

CITY OF NEWBURGH  
INDUSTRIAL DEVELOPMENT AGENCY (IDA)  
MINUTES OF BOARD MEETING  
September 15, 2021

Present

Board Members: Austin DuBois, Chairman  
Christina Amato, Michael Kelly, Gregory Nato, Adam Pollick,  
and Marlon Ramos

Absent: Nancy Thomas, excused

Staff: Cherisse Vickers, Executive Director  
Counsel: IDA Counsel Robert McLaughlin

GUESTS: Jon Powell, Architect, representing BJH  
Liz McEnaney, Preservationist, Design for Six Feet, for BJH  
Damon Rowe, Project Director, representing Osbourne  
Michael Meola, representing BJH  
Kei Hayashi, representing BJH  
Joe Collins, representing BJH

1. **Roll Call**: Board Chair Austin DuBois called the meeting to order.
2. **Proof of meeting notice**: accepted.
3. **Reading and Approval of minutes of the previous meeting**

Minutes from the regular board meeting of June 21, 2021 were distributed to the board via e-mail.

Motion to approve the minutes as presented:

Mr. Ramos: Motion to approve the minutes  
Mr. Pollick: Motion seconded.  
Discussion: None.  
**VOTE: Unanimously adopted.**

Minutes from the regular board meeting of July 14, 2021 were distributed to the board via e-mail.

Motion to approve the minutes as presented:

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

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

IDA Treasurer Marlon Ramos read the July 2021 Treasurer's Report to the board. After the reading, a motion to approve the Treasurer's Report was made by Christina Amato,

seconded by Mike Kelly; unanimously approved.

A motion to pay July 2021 bills as presented (check numbers 965-968) was made by Mike Kelly and seconded by Christina Amato; unanimously approved.

IDA Treasurer Marlon Ramos read the August 2021 Treasurer's Report to the board. After the reading, a motion to approve the Treasurer's Report was made by Adam Pollick and seconded by Christina Amato; unanimously approved.

A motion to pay August 2021 bills as presented (check numbers 969-974) was made by Mike Kelly and seconded by Christina Amato; unanimously approved.

IDA Treasurer Marlon Ramos read the September 2021 Treasurer's Report to the board. After the reading, a motion to approve the Treasurer's Report was made by Mike Kelly and seconded by Christina Amato; unanimously approved.

A motion to pay September 2021 bills as presented (check numbers 975-978) was made by Christina Amato and seconded by Mike Kelly; unanimously approved.

#### 5. **Chairman's Report**

Chair Austin DuBois briefly reported on the Strategic Economic Development Council for the city. They've received responses back for 123 Renwick RFP; close to having developer for the project. 120 Montgomery Street may have some interested developers.

Also mentioned the news article on the full report from ABO concerning the Orange County IDA; interesting read.

#### 6. **Counsel's Report**

IDA Counsel Bob McLaughlin gave a few brief updates:

St. Luke's Hospital – modifications to the bond issuances from 2005 and 2010. At this point, it seems like October will be the likely time line for closing on the bonds.

5 Scobie Drive – investigating what is the holdup with DEC? One issue is there seems to be an old agreement for a former potential developer to take a small portion of DPW land. While that has never been executed, it still needs to be cleared up. A new schedule will need to be developed for the property. DEC has extended all deadlines and is only back in the office this week.

Foundry – drafts have been sent around for comments and expect some movement on that in the next month or less.

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

The Executive Director informed the board that the organization through which the IDA has project assessment software will no longer be supporting that software as of the end of 2021. The IDA will have to search for new software. Board Member Christina Amato mentioned knowing of a person that may be helpful with project assessment and will reach out to the director with that information.

#### 8. **Executive Session**

At this time, the board voted to go into Executive Session, to discuss personnel and litigation matters, with a motion by Mike Kelly and seconded by Christina Amato; unanimously passed.

The board came out of Executive Session with a motion made by Mike Kelly and seconded by Christina Amato; unanimously passed. No action was taken.

## 9. New Business

At this time, the agenda item “191 Washington Street” will be tabled until further notice.

143 Washington Street – Several people were in attendance to give a presentation on this project. Discussion took place, with questions being asked. At the conclusion of this topic, it was suggested that in its present form, the IDA would not be able to support the project with tax-saving measures. The principals will go back to the drawing board and re-work some items, with the intent to come back and present again in the future. Resolution No. 2021-09-15-01 will be tabled for now.

FSH Newburgh Hotel and Grand Street Newburgh are two resolutions for the project that has been presented previously at a past board meeting.

Resolution No. 2021-09-15-02, *Resolution Authorizing a Public Hearing Regarding a Proposed Project to be Undertaken for the Benefit of FSH Newburgh Hotel, LLC*

A roll call of this resolution resulted in six (6) ayes; resolution passes and approved.  
Ayes: Austin DuBois, Christina Amato, Michael Kelly, Gregory Nato, Adam Pollick, Marlon Ramos

Resolution No. 2021-09-15-03, *Resolution Authorizing a Public Hearing Regarding a Proposed Project to be Undertaken for the Benefit of Grand Street Newburgh Property Co., LLC*

A roll call of this resolution resulted in six (6) ayes; resolution passes and approved.  
Ayes: Austin DuBois, Christina Amato, Michael Kelly, Gregory Nato, Adam Pollick, Marlon Ramos

## 10. Old Business

Before the board is Resolution No. 2021-09-15-04, *Appoint Tectonic Engineering for Sidewalk Replacement Plan*

This resolution addresses the need to have an engineer prepare the specifications that a contractor will need to use in order to fulfill the necessary repair/replacement work for the sidewalks next to the Armory.

After much discussion, this resolution was tabled until next month. Further investigation needs to take place on what is actually being demanded of the IDA relative to these sidewalks and how to be in compliance with that demand.

This agenda item to be placed on next month’s meeting agenda for follow-up.

## 11. Adjournment

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

CITY OF NEWBURGH INDUSTRIAL DEVELOPMENT AGENCY  
Treasurer's Report for the Month of July 2021

**OPERATING Account**

**Opening Balance** As of June 22, 2021 **\$ 285,640.49**  
*from Quickbooks*

<i>Deposits</i>	<b>Payor</b>	<b>Amount</b>	<b>Remarks</b>
	AT&T	3,657.55	Cell tower
	T-Mobile	4,758.21	Cell tower
	T-Mobile	2,077.02	Cell tower
	Central Hudson	2,030.64	Cell tower
	(J&F Restaurant - VOIDED)	2,500.00	Voided check
	<b>TOTAL</b>	<b>\$15,023.42</b>	

Disbursements

<b>Check Number</b>	<b>Check Date</b>	<b>Payee</b>	<b>Amount</b>	<b>Remarks</b>
965	7/6/2021	Salvick Corp.	\$970.00	Inv. # 171
966	7/6/2021	J&F Restaurant Inc.	2,048.20	PPE Grant
967	7/12/2021	Diana Hesse	495.00	Inv. # 2021-07-14
968	7/12/2021	Salvick Corp.	770.00	Inv. # 172
		<b>TOTAL</b>	<b>\$4,283.20</b>	

**Closing Balance** As of July 14, 2021 **\$ 296,380.71**  
*from Quickbooks*

**APPLICATIONS FUND Account**

<b>Opening Balance</b>	As of June 1, 2021	\$	14,137.50
<b>Closing Balance</b>	As of June 30, 2021	\$	14,137.50

**LESSOR/TENANT Account**

<b>Opening Balance</b>	As of June 1, 2021	\$	2,400.00
<b>Closing Balance</b>	As of June 30, 2021	\$	2,400.00

**MONEY MARKET Account**

<b>Opening Balance</b>	As of June 1, 2021	\$	750,268.87
<b>Interest credit</b>			61.67
<b>Closing Balance</b>	As of June 30, 2021	\$	750,330.54

CITY OF NEWBURGH INDUSTRIAL DEVELOPMENT AGENCY  
Treasurer's Report for Month of August 2021

**OPERATING Account**

**Opening Balance** As of July 15, 2021 **\$ 296,380.71**  
*from Quickbooks*

<i>Deposits</i>	<b>Payor</b>	<b>Amount</b>	<b>Remarks</b>
7/19/2021	Heritage Financial Credit Union	\$ 100.00	Lease Fee
8/3/2021	AT&T	3,657.55	Cell tower
8/2/2021	T-Mobile	4,773.56	Cell tower
8/9/2021	Foster Supply	1,000.00	Application Fee
8/9/2021	T-Mobile	2,077.02	Cell tower
	<b>TOTAL</b>	<b>\$ 11,608.13</b>	

*Disbursements*

<b>Check Number</b>	<b>Check Date</b>	<b>Payee</b>	<b>Amount</b>	<b>Remarks</b>
969	7/29/2021	Salvick Corp.	\$1,460.00	Inv. # 173
970	7/29/2021	Storage Boss	900.00	Prepaid for Yr. 2021-2022
971	8/16/2021	Diana Hesse	795.00	Inv. # 2021-08-16
972	8/16/2021	Salvick Corp.	1,286.21	Inv. # 174
973	8/16/2021	Philadelphia Insurance Cos.	1,520.00	Inv. # 2003481474
974	8/16/2021	Jacobowitz & Gubitz LLP	2,502.60	Inv. # 294176
		<b>TOTAL</b>	<b>\$8,463.81</b>	

**Closing Balance** As of August 16, 2021 **\$ 299,525.03**  
*from Quickbooks*

**APPLICATIONS FUND Account**

<b>Opening Balance</b>	As of July 1, 2021	\$	14,137.50
<b>Closing Balance</b>	As of July 31, 2021	\$	14,137.50

**LESSOR/TENANT Account**

<b>Opening Balance</b>	As of July 1, 2021	\$	2,400.00
<b>Closing Balance</b>	As of July 31, 2021	\$	2,400.00

**MONEY MARKET Account**

<b>Opening Balance</b>	As of July 1, 2021	\$	750,330.54
<b>Interest credit</b>			63.73
<b>Closing Balance</b>	As of July 31, 2021	\$	750,394.27

CITY OF NEWBURGH INDUSTRIAL DEVELOPMENT AGENCY  
Treasurer's Report for the September 15, 2021 Meeting

**OPERATING Account**

**Opening Balance** As of August 17, 2021 **\$ 299,525.03**  
*from Quickbooks*

<i>Deposits</i>	<b>Payor</b>	<b>Amount</b>	<b>Remarks</b>
	9/3/2021 AT&T	3,657.55	Cell tower
	9/7/2021 T-Mobile	4,817.71	Cell tower
	9/7/2021 T-Mobile	2,077.02	Cell tower
	9/7/2021 Central Hudson	2,030.64	Cell tower
	9/7/2021 143 Washington St., LLC	1,000.00	Application fee
	<b>TOTAL</b>	<b>\$13,582.92</b>	

*Disbursements*

<b>Check Number</b>	<b>Check Date</b>	<b>Payee</b>	<b>Amount</b>	<b>Remarks</b>
975	8/30/2021	Jacobowitz & Gubits LLP	\$350.00	Inv. # 294693
976	8/30/2021	Salvick Corp.	1,070.00	Inv. # 175
977	8/30/2021	Whiteman Osterman & Hanna LLP	255.50	Inv. # 521194
978	9/14/2021	Salvick Corp.	926.21	Inv. #176
		<b>TOTAL</b>	<b>\$2,601.71</b>	

**Closing Balance** As of September 15, 2021 **\$ 310,506.24**  
*from Quickbooks*



**APPLICATIONS FUND Account**

<b>Opening Balance</b>	As of August 1, 2021	\$	14,137.50
<b>Closing Balance</b>	As of August 31, 2021	\$	14,137.50

**LESSOR/TENANT Account**

<b>Opening Balance</b>	As of August 1, 2021	\$	2,400.00
<b>Closing Balance</b>	As of August 31, 2021	\$	2,400.00

**MONEY MARKET Account**

<b>Opening Balance</b>	As of August 1, 2021	\$	750,394.27
<b>Interest credit</b>			63.73
<b>Closing Balance</b>	As of August 31, 2021	\$	750,458.00

**CITY OF NEWBURGH  
INDUSTRIAL DEVELOPMENT AGENCY**

**Resolution No. 2021-09-15-02**

**RESOLUTION AUTHORIZING  
A PUBLIC HEARING REGARDING A PROPOSED PROJECT  
TO BE UNDERTAKEN FOR THE BENEFIT OF  
FSH NEWBURGH HOTEL, LLC**

A regular meeting of the City of Newburgh Industrial Development Agency (the “Agency”) was convened in public session at City Hall, 83 Broadway, 3rd Floor, Newburgh, New York September 15, 2021 at 6:00 o'clock p.m., local time.

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

**PRESENT:**

Austin DuBois	Chairperson
Marlon Ramos	Treasurer
Christina Amato	Secretary
Michael Kelly	Member
Adam Pollick	Member
Gregory Nato	Member

**ABSENT:**

Nancy Thomas	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 Christina Amato, to wit:

Resolution No. 2021-09-15-02

**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 FSH NEWBURGH HOTEL, LLC.**

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 July 30, 2021, FSH Newburgh Hotel, LLC, a New York limited partnership (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 lease of an interest in an approximately 1.78 acre parcel of real property located at 48-54-62 Grand Street, Newburgh, New York (the “Land”), (2) the occupancy of the improvements made to the existing three buildings on the Land totaling approximately 79,072 square feet to consist of a hotel, events venue, spa and dining facility (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, real property taxes, real estate transfer taxes and mortgage recording 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 a vote on roll call, which resulted as follows:

Austin DuBois	VOTING	YES
Nancy Thomas	VOTING	ABSENT
Marlon Ramos	VOTING	YES
Christina Amato	VOTING	YES
Michael Kelly	VOTING	YES
Adam Pollick	VOTING	YES
Gregory Nato	VOTING	YES

The foregoing Resolution was thereupon declared duly adopted.

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

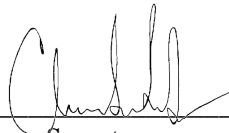
I, the undersigned Secretary of the City of Newburgh Industrial Development Agency (the “Agency”), DO HEREBY CERTIFY that

I have compared the foregoing annexed extract of the minutes of the meeting of the members of the Agency, including the Resolution contained therein, held on September 15, 2021 with the original thereof on file in my office, and that the same is a true and correct copy of said original and of such Resolution contained therein 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 duly 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 16 day of September 2021.

  
\_\_\_\_\_  
Secretary

(SEAL)

**CITY OF NEWBURGH  
INDUSTRIAL DEVELOPMENT AGENCY**

**Resolution No. 2021-09-15-03**

**RESOLUTION AUTHORIZING  
A PUBLIC HEARING REGARDING A PROPOSED PROJECT  
TO BE UNDERTAKEN FOR THE BENEFIT OF  
GRAND STREET NEWBURGH PROPERTY CO, LLC**

A regular meeting of the City of Newburgh Industrial Development Agency (the “Agency”) was convened in public session at City Hall, 83 Broadway, 3rd Floor, Newburgh, New York September 15, 2021 at 6:00 o'clock p.m., local time.

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

**PRESENT:**

Austin DuBois	Chairperson
Marlon Ramos	Treasurer
Christina Amato	Secretary
Michael Kelly	Member
Adam Pollick	Member
Gregory Nato	Member

**ABSENT:**

Nancy Thomas	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 Christina Amato, to wit:

Resolution No. 2021-09-15-03

**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 GRAND STREET NEWBURGH PROPERTY CO, LLC.**

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 July 30, 2021, Grand Street Newburgh Property Co, LLC, a New York limited partnership (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 acquisition of an interest in an approximately 1.78 acre parcel of real property located at 48-54-62 Grand Street, Newburgh, New York (the "Land"), (2) the rehabilitation and improvement of the existing three buildings on the Land totaling approximately 79,072 square feet to consist of a hotel, events venue, spa and dining facility (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, real property taxes, real estate transfer taxes and mortgage recording 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 a vote on roll call, which resulted as follows:

Austin DuBois	VOTING	YES
Nancy Thomas	VOTING	ABSENT
Marlon Ramos	VOTING	YES
Christina Amato	VOTING	YES
Michael Kelly	VOTING	YES
Adam Pollick	VOTING	YES
Gregory Nato	VOTING	YES

The foregoing Resolution was thereupon declared duly adopted.

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

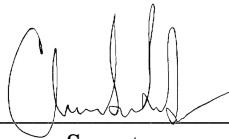
I, the undersigned Secretary of the City of Newburgh Industrial Development Agency (the “Agency”), DO HEREBY CERTIFY that

I have compared the foregoing annexed extract of the minutes of the meeting of the members of the Agency, including the Resolution contained therein, held on September 15, 2021 with the original thereof on file in my office, and that the same is a true and correct copy of said original and of such Resolution contained therein 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 duly 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 16 day of September 2021.

  
\_\_\_\_\_  
Secretary

(SEAL)