

CITY OF NEWBURGH
INDUSTRIAL DEVELOPMENT AGENCY (IDA)
MINUTES OF BOARD MEETING
June 20, 2022

Present

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

Excused: Michael Kelly, 2nd Vice Chair

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

Guests: Dan Gilbert & Eli Vaknin – Ellis Ave Apartment Project

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

Minutes from the regular board meeting of May 16, 2022 were distributed to the board via e-mail.

Motion to approve the minutes as presented:

Ms. Amato: Motion to approve the minutes
Mr. Pollick: Motion seconded
VOTE: Unanimously adopted.

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

Treasurer Adam Pollick presented the May 2022 Treasurer's Report to the board.

On a motion made by Yanyiah Pearson and seconded by Gregory Nato, the board unanimously approved the April 2022 Treasurer's Report.

On a motion made by Christina Amato and seconded by Gregory Nato, payment of the May 2022 bills as presented (check numbers 1050-1051) was unanimously approved.

5. **Chairman's Report**

Marlon Ramos, Chair and Cherisse Vickers attended a Placemaking Conference. Mr. Ramos suggested the IDA look at spaces differently, to maximize all business potential. Perhaps the IDA can make an impact on adaptive reuse with the projects it evaluates.

Mr. Ramos also spoke of a development project that built 75 affordable housing units in Poughkeepsie, NY. He noted that Poughkeepsie and Newburgh are similar cities. Mr. Ramos suggested that although affordable housing is not supposed to be a part of what the IDA does, is something to note and consider when evaluating projects.

There was recently a group of City of Newburgh entrepreneurs that just completed a boot camp program at The Newburgh Library. The program helped to tighten up their business savvy. Mr. Ramos would like to see local government help bridge the connections between these entrepreneurs and open spaces in our community.

6. **Counsel's Report**

The Foundry: Update. Closed at the end of 2021. Activity has started there. They are expected to close on a mortgage loan next month. This requires the Agency signature on an affidavit. Affidavit will then need to be signed by a member of the IDA Board of Directors. This will allow The Foundry to be exempt from paying the mortgage recording tax.

104 Washington St: Update. Their counsel reported that they are very close to finishing their approvals and financing. They are believed to have their building permit. As they finish closing in the next 4 to 6 weeks, IDA Chair or Executive Director signatures will be needed.

Scobie Drive: Update. A letter was sent to the city attorney's office regarding a triangle parcel on the land which can be seen on the map in red. This was added by the would-be developer at that time in 2014 in the Brownfield Plan with the Department of Environmental Conservation. The developer needed this triangle parcel for their density, required under the building code. This parcel was never deeded to the Industrial Development Agency. The agency has no power to transfer this triangle parcel. It still remains in the City of Newburgh's name. However, it is included the current Brownfield Cleanup Agreement. A letter was sent to the city attorney alerting them to the fact that this triangle piece will not be covered under the next agreement. A revised schedule and contract were sent out and amendments were added.

The original July 2020 contract assumed a closing in June 2022. That has not

happened because delays in examining test wells. The BCP is ready to be opened. A new schedule and proposed contract extends milestone dates out to 2024. Hopefully the formal amendment can be signed in the next couple of weeks.

New members were reminded that they are now members of a public body and have confidentiality and fiduciary obligations.

FSH Newburgh Hotel: Applicant has a delay with Orange County that will hopefully be resolved by August 19. Counsel has an appointment with applicant, for a status update. Our counsel will keep other board members posted through Ms. Vickers.

7. Executive Director's Report

Amory Sidewalk: Update: Ms. Vickers met with a contractor, corporation counsel and a code officer on site, to discuss how the agency will move forward with the repairs. The agency has a court appearance adjourned until mid-July. The goals are to have significant updates to present in court and have an update from our counsel within a month.

Hudson Valley Vision workshop was attended by Ms. Vickers and Mr. Ramos. Newburgh was well represented.

Board of Directors will not be meeting again until September. There is a possibility that a special session might be needed.

8. New Business

Resolution No. 2022-06-20-01 - Authorization to Engage a Labor Monitor

Discussion: 3 firms responded. A sub-committee consisting of Mr. Nato and Ms. Amato recommend we engage the firm called Loewke Brill. The other 2 firms were not local and not well versed in reporting. Their billing parameters were also very ambiguous

A motion to approve Resolution No. 2022-06-20-01 was made by Christina Amato and seconded by Adam Pollick. The voting was unanimous. Michael Kelly was absent.

Resolution No. 2022-06-20-02 - Authorization to Issue an RFP for a New Logo

Discussion: Mr. Ramos would like to see the agency be more proactive in rebranding and getting the agency noticed. One way to make an immediate change is by redesigning the agency logo. A new logo for the agency would make us stand out on the city website. We can also investigate doing more on social media.

A motion to approve Resolution No. 2022-06-20-02 was made by Gregory Nato and seconded by R. Yanyiah Pearson. The voting was unanimous. Michael Kelly was absent

Guest Presentation: New Ellis Ave Apartments Project

Beginning stages. 10 buildings proposed with six 2 bedroom units each of them. 12 acres, with 6 acres potentially being deeded to Orange County Land Trust for use in creating a public recreational area. Natural forest landscaping will be the focus of the

site, with some recreational access to trails, etc. The project goal is: housing in the forest. Retail and commercial space does not seem like a possibility. Initial reaction from Chairperson Marlon Ramos is that this project might not be suitable for the agency goal of creating jobs for the City of Newburgh residents. This presentation is preliminary and parts of the plan may be adjusted to fit within agency parameters. The presenters were invited to return if their plans grew and were amended to better align with the City of Newburgh Industrial Development agency's mission statement and focus.

9. **Old Business:** None

10. **Adjournment**

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

CITY OF NEWBURGH INDUSTRIAL DEVELOPMENT AGENCY
Treasurer's Report for the June 20, 2022 Meeting

OPERATING Account #2847

Opening Balance As of May 1, 2022 **\$302,696.00** **X = Cleared Bank Acct**
 from Quickbooks

Deposits	Payor	Amount	Remarks
	5/3/2022 AT&T	3,657.55	Cell tower X
	5/3/2022 Central Hudson	2,091.56	Cell tower X
	5/5/2022 T-Mobile	4,914.83	Cell tower X
	5/5/2022 T-Mobile	2,139.33	Cell tower X
	TOTAL	<u><u>\$12,803.27</u></u>	

Disbursements	Check Number	Check Date	Payee	Amount	Remarks
	1050	5/5/2022	Cherisse Vickers	42.97	Reimbursed Exp
	1051	5/5/2022	Jacobwitz & Gubits, LLP	1334.91	Inv #298995
		TOTAL		<u><u>\$1,377.88</u></u>	

Closing Balance Operating Acct As of May 31, 2022 **\$314,121.39** **Opererating Acct #2847**
 from Quickbooks

PAYROLL Acct #8243

Opening Balance	As of May 1, 2022	\$72,000.00
Credit	Trnsfr From Op Acct	0.00
Debit	5/18/2022 Payroll Net	2999.77
Debit	5/18/2022 Payroll Emp Tax	1294.87

Closing Balance As of May 31, 2022 **\$67,705.36**

Payroll Acct #2843

APPLICATIONS FUND Account #2855

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

App Fund Acct #2855

LESSOR/TENANT Account #2863

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

Lessor Acct #2863

MONEY MARKET Account #2871

Opening Balance	As of May 1, 2022	\$750,893.98
Interest credit		92.58
Closing Balance	As of May 31, 2022	\$750,986.56

MM Acct #2871

CITY OF NEWBURGH
INDUSTRIAL DEVELOPMENT AGENCY

Resolution No. 2022-06-20-01

**RESOLUTION AUTHORIZING THE AGENCY
ENGAGE A LABOR 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 June 20, 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
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 Christina Amato, 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, the Local Labor Policy of the Agency (the “Policy”) directs the Agency to appoint a third-party auditing firm (the “Monitor”) to monitor the compliance of each Applicant receiving Agency financial assistance (the “Applicant”) with the Policy; and

WHEREAS, the Monitor shall act as an Agent of the Agency with respect to the Policy; and

WHEREAS, under the Policy each Applicant is responsible for the payment of the Monitor; and

WHEREAS, on **April 14, 2022** the Agency issued a Request for Proposal (the “RFP”) seeking proposals from qualified firms to act as the Monitor; and

WHEREAS, the Agency received three responses to the RFP (the “Responses”); and

WHEREAS, a special committee of the Board of the Agency (the “Committee”) was formed to review the Responses in the best interest of the Agency and the best value to the Applicant;

WHEREAS, based on its review of the Responses, the Committee has recommended that the Agency engage Loewke Brill Consulting Group, Inc. as the Monitor.

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

Section 1. The Agency hereby approves the recommendation of the Committee and authorizes the appointment of Loewke Brill Consulting Group, Inc. as the Monitor.

Section 2. The Chairperson is hereby authorized to take all reasonable actions necessary to implement the provisions hereof.

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	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 June 20, 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 21 day of June, 2022.


Secretary

(SEAL)

CITY OF NEWBURGH
INDUSTRIAL DEVELOPMENT AGENCY

Resolution No. 2022-06-20-02

RESOLUTION AUTHORIZING THE AGENCY TO ISSUE A REQUEST FOR PROPOSALS

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 June 20, 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
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 Robin Yanyiah Pearson, 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, the Agency desires to engage a graphic arts contractor to design a logo for the Agency; and

WHEREAS, the Agency now desires to issue a Request for Proposal (the “RFP”) seeking proposals from qualified firms or individuals for such graphic arts services.

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 issues the Request for Proposals for Logo Design and Graphic Art Services substantially in the form attached hereto as **Exhibit A**.

Section 2. The Chairperson is hereby authorized to take all reasonable actions necessary to implement the provisions thereof.

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	Yes
Christina Amato	VOTING	Yes
Michael Kelly	VOTING	Absent
Adam Pollick	VOTING	Yes
Gregory Nato	VOTING	Yes
Theresa Priester	VOTING	Yes
Robin Yaniyah Pearson	VOTING	Yes

The foregoing resolution was thereupon declared duly adopted.

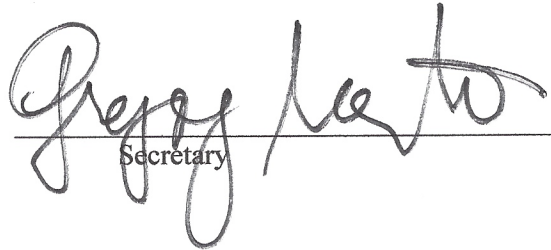
STATE OF NEW YORK)
) SS.:
COUNTY OF ORANGE)

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 June 20, 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 2 (day of June, 2022.


Secretary

(SEAL)

EXHIBIT A

**REQUEST FOR PROPOSAL
FOR
LOGO DESIGN AND GRAPHIC ART SERVICES**

I. Introduction

The City of Newburgh Industrial Development Agency (Agency) seeks creative graphic art services of a person or firm to design a logo for the Agency which can be used in its advertising material and website.

II. Background

The Agency is a public benefit corporation of the State of New York created in 1982 pursuant to Article 18A of the General Municipal Law. Industrial Development Agencies are authorized to promote, develop, encourage and assist in the acquiring, constructing, reconstructing, improving, maintaining, equipping and furnishing industrial, manufacturing, warehousing, commercial, research, recreational and other facilities and thereby advance the job opportunities, health, general prosperity and economic welfare of the people of the State of New York and improve their recreation opportunities, prosperity and standard of living.

The Agency has appointed the Executive Director, Cherisse Vickers, as Procurement Officer for this project. The Procurement Officer will act as the point of contact. If there are any questions concerning this RFP, please e-mail idadirector@cityofnewburgh-ny.gov.

III. Process

Action	Date
RFP Issued	June __, 2022
Proposal Due Date	July __, 2022
Review of Proposals	July __, 2022 – August 31, 2022
Interviews with Proposals (if any)	September __, 2022
Selection of Vendor	September __, 2022
Completion of Work	December 31, 2022

Scope of Services

The scope of the project will extend from concept to creation and include:

- 2-3 concepts for a new logo for consideration by the Agency
- Minimum of two revisions of selected logo included
- Provide a final digital file in vector format (.EPS) of the approved logo in full-color, single color and grayscale formats
- A secondary set of colors to complement the logo colors for use in marketing materials
- Appropriate font files for the logo

IV. Qualification(s)

Professional History & Contact Information

Please provide a brief professional history along with the following information:

- Contact person
- Title
- Company name and address
- Company website
- Direct telephone / mobile phone
- Proposal must contain the signature of a duly authorized agent of the company submitting the proposal

Project Staffing

Include relevant experience of key staff, designers, and management personnel. Describe the qualifications and relevant experience of the individuals that would be assigned to this project by providing biographies of those staff members.

Project Summary & Approach

Vendors should provide a brief overview of their engagement strategy and approach to the scope of work and management of project, including a timeline for completion and an estimate of the time required of staff and stakeholders in the process.

VI. Contents of the Proposal

To be responsive to this RFP, one original response to this proposal must be submitted in electronic form to the Procurement Officer at: idadirector@cityofnewburgh-ny.gov. Please use the section headings described in the next paragraph to facilitate a fair and consistent review of submitted proposals.

Section headings: 1. Contact Information; 2. Description of Firm and Qualifications; 3. Description of Subcontractor; 4. Project Budget/Cost Summary; 5. Project Schedule; 6. References; 7. Additional Requirements / Additional Terms and Conditions. For any item that may not apply to the proposal, please use N/A as the answer.

Please include portfolio samples that demonstrate technical and creative execution for similar projects.

Provide two current references for which you have performed work similar in size and scope. For each reference, include the following:

- Organization name and address
- Type of organization
- User contact(s)
- Title(s) of user contact(s)
- Direct telephone number(s) and email address(es) of user contact(s)
- Description and approach to project
- Sample of work completed for project, including previous logo and final log

VII. Payment schedule

Proposals must include an estimated cost for all work related to the tasks and deliverables outlined in the scope of work. A total estimate for deliverables is required. Proposals should clearly outline how time and cost overruns would be handled, including how the designer or agency alerts the client and negotiates unanticipated changes or delays.

All payments will be made by the City of Newburgh Industrial Development Agency. The payment schedule will be that upon selection of and notification to the finalist, a Form W-9 will be completed. A deposit of 35% of the total bid will be issued to begin work. The balance will be paid after completion and satisfaction by the Agency's Board of Directors.

VIII. Ownership of logo

Once the Agency has accepted the logo and final payment has been made, the logo and all files associated with it, shall become the property of the Agency.

IX. Cancellation

Any violation of the terms, conditions, requirements and/or non-performance of the agreement resulting from this RFP may result in immediate cancellation and nonpayment of any remaining amounts due. The agreement may be cancelled by the Agency for any reason(s) upon five-day' written notice. The Agency reserves the right to not accept any bid submitted. The Agency also reserves the right to not select any bid for this project.

X. Additional Requirements / Additional Terms and Conditions

The finalist must comply with all Federal, State, Orange County and City of Newburgh statutes and codes as may be applicable to the scope of work detailed herein, including all labor laws.

Proposal and price must remain valid for three (3) months.

Respondents not incorporated in the State of New York shall produce a Certificate to do Business in the State of New York from the New York Secretary of State.