

CITY OF NEWBURGH  
**INDUSTRIAL DEVELOPMENT AGENCY**  
83 Broadway, Newburgh, NY 12550  
(T) 845-569-7369 [ida@cityofnewburgh-ny.gov](mailto:ida@cityofnewburgh-ny.gov) (F) 845-569-9700

**AGENDA**

**7:00 PM, TUESDAY, July 24, 2012**

**Location: Council Chambers**

1. Roll Call
2. Proof of Notice of Meeting
3. Approval of June 18th Minutes
4. Request for Communications
5. Request for Bills; Treasurer's Report, including 6-month budget report
6. Report from the Chair
  - Hudson Valley Lighting correspondence
    - Presentation by Gerald Jacobowitz, Esq. and John Cappello, Esq.
  - Report on 7/7/2012 Property Tour- Michael Curry
7. Report from Executive Director
8. Report from Counsel
  - Status of Foundry
  - Motion for settlement of Corwin Management Litigation
9. New Business
  - Resolution to authorize a contract with the City for \$15,000 in CDBG funds to undertake specific economic development activities.
10. Old Business
  - Drum Cache Clean-up Progress
  - Website Compliance: Board bios and photos
  - Reschedule Assemblyman's invitation to September meeting
11. Committees –
  1. Audit – Meeting in early September on 2013 budget, internal controls and 5-year budget projection for PARIS filing.
  2. Governance Fall Meetings to review all policies, bylaws etc before December Meeting.

Next monthly meeting scheduled for September 17<sup>th</sup>, 2012, 7pm

**CITY OF NEWBURGH  
INDUSTRIAL DEVELOPMENT AGENCY ("IDA")  
MINUTES OF MEETING  
JUNE 18, 2012**

**Present**

Board Members: Richard Bedrosian, Vice Chair  
John Penney  
Sean O'Shea  
Michael Curry

Excused Absence: Joshua Smith, Chair  
Jerry Maldonado

Counsel: Thomas Whyatt, Esq.

In Attendance: Craig Skelly, Chief Financial Officer  
Theresa Waivada, CEO  
Jim McIver, C.T. Male

**Roll Call** Mr. Bedrosian called the meeting to order at 7:25 pm in the Law Office Library. A quorum was present.

1. **Proof of Notice of Meeting.** Accepted.
2. **Approval of Minutes of May 16 Monthly Meeting** Schedule A was amended to read "Expended to 3/31/2012"

Mr. Penney: Motion to Approve the May 16 Minutes, as amended.  
Mr. Curry: Motion Seconded  
**Vote: Unanimously approved.**

3. **Bills and Treasurer's Report.** Mr. Curry presented the Treasurer's report (ending balance of \$753,681.28) and requested a motion to accept payment of nine invoices as presented.

Mr. Penney: Motion to approve checks 2019 through 2027.  
Mr. O'Shea: Motion Seconded.  
**VOTE: Unanimously approved.**

**4. Communications and Report From Executive Director:**

- Ms. Waivada noted Certification letter that were received by the City Manager and the IDA. A press release was issued. Messrs. Smith, O'Shea and Penney attended the City Council Work Session where Mr. Smith announced the Agency's certification.
- A letter from General Traffic's president (Ray Staffen) to the City (cc to the IDA) regarding bidding on local jobs. Although the IDA could not assist him, the Executive Director referred Mr. Staffen to the PTAC program. The program assists companies' access to state, federal and local contracts.
- Ms. Waivada attended NYS Economic Development Council Annual meeting and participated in several workshop on successful workforce training initiatives. She noted that the National Association of Manufacturers partnered economic development entities, high schools and community colleges to encourage students to remain in high school and then join advanced manufacturing training programs. Newburgh CDBG is undertaking a workforce and training needs analysis. The IDA is a resource to the program. Mr. Curry encouraged IDA's support for school programs for advanced manufacturing jobs, robotics, etc, as a way to keep students in school.

- The Executive Director was asked, by the City Manager, to attend a DEC meeting tomorrow regarding Brownfield issues.
- The agency is reviewing the costs of services from data base providers (Dunn & Bradstreet and Infogroup USA). The data base will be utilized for direct mail, and for research in identifying employers by SIC and number of employees.
- Under discussion, a straight lease project for a diner on Robinson Ave & S. William Street property and also a project for opening a yoga center and grocery.
- The IDA received notices for false alarms. The Agency will refer the notices to the property owner of record and ask the City to defer payments for alarms made on any Agency-owned vacant parcels.

5. **Report of Counsel:** Mr. Whyatt reported no decisions have been made of this date. The NCAC. MOU is almost in final form.

## 6. **Reports of Committees**

**Audit Committee:** Mr. Curry reported that 150 Ann St. property needs mowing. Mr. Penney said the West St. Parking Lot needs a chain link fence or portable barriers to close off the property. Ms. Waivada advised that the Agency may be able to obtain clean-up services from the City's CDBG program. The city has a rotating list of approved towing companies to remove the illegal vehicles. There was a discussion of the pros and cons of turning a parcel on West Street into a paying parking lot. The Agency will discuss reuse of its property with the City Planner. Ms. O'Shea suggested a special meeting to tour IDA-Owned properties. Mr. Curry will lead the 'investigation'.

**Governance Committee:** There was no Governance Committee business.

## 7. **Old Business.**

- **EPA Drum Barrel Cache Project.** Mr. McIver reported on the work that has begun on the clean-up sites. The current focus on the DuPont Stauffer and City owned sites. He presented a proposed contract with C.T. Male in order to continue their monitoring on behalf of the IDA property during the project. (See Resolution #2012-6-18-1 under New Business).
- Website compliance: Short bios needed for each board member. We can do individual photos. Ms. Waivada will prepare an outline for everyone to follow.

## 8. **New Business:**

- **Proposed Meeting with ABO** A date will be determined. The Agency members were asked to submit issues to be discussed at the meeting such as the Agency owning residential properties, measures to ensure compliance etc.
- **Resolution # 2012-6-18-1** to extend the C.T. Male Engineering Contract for the Drum Cache area subject to agreed upon changes.  
Mr. Penney: Motion to pass Resolution #2012-6-18-1  
Mr. O'Shea: Motion Seconded  
**VOTE: Unanimously passed by roll call.**
- **Resolution # 2012-6-18-2: Duties & Responsibilities.** Guidance was presented to the Board. Mr. Shea asked if it should be part of the by-laws. Mr. Whyatt advised that the By-Laws are operational and the concept of this guidance is to detail the duties and responsibilities of Board members per a policy guidance paper issued by the ABO.  
Mr. O'Shea: Motion to pass Resolution #2012-6-18-2.  
Mr. Curry: Motion seconded.  
**VOTE: Unanimously passed by roll call.**

- **Resolution # 2012-6-18-3: Authorization to expend legal fees for Creation of Small Business Tax Abatement Program.** Ms. Waivada explained background for this program and recommended adopting a similar program to help small businesses receive sales tax abatement on equipment purchases and rehabilitation of facilities. The resolution authorizes Mr. Whyatt to review documents that were formulated for the Westchester County and adapt them to Newburgh. This program can also apply to rehabilitation of rental housing.

Mr. Penney: Motion to adopt Resolution #2012-6-18-3.

Mr. Curry: Motion seconded.

**VOTE: Unanimously adopted by roll call.**

**NEXT MEETING:** The next meeting will be scheduled for either July 24 or 25. The Board members will be polled.

Mr. Penney: Motion to adjourn

Mr. O'Shea: Motion seconded.

**VOTE: Unanimously approved.**

The meeting was adjourned at 8:35 pm.

Respectfully submitted,

  
C. K. Boyle  
Recording Secretary

July 24, 2012

The City of Newburgh Industrial Development Agency

**RESOLUTION NO.: 2012-6-18-1**

**June 18, 2012**

**A RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A CONTRACT WITH C.T. MALE FOR ENGINEERING**

WHEREAS, the New York State Industrial Development Agency Act, 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") authorizes and provides for the creation of industrial development agencies in the several counties, cities, villages and towns in the State of New York and empowers such agencies, among other things, to acquire, construct, reconstruct, lease, improve, maintain, equip and furnish land, any building or other improvement, and all real and personal properties, including but not limited to machinery and equipment, deemed necessary in connection therewith, whether or not now in existence or under construction, which shall be suitable for manufacturing, warehousing, research, commercial, industrial or civic purposes, to the end that such agencies may be able to promote, develop, encourage, assist and advance the job opportunities, health, general prosperity and economic welfare of the people of the State of New York and to improve their prosperity and standard of living; and

WHEREAS, pursuant to and in accordance with the provisions of the Enabling Act, the Agency was for the benefit of the City of Newburgh and the inhabitants thereof; and

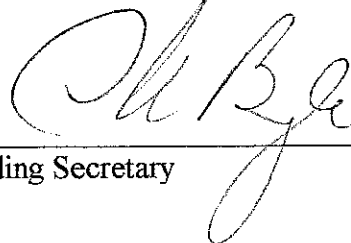
WHEREAS, the Agency's property is under investigation by the USEPA, for contamination arising from the Newburgh Landfill Superfund Site as result of the operations of Dupont/Stauffer, the Agency requires technical services related to the removal of hazardous wastes and drum from its property,

NOW THEREFORE BE IT RESOLVED that the Agency approves a contract with C.T. Male at a cost of **\$11,500.00** pursuant to a scope of service provided to the Agency with the understanding that no additional costs will incurred unless approved by the Agency's Board of Directors. .

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

	<i>Yea</i>	<i>Nay</i>	<i>Absent</i>	<i>Abstain</i>
<b>Joshua Smith</b>			<b>X</b>	
<b>Richard Bedrosian</b>	<b>X</b>			
<b>Michael Curry</b>	<b>X</b>			
<b>Jerry Maldonado</b>			<b>X</b>	
<b>Sean O'Shea</b>	<b>X</b>			
<b>John Penney</b>	<b>X</b>			

The resolution was thereupon duly adopted.



Recording Secretary

June 18, 2012

The City of Newburgh Industrial Development Agency

**RESOLUTION NO.: 2012-6-18-2**

**June 18, 2012**

**A RESOLUTION APPROVING THE ADOPTION OF  
DUTIES AND RESPONSIBILITIES OF BOARD MEMBERS**

WHEREAS, the New York State Industrial Development Agency Act, 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") authorizes and provides for the creation of industrial development agencies in the several counties, cities, villages and towns in the State of New York and empowers such agencies, among other things, to acquire, construct, reconstruct, lease, improve, maintain, equip and furnish land, any building or other improvement, and all real and personal properties, including but not limited to machinery and equipment, deemed necessary in connection therewith, whether or not now in existence or under construction, which shall be suitable for manufacturing, warehousing, research, commercial, industrial or civic purposes, to the end that such agencies may be able to promote, develop, encourage, assist and advance the job opportunities, health, general prosperity and economic welfare of the people of the State of New York and to improve their prosperity and standard of living; and

WHEREAS, pursuant to and in accordance with the provisions of the Enabling Act, the Agency was for the benefit of the City of Newburgh and the inhabitants thereof; and

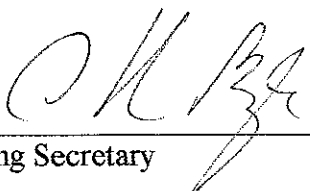
WHEREAS, the Public Authorities Law of 2009 and Article 18A of the General Municipal establishes guidance and policies concerning the responsibility of Board Members,

NOW THEREFORE BE IT RESOLVED that the Agency adopts a Board of Directors Duties and Responsibilities policy.

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

	<i>Yea</i>	<i>Nay</i>	<i>Absent</i>	<i>Abstain</i>
<b>Joshua Smith</b>			<b>X</b>	
<b>Richard Bedrosian</b>	<b>X</b>			
<b>Michael Curry</b>	<b>X</b>			
<b>Jerry Maldonado</b>			<b>x</b>	
<b>Sean O'Shea</b>	<b>X</b>			
<b>John Penney</b>	<b>X</b>			

The resolution was thereupon duly adopted.

  
\_\_\_\_\_  
Recording Secretary

June 18, 2012

The City of Newburgh Industrial Development Agency

**RESOLUTION NO.: 2012-6-18-3**

**June 18, 2012**

**A RESOLUTION APPROVING THE ADOPTION OF A SMALL BUSINESS TAX ABATEMENT PROGRAM**

WHEREAS, the New York State Industrial Development Agency Act, 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") authorizes and provides for the creation of industrial development agencies in the several counties, cities, villages and towns in the State of New York and empowers such agencies, among other things, to acquire, construct, reconstruct, lease, improve, maintain, equip and furnish land, any building or other improvement, and all real and personal properties, including but not limited to machinery and equipment, deemed necessary in connection therewith, whether or not now in existence or under construction, which shall be suitable for manufacturing, warehousing, research, commercial, industrial or civic purposes, to the end that such agencies may be able to promote, develop, encourage, assist and advance the job opportunities, health, general prosperity and economic welfare of the people of the State of New York and to improve their prosperity and standard of living; and

WHEREAS, pursuant to and in accordance with the provisions of the Enabling Act, the Agency was created for the benefit of the City of Newburgh and the inhabitants thereof; and

WHEREAS, to accomplish the purposes of the Act for the benefit of local businesses in their efforts to undertake improvements and purchase furniture, fixtures and equipment needed to retain or expand jobs, the Agency seeks to formulate and adopt a simplified application and lease agreement to enable eligible businesses in the City of Newburgh to access tax abatement benefits of \$100,000 or less, and

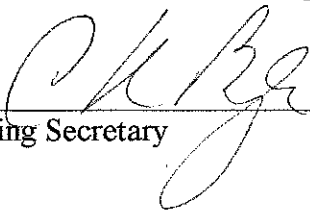
WHEREAS, the firm of Robinson & Cole formulated a Small Business Program for another Agency, the firm of Oxman, Tullis, Kirkpatrick, Whyatt & Geiger LLP is authorized to expend \$1,500 in fees for the services of Robinson & Cole to adapt application and lease documents appropriate for the Newburgh Industrial Development Agency.

NOW, THEREFORE, BE IT RESOLVED that the Agency approves the institution of a Small Business Program and the expenditure of \$1,500 in legal fees to facilitate the program.

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

	<i>Yea</i>	<i>Nay</i>	<i>Absent</i>	<i>Abstain</i>
<b>Joshua Smith</b>			<b>X</b>	
<b>Richard Bedrosian</b>	<b>X</b>			
<b>Michael Curry</b>	<b>X</b>			
<b>Jerry Maldonado</b>			<b>X</b>	
<b>Sean O'Shea</b>	<b>X</b>			
<b>John Penney</b>	<b>X</b>			

The resolution was thereupon duly adopted.

  
Recording Secretary

June 18, 2012