

CITY OF NEWBURGH  
INDUSTRIAL DEVELOPMENT AGENCY (IDA)  
MINUTES OF BOARD MEETING  
April 18, 2022

Present

Board Members: Marlon Ramos, Chairman  
Michael Kelly, Vice Chair  
Adam Pollick, Treasurer  
Gregory Nato, Secretary  
Robin Yanyiah Pearson  
Theresa Priester

Excused: Christina Amato, 2nd Vice Chair

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

Guests: Sisha Ortuzar, Erik Cooney – 191 Washington Street

1. **Roll Call**: Chairman Marlon Ramos called the meeting to order.
2. **Proof of Meeting Notice**: Accepted.
3. **New Board Member Introductions**: Yanyiah Pearson and Theresa Priester were introduced as new IDA members. Each made their own statement about themselves and what they hope to accomplish as a member of the City of Newburgh Industrial Development Agency.

5. **Reading and Approval of Minutes of the Previous Meeting**

Minutes from the regular board meeting of March 15, 2022 were distributed to the board via e-mail.

Motion to approve the minutes as presented:

Mr. Kelly: Motion to approve the minutes  
Mr. Nato: Motion seconded  
Discussion: None.  
**VOTE: Unanimously adopted.**

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

Chairman/Former Treasurer Marlon Ramos presented the March 2022 Treasurer's Report to the board.

On a motion made by Michael Kelly and seconded by Adam Pollick, the board unanimously approved the March 2022 Treasurer's Report.

On a motion made by Michael Kelly and seconded by Adam Pollick, payment of the March 2022 bills as presented (check numbers 1035-1045) was unanimously approved.

7. **Chairman's Report**

None

8. **Counsel's Report**

5 Scobie Drive update: Maps need to be adjusted as part of Brownville Clean Up amendment. There is a parcel of land owned by the City that was included in a previous contract to buy the land. It needs to come out of the current Brownfield Clean Up Agreement. It is uncertain what exactly the City needs to consent to. The buyers have also been prepared a license agreement that allows them access to the property. It is hopeful the BCA will be amended in the next 3 months.

Foundry: Uniform Project Benefit Agreement documents need to be revised and re-signed because of errors found.

104 Washington St update: Nothing new to report. Applicant still in the process of closing.

FSH Newburgh Hotel: Looking for a closing in May.

9. **Executive Director's Report**

Amory Sidewalk update: No response to RFP's for Armory Sidewalk repair. Smaller scope of work to be added to next RFP. She will get quotes for a survey to see if the price will be lower.

PARIS: Annual report for Agency has been submitted.

Labor Monitoring RFP: Has been changed to end May 19, 2022.

10. **New Business**

New Committee Nominations are as follows:

Audit/Finance Committee: Adam Pollick moved to Chairperson position. Christina Amato remains a member. Gregory Nato volunteered for the remaining member position on the committee.

Governance Committee: Marlon Ramos is now Chairperson of the committee. Michael Kelly will be a member. Yanyiah Pearson volunteered for the last remaining member position on the committee.

Motion to Revise Check Signers for the IDA Payroll Account: Adam Pollick and Marlon Ramos remain check signers. Gregory Nato and Mike Kelly to be added as additional signers.

Mr. Nato: Motion to approve check signers as noted above  
Mr. Kelly: Motion seconded  
Discussion: None.  
**VOTE: Unanimously adopted.**

Resolution 2022-04-18-01 New 120 Grand Street

Authorization for the Chair, Vice-Chair, or any City of Newburgh Industrial Agency officer to hold a public hearing regarding a proposed project to be undertaken for the benefit of Genesis Global Holdings, LLC

Mr. Kelly: Motion to adopt New Grand Street 120 Resolution  
Mr. Nato: Motion seconded  
Discussion: None  
**VOTE: Unanimously adopted.**

191 Washington Street: Developers presented their project to the board. New board members were able to see it for the first time.

11. **Old Business**

Resolution 2022-04-18-02 Re-adoption of 2021 Audit

Mr. Nato: Motion to confirm amended 2021 Audit  
Mr. Kelly: Motion seconded  
Discussion: None  
Abstention: R. Yanyiah Pearson  
**VOTE: Unanimously adopted**

11. **Executive Session:** On a motion made by Michael Kelly and seconded by Gregory Nato, the board voted unanimously to go into Executive Session to discuss matters relating to ongoing litigation.

On a motion made by Michael Kelly and seconded by Adam Pollick, the board voted unanimously to leave Executive Session and return to the regular board meeting.

No decisions were made during Executive Session.

12. **Adjournment**

As there is no further business to come before the board, a motion to adjourn was made by Gregory Nato and seconded by Michael Kelly unanimously passed.

**CITY OF NEWBURGH INDUSTRIAL DEVELOPMENT AGENCY**  
**Treasurer's Report for the April 18, 2022 Meeting**

OPERATING Account

Opening Balance As of March 1, 2022 **\$377,567.25**  
 from Quickbooks

Deposits	Payor	Amount	Remarks
	3/1/2022 AT&T	3,657.55	Cell tower
	3/2/2022 Central Hudson	2,091.56	Cell tower
	3/8/2022 T-Mobile	4,914.83	Cell tower
	3/8/2022 T-Mobile	2,139.33	Cell tower
	3/17/2022 New 120 Grand LLC	750.00	New application
	3/17/2022 New 120 Grand LLC	<u>250.00</u>	New application
	TOTAL	<b><u>\$13,803.27</u></b>	

Disbursements

Check

Number	Check Date	Payee	Amount	Remarks
EFT	3/25/2022	Harland Clarke (new deposit slips)	13.30	Bank Ordered X
1035	3/3/2022	Whiteman, Osterman, Hanna, LLP	371.00	Inv. #553381 X
1036	3/15/2022	Michele Gruber	1,050.00	Inv. #03-15-22 X
1037	3/15/2022	Salvick Corp.	3,216.21	Inv. #188 X
1038	3/00/2022	VOID	0.00	
1039	3/31/2022	Jacobwitz & Gubits, LLP	585.00	Inv. #298646

1040	3/0/2022 VOID	0.00	Inv #
1041	3/31/2022 Salvick Corp.	3,200.00	Inv #189
1042	3/31/2022 USPS	364.00	
1043	3/31/2022 Whiteman, Osterman, & Hanna, LLP	1,438.52	Inv #557833
1044	3/31/2022 Jacobwitz & Gubits, LLP	2,331.92	Inv #298647
1045	3/31/2022 Michele Gruber	810.00	Inv #3-31-22
	TOTAL	<b><u>\$13,379.95</u></b>	

Closing Balance As of March 31, 2022 **\$377,990.57**  
from Quickbooks

CITY OF NEWBURGH INDUSTRIAL DEVELOPMENT AGENCY  
Treasurer's Report for the April 18, 2022 Meeting

APPLICATIONS FUND Account

Opening Balance As of March 1, 2022 \$14,137.50  
Closing Balance As of March 31, 2022 **\$14,137.50**

LESSOR/TENANT Account

Opening Balance As of March 1, 2022 \$2,400.00  
Closing Balance As of March 31, 2022 **\$2,400.00**

MONEY MARKET Account

Opening Balance As of March 1, 2022 \$750,830.21  
Interest credit 63.77  
Closing Balance As of March 31, 2022 **\$750,893.98**

## City of Newburgh Industrial Development Agency (IDA) Board of Directors, April 2022

Name	Date Appointed	Office Held	Member Audit/Finance Committee	Member Governance Committee
<b>Ramos, Marlon</b>	<b>5/9/2017</b>	<b>Chairman of the Board</b>		<b>Chair</b>
<b>Amato, Christina</b>	<b>3/1/2019</b>	<b>Vice Chair</b>	<b>Yes</b>	
<b>Pollick, Adam</b>	<b>5/9/2017</b>	<b>Treasurer</b>	<b>Chair</b>	
<b>Nato, Gregory</b>	<b>11/9/2020</b>	<b>Secretary</b>	<b>Yes</b>	
<b>Kelly, Michael</b>	<b>3/1/2019</b>	<b>Board Member</b>		<b>Yes</b>
<b>Pearson, R. Yanyiah</b>	<b>3/14/2022</b>	<b>Board Member</b>		<b>Yes</b>
<b>Priester, Theresa</b>	<b>3/14/2022</b>	<b>Board Member</b>		

Term of Office- At The Pleasure of the City Council

CITY OF NEWBURGH  
INDUSTRIAL DEVELOPMENT AGENCY  
Resolution No. 2022-04-18-01

RESOLUTION AUTHORIZING THE CHAIR OR ANY VICE CHAIR OR ANY OFFICER OF THE CITY OF NEWBURGH INDUSTRIAL DEVELOPMENT AGENCY TO HOLD A PUBLIC HEARING REGARDING A PROPOSED PROJECT TO BE UNDERTAKEN FOR THE BENEFIT OF THE GENESIS GLOBAL HOLDINGS, LLC.

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 April 18, 2022, at 6:00 o'clock p.m., local time.

Each of the members present participated in the meeting either in person or remotely pursuant to the provisions of Chapter 417 of the Laws of 2021, as amended on January 14, 2022. 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
Michael Kelly	Second Vice Chairperson
Adam Pollick	Treasurer
Gregory Nato	Secretary
Theresa Priester	Member
Robin Yanyiah Pearson	Member

ABSENT:

Christina Amato	First 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 Michael Kelly, seconded by Gregory Nato, 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 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, to accomplish its stated purposes, the Agency is authorized and empowered under the Act to acquire, construct, reconstruct and install one or more “projects” (as defined in the Act), or to cause said projects to be acquired, constructed, reconstructed and installed, and to convey said projects or to lease said projects with the obligation to purchase; and

WHEREAS, on March 7, 2022, Genesis Global Holdings, LLC, a New York limited liability company (the “Company”) or such other person(s) or entities as may be designated by the Company and agreed upon by the Agency (collectively, the “Company”), submitted an application (the “Application”) to the Agency, a copy of which Application is on file at the office of the Agency, requesting that the Agency consider undertaking a project (the “Project”) for the benefit of the Company, said Project consisting of the following: (A) the license of an approximately 10,500 square foot parcel of real property located at 120 Grand Street, Newburgh, New York (the “Land”), (2) the rehabilitation and improvement of the existing structure on the Land to consist of a restaurant space and offices (the “Facility”) and (3) the acquisition and installation therein and thereon of related fixtures, machinery, equipment and other tangible personal property (collectively, the “Equipment”) (the Land, the Facility, and the Equipment hereinafter collectively referred to as the “Project Facility”), (B) the granting of certain “financial assistance” (within the meaning of Section 854(14) of the Act) with respect to the foregoing, including potential exemptions from certain sales and use taxes (collectively, the “Financial Assistance”); and (C) the lease (with an obligation to purchase) or sale of the Project Facility to the Company or such other person as may be designated by the Company and agreed upon by the Agency; and

WHEREAS, pursuant to Section 859-a of the Act, prior to the Agency providing any “financial assistance” (as defined in the Act) of more than \$100,000 to any project, the Agency, among other things, must hold a public hearing pursuant to Section 859-a of the Act with respect to said project; and

WHEREAS, the Agency desires to provide for compliance with the provisions of Section 859-a of the Act with respect to the Project;

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

Section 1. The Agency hereby authorizes the Chair, any Vice Chair or Officer of the Agency, after consultation with the members of the Agency and Agency Counsel, (A) to establish the time, date and place for a public hearing of the Agency to hear all persons interested in the Project (the “Public Hearing”); (B) to cause the Public Hearing to be held in a city, town or village where the Project Facility is or is to be located, and to cause notice of such Public Hearing to be given to the public by publishing a notice or notices of such Public Hearing in a newspaper of general circulation available to the residents of the governmental units where the Project Facility is or is to be located, such notice or notices to comply with the requirements of Section 859-a of the Act; (C) to cause notice of the Public Hearing to be given to the chief executive officer of the county and of each city, town, village and school district in which the Project Facility is or is to be located to comply with the requirements of Section 859-a of the Act; (D) to conduct or cause the holding of such Public Hearing; (E) to cause a report of the Public Hearing fairly summarizing the views presented at such Public Hearing (the “Report”) to be prepared; and (F) to cause a copy of the Report to be made available to the members of the Agency.

Section 2. The Chair, any Vice Chair and/or Officer of the Agency is hereby authorized and directed to distribute copies of this Resolution to the Company and to do such further things or perform such acts as may be necessary or convenient to implement the provisions of this Resolution.

Section 3. All action taken by the Chair, any Vice Chair and/or Officer of the Agency in connection with the Public Hearing with respect to the Project prior to the date of this Resolution is hereby ratified and confirmed.

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	yea
Christina Amato	VOTING	absent
Michael Kelly	VOTING	yea
Adam Pollick	VOTING	yea
Gregory Nato	VOTING	yea
Theresa Priester	VOTING	yea
Robin Yanyiah Pearson	VOTING	yea

The foregoing resolution was thereupon declared duly adopted.

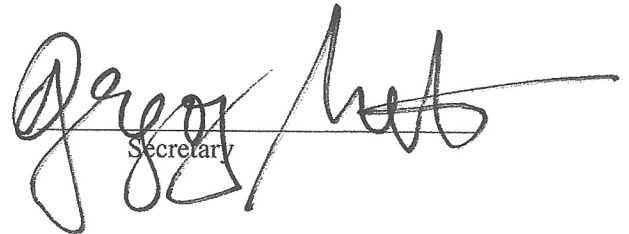
STATE OF NEW YORK        )  
  ) SS.:  
COUNTY OF ORANGE        )

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 April 18, 2022 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  
23 day of MAY, 2022.

  
Secretary

(SEAL)

**CITY OF NEWBURGH  
INDUSTRIAL DEVELOPMENT AGENCY  
Resolution No. 2022-04-18-02**

**RESOLUTION CONFIRMING AMENDED 2021 CERTIFIED ANNUAL AUDIT**

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 April 18, 2022, at 6:00 o'clock p.m., local time.

Each of the members present participated in the meeting either in person or remotely pursuant to the provisions of Chapter 417 of the Laws of 2021, as amended on January 14, 2022. 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
Michael Kelly	Second Vice Chairperson
Adam Pollick	Treasurer
Gregory Nato	Secretary
Theresa Priester	Member
Robin Yanyiah Pearson	Member

**ABSENT:**

Christina Amato	First 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 Michael Kelly, 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 of the Act, the Agency has the power to approve certain administrative matters; and

WHEREAS, on March 15, 2020, the Agency passed Resolution No. 2022-3-15-01 approving and confirming the 2021 Certified Annual Audit of the Agency (the "2021 Audit"); and

WHEREAS, the Agency thereafter identified an inaccuracy in the Audit; and

WHEREAS, the Agency now desires to approve and confirm the amended 2021 Audit to correct that inaccuracy.

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

Section 1. The Agency hereby approves and confirms the 2021 Audit, as amended.

Section 2. The Chair, any Vice Chair and/or Officer of the Agency is hereby authorized and directed to do such further things or perform such acts as may be necessary or convenient to implement the provisions of this Resolution.

Section 3. 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	yea
Christina Amato	VOTING	absent
Michael Kelly	VOTING	yea
Adam Pollick	VOTING	yea
Gregory Nato	VOTING	yea
Theresa Priester	VOTING	yea
Robin Yanyiah Pearson	VOTING	abstain

The foregoing resolution was thereupon declared duly adopted.

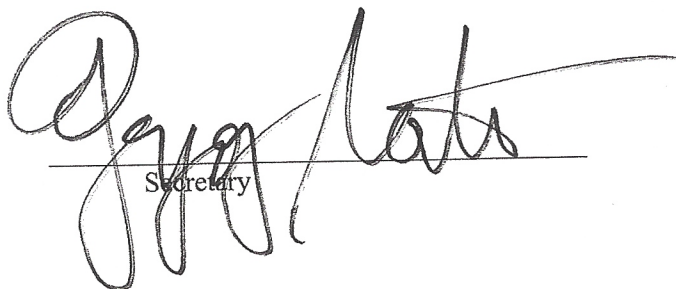
STATE OF NEW YORK )  
 ) SS.:  
COUNTY OF ORANGE )

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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  
23 day of MAY 2022.

  
\_\_\_\_\_  
Secretary

(SEAL)