy is reviewed and adopted annually.

Investment Activity

The Agency’s deposits are fully insured or collateralized and consisted of the following as of December 31, 2018:

TD Bank, Newburgh, New York

Interest Income for the year 2018 was \$6,108.64

Fees: No investment-related fees were incurred during the fiscal year of 2018.

Independent Audit

Please see IDA’s website for a copy of the most recent independent auditors’ report.

City of Newburgh IDA
Proposed Budget 2019

REVENUE

Application Fees	\$2,500
Fees and Rent	124,000
Grants	0.00
Other	500
Sub-total	127,000

Investment Income	1,040
Interest Income	6,000

TOTAL REVENUE \$134,040

OPERATING EXPENSES

PERSONNEL

Salaries & Wages	\$55,000
Other Employee Benefits	5,000

Professional Services 45,000

Marketing 5,000

Sub-total \$110,000

Supplies & Materials 20,000

Other Operating Expenditures

TOTAL OPERATING EXPENSES 130,000

Difference \$4,040

EXECUTED IN DUPLICATE

AGREEMENT TO PURCHASE REAL PROPERTY

Project: Lake Drive over Quassaick Creek Bridge Replacement **PIN:** 8761.39 **Map No.:** 01 **Parcel:** 1

This Agreement by and between **CITY OF NEWBURGH INDUSTRIAL DEVELOPMENT AGENCY** hereinafter referred to as "Seller", and **CITY OF NEWBURGH** hereinafter referred to as "Buyer", pertains to that portion of real property interest required for public right of way purposes only.

1. **PROPERTY DESCRIPTION.** The Seller agrees to sell, grant, convey:

- all right title and interest to 0± square feet of real property*
- a permanent easement to 4,889± square feet of real property*
- a temporary easement to 0± square feet of real property*

Located at 207 Lake Drive, City of Newburgh, County of Orange, New York, further described as:

Being a portion of those same lands described in that certain QuitClaim Deed dated August 27, 2004 and recorded September 3, 2004 in Liber 11604 of Deeds at Page 686 in the Office of the County Clerk for Orange County, New York (re: Tax Map No. 42.2-6.11), and being the same lands designated as parcel 1 on Exhibit "A", attached hereto.

2. **IMPROVEMENTS INCLUDED IN THE PURCHASE.** The following improvements, if any, now in or on the property are included in this Agreement: lawn.
3. **PURCHASE PRICE.** The total purchase price is **FIVE THOUSAND, FIVE HUNDRED AND 00/100 DOLLARS (\$5,500.00)**. This price includes the real property described in paragraph 1 and the improvements described in paragraph 2, if any, and the items described in paragraph 13, if any.
4. **PAYMENT.** All by check at closing.
5. **CLOSING DATE AND PLACE.** Transfer of Title shall take place at the Orange County Clerk's Office, or at another mutually acceptable location, on or about 90 days from the date of the fully approved agreement.
6. **BUYER'S POSSESSION OF THE PROPERTY.** For fee simple acquisitions and permanent easements, the Buyer shall have possession of the property rights on the day payment is received by the Seller. Any closing documents received by the municipality prior to payment pursuant to paragraph 5 above, shall be held in escrow until such payment has been received by the Seller or the Seller's agent.
7. **TITLE DOCUMENTS.** Buyer shall provide the following documents in connection with the sale:
- A. **Deed.** Buyer will prepare and deliver to the Seller for execution at the time of closing all documents required to convey the real property interest(s) described in paragraph 1 above.
 - B. **Abstract, Bankruptcy and Tax Searches, and Acquisition Map.** Buyer will pay for a search of public deeds, court and tax records and will prepare a Title Certification Letter. Buyer will pay for and furnish to the Seller an acquisition map.
8. **MARKETABILITY OF TITLE.** Buyer shall pay for curative action, as deemed necessary by the Buyer, to insure good and valid marketable title in fee simple and/or permanent easement to the property. Such curative action is defined as the effort required to clear title, including but not limited to attending meetings, document preparation,

obtaining releases and recording documents. The Seller shall be responsible for the cost to satisfy liens and encumbrances identified by the Buyer. Said cost shall be deducted from the amount stated in paragraph 3 and paid to the appropriate party by the Buyer at the time of closing.

9. RECORDING COSTS, TRANSFER TAX & CLOSING ADJUSTMENTS. Buyer will pay all recording fees and the real property transfer tax. The following, as applicable and as deemed appropriate by the Buyer, will be prorated and adjusted between Seller and Buyer as of the date of closing: current taxes computed on a fiscal year basis, excluding delinquent items, interest and penalties; rent payments; current common charges or assessments.
10. RESPONSIBILITY OF PERSONS UNDER THIS AGREEMENT; ASSIGNABILITY. The stipulations aforesaid shall bind and shall inure to the benefit of the heirs, executors, administrators, successors and assigns of the parties hereto.
11. ENTIRE AGREEMENT. This agreement when signed by both the Buyer and the Seller will be the record of the complete agreement between the Buyer and Seller concerning the purchase and sale of the property. No verbal agreements or promises will be binding.
12. NOTICES. All notices under this agreement shall be deemed delivered upon receipt. Any notices relating to this agreement may be given by the attorneys for the parties.
13. ADDENDA. The following Addenda are incorporated into this agreement:
 Cost to Cure Other _____

IN WITNESS WHEREOF, on this _____ day of _____, 2019, the parties have entered into this Agreement.

**CITY OF NEWBURGH INDUSTRIAL
DEVELOPMENT AGENCY**

Witness: _____

By: _____

Print Name:

Title:

CITY OF NEWBURGH

Witness: _____

By: _____

Print Name:

Title:

Date: _____, 2019

CITY OF NEWBURGH
LAKE DRIVE OVER
QUASSAIC CREEK

CITY OF NEWBURGH
ACQUISITION MAP

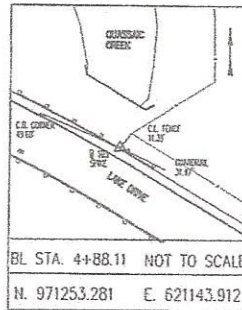
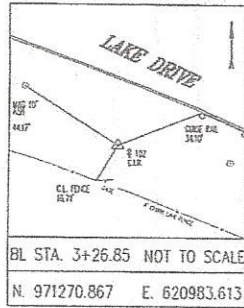
PIN 8761.39

MAP NO. 1
PARCEL NO. 1
SHEET 2 OF 2

PERMANENT EASEMENT FOR THE CULVERT REPLACEMENT, RECONSTRUCTION OF A PORTION OF LAKE DRIVE
AND FUTURE MAINTENANCE OF THE NEW CULVERT

A permanent easement to be exercised in, on and over the property above delineated for the purpose of constructing, reconstructing and maintaining thereon the culvert and Lake Drive together with appurtenances in and to all that piece or parcel of property designated as Parcel No. 1 as shown on the accompanying map.

RESERVING, however, to the owner of any right, title or interest in and to the property above delineated as Parcel No. 1, and such owner's successors or assigns, the right of access and the right of using said property and such use shall not be further limited or restricted under this easement beyond that which is necessary to effectuate its purposes for, and as established by, the construction or reconstruction and as so constructed or reconstructed, the maintenance, of the herein identified project.



COORDINATE SYSTEM: NAD83 SPC-NY, EAST ZONE, U.S. SURVEY FOOT

All that piece or Parcel of property herein designated as Parcel No. 1, situate in the City of Newburgh, County of Orange, State of New York as shown on the accompanying map and described as follows:

Beginning at a point on the division line between the property of The City of Newburgh Industrial Development Agency (reputed owner) on the west and The City of Newburgh (reputed owner) on the south at its point of intersection with the property of Masjid A. Ikhlas, Inc. (reputed owner) on the northeast, said point of beginning being 59± feet distant northerly, measured at right angles, from station 4+52± of the hereinafter described 2018 survey baseline for the reconstruction of a portion of Lake Drive; thence along the last mentioned division line 59± feet to a point in the northerly highway boundary line of Lake Drive, said point being 40± feet distant northerly, measured at right angles, from station 3+97± of said baseline; thence along the northerly highway boundary line on a curve to the left 24± feet to a point, said point being 48± feet distant northerly, measured at right angles, from station 3+74± of said baseline, thence through the lands of The City of Newburgh Industrial Development Agency (reputed owner) the following two (2) courses and distances: (1) N25°-26'-58"E, 92± feet to a point 134.27 feet distant northerly, measured at right angles, from station 4+04.80 of said baseline; and (2) S61°-37'-26"E, 51± feet to a point on the division line between the property of The City of Newburgh Industrial Development Agency (reputed owner) on the west and the property of Masjid A. Ikhlas, Inc. (reputed owner) on the east, the last mentioned point being 115± feet distant northerly, measured at right angles, from station 4+52± of said baseline; along the last mentioned division line the following two (2) distances: (1) 50± feet to a point being 65± feet distant northerly, measured at right angles, from station 4+50± and (2) 6± feet to the point and place of beginning. Containing 4,889 square feet of land more or less.

The above mentioned survey baseline is a portion of the 2018 baseline for the reconstruction of a portion of Lake Drive. Coordinate values shown hereon are based upon NAD83 SPC-NY East Zone, U.S. Survey Foot. Said baseline is shown on the accompanying map and described as follows:

Beginning at station 2+00.00; thence South 44°-17'-54" East to station 3+26.85; thence South 83°-44'-21" East to station 4+86.11; thence South 50°-47'-22" East to station 7+80.54

I hereby certify that the property mapped above is necessary for this project, and the acquisition thereof is recommended.

Date _____ 20 _____

Michael G. Ciaravino
City Manager
City of Newburgh
Orange County, New York



"Unauthorized alteration of a survey map bearing a licensed land surveyor's seal is a violation of the New York State Education Law."

I hereby certify that this map is an accurate description and map made from an accurate survey, prepared under my direction.

Date May 17 20 18

E. S. Kim
Eugena S. Kim Land Surveyor S.Y. Kim Land
P.L.S. License No. 050895 Surveyor, P.C.
260 Osborne Rd
Albany, N.Y. 12211

PREPARED BY: CJP

CHECKED BY: JMB

FINAL CHECK BY: ESK



CITY OF NEWBURGH

Office of the Engineer

83 Broadway, Newburgh, New York 12550

(845) 569-7448/Fax (845) 569-7349

www.cityofnewburgh-ny.gov

Jason C. Morris, PE
City Engineer
jmorris@cityofnewburgh-ny.gov

Chad M. Wade, R.L.A.
Assistant City Engineer
cwade@cityofnewburgh-ny.gov

Zakia R. Alam
Junior Civil Engineer
zalam@cityofnewburgh-ny.gov

City of Newburgh Industrial Development Agency
83 Broadway
Newburgh, New York 12550

Re: PIN 8761.39 - Lake Drive over Quassaick Creek Bridge Replacement Project
Map No. 01, Parcel 1, Tax ID No. 42-2-6.11
City of Newburgh, County of Orange, New York

Delivered this 11th day of February, 2019, by Jeff Akins

Dear Property Owner:

The City of Newburgh is in the process of acquiring real property rights necessary for the Lake Drive over Quassaick Creek Bridge Replacement Project. This letter is the City's official offer to acquire real property rights from a portion of your property for the project.

The offer is based on an appraisal report prepared by a New York State Certified General Real Estate Appraiser. A qualified review appraiser has reviewed the appraisal report. The City has established an amount that represents "just compensation" for the property interest to be acquired. This amount includes the compensation for the interest to be acquired, improvements, if any, and all legal damages that may be caused to your remaining holdings.

The offer of just compensation is \$5,500.00. As required by federal and state law, the offer represents the approved appraisal amount. Payment will be made together with appropriate interest. You may accept the offer as payment in full or you may elect, without prejudicing your rights, to accept the offer as an advance payment.

The following is a summary of the offer:

1. The value of the land and improvements within the acquisition area:	\$5,500.00
2. The loss in value to your remaining property:	\$0.00
3. Cost to cure:	\$0.00
4. Temporary easement rental value:	\$0.00
TOTAL OFFER OF JUST COMPENSATION:	\$5,500.00

Included in the acquired area are the following improvements:

lawn.

A description of the area and real estate interest to be acquired is shown on the enclosed map.

You may accept the offer as payment in full or you may reject the offer as payment in full and instead elect to accept such offer as an advance payment. Such election shall in no way prejudice your right to claim additional compensation. However, your failure to file a claim within the time of filing claims, as provided in paragraph (B) of section five hundred three of the Eminent Domain Procedure Law, shall be deemed an acceptance of the amount paid as full settlement of such claim.

On acceptance of this offer or an adjusted offer, the City will enter into a purchase agreement with you providing for payment of either the full or advance amount. Your rights to payment will not be conditioned on a waiver of any other rights.

The City has hired R. K. Hite & Co., Inc. a right of way consulting firm, to conduct negotiations on our behalf. A right of way specialist from R.K. Hite & Co., Inc. will contact you to schedule an appointment to discuss the acquisition process. At this meeting, the specialist will review the offer and explain the valuation and acquisition processes, including payment procedures. In addition, the specialist will provide details about the proposed construction and the project schedule. Every effort will be made to answer your questions and help you through the process.

The right of way specialist assigned to this project is Jeff Akins. Please contact Mr. Akins at (845) 220-8841, if you have any questions.

Thank you for your cooperation in this matter.

Sincerely,

Joseph Donat
Interim City Manager

JD/al
Enc. (ROW Map)
