

**CITY OF NEWBURGH
INDUSTRIAL DEVELOPMENT AGENCY (“IDA”)
MINUTES OF MEETING
MAY 16, 2011**

Present

Board Members: Joshua Smith, Chair
Richard Bedrosian
Sean O’Shea
John Penney
Spencer Gulliver
Excused Absence: Jerry Maldonado
Administrative Director: Edward Lynch
Counsel: Thomas Whyatt, Esq.

In Attendance: Teri Waivada, Craig Skelly

Roll Call. Mr. Smith called the meeting to order at 7:00pm; a quorum was present.

1. **Proof of Notice of Meeting.** Accepted.

2. **Approval of Minutes of April 18, 2011 Monthly Meeting**

Mr. Curry: Motion to Approve the April 18, 2011 Minutes.
Mr. O’Shea: Motion Seconded.
Discussion: Replace “Building Department Official” with “Steve Hunter”
Vote: **Unanimously adopted as amended.**

3. **Bills and Communications.** Notices were received from the ABO regarding late reporting and from the State Comptroller’s Office re missing Annual Reports.

4. **Report from the Chair:** The Board received a Notice of Public Hearing on Wednesday, May 18 regarding Pierces Road environmental study. Regarding West Street and the EDA grant: the City has asked for another copy of outlays by IDA for West Street Project. Another meeting between the IDA and the City needs to be scheduled to conclude this issue. Regarding the Broadway School/Courthouse and Den Cass: Ms. McKean will assist IDA in retrieving additional archived documents.

5. **Report from Administrative Director (See Attachment A distributed by Mr. Lynch)**

- Meeting cancelled with Mr. Sanchez.
- Meeting with Messrs. Weiss and Whyatt in White Plains re The Foundry. Bank has paid the taxes. Mr. Whyatt defers further discussion to Executive Session.
- Forwarded Regional Analysis by Wallace Roberts & Todd re Pierces Road done
- West Tech: expressions of interest from a cardiologist and a veterinarian. A letter was sent to the EDA seeking a waiver for Veterinarians as an approved use. Mr. Curry will accompany Mr. Lynch and the Ian McDougall, (City Planner) for an on-site evaluation of storm sewers, street lights, property line markers and other features.
- Active Ventilation. Mr. Kolt isn’t ready to make any commitments in a PILOT until IDA can offer a mortgage tax exemption. He’s possibly deferring purchase of property.
- Review of CT Male invoice and progress report on their actions.

- Contacted State Comptroller' office regarding annual reporting requirements.
- Consolidating the financials into the IDA office and creating efficiencies with Agenda, Minutes and Resolutions.
- Met with City officials regarding IDA's position on One Corwin Court. Discussion to continue in Executive Session.
- Staff is overwhelmed by requests to reconcile records of the IDA co-mingled with Planning & Development. A challenge to satisfy everyone inquiries with limited time and other involvements.

6. Reports of Committees

Audit Committee: 2009 Audit has three issues to resolve: 1) Key Bank Collateralization Agreement executed copy; 2) letter from the City stating that the EDA Grant matter is closed. Mr. Whyatt said that the Auditors should accept the Council's resolution as resolving the EDA grant reimbursement of \$103,000. How the reimbursement from the City will be made should not be an issue for the auditors. 3) Responses from bond trustees as to where payments are. Ms. Waivada will call the Trustees for each project. The Audit Committee will meet when Sedore has delivered the final 2009 Audit and will also review quarterly budget and annual reporting.

Governance Committee: There was no meeting. Ms. Waivada delivered a "Requirements" memo to Mr. Maldonado and an outline of the Mission Statement to draft performance standards. Committee should meet to draft the performance standards, including transparency, supporting small businesses through referrals, job creation, attesting that city charter allows transfer of properties to IDA among others. Ms. Waivada recommends meeting between the IDA and City staff to reconcile properties owned by IDA. The ABO now reviews documents on the web. She suggests an early June work session to review all annual reports. Ms. Waivada offered to give a 1 ½ hr. workshop at no cost to the IDA members and staff for a thorough understanding of ABO requirements and annual reporting. This might be of interest for future IDA board members. Mr. O'Shea asked for the list of requirements.

7. Treasurer's Report and Bills & Communications: Mr. Curry distributed the monthly report (see Attachment B). The ending balance operating account was \$310,369.29.

Invoices to be paid:	\$ 3,525.00 Ms. Waivada
	398.75 On The Money accounting services
	265.00 C.K. Boyle
	5,830.00 Oxman, Tulis
	51.00 Mr. Lynch (mileage for Foundry meeting)
	168.00 Liberty Lock Box
	943.00 Hudson Valley Furniture

Mr. Smith: Motion to pay the invoices as presented.
 Mr. Gulliver: Motion seconded.
 Discussion: The Procurement Policy outlines monetary levels for competitive bidding.
VOTE: Unanimously approved.

The December 2010 invoice from Squire Sanders is still outstanding but will be paid by the bondholders once the IRS audit on the Parking Garage is complete. The Gemma matter would also be paid by the bondholders. Mr. Whyatt will research the cell tower tax bills. There was a discussion of tax bills and whether IDA's in general owe property taxes.

As stated during the Audit Committee portion, a first quarter Budget Assessment will be done during the next Audit Committee meeting.

8. Old Business.

PILOT and IDA-Properties/Interests Update: The spreadsheet needs to be reconciled with all other lists, including Assessor, Title Search, outstanding bond interests, etc. The PILOT list distributed by Ms. Kain last year will be reviewed by Ms. Waivada. There was a discussion of 1 Corwin Court PILOT payments. PILOT payments will be on the agenda for the next Audit Committee meeting.

9. New Business

Maintenance for IDA Properties: Mr. Penney: IDA needs a maintenance person or company for West Tech for lawn maintenance, barriers; Third Street parking lot, sidewalk, blacktop, paving, etc. Mr. Lynch stated that previous Corporation Counsel said right of way was owned by City and City had responsibility for maintenance. Mr. Lynch will ask Current Corporation Counsel to review subdivision documents. Mr. Lynch also indicated that permits from City may be necessary to repair the sidewalk on West Street and he will check. Mr. Lynch will direct the process, and lead an on-site inspection. He has been here for 10 months and has not seen the parking lot site along West Street, although he is familiar with West Med Tech area.. The Procurement Procedures will guide how maintenance is hired. Vehicles must be removed from parking lot.

Laptop: The IT Department has connected the laptop to web and e-mail. The Chair approved purchase by IT of Microsoft Office.

10. Next IDA Meeting. The next meeting will take place on Monday, June 20, 7:00pm.

11. Adjournment of Public Meeting to Executive Session

Mr. Smith: Motion to Adjourn:

Mr. Gulliver: Motion Seconded:

VOTE: Unanimous vote to adjourn the public meeting and move into Executive Session for the purpose of discussing real property litigation.

The regular meeting was adjourned at 9:00pm.

Respectfully submitted,


C. K. Boyle
Recording Secretary

Administrator's Report at meeting of 5/16/2011

1. Contacted Sanchez to cancel scheduled appearance before Board
2. Scheduled and attended Mr. Weiss meeting at Whyatt's office in White Plains on 5.4.11.
3. Reviewed Pierces Road Consultant Materials to highlight most relevant areas for Board to look at. Sent Mike's input to consultants about motorcycle industry. Received from consultant information about public session to be held at City Hall on Wednesday regarding EPA clean up of drums
4. Produced aerial photographs and tax assessor info for Cardiologist interested in West Med Tech property. He wants to know how to begin process. Called Lambert several times for discussions. We have given Lambert the Cardiologist's name for follow up if he wants to discuss.. Veterinarian also seeking to acquire (but not permitted in terms of use) Mayor sent letter to EDA to allow less restrictive uses.
5. Discussions with Kolt of Active Ventilation re: IDA assistance. Not interested till IDA can offer all benefits.
6. Challenged vouchers from Jim Mclver (billed more hourly rate than approved) and HVOF shelving (sales tax added). Both corrected.
7. Spoke to State Comptroller's office regarding letter received and he will discuss possibility of meeting
8. Began process of having all IDA financial records now in Planning and Development moved to the IDA office.
9. Assisted Recording Secretary in trying to organize and standardize minutes and resolutions and public notices.
10. Sent out letters (and made amendments) needed by Auditor to complete 2009 audit and forwarded specific requested materials.
11. Got IT to change the web site to create a new section for Bylaws...as adopted last month.
12. Met with City representatives to inform them of IDA's Corwin Court position to make sure on same page. Had discussions with School District about status of discussions. Following up with Tom's request for additional information from the Comptrollers Office. Will be meeting with City Manager tomorrow to expedite.
13. Followed up on requests for files/documents in our office or in Armory as part of 1) Waivada's contractual work to get IDA certified 2) discussions between City and IDA regarding who owes whom what. This is where we have some bottlenecks.

Edward Lynch, AICP
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Region 2 Superfund

You are here: [EPA Home](#) [Region 2](#) [Superfund](#) [Find Sites](#) Newburgh Landfill Superfund Site

<http://www.epa.gov/region2/superfund/npl/newburgh/index.html>
Last updated on Monday, May 16, 2011

Newburgh Landfill Superfund Site

Newburgh, New York

The Newburgh Landfill Site, owned by the City of Newburgh, is located at 88 Pierces Road in Newburgh, NY and encompasses approximately 30 acres of the surrounding area. Proposed cleanup will concentrate in the western portion of the landfill where abandoned drums and trenches containing highly hazardous wastes have been discovered. Originally, the site was operated by the City of Newburgh as a municipal landfill from the 1940s until 1976. During this time, drums of hazardous waste materials from various companies were disposed of at the site. Since the closure of the landfill, approximately three acres of the site is housing the City of Newburgh Department of Public Works.

EPA determined that a removal action is necessary to address any potential threats to human health and/or the environment from high levels of chromium, lead, volatile organic compounds and hazardous ignitable wastes found in the area. This cleanup will be conducted by the Potentially Responsible Parties (PRPs), DuPont de Nemours and Company and Bayer CropScience, Inc. with EPA oversight. In early January 2011, a work plan was submitted by these parties. Following the review and approval of the work plan by EPA, the removal action to address the abandoned drums and associated hazardous

wastes from the area of concern will begin. All applicable health and safety precautions will be followed to protect nearby residents and site workers.

In 2002, the City of Newburgh had a Drum Characterization Report conducted that subsequently identified 456 drums on the surface of the western portion of the landfill. Some of the drums were partially buried and in a degraded state. In 2009, the New York State Department of Environmental Conservation (DEC) conducted a Site Characterization Report. During this procedure, DEC dug fourteen test pits and sampled soil and drum materials. Following these tests, DEC requested EPA perform a removal site evaluation. EPA determined the site eligible for a removal action.

More Information

[Home](#)
[Fact Sheet \[PDF 168 KB, 1 pp\]](#)
[Additional Documents](#)

Public Meeting

A public availability session will be held on May 18 at 7:00 p.m. at Newburgh City Hall located at 83 Broadway (3rd floor) in Newburgh, NY

Your Community Involvement Coordinator

Cecilia Echols (212)-637-3678
echols.cecilia@epa.gov

Mailing List

Join our Mailing List to receive updates on EPA's activities at this Superfund site.

[Sign Up Today!](#)

ATTACHMENT B

Treasurer's Report

5/16/2011

Operating Account
Opening Balance

May include some estimated figures
4/11/2011

\$ 316,247.52

<u>Check #</u>	<u>Voucher #</u>	<u>Check Dal</u>	<u>Invoice</u>	<u>Amount (\$)</u>	<u>Remark</u>	<u>Account</u>	<u>Payee</u>
2593	110501	5/16/2011		2			
2594	110502	5/16/2011		3			
2595	110503	5/16/2011		51611			
2596	110504	5/16/2011					
2597	110505	5/16/2011		6101			
2598	110506	5/16/2011		6082			
2599	110507	5/16/2011					
					3,525.00 Services Rendered for Consulting		Theresa Watvada
					398.75 Services rendered for Bookkeeping & Audit		On The Money Bookkeeping, Inc.
					\$265.00 Services rendered for recording & office supplies		C. Kippy Boyle
					\$5,830.00 Legal Services		Oxman Tullis
					\$168.00 new locks - Armory - Repairs and maintenance		Liberty Locksmith
					\$943.00 New shelves/table - Furniture & Equipment		Hudson Valley Office Furniture
					\$51.00 Mileage Reimbursement		Ed Lynch

\$11,180.75

Deposit List
PAYOR
Sprint
T-Mobile
Metro PCS

Amount
\$ 2,386.59
\$ 1,475.85
\$ 1,440.00

Total \$5,302.44

Operating Account
Closing Balance

\$ 310,369.21

LNA Principal 4/30/2011

\$ 250.00

M Curry
Treasurer
City of Newburgh IDA Board