

CITY OF NEWBURGH
INDUSTRIAL DEVELOPMENT AGENCY (IDA)
MINUTES OF BOARD MEETING
March 20, 2023

Present

Board Members: Marlon Ramos, Chairman
Christina Amato, 1st Vice Chair
Adam Pollick, Treasurer
Gregory Nato, Secretary
Robin Yanyiah Pearson
Theresa Priester- arrived at 6:31pm

Excused: Michael Kelly, 2nd Vice Chair

Staff: Cherisse Vickers, Executive Director
Counsel: Robert McLaughlin, Esq., Whiteman Osterman & Hanna LLP

Guests: None

1. **Roll Call**: Marlon Ramos, Chairman
2. **Proof of Meeting Notice**: Marlon Ramos, Chairman. Notice Sent and Accepted.
3. **Reading and Approval of Minutes of the Previous Meeting**

Minutes from the regular board meeting of February 22, 2023 were distributed to the board via e-mail.

Motion to approve February 22, 2023 minutes as presented:

Mr. Nato: Motion to approve the minutes

Ms. Pearson: Motion seconded

VOTE: Unanimously adopted.

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

Treasurer Adam Pollick presented the amended March 2023 Treasurer's Report to the board.

Motion to approve the January 2023 Treasurer’s Report

Ms. Pearson: Motion to approve

Ms. Amato: Motion seconded

VOTE: Unanimously adopted.

Motion to approve January Bill Payments

Ms. Amato: Motion to approve (Checks 1108, 1110-1114)

Ms. Pearson: Motion seconded

VOTE: Unanimously adopted.

Motion to approve the February 2023 Treasurer’s Report

Mr. Nato: Motion to approve

Ms. Amato: Motion seconded

VOTE: Unanimously adopted.

Motion to approve February Bill Payments

Mr. Nato: Motion to approve (Checks 1115, 1121, 1123-24, 1128-30, 1133-35)

Mr. Pearson: Motion seconded

VOTE: Unanimously adopted.

5. **Chairman’s Report:** Chairman Ramos mentioned that he sat in on his first SEDAC meeting. As IDA chairman he has a seat on their board. SEDAC is a City of Newburgh advisory board that helps vet city projects and Request for Proposals. Mr. Ramos mentioned that he would like to foster a working relationship and more synergy with them.

6. **Counsel’s Report**

Scobie Drive: environmental document Chairman Ramos signed last month has been submitted to the DEC by the purchaser. Contract supposed to end at the end of June. It will likely be extended but we should be a little closer to the end by that time..

Foster Hotel – they are still pursuing financial options. Hopefully they will close on their financing soon.

Counsel Robert McLaughlin mentioned that he and Executive Director Vickers attended the NYSEDC meeting in Albany. They had their best attendance ever. There were some great sessions that occurred there. Mr. McLaughlin recommended that all board members attend any session that is local.

Executive Session: matters in relation to real estate

Ms. Amato: Motion made to begin executive session

Mr. Nato: Motion seconded

VOTE: unanimous

Ms. Amato: Motion made to end executive session

Ms. Pearson: Motion seconded

VOTE: unanimous

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

Our audit has been delayed due to the need for a review of agency cell tower contracts which is being done by Counsel. There will be no state penalty for this delay.

Executive Director, along with Chairman Ramos and board member Gregory Nato, have completed 2 progress meetings with Ashworth Creative, who is creating the new agency logo. There will be a third where feedback will be asked for.

Request for Proposal for agency banking was issued and ends in April. There has been a lot of interest so far.

The Industrial Development Agency Academy will be held April 11, 2023 in Hyde Park, NY. Chairman Ramos and board member Gregory Nato, will so far, be attending.

8. **New Business**

Resolution # 2023-03-20-01 Authorizing the Agency to Engage a Sales Tax Monitor

Fees paid by applicant. No Request for Proposal is needed. Sales Tax Monitor requirement will be introduced during the client PILOT contract phase.

Mr. Nato: Motion made

Mr. Pollick: Motion seconded

VOTE: Resolution unanimously adopted

Resolution # 2023-03-20-02 Letter of Support for 104 Washington Street for Empire State Development Mid-Hudson Momentum Fund

Resolution not needed. Issue already discussed and approved.

9. **Old Business:**

None.

10. **Adjournment**

As there is no further business to come before the board, a motion to adjourn was made by Ms. Pearson and seconded by Ms. Priester. Unanimously passed.

**CITY OF NEWBURGH INDUSTRIAL DEVELOPMENT AGENCY
TREASURER'S REPORT FEBRUARY 22, 2023 MEETING**

OPERATING Account #2847

Opening Balance	As of Jan 1, 2023	\$4,238,254.38	X = Cleared Bank Acct
from Quickbooks			

Deposits	Payor	Amount	Remarks
	1/3/2023 AT&T	3,767.28 X	Cell tower
	1/4/2023 Central Hudson	2,154.31 X	Cell tower - \$37.25 down
	1/11/2023 T-Mobile	5,076.64 X	Cell tower
	1/11/2023 T-Mobile	2,139.33 X	Cell tower
	1/11/2023 Dish Network	600.00 X	Cell tower
	TOTAL DEPOSITS 2847	<u>\$13,137.56</u>	

Disbursements

Check

Number	Check Date	Payee	Amount	Remarks
1108	1/11/2023	City of Newburgh	233.96	Inv #2022/31/0000057
1109	1/11/2023	VOID	0.00	Printing error
1110	1/11/2023	NYS EDC	850.00	Inv #13921
1111	1/11/2023	MRB Group	1150.00	Inv #47210
1112	1/18/2023	Jacobowitz & Gubits, LLP	825.60	Inv #305617
1113	1/18/2023	Mary T. Barbiarz	1470.00	Inv #314611
1114	1/18/2023	ODP Business Solutions	223.49	Inv #283350685001
1115	1/0/2023	VOID	0.00	Printing error
1116	1/0/2023	VOID	0.00	Printing error
1117	1/0/2023	VOID	0.00	Printing error
1118	1/0/2023	VOID	0.00	Printing error
EFT	1/24/2023	Trnsfr to Payroll Account	120000.00	
	TOTAL CHECKS 2847		<u>\$124,753.05</u>	

Closing Balance	As of Jan 31, 2023	<u><u>\$4,126,638.89</u></u>	Op Acct #2847
from Quickbooks			

PAYROLL Acct #8243

Opening Balance	As of Jan 1, 2023	\$11,004.90
Credit	Trnsfr from Op Acct to Fund Payroll	120000.00
Debit	1/3/2023 Payroll Fees month of Dec 2022	55.14
Debit	1/12/2023 Net Pay (part of gross wages)	2357.16
Debit	1/12/2023 Employer Payroll Tax + Employee WH (part of gross wages)	923.46
Debit	1/26/2023 Net Pay (part of gross wages)	2657.03
Debit	1/26/2023 Employer Payroll Tax + Employee WH (part of gross wages)	1061.76
Debit	Net Pay (part of gross wages)	0.00
Debit	Employer Payroll Tax + Employee WH (part of gross wages)	0.00

Closing Balance	As of Jan 31, 2023	<u><u>\$123,950.35</u></u>	Payroll Acct #2843
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APPLICATIONS FUND Account #2855

Opening Balance	As of Jan 1, 2023	\$14,137.50
Closing Balance	As of Jan 31, 2023	<u><u>\$14,137.50</u></u>

App Fund Acct #2855

LESSOR/TENANT Account #2863

Opening Balance	As of Jan 1, 2023	\$2,400.00
Closing Balance	As of Jan 31, 2023	<u><u>\$2,400.00</u></u>

Lessor Acct #2863

LABOR MONITORING Account #7072

Opening Balance	As of Jan 1, 2023	\$14,985.00
	refund - wire fee	\$15.00
Closing Balance	As of Jan 31, 2023	<u><u>\$15,000.00</u></u>

Labor Monitor Acct #2863

MONEY MARKET Account #2871

Opening Balance	As of Jan 1, 2023	\$754,493.60
Interest credit		1415.97
Closing Balance	As of Jan 31, 2023	<u><u>\$755,909.57</u></u>

MM Acct #2871

**CITY OF NEWBURGH INDUSTRIAL DEVELOPMENT AGENCY
TREASURER'S REPORT MARCH 20, 2023 MEETING**

OPERATING Account #2847

Opening Balance from Quickbooks As of Feb 1, 2023 **\$4,126,639.89** **X = Cleared Bank Acct**

Deposits	Payor	Amount	Remarks
	2/1/2023 AT&T	3,767.28 X	Cell tower
	2/1/2023 Central Hudson	2,154.56 X	Cell tower
	2/0/2023 T-Mobile	0.00 X	dep in Mar 2023
	2/0/2023 T-Mobile	0.00 X	dep in Mar 2023
	2/0/2023 Dish Network	0.00 X	dep in Mar 2023
	2/0/2023 Dish Network	0.00 X	dep in Mar 2023
	TOTAL DEPOSITS 2847	<u>\$5,921.84</u>	

Disbursements
Check
Number

Check Number	Check Date	Payee	Amount	Remarks
1119	2/2/2023	Cherisse Vickers	47.48 X	Reimbursed Expenses
1120	2/0/2023	VOID	0.00	VOID
1121	2/2/2023	MRB Group	1,558.00 X	Inv #47604
1122	2/0/2023	VOID	0.00	VOID
1123	2/2/2023	Chubb	866.85 X	Commercial Ins Renewal
1124	2/2/2023	Whiteman, Osterman, & Hanna	2,145.86 X	Inv #613828
1125	2/0/2023	VOID	0.00	VOID
1126	2/0/2023	VOID	0.00	VOID
1127	2/0/2023	VOID	0.00	VOID
1128	2/9/2023	Ashworth Creative	1,750.00	Inv #6833 50% Logo
1129	2/13/2023	NYSIF	502.30	Inv #32782420 WC Ins
1130	2/13/2023	PKF O'Connor Davies	7,125.00 X	Inv #69077 75% Prog Bill
1131	2/0/2023	VOID	0.00	VOID
1132	2/0/2023	VOID	0.00	VOID
1133	2/21/2023	William A. Smith & Son, Inc.	100.00	Inv #4098 WC Agcy Fee
1134	2/23/2023	NYS EDC	675.00	Inv #14250 Conf Reg
1135	2/23/2023	J&G Law	315.00	Inv #306279
1136	2/23/2023	VOID	0.00	VOID
TRANSFER	2/23/2023	TRANSFER to MM acct to max interest	4,000,000.00	TRANSFER
	2/28/2023	Acctg Entry to Match T Report to Bank Statement	1,088.36	
	TOTAL CHECKS 2847		<u>\$4,016,173.85</u>	

Closing Balance From Quickbooks	As of Feb 28, 2023	\$116,387.88	Op Acct #2847
O/S Checks	Feb 2023 Outstanding Checks	3,342.30	
O/S Checks	Dec 2023 Outstanding Checks	12.50	
		<u>3,354.80</u>	
Closing Balance From Bank Statement		\$119,742.68	
PAYROLL Acct #8243			
Opening Balance	As of Feb 1, 2023	\$123,950.35	
Credit	Trnsfr from Op Acct to Fund Payroll	0.00	
Debit	2/6/2023 Payroll Fees month of Jan 2022	55.14	
Debit	2/9/2023 Net Pay (part of gross wages)	2,837.49	
Debit	2/9/2023 Employer Payroll Tax + Employee WH (part of gross wages)	1,146.85	
Debit	2/24/2023 Net Pay (part of gross wages)	2,634.28	
Debit	2/24/2023 Employer Payroll Tax + Employee WH (part of gross wages)	1,035.44	
Debit	Net Pay (part of gross wages)	0.00	
Debit	Employer Payroll Tax + Employee WH (part of gross wages)	0.00	
Closing Balance	As of Feb 28, 2023	<u>\$116,241.15</u>	Payroll Acct #2843
APPLICATIONS FUND Account #2855			
Opening Balance	As of Feb 1, 2023	\$14,137.50	
Closing Balance	As of Feb 28, 2023	<u>\$14,137.50</u>	App Fund Acct #2855
LESSOR/TENANT Account #2863			
Opening Balance	As of Feb 1, 2023	\$2,400.00	
Closing Balance	As of Feb 28, 2023	<u>\$2,400.00</u>	Lessor Acct #2863
LABOR MONITORING Account #7072			
Opening Balance	As of Feb 1, 2023	\$15,000.00	
		\$0.00	
Closing Balance	As of Feb 28, 2023	<u>\$15,000.00</u>	Labor Monitor Acct #2863
MONEY MARKET Account #2871			
Opening Balance	As of Feb 1, 2023	\$755,909.57	
TRANSFER IN		4,000,000.00	
Interest credit		3021.04	
Closing Balance	As of Feb 28, 2023	<u>\$4,758,930.61</u>	MM Acct #2871

CITY OF NEWBURGH
INDUSTRIAL DEVELOPMENT AGENCY

Resolution No. 2023-03-20-01

**RESOLUTION AUTHORIZING THE AGENCY
TO ENGAGE A SALES TAX MONITOR**

A regular meeting of City of Newburgh Industrial Development Agency (the “Agency”) was convened in public session at City Hall, 83 Broadway, Newburgh, New York on March 20, 2023, at 6:00 o'clock p.m., local time.

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

PRESENT:

Marlon Ramos	Chairperson
Christina Amato	First Vice Chairperson
Adam Pollick	Treasurer
Gregory Nato	Secretary
Theresa Priester	Member
Robin Yanyiah Pearson	Member

ABSENT:

Michael Kelly	Second Vice Chairperson
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AGENCY STAFF PRESENT INCLUDED THE FOLLOWING:

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

The following resolution was offered by Gregory Nato, seconded by Adam Pollick, to wit:

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” or the “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 industrial,

manufacturing, warehousing, commercial, and research and recreation 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, under Section 858(7) of the Act, the Agency is authorized and empowered to appoint officers, agents and employees, to prescribe their qualifications and to fix their compensation and to pay the same out of funds of the Agency; and

WHEREAS, on June 20, 2022, the Agency adopted a resolution appointing Loewke Brill Consulting Group, Inc. (the "Monitor") as Agent of the Agency to monitor the compliance of each Applicant receiving financial assistance from the Agency (each, an "Applicant") with the Local Labor Policy of the Agency (the "Policy"); and

WHEREAS, the Agency has determined that the scope of the Monitor's responsibility will include the review of Applicant compliance with the Agency's requirements for financial assistance which includes the exemption from sales tax; and

WHEREAS, the Monitor shall act as an Agent of the Agency with respect such expanded monitoring; and

WHEREAS, each Applicant, and not the Agency, shall be responsible for the payment of any fees or expenses of the Monitor; and

WHEREAS, the Agency has determined that such action is in the best interest of the Agency.

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

Section 1. The Agency hereby confirms the appointment of Loewke Brill Consulting Group, Inc. as the Monitor and the expansion of the Monitor's activities to include the review of the use of the exemption from sales tax by any Applicant for any project considered by the Agency (each, a "Project").

Section 2. Each Applicant shall be responsible for the payment of any fee(s) or expense(s) of the Monitor for any approved Project and the Agency shall have no obligation to make any such payment.

Section 3. The Chairperson and the Executive Director of the Agency are each hereby authorized to take all reasonable actions necessary to implement the provisions hereof.

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:

Marlon Ramos	VOTING	Yes
Christina Amato	VOTING	Yes
Michael Kelly	VOTING	Absent
Adam Pollick	VOTING	Yes
Gregory Nato	VOTING	Yes
Theresa Priester	VOTING	Yes
Robin Yanyiah Pearson	VOTING	Yes

The foregoing resolution was thereupon declared duly adopted.

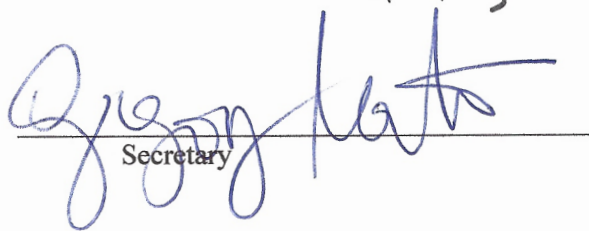
STATE OF NEW YORK)
) SS.:
COUNTY OF ORANGE)

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 March 20, 2023 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"), 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 ___ day of March, 2023.

4/17/23

Secretary

(SEAL)