

The Board of Directors of the Newburgh IDA met on Monday, December 16 at 6:35 pm at 401 Washington Street, Newburgh, NY 12550.

Present:

Board Members: Michael Neppl, Chair

Gregory Nato, Secretary Vickiana DeMora, Treasurer Alexandra Church, Vice Chair Christina Amato, Member Sharonda Powell, Member

Staff: Cherisse Vickers, Executive Director

Adriana Huaynalaya, Financial Administrator

Counsel: Robert J. McLaughlin, Esq., Whiteman Osterman & Hanna LLP

Guests: Michael N'dolo, MRB Group

Philippe Pierre, 104 Washington Street LLC. Andrew Schrijver, Liberty Street Apartments LLC.

- 1. **Roll Call:** Michael Neppl, Chairman called the meeting to order at 6:35 pm. A quorum was declared to be met.
- 2. **Proof of Meeting Notice:** Michael Neppl, Chairman observed that the Notice of the meeting was properly sent and accepted.
- 3. Reading and Approval of November 18, 2024 Meeting Minutes:

Meeting Minutes from the board meeting of November 18, 2024, were distributed to the board via e-mail.

Motion to approve November 18, 2024 meeting minutes as presented:

Ms. DeMora: Motion to approve the minutes

Ms. Church: Motion seconded **VOTE: Unanimously passed**

Reading and Approval of June 17, 2024 Meeting Minutes:

Meeting Minutes from the board meeting of June 17, 2024, were distributed to the board via e-mail.

Motion to approve June 17, 2024 meeting minutes as presented:

Ms. Amato: Motion to approve the minutes

Mr. Nato: Motion seconded

A roll call was taken for the vote.

Mr. Neppl: Abstain Ms. Church: Abstain Ms. DeMora: Abstain

Mr. Nato: Yes Ms. Amato: Yes Ms. Powell: Abstain

VOTE: Approved by two members from June meeting eligible to vote.

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

Vickiana DeMora presented the November Treasurer's Report to the board.

Motion to approve the November 2024 Treasurer's Report

Ms. Church: Motion to approve Mr. Nato: Motion seconded **VOTE: Unanimously passed**

Motion to approve November 2024 Bill Payments

Ms. Amato: Motion to approve (Checks 1298, 1299, 1300, 1301, 1302, 1303)

Ms. DeMora: Motion seconded **VOTE: Unanimously passed**

Audit/Finance Committee Report

Ms. DeMora shared with the board the report of the Agency's policies, budget and fee structure. Mr. Neppl asked if the Audit/Finance Committee is recommending the adoption of policies as presented to the board. Ms. DeMora answered yes. This will be voted on in the housekeeping resolution.

Audit Services for 2024 - PKF O'Connor Davies

Ms. Vickers shared with the board than the Agency has scheduled the date for the audit on February 10, 2025.

5. Chairman's Report:

Mr. Neppl shared with the board the Agency's mission statement for 2025 was reviewed with the Governance Committee, where policies were reviewed for recommendation of adoption. The Chair read the proposed mission statement to fellow board members. The Agency's Bylaws were reviewed which included some recommended updates presented by Agency counsel, as well as the Anti-Harassment Policy which has been updated to conform with recent changes to the state constitution.

6. **Counsel's Report:**

Mr. McLaughlin updated the board that IV5 Newburgh Logistics Center's draft closing documents were sent to their counsel, however he has not heard anything back. Mr. McLaughlin is expecting a January close.

For Scobie Drive's contract of sale, DEC submitted a new plan that requires the proposed owner to put an additional cap on the brownfield site. Since this additional cap requirement was not expected it will cost additional funds.

For Murphy's Ditch, which is located under the parking lot of Home Depot in the Town of Newburgh, Mr. McLaughlin shared that the Agency has ownership rights to the easement. \$45,000 was due upon the execution of the easement being provided to the developer, \$55,000 was due upon the issuance of the first certificate of occupancy and an additional \$55,000 was due upon issuance of the second certificate of occupancy. The last two payments were never made and demand letters were sent in 2023. The Agency received one \$55,000 payment however there is a continuous back and forth for the remaining \$55,000 check. It is the counsel's recommendation to consider a lawsuit seeking the additional \$55,000 payment. Ms. Amato asked how they are claiming proof that both checks were sent. Mr. McLaughlin mentioned they are using the August 2023 check as proof of the second payment when in reality it is only proof of the first check. Ms. Church asked if revocation of the easement is an option. Mc. McLaughlin said that would have to be looked into and he would report back.

For the Cell Tower lease, there has been some confusion on the report his associate created about a year ago. The cell tower lease was signed in 1987 and the City leased it to the Agency for 30 years, therefore it does not expire until 2027. The lease with Crown Castle says that the City will get free services for the entire duration of the lease. This lease was extended in September by the board based on a few conditions. A draft lease was sent and comments were received on Friday.

7. Executive Director's Report:

Ms. Vickers shared with the board after speaking with the Chair how public hearings

will be conducted going forward. They will always be before a board meeting, with a max of 2 hearings. Ms. Vickers will reach out to the company that records the City council meeting to record the Agency's board meetings.

The Shaw Building will be present at next month's meeting.

Mr. Neppl clarified that in the conversation regarding public hearings with the Executive Director, the impetus for that is that public hearings should in fact be public and the activity center accommodates a larger number of people and provides enhanced parking and a better infrastructure for people to attend.

8. **New Business:**

Resolution # 2024-12-16-01 Public Hearing for 104 Washington Street LLC

In connection with the 2024 Amended Application, the Company has made a request to the Agency (the "Pilot Request") to deviate from its Uniform Tax Exemption Policy (the "Policy") with respect to the term of the payment in lieu of tax agreement by and between the Agency and the Company (the "Proposed Pilot Agreement"); and pursuant to Section 874(4) of the Act and the Policy, prior to taking final action on the Pilot Request for a deviation from the Policy, the Agency must give the chief executive officers of the County and each city, town, village and school district in which the Amended Project is located (collectively, the "Affected Tax Jurisdictions") prior written notice of the proposed deviation from the Policy and the reasons therefore.

Mr. N'dolo from MRB presented the Cost Benefit Analysis and Test of Reasonableness and explained the process for producing the documents to the new board members. Mr. McLaughlin added the statute requires the CBA to be produced before a project can be scheduled for a public hearing. Mr. N'dolo continued to say that on behalf of the Agency and the public, the consultant is determining whether the ask of the developer for a tax exemption is reasonable. Mr. N'dolo reviewed the executive summary of the CBA and will go through further detail during the public hearing. Ms. Amato asked about previous reports to which Mr. N'dolo responded he didn't have them off the top of his head. This project is essentially affordable housing with a small commercial and is not surprised by the benefit ratios. Mr. N'dolo went over the key metrics in the Test of Reasonableness with the board, highlighting for the public benefit the Agency does not want to be getting an excessive return, anything more than what is necessary. Mr. Neppl allowed Mr. Pierre to comment. Mr. Pierre thanked the consultant and the Executive Director for their guidance on the project. Mr. McLaughlin discussed the timing for the public hearing given that the project is requesting a deviation from the Agency's UTEP. Although there is no requirement beyond a 10-day notice by the statute, it is the counsel's recommendation of a 30-day notice to the taxing jurisdictions. Mr. McLaughlin suggested to the board to reduce that time period to be 25 days instead.

Ms. Church: Motion to approve, with the added amendment of no less than 25 days as

discussed amongst the board Ms. DeMora: Motion seconded

A roll call was taken for the vote.

Mr. Neppl: Yes Ms. Church: Yes Ms. DeMora: Yes Mr. Nato: Yes Ms. Amato: Yes Ms. Powell: Yes

VOTE: Unanimously passed

Resolution # 2024-12-16-02 Public Hearing Amendment Resolution for 50-72 Liberty Street LLC

Pursuant to Section 874(4) of the Act and the Policy, prior to taking final action on the Pilot Request for a deviation from the Policy, the Agency must give the chief executive officers of the County and each city, town, village and school district in which the Project is located (collectively, the "Affected Tax Jurisdictions") prior written notice of the proposed deviation from the Policy and the reasons therefore; and the Policy provides that the real property tax abatements to be provided by the Agency shall apply only to the value added by an applicant's construction or renovation activities (i.e., the "improvements" made) to the existing parcel and improvements involved (the "Added Value")

Mr. N'dolo reviewed the applicant's Cost Benefit Analysis and Test of Reasonableness. Mr. McLaughlin reminded the board this project was approved for a public hearing, however due to the changes to the request for financial assistance, this required a new public hearing resolution. Mr. N'dolo went over the TOR with the board. The revised projections were discussed with the applicant. With a different PILOT ask the sales tax exemption and mortgage recording tax exemption have been withdrawn since the applicant is receiving these benefits through a different mechanism. This project is running through an HFA program and the developer's return is predominately the developer's fee. The question is with the free cash flow coming off the project, how much of that is going to PILOT payments. Mr. N'dolo went over the CBA. Ms. Amato asked how much the adjustments were. Mr. N'dolo said they were quite significant. Mr. Schrijver added it was about 3 million in additional PILOT payments. Mr. McLaughlin added that sales and mortgage tax exemptions were already built into the HFA program.

Counsel also asked the board to consider a no less than 25 days' notice and the assignment to the new entity of Liberty St. Apartments LLC. Ms. Amato asked if the project's funding sources allow City residents or if they provide the residents. Mr. Schrijver responded that the HFA requirements do not discriminate, the intention is to advertise the units to the local area but applicants received from outside the City of Newburgh will also be reviewed. Ms. Amato asked Ms. Church if funding sources for housing will not allow preferential treatment to City residents. Ms. Church said projects are allowed to target their advertisement but cannot discriminate against other applications. Ms. Amato said since the Agency passed a project that will require a high percentage of the labor force to come from the City, the same percentage should be required for housing as well. Mr. McLaughlin said we can insist the developer requires that the people working in the commercial development would be 75% City residents. Mr. Schrijver would like to target units to local residents but also provide housing for new people which stimulates the economy, the percentage can be debatable.

Ms. Amato would like to be consistent across the board on what the Agency imposes on developers. Mr. Neppl asked Mr. Schrijver how much the current tax rate is. Mr. Schrijver said the parcel is about \$12,000 a year. Mr. Neppl asked about the estimated

economic activity generated from the project. Mr. N'dolo said there are about 52 on going jobs. Mr. Schrijver added they are pursuing other grants from the state. Receiving a PILOT in a timely manner is incredibly important so that the project goes through.

Ms. DeMora: Motion to approve Ms. Church: Motion seconded

A roll call was taken for the vote.

Mr. Neppl: Yes Ms. Church: Yes Ms. DeMora: Yes Mr. Nato: Yes Ms. Amato: Yes Ms. Powell: Yes

VOTE: Unanimously passed

Resolution # 2024-12-16-03 Annual Housekeeping Resolution for Year 2025

Under Section 858 of the Act, the Agency has the power to make certain appointments and approve certain administrative matters; and under the Agency's Policy Manual, the Agency shall review its policies and by-laws on an annual basis.

Ms. Vickers provided some background information on the respective reports and added if at any point throughout the year any board member would like to address any items they may. Ms. Vickers also went over January and February meeting dates since the third month of the month fall on a holiday. Mr. Neppl asked Ms. Vickers if she had information that would summarize year-to-date deposits since it seems the Agency is receiving a lot of money. Ms. Vickers explained the Agency's fees only apply when a project is closed. The funds shown in the treasurer report are deposits the Agency receives from the Armory, the cell phone towers and interest from the CD account. Ms. Amato added in the past the board has voted to minimize fees when possible because the Agency is not looking to nickel and dime developers.

Ms. Amato asked about the changes made in the policies. Ms. Church explained the New York State constitutional change of the Anti-Harassment Policy. Mr. McLaughlin mentioned the By-laws had some typos that were changed, the change regarding membership of the board to reflect City employees that is consistent with the statute, the code of ethics was also cleaned up of typos. No committee recommended any changes to the documents. Ms. Vickers confirmed no changes were made and all questions were answered.

Ms. Church: Motion to approve Ms. DeMora: Motion seconded

A roll call was taken for the vote.

Mr. Neppl: Yes Ms. Church: Yes Ms. DeMora: Yes Mr. Nato: Abstain Ms. Amato: Abstain Ms. Powell: Yes

VOTE: Approved with two abstentions

Resolution # 2024-12-16-04 Approving Agency's Operating Budget for Fiscal Years 2025-2030

The Executive Director of the Agency has prepared a budget for the Agency's operating expenses and costs for Fiscal Years 2025 through September 2030 (the "2025-2030 Agency Budget"), as required by the New York State Authorities Budget Office.

Ms. Amato reported on the one-year budget and the five-year budget. Ms. Church asked if every year the board approves the five-year budget. Ms. Vickers said yes since she submits the 5-year budget for the annual PARIS report. Mr. Neppl asked what is captured in the rental and financing income for 2025 and why it is higher than the other projected years. Ms. DeMora said this was due to the 3 projects expected to close in 2025. Mr. Neppl said for the out-year projections the Agency is trending towards transferring the Armory out of Agency's ownership. Projecting rental income from that property isn't the best practice to include that income but budgeting for out years can be challenging. Ms. Vickers asked the financial administrator to calculate what the Agency makes in a year from rental income.

Mr. McLaughlin added this is a budget based on what the Agency knows and what resolutions have already passed. Ms. Amato asked if the project fees are mandated, Mr. McLaughlin said the closing fees can be changed but it is historically practiced of IDA's in the state to charge a fee as a percentage of the project total. Agency's fees are consistent with other IDA's in the area.

Ms. Church: Motion to approve Ms. Amato: Motion seconded

A roll call was taken for the vote.

Mr. Neppl: Yes Ms. Church: Yes Ms. DeMora: Yes Mr. Nato: Yes Ms. Amato: Yes Ms. Powell: Yes

VOTE: Unanimously passed

9. **Old Business:**

UTEP

The Agency is considering a retreat to evaluate the current state of the UTEP. Mr. Neppl asked Mr. N'dolo if that is enough time or should it be done over a series of retreats and for context on how other IDA's may have approached this. Mr. N'dolo said it usually takes several discussions with the board. One of them could be a retreat and he encouraged the board to have a couple of briefer meetings in addition to the retreat.

In regard to housing, this seems to be a very big discussion amongst IDA's. The retreat can be about bigger public policy decisions. The mechanics of the abatement schedule can take several meetings to get through since it is more technical. Ms. Amato asked if the retreat is just a meeting with the board and the consultant, or if Agency counsel can attend. If the board requests it, counsel may attend. Mr. McLaughlin agreed with Mr. N'dolo and said if the Agency is deviating from the UTEP

every time, the Agency does not really have a good UTEP. The Agency needs a robust UTEP that fits all the of the different projects the Agency is getting, not just warehouses but housing as well. Ms. Church asked if the retreat is subject to the open meetings law. Mr. McLaughlin said the retreat does need to be noticed but typically the public does not come. It is essentially a work session and if counsel is present there is attorney client privilege.

Ms. Vickers mentioned the billing aspect of the retreat. Ms. Church asked if this is part of an existing contract. Mr. N'dolo said there is an existing contract, but the consultant would have to ask for additional funds to be added as additional services to the existing contract. Mr. McLaughlin will look at the original RFP and report back to the board.

BlackDog

Ms. Vickers shared with the board a quote for \$10,600 to continue with PR work. Ms. Vickers asked for direction on remaining parts of the contract and if the board would like to continue with. Mr. Nato added the Agency has 2 press releases and 4 posts left to use. Ms. Church asked if there was a press release on the warehouse. Ms. Vickers confirmed there was not. The addition of new board members, the new projects that have been approved can be used for press releases. Mr. Neppl asked if the scope of services is simply copy and social media posting. Ms. Vickers went over the proposal in detail. Mr. Nato added if the board had something significant to share with a news station, that would require a media buy. Ms. Amato added the content of the posts was based off of the photos and interviews BlackDog did in the City.

Ms. Church said if the Agency has paid for their services, the Agency should use them. Mr. Neppl said the scope of services is capturing work that is more appropriately performed by agency staff and can see some amendments to the scope of services. The Agency can continue engagement as the board talks more about what that engagement looks like going forward. Ms. DeMora asked if the contract ends this year. Ms. Vickers said the PR portion ends this year and the website portion will expire at the end of next year. Mr. Nato mentioned to the board if they have new content, anything they would like to share to send it to the Agency. Mr. Neppl said every board functions differently and certain circumstances call for more involvement depending on the subject matter. This is squarely in the Executive Director's realm of day-to-day matters and conversations are always beneficial.

C-PACE Financing

Ms. Vickers asked Ms. Church for an update on the public hearing. Ms. Church confirmed the resolution was passed by City Council. Ms. Church explained this is a mechanism from the State to benefit any commercial project in a taxing jurisdiction that allows them to increase in the costs related to energy efficiency accepted by New York State General Energy Efficiency for energy efficient improvements to a new project. The benefit is in the form of a financing mechanism that is levied on the value of their property. Mr. McLaughlin added this financing was requested by the hotel project, now that this has passed they would have to redo their application, and the Agency can close on the amendment of their application.

10. **Adjournment**

A motion to adjourn was made by Ms. Amato and seconded by Ms. Church. Unanimously passed at 8:27 pm.

CITY OF NEWBURGH INDUSTRIAL DEVELOPMENT AGENCY TREASURER'S REPORT DECEMBER 16, 2024 MEETING NOVEMBER

OPERATING Account #2847

Opening Balance As of November 1, 2024 \$520,522.19

from bank statement

<u>Deposits</u>	<u>!</u>	<u>Payor</u>	Amount	Remarks
	11/1/2024	AT&T	3,996.71	
	11/4/2024	T-Mobile	5,416.49	
	11/4/2024	Central Hudson	2,218.94	
	11/15/2024	Orange County	39,705.78	
				Middletown Times Herald Record
	11/18/2024	Gannett New York-New Jersery LocaliQ	136.24	Hearing Notice cancelled
	11/29/2024	Orange County	39,705.78	
	11/29/2024	Dish Network	1,500.00	
	11/30/2024	Interest Paid	1,628.07	Interest Rate 3.67%

TOTAL DEPOSITS 2847 \$94,308.01

Disbursements

	<u>Payee</u>	<u>Amount</u> <u>Remarks</u>
Check #1298	11/12/2024 black dog Designs, LLC	745.00 Invoice 1714
Check #1299	11/12/2024 NYS EDC	250.00 IDA Fall Academy
Check #1300	11/12/2024 ODP Business Solutions	232.37 Office Supplies
Check #1301	11/18/2024 Cherisse Vickers	37.60 Reimbursed expenses
		Middletown Times Herald Record
ACH	11/18/2024 Gannett New York-New Jersery LocaliQ	136.24 Hearing Notice
Check #1303	11/20/2024 MRB Group	1,800.00 Invoice 64222
		Invoice 742219,740723, 740727,
Check #1302	11/25/2024 Whiteman Osterman & Hanna LLP	4,348.86 740728, 740731
ACH	11/29/2024 QuickBooks Online	70.28 Monthly payment

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TOTAL CHECKS & DISBURSEMENTS 2847	\$7.620.35

Closing Balance As of November 30, 2024 \$607,209.85 **Op Acct #2847**

PAYROLL Acct #8243

Opening Balance As of November 1, 2024 \$47,148.44

 Debit
 11/5/2024 Payroll Fees October 24
 56.23

 Debit
 11/13/2024 Net Pay (part of gross wages)
 3,856.69 10/28/24-11/10/24

 Debit
 11/13/2024 Employer Payroll Tax + Employee WH (part of gross wages)
 1,367.82 10/28/24-11/10/24

 Debit
 11/26/2024 Net Pay (part of gross wages)
 3,808.80 11/01/24 - 11/24/24

Debit 11/26/2024 Employer Payroll Tax + Employee WH (part of gross wages) 1,346.80 11/01/24 - 11/24/24

Total Monthly Payroll Expense 10,436.34

Credit 11/30/2024 Interest Paid 128.10 Interest Rate 3.69%

Closing Balance As of November 30, 2024 \$36,840.20 Payroll Acct #8243

APPLICATIONS FUND Account #2855

Opening Balance As of November 1, 2024 \$14,151.44

Closing Balance As of November 30, 2024 \$14,151.44 App Fund Acct #2855

LESSOR/TENANT Account #2863

Opening Balance As of November 1, 2024 \$2,502.14

Interest Income 11/29/2024 Interest Paid \$7.42 Interest Rate 3.68%

Closing Balance As of November 30,2024 \$2,509.56 Lessor Acct #2863

LABOR MONITORING Account #7072

Opening Balance As of November 1, 2024 \$15,014.79

Closing Balance As of November 30, 2024 \$15,014.79 Labor Monitor Acct #7072

MONEY MARKET Account #2871

Opening Balance As of November 1, 2024 \$1,276,633.43

Interest Income 11/29/2024 Interest Paid 3,784.56 Interest Rate 3.68%

Closing Balance As of November 30,2024 **\$1,280,417.99 MM Acct #2871**

NEWBURGH SOUTH LOGISTICS CENTER Account #6521

Opening Balance As of November 1, 2024 \$45.05

Deposits

11/12/2024 Brookfield Properties 525.00 Deposit for W.O.H Invoice 736345

Interest Income 11/29/2024 Interest Paid 0.54 Interest Rate 3.62%

TOTAL DEPOSITS 6521 \$525.54

Disbursements

Check #1011 11/14/2024 Whiteman Osterman & Hanna LLP 525.00 Invoice 736345

TOTAL CHECKS & DISBURSEMENTS 6521 \$525.00

Closing Balance As of November 30, 2024 \$45.59 NSLC Acct #6521

PROVIDENT BANK Account #4346

Opening Balance As of November 1, 2024 \$0.00

Closing Balance As of November 30, 2024 \$0.00 PROVIDENT BANK Account #4346

PROVIDENT BANK Account #5683

Opening Balance As of November 1, 2024 \$4,258,821.87

Closing Balance As of November 30, 2024 \$4,258,821.87 PROVIDENT BANK Account #5683

CITY OF NEWBURGH INDUSTRIAL DEVELOPMENT AGENCY

Resolution No. 2024-12-16-01

A regular meeting of the City of Newburgh Industrial Development Agency (the "Agency") was convened in public session at Newburgh Activity Center, 401 Washington Street, Newburgh, New York December 16, 2024, at 6:30 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:

Michael Neppl Chair
Alexandra Church Vice Chair
Vickiana DeMora Treasurer
Gregory Nato Secretary
Christina Amato Member
Sharonda Powell Member

ABSENT:

AGENCY STAFF PRESENT INCLUDED THE FOLLOWING:

Cherisse Vickers Executive Director
Adrianna Huaynalaya Financial Administrator

Robert J. McLaughlin, Esq. Agency Counsel

The following resolution was offered by Alexandra Church, seconded by Vickiana DeMora, to wit:

Resolution No. 2024-12-16-01

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 104 WASHINGTON ST, LLC.

WHEREAS, 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, to accomplish its stated purposes, the Agency is authorized and empowered under the Act to acquire, construct, reconstruct, lease, improve, maintain, equip, and furnish one or more "projects" (as defined in the Act) or to cause said projects to be acquired, constructed, reconstructed, leased, improved, maintained, equipped and furnished, and to convey said projects or to lease said projects; and

WHEREAS, in September of 2020, 104 Washington St, 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 to the Agency, which was revised by the Company on April 20, 2021 (collectively, the "Application"), a copy of which Application is on file at the office of the Agency, requesting that the Agency consider undertaking a project (the "Project"), said Project consisting of the following: (A) the acquisition of an interest in an approximately 5,000 square foot parcel of real property located at 104 Washington Street, Newburgh, NY (the "Land"), (2) the construction on the Land of improvements consisting of an office or retail space with approximately 29 residential units (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 Resolution No. <u>2020-09-21-01</u> (the "First Public Hearing Resolution"), and Resolution No. <u>2021-05-17-01</u> (the "Second Public Hearing Resolution"), adopted by the members of the Agency on September 21, 2020 and May 17, 2021, respectively, the Executive Director of the Agency conducted public hearings of the Agency (the "Public Hearings") pursuant to Section 859-a of the Act, to hear all persons interested in the Project and the Financial Assistance being contemplated by the Agency with respect to the Project on and (B) prepared reports of the Public Hearings (the "Hearing Reports") fairly summarizing the views presented at such Public Hearing and caused copies of said Hearing Reports to be made available to the members of the Agency; and

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law, Chapter 43-B of the Consolidated Laws of New York, as amended (the "SEQRA Act") and the regulations adopted pursuant thereto by the Department of Environmental Conservation of the State of New York (the "Regulations", and collectively with the SEQRA Act, the "SEQRA"), by resolution adopted by the members of the Agency on July 14, 2021, pursuant to Resolution No. 2021-07-14-01 (the "SEQRA Resolution"), the Agency: (a) ratified and concurred in the determination of the City of Newburgh Planning (the "Planning Board") as "lead agency" with respect to the Project Facility under SEQRA (as such quoted term is defined in SEQRA); and (b) determined that the Agency has no information to suggest that the Planning Board was incorrect in determining that the Project will not have a "significant effect on the environment" pursuant to the SEQRA and, therefore, that an environmental

impact statement need not be prepared with respect to the Project Facility (as such quoted terms are defined in SEQRA); and

WHEREAS, pursuant to Resolution No. <u>2021-07-14-02</u> (the "Commercial/Retail Findings Resolution"), adopted by the members of the Agency on July 14, 2021, the Agency determined, among other things, that the acquisition, construction, and installation of the Project Facility is essential to the creation of new employment opportunities and is essential to the prevention of economic deterioration of businesses and neighborhoods located in the City of Newburgh and that the Project constitutes a "commercial" project within the meaning of the Act; and

WHEREAS, pursuant to Resolution No. <u>2021-07-14-03</u> (the "Approving Resolution"), adopted by the members of the Agency on July 14, 2021, the Agency determined to grant the Financial Assistance and to enter into a lease agreement dated as of August 1, 2022 (the "Lease Agreement") between the Agency and the Company and certain other documents related thereto and to the Project (collectively with the Lease Agreement, the "Basic Documents"); and

WHEREAS, on September 1, 2022, the Agency and the Company closed on the Basic Documents in which the Company agreed (1) to cause the Project to be undertaken and completed, and (2) as agent of the Agency, to undertake and complete the Project, and the Agency leased the Project Facility to the Company with an option to acquire the Project Facility from the Agency; and

WHEREAS, on October 29, 2024, the Company submitted a revised application to the Agency (the "2024 Amended Application") to amend the Project (the "Amended Project") by decreasing the number of residential units in the Facility from approximately 29 residential units to approximately 14 residential units and allocating more square footage to the commercial space in the Facility; and

WHEREAS, the 2024 Amended Application included the following amendments to the Financial Assistance: a) a thirty (30) year payment in lieu of tax agreement ("PILOT") at an estimated value of Two Million Three Hundred Fifty-Seven Thousand One Hundred Forty-Seven Dollars (\$2,357,147.00); b) an exemption from mortgage recording taxes at an estimated value of Fifteen Thousand Two Hundred Thirty-Eight Dollars (\$15,238.00); and c) an exemption from New York State sales and compensating use taxes at an estimated value of One Hundred Thirty-Three Thousand One Hundred Eighty-Four Dollars (\$133,184.00); 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, pursuant to Section 859-a of the Act, prior to the Agency providing any "financial assistance", the Agency must obtain a written cost-benefit analysis of the Amended Project, and

WHEREAS, the Agency has previously engaged a third-party municipal services firm, MRB Group, which assessed the Amended Project and developed a written cost benefit analysis which identified the following economic impact and benefits to the City of Newburgh from the Amended Project: a) the construction phase of the Amended Project will create 41 direct/indirect jobs that generate approximately \$5,689,185.00 in wages; b) the Project will result in 15 permanent jobs earning approximately \$939,940.00 in wages on an annual basis; c) Orange County will benefit from additional, one-time sales tax revenue of \$13,886.00 associated with construction wages earned during the construction phase and additional sales tax revenue of related to new wages earned from

permanent jobs and additional sales tax revenue of \$318,142.00 related to new household spending; d) over the course of the 30 years, the Amended Project will generate an increase of \$244,094.00 in additional property tax revenue on the current taxes for Orange County, the City of Newburgh, and the Newburgh Enlarged City School District; and

WHEREAS, in connection with the 2024 Amended Application, the Company has made a request to the Agency (the "Pilot Request") to deviate from its Uniform Tax Exemption Policy (the "Policy") with respect to the term of the payment in lieu of tax agreement by and between the Agency and the Company (the "Proposed Pilot Agreement"); and

WHEREAS, pursuant to Section 874(4) of the Act and the Policy, prior to taking final action on the Pilot Request for a deviation from the Policy, the Agency must give the chief executive officers of the County and each city, town, village and school district in which the Amended Project is located (collectively, the "Affected Tax Jurisdictions") prior written notice of the proposed deviation from the Policy and the reasons therefore; and

WHEREAS, the Policy provides that the real property tax abatements to be provided by the Agency shall apply only to the value added by an applicant's construction or renovation activities (i.e., the "improvements" made) to the existing parcel and improvements involved (the "Added Value"); and

WHEREAS, the comparison of the current Added Value of the Amended Project to the proposed deviation from the Policy proposed by the Company are set forth below:

PILOT TAX YEAR	PILOT PAYMENT DUE	APPROXIMATE PILOT ABATEMENT PERCENTAGE*
1	\$8,000	88%
2	\$8,160	88%
3	\$8,323	88%
4	\$8,490	88%
5	\$8,659	88%
6	\$8,833	88%
7	\$9,009	88%
8	\$9,189	88%
9	\$9,373	88%
10	\$9,561	88%
11	\$9,752	88%

12	\$9,947	88%
13	\$10,146	88%
14	\$10,349	88%
15	\$10,556	88%
16	\$10,767	88%
17	\$10,982	88%
18	\$11,202	88%
19	\$11,426	88%
20	\$11,654	88%
21	\$11,888	88%
22	\$12,125	88%
23	\$12,368	88%
24	\$12,615	8%
25	\$12,867	88%
26	\$13,125	88%
27	\$13,387	88%
28	\$13,655	88%
29	\$13,928	88%
30	\$14,207	88%

^{*}Chart is for illustrative purposes only.

WHEREAS, pursuant to Section 858(15) of the Act, unless otherwise agreed by the Affected Tax Jurisdictions, payments in lieu of taxes must be allocated among the Affected Tax Jurisdictions in proportion to the amount of real property tax and other taxes which would have been received by each Affected Tax Jurisdiction had the Project Facility not been tax exempt due to the status of the Agency; and

WHEREAS, pursuant to Section 874(4) of the Act and the Policy, prior to taking final action on the request for a deviation from the Policy, the Agency must adopt a resolution setting forth, with respect to the proposed deviation: (a) the amount of the proposed Tax Exemption, (b) the amount and nature of the proposed PILOT, (c) indicating the reasons for the proposed deviation, and (d)

whenever possible, provide the Affected Tax Jurisdictions not less than twenty-five (25) days' prior written notice of the proposed deviation from the Policy and the reasons therefore; and

WHEREAS, the Agency desires to provide for compliance with the provisions of Section 859-a and 874(4) of the Act with respect to the Project by scheduling a public hearing for the Amended Project.

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

- The Agency hereby induces the Amended Project and authorizes the Chair, Section 1. the Vice Chair or any 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 Amended 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 and shall be at least thirty (30) days prior to the date of such Public Hearing; (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. Having considered both the 2024 Amended Application, the Pilot Request and the Policy, the Agency hereby authorizes the Chair, the Vice Chair or any Officer of the Agency, to send a written notice to the chief executive officers of each of the Affected Tax Jurisdictions informing them that: (A) the Agency is considering a proposed deviation from the Policy with respect to the Amended Project and the reasons therefore (in substantially the form of the draft of said letter attached hereto as Exhibit A), and); (B) soliciting any comments that such Affected Tax Jurisdictions may have with respect to said proposed deviation; and (C) inviting attendance of the of any representative of the Affected Tax Jurisdictions to attend the Public Hearing.
- <u>Section 3.</u> The Chair, the Vice Chair and/or any 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 4. All action taken by the Chair, the Vice Chair and/or any 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 5. 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:

Michael Neppl	VOTING	YES
Alexandra Church	VOTING	YES
Vickiana DeMora	VOTING	YES
Gregory Nato	VOTING	YES
Christina Amato	VOTING	YES
Sharonda Powell	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 December 16, 2024 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 __ day of December 2024.

(SEAL)

EXHIBIT A

NOTICE OF DEVIATION TO THE AFFECTED TAX JURISDICTIONS ISSUED IN ACCORDANCE WITH AGENCY RESOLUTION DATED DECEMBER 16, 2024

[Attached]

CITY OF NEWBURGH INDUSTRIAL DEVELOPMENT AGENCY

83 Broadway, Third Floor Newburgh, New York 12551-1298 Tel: 845-569-7369

December 19, 2024

<u>CERTIFIED MAIL – RETURN RECEIPT REQUESTED</u> <u>OR</u> <u>EMAIL – READ RECEIPT REQUESTED</u>

The Honorable Steven M. Neuhaus County Executive of Orange County Orange County Government Center 255 Main Street Goshen, New York 10924

The Honorable Torrance Harvey, Mayor City of Newburgh 83 Broadway Newburgh, New York 12551

The Honorable Todd Venning, City Manager City of Newburgh 83 Broadway Newburgh, New York 12551

The Honorable Ramona Monteverde, Council Member, City of Newburgh 83 Broadway Newburgh, New York 12550

The Honorable Omar Shakur, Council Member, City of Newburgh 83 Broadway Newburgh, New York 12550 Jackielyn Manning Campbell. Superintendent of Schools Newburgh Enlarged School District 124 Grand Street Newburgh, New York 12550

Christine M. Bello, Board President Newburgh Enlarged School District 124 Grand Street Newburgh, New York 12550

Matthew McCoy, District Clerk Newburgh Enlarged City School District 124 Grand Street Newburgh, New York 12550

The Honorable Giselle Martinez, Council Member, City of Newburgh 83 Broadway Newburgh, New York 12550

The Honorable Robert Sklarz, Council Member, City of Newburgh 83 Broadway Newburgh, New York 12550

ADDRESSEES CONTINUED

The Honorable Patty Sofokles, Council Member, City of Newburgh 83 Broadway Newburgh, New York 12550 The Honorable Robert McLymore, Council Member, City of Newburgh 83 Broadway Newburgh, New York 12550

RE:

Notice of Public Hearing and

Notice of Hearing on Proposed Deviation from Uniform Tax Exemption Policy by the City of Newburgh Industrial Development Agency in connection with its

Proposed 104 Washington St, LLC Project

Honorable Sir/Madame:

This letter is delivered to you pursuant to Sections 859-a(3) and 874(4)(b) of the General Municipal Law (the "Act").

The City of Newburgh Industrial Development Agency (the "Agency") hereby informs you that the Agency has received an application (the "Application") from 104 Washington St, LLC, a New York limited liability 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 to the Agency, as (the "Application"), a copy of which Application is on file at the office of the Agency and available at the Agency website (https://newburghindustrialdevelopmentagency.org/projects/), 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 5,000 square foot parcel of real property located at 104 Washington Street, Newburgh, NY (the "Land"), (2) the construction on the Land of improvements consisting of an office or retail space with approximately 14 residential units plus 8,000 square feet for commercial space/units (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.

Pursuant to Section 859-a(3) of the Act, since the requested Financial Assistance exceeds \$100,000 relating to the proposed Project, the Agency must hold a public hearing to hear comments on the requested amounts of the Financial Assistance, which is described in the enclosed copy of the notice of hearing (the "Notice of Hearing").

In addition, at the Agency's regular meeting held on December 16, 2024, the Company made a request to the Agency (the "Pilot Request") to enter into a payment in lieu of tax agreement (the "Proposed Pilot Agreement") the terms of which will deviate from the existing Agency Uniform Tax Exemption Policy (the "Policy"). (Capitalized terms not otherwise defined herein are defined in the Policy which can be viewed at https://newburghindustrialdevelopmentagency.org/policies/.) At its December 16, 2024 regular meeting, the Agency approved a Public Hearing Resolution (No. 2024-12-16-01) to hold a public

hearing (the "Public Hearing") to consider both the Financial Assistance for the Project and the deviation from the Policy. The Public Hearing is scheduled for **January 22, 2025**.

Pursuant to Section 874(4) of the Act, and in accordance with the Policy, prior to taking final action on the Pilot Request for a deviation from the Policy, the Agency must adopt a resolution setting forth, with respect to the proposed deviation: (a) the amount of the proposed Tax Exemption, (b) the amount and nature of the proposed PILOT, and (c) indicating the reasons for the proposed deviation. At its regular meeting held on December 16, 2024, the Agency approved the issuance of this letter setting forth the reasons of the proposed deviation from the Policy as required by the Act and the Policy.

The Proposed Pilot Agreement would be for a term of up to 30 years, with the Company making the payments in each year as a Pilot Payment as follows:

[DRAFT - TO BE FINALIZED AFTER COMMENTS RECEIVED]

PILOT TAX YEAR	PILOT PAYMENT DUE	APPROXIMATE PILOT ABATEMENT PERCENTAGE*
1	\$8,000	88%
2	\$8,160	88%
3	\$8,323	88%
4	\$8,490	88%
5	\$8,659	88%
6	\$8,833	88%
7	\$9,009	88%
8	\$9,189	88%
9	\$9,373	88%
10	\$9,561	88%
11	\$9,752	88%
12	\$9,947	88%
13	\$10,146	88%
14	\$10,349	88%
15	\$10,556	88%

\$10,767	88%
\$10,982	88%
\$11,202	88%
\$11,426	88%
\$11,654	88%
\$11,888	88%
\$12,125	88%
\$12,368	88%
\$12,615	8%
\$12,867	88%
\$13,125	88%
\$13,387	88%
\$13,655	88%
\$13,928	88%
\$14,207	88%
	\$10,982 \$11,202 \$11,426 \$11,654 \$11,888 \$12,125 \$12,368 \$12,615 \$12,867 \$13,125 \$13,387 \$13,655 \$13,928

^{*}For illustrative purposes only.

The purpose of this letter is to inform you of (i) the Pilot Request, (ii) the proposed deviation from the Policy, and (iii) that the Agency is considering whether to grant the Pilot Request and to approve a Proposed Pilot Agreement conforming to the terms of the Pilot Request. The Agency expects to consider whether to approve the terms of the Proposed Pilot Agreement at the Public Hearing. The Public Hearing will also serve as the initial Public Hearing so that the Agency can hear comments from the public on the proposed financial assistance being considered for the Project. You are encouraged to submit written comments to the Agency prior to or at the hearing date on **January 22, 2025**. This letter is forwarded to you for purposes of complying with Section 874 of the Act and the Policy, which requires notice prior to the Agency taking final action with respect to the Proposed Pilot Agreement (if said Proposed Pilot Agreement may deviate from the provisions of the Policy).

The Agency has considered the following factors in considering the proposed deviation from the Policy:

1. The nature of the Project: the development, construction and improvement of one (1) new mixed-use building on the Land consisting of office and retail space with approximately 14 residential units.

- 2. The present use of the property: abandoned and unstable masonry building that has been allowed to deteriorate for 40 years. The proposal would transform this abandoned and unstable building into a vibrant mixed use property bringing jobs, housing and sales tax revenue to the City.
- 3. The economic condition of the area at the time of the request of the Company and the economic multiplying effect that the Project will have on the area: At the time of the filing of the Application, the economic condition of the area in which the Project Facility is to be located is distressed.
- 4. New revenue from development of the Project is projected to be (in accordance with the Agency Cost-benefit Analysis): \$244,094 in new tax revenue; \$13,866 in sales tax revenue related to construction; \$318,142 in sales tax revenue related to operating the Project Facility during the period of the proposed PILOT.
- 5. The extent to which the Project will create or retain permanent, private sector jobs and the number of jobs to be created or retained and the salary range of such jobs:
 - (a) In the Application, the Company's Application anticipates that the Project will create approximately 12 jobs (professional, managerial, semi-skilled and unskilled) in the first year of development, which is expected to be maintained through the second year of development. Upon completion of the Project, it is estimated that the anticipated employment at the Project will generate approximately \$762,029 in wages annually.
 - (b) The construction phase of the Project is anticipated to create approximately 33 direct, on-site construction jobs and 8 indirect jobs. Combining direct and indirect impacts, the construction phase of the Project is expected to create 41 jobs that are expected to generate approximately \$2,116,007 million in wages. The Applicant has indicated that the majority of the construction jobs will be filled by local labor in compliance with the Agency's Local Labor Policy.
- 6. The estimated value of new tax exemptions to be provided: Real property tax exemption benefit of approximately \$2,357,147 (estimated per the Agency Cost-Benefit Analysis); mortgage recording tax exemption of approximately \$15,238 (per the Application); and sales tax exemption benefit of approximately \$133,184 (per the Application).
- 7. The economic impact of the Proposed Pilot Agreement on affected tax jurisdictions: The economic impact of the Proposed Pilot Agreement on affected tax jurisdictions is positive. The existing assessments at the Project site will be paid in full for the first time in decades. The proposed PILOT Agreement will apply to the improvements made to the Project site and will result in an inflow of net revenue to the City, the County and the School District where today there is none. The development of the Project Facility is expected to result in local construction jobs, the creation of permanent jobs and the development of additional retail.
- 8. The impact of the Proposed Pilot Agreement on existing and proposed businesses and economic development projects in the vicinity: The impact of the Project is a positive one on

the community. The area around the Project is deteriorated due the land included in the Project being contaminated and vacant.

- 9. The amount of private sector investment generated or likely to be generated by the Proposed Pilot Agreement: \$10,591,000.
- 10. The effect of the Proposed Pilot Agreement on the environment: The Project is consistent with housing and retail improvements for similar sites and it is anticipated that there will be no detrimental impact on the environment.
- 11. Project timing: Anticipated to be completed within two (2) years of the commencement date of approximately third or fourth quarter 2026.
- 12. Development/redevelopment impacts: The Project will bring a productive use to a vacant and abandoned building with limited development options due to its contaminated state.
- 13. Type of development: The Project consists of the construction and development of one (1) new mixed used building on the Land consisting of approximately 8,000 square feet of commercial and retail space and approximately 14 residential units.
- 14. Creation of jobs: Upon its completion, the Project will bring approximately fifteen (15) new direct and indirect permanent jobs to the surrounding area.

The Agency will consider the Proposed Pilot Agreement (and the proposed deviation from the Policy) at the Public Hearing. The Agency would welcome any written comments that you might have on this proposed deviation from the Policy. In accordance with Sections 859-a(3) and 874(4)(b) of the Act, prior to taking final action at the Public Hearing, the Agency will review and respond to any written comments received from any affected tax jurisdiction with respect to the Financial Assistance and the proposed deviation. The Agency will also allow any representative of any affected tax jurisdiction present at the Public Hearing to address the Agency regarding the proposed deviation from the Agency's Uniform Tax Exemption Policy.

If you have any questions or comments regarding the foregoing, please do not hesitate to contact me at the above telephone number.

Sincerely,

Michael Neppl, Chair

City of Newburgh

Industrial Development Agency

CITY OF NEWBURGH INDUSTRIAL DEVELOPMENT AGENCY

Resolution No. 2024-12-16-02

A regular meeting of the City of Newburgh Industrial Development Agency (the "Agency") was convened in public session at Newburgh Activity Center, 401 Washington Street, Newburgh, New York December 16, 2024, at 6:30 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:

Michael Neppl Chair
Alexandra Church Vice Chair
Vickiana DeMora Treasurer
Gregory Nato Secretary
Christina Amato Member
Sharonda Powell Member

ABSENT:

AGENCY STAFF PRESENT INCLUDED THE FOLLOWING:

Cherisse Vickers
Adriana Huaynalaya
Robert J. McLaughlin, Esq.,

Executive Director Financial Administrator

Agency Counsel

The following resolution was offered by Vickiana DeMora, seconded by Alexandra Church, to wit:

Resolution No. 2024-12-16-02

RESOLUTION AUTHORIZING THE CHAIR OR THE VICE CHAIR OR ANY OFFICER OF THE CITY OF NEWBURGH INDUSTRIAL DEVELOPMENT AGENCY TO AMEND AGENCY RESOLUTION NO. 2024-10-21-03 AUTHORIZING A PUBLIC HEARING REGARDING A PROPOSED PROJECT TO BE UNDERTAKEN FOR THE BENEFIT OF LIBERTY STREET APARTMENTS, 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 August 16, 2024, 50-72 Liberty Street LLC (the "Company"), or such other person(s) or entities as may be designated by the Company and agreed upon by the Agency (those designated persons or entities included in the definition of the Company), submitted an application to the Agency, which application has been updated by the Company prior to this meeting (collectively, the "Application"), 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 parcels of real property consisting of approximately 1.344 acres located at 50-72 Liberty Street, Newburgh, New York (the "Land"), (2) the construction and improvement of a new mixed-use building on the Property totaling approximately 200,000 square feet consisting of market-rate housing, affordable housing, commercial retail space and a parking garage (collectively, the "Facility"), and (4) 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, the Company initially requested in the Application that the Agency consider the provisions of the following Financial Assistance: a) a thirty-two (32) year payment in lieu of tax agreement ("PILOT") at an estimated value of Ten Million Seven Hundred Fifty-Eight Thousand Two Hundred Seventy-Five Dollars (\$10,758,275.00); b) an exemption from mortgage recording taxes at an estimated value of Six Hundred Fifty Thousand Dollars (\$650,000.00); and c) an exemption from New York State sales and compensating use taxes at an estimated value of One Million Three Hundred Fifty-Four Thousand One Hundred Sixty-Six and 67/100 Dollars (\$1,354,166.67); 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, pursuant to Section 859-a of the Act, prior to the Agency providing any "financial assistance", the Agency must obtain a written cost-benefit analysis of the Project, and

WHEREAS, the Agency has previously engaged a third-party municipal services firm, MRB Group, which assessed the Project and developed a written cost benefit analysis which identified the following economic impact and benefits to the City of Newburgh from the Project: a) the construction phase

of the Project will create 158 direct/indirect jobs that generate approximately \$7,366,595.00 in wages; b) the Project will result in 52 permanent jobs earning approximately \$2,488,153 in wages on an annual basis; c) Orange County will benefit from additional, one-time sales tax revenue of \$48,343.00 associated with construction wages earned during the construction phase and additional sales tax revenue of \$259,463.00 related to new wages earned from permanent jobs and additional sales tax revenue of \$752,512 related to new household spending; d) over the course of the 32 years, the Project will generate an increase of \$4,397,467.00 in additional property tax revenue on the current taxes for Orange County, the City of Newburgh, and the Newburgh Enlarged City School District; and

WHEREAS, during a regular meeting held on October 21, 2024, the Agency passed Resolution No. 2024-10-21-03 (the "Public Hearing Resolution") authorizing the Agency to cause a public hearing to be held to hear all persons interested in the Project; and

WHEREAS, after the Agency passed the Public Hearing Resolution and prior to the Executive Director scheduling a public hearing to hear all persons interested in the Project (the "Public Hearing"), the Company submitted an amendment to the Application to the Agency, on December 4, 2024, which amends the requested Financial Assistance to a) a thirty-two (32) year payment in lieu of tax agreement ("PILOT") at an estimated value of Seven Million One Hundred Seventy-Three Thousand Three Hundred Seventy-One Dollars (\$7,173,371.00); b) withdraws the previous request for an exemption from mortgage recording taxes; and c) withdraws the previous request for an exemption from New York State sales and compensating use taxes; and

WHEREAS, MRB Group has assessed the Project based on the changes to the Application and has updated the written cost benefit analysis as of December 6, 2024, which identified the following economic impact and benefits to the City of Newburgh from the Project: a) the construction phase of the Project will create 158 direct/indirect jobs that generate approximately \$7,366,595.00 in wages; b) the Project will result in 52 permanent jobs, from new household spending and onsite operations, earning approximately \$2,488,153 in wages on an annual basis; c) Orange County will benefit from additional, one-time sales tax revenue of \$48,343.00 associated with construction wages earned during the construction phase and additional sales tax revenue of \$259,463.00 related to new wages earned from permanent jobs and additional sales tax revenue of \$752,512 related to new household spending; d) over the course of the 32 years, the Project will generate an increase of \$7,982,371.00 in additional property tax revenue on the current taxes for Orange County, the City of Newburgh, and the Newburgh Enlarged City School District; and

WHEREAS, in connection with the updated Application, the Company has assigned the Application to a successor entity known as Liberty Street Apartments, LLC ("Liberty Street and with the Company"); and

WHEREAS, in connection with the Application, the Company has made a request to the Agency (the "Pilot Request") to deviate from its Uniform Tax Exemption Policy (the "Policy") with respect to the term of the payment in lieu of tax agreement by and between the Agency and the Company (the "Proposed Pilot Agreement"); and

WHEREAS, pursuant to Section 874(4) of the Act and the Policy, prior to taking final action on the Pilot Request for a deviation from the Policy, the Agency must give the chief executive officers of the County and each city, town, village and school district in which the Project is located (collectively, the "Affected Tax Jurisdictions") prior written notice of the proposed deviation from the Policy and the reasons therefore; and

WHEREAS, the Policy provides that the real property tax abatements to be provided by the Agency shall apply only to the value added by an applicant's construction or renovation activities (i.e., the "improvements" made) to the existing parcel and improvements involved (the "Added Value"); and

WHEREAS, the percentage comparison of the current Added Value of the Project to the proposed deviation from the Policy proposed by the Company are set forth below:

PILOT	PROPOSED	APPROXIMATE
TAX YEAR	PILOT PAYMENT	PILOT
	DUE	ABATEMENT
		PERCENTAGE*
1	\$108,750	31%
2	\$112,013	31%
3	\$115,373	32%
4	\$118,834	32%
5	\$122,399	32%
6	\$126,071	32%
7	\$129,853	33%
8	\$133,749	33%
9	\$137,761	33%
10	\$141,894	34%
11	\$146,151	34%
12	\$150,535	34%
13	\$155,051	35%
14	\$159,703	35%
15	\$164,494	35%
16	\$169,429	36%
17	\$174,512	36%
18	\$261,768	53%

19	\$269,621	54%
20	\$277,709	54%
21	\$286,041	55%
22	\$294,622	55%
23	\$303,461	56%
24	\$312,564	56%
25	\$321,941	57%
26	\$482,912	84%
27	\$497,399	84%
28	\$512,321	85%
29	\$527,691	86%
30	\$543,522	87%
31	\$559,827	88%
32	\$576,622	89%
	L	

^{*}Chart is for illustrative purposes only.

WHEREAS, pursuant to Section 858(15) of the Act, unless otherwise agreed by the Affected Tax Jurisdictions, payments in lieu of taxes must be allocated among the Affected Tax Jurisdictions in proportion to the amount of real property tax and other taxes which would have been received by each Affected Tax Jurisdiction had the Project Facility not been tax exempt due to the status of the Agency; and

WHEREAS, pursuant to Section 874(4) of the Act and the Policy, prior to taking final action on the request for a deviation from the Policy, the Agency must adopt a resolution setting forth, with respect to the proposed deviation: (a) the amount of the proposed Tax Exemption, (b) the amount and nature of the proposed PILOT, (c) indicating the reasons for the proposed deviation, and (d) whenever possible, provide the Affected Tax Jurisdictions not less than twenty-five (25) days' prior written notice of the proposed deviation from the Policy and the reasons therefore; and

WHEREAS, the Agency desires to provide for compliance with the provisions of Section 859-a and 874(4) of the Act with respect to the Project by scheduling a public hearing for the Project.

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

- Section 1. Agency Resolution No. 2024-10-21-03 is hereby amended as provided in this Resolution, and the Project is and continues to be induced by the Agency..
- Section 2. Having considered both the Application, the Pilot Request and the Policy, the Agency hereby authorizes the Chair, the Vice Chair or any Officer of the Agency, to send a written notice to the chief executive officers of each of the Affected Tax Jurisdictions informing them that (A) the Agency is considering a proposed deviation from the Policy with respect to the Project and the reasons therefore (in substantially the form of the draft of said letter attached hereto as Exhibit A); (B) soliciting any comments that such Affected Tax Jurisdictions may have with respect to said proposed deviation; and (C) inviting attendance of the of any representative of the Affected Tax Jurisdictions to attend the Public Hearing.
- Section 3. The Agency hereby authorizes the Chair, the Vice Chair or any Officer of the Agency, after consultation with the members of the Agency and Agency Counsel, (A) to establish the time, date and place for 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 Sections 859-a and 874(4) of the Act and shall be at least thirty (30) days prior to the date of such Public Hearing; (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 Sections 859-a and 874(4) 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 4. The Chair, the Vice Chair and/or any 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 5. All action taken by the Chair, the Vice Chair and/or any 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.
 - <u>Section 6</u>. 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:

Michael Neppl	VOTING	YES
Alexandra Church	VOTING	YES
Gregory Nato	VOTING	YES
Vickiana DeMora	VOTING	YES
Christina Amato	VOTING	YES
Sharonda Powell	VOTING	YES

The foregoing Resolution was thereupon declared duly adopted.

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

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 December 16, 2024 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 ____ day of December 2024.

Secretary

12-3124

(SEAL)

EXHIBIT A

NOTICE OF DEVIATION TO THE AFFECTED TAX JURISDICTIONS ISSUED IN ACCORDANCE WITH AGENCY RESOLUTION DATED DECEMBER 16, 2024

[Attached]

CITY OF NEWBURGH INDUSTRIAL DEVELOPMENT AGENCY

83 Broadway, Third Floor Newburgh, New York 12551-1298 Tel: 845-569-7369

December 19, 2024

<u>CERTIFIED MAIL – RETURN RECEIPT REQUESTED</u>

The Honorable Steven M. Neuhaus County Executive of Orange County Orange County Government Center 255 Main Street Goshen, New York 10924

The Honorable Torrance Harvey, Mayor City of Newburgh 83 Broadway Newburgh, New York 12551

The Honorable Todd Venning, City Manager City of Newburgh 83 Broadway Newburgh, New York 12551

The Honorable Ramona Monteverde, Council Member, City of Newburgh 83 Broadway Newburgh, New York 12550 Jackielyn Manning Campbell. Superintendent of Schools Newburgh Enlarged School District 124 Grand Street Newburgh, New York 12550

Christine M. Bello, Board President Newburgh Enlarged School District 124 Grand Street Newburgh, New York 12550

The Honorable Giselle Martinez, Council Member, City of Newburgh 83 Broadway Newburgh, New York 12550

The Honorable Robert Sklarz, Council Member, City of Newburgh 83 Broadway Newburgh, New York 12550

ADDRESSEES CONTINUED

December 19, 2024 Page 2

The Honorable Patty Sofokles, Council Member, City of Newburgh 83 Broadway Newburgh, New York 12550

The Honorable Robert McLymore, Council Member, City of Newburgh 83 Broadway Newburgh, New York 12550

The Honorable Omar Shakur, Council Member, City of Newburgh 83 Broadway Newburgh, New York 12550

RE:

Proposed Deviation from Uniform Tax Exemption policy by the City of Newburgh Industrial Development Agency ("Agency") in connection with its Proposed Liberty Street Apartments, LLC Project

Honorable Sirs and Madame:

This letter is delivered to you pursuant to Section 874(4)(b) of the General Municipal Law (the "Act").

Liberty Street Apartments, LLC, a New York limited liability 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 to the Agency (the "Application"), a copy of which Application is file at the office of the Agency and available at the (https://newburghindustrialdevelopmentagency.org/), 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 parcels of real property consisting of approximately 1.344 acres located at 50-72 Liberty Street, Newburgh, New York (the "Land"), (2) the construction and improvement of a new mixed use building on the Land totaling approximately 200,000 square feet consisting of market-rate housing, affordable housing, commercial retail space and a parking garage (collectively, the "Facility"), and (4) 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.

At its regular meeting held on December 16. 2024, the Company made a request to the Agency (the "Pilot Request") to enter into a payment in lieu of tax agreement (the "Proposed Pilot Agreement") which terms deviate from the Agency Uniform Tax Exemption Policy (the "Policy"). (Capitalized terms not otherwise defined herein are defined in the Policy which can be viewed at https://newburghindustrialdevelopmentagency.org/.) At its December 16, 2024 regular meeting, the Agency approved an amendment to the Public Hearing Resolution. The Public Hearing to consider the Project and the deviation from the Policy is scheduled for **January 22, 2025**.

Pursuant to Section 874(4) of the Act, and in accordance with the Policy, prior to taking final action on the Pilot Request for a deviation from the Policy, the Agency must adopt a resolution setting

forth, with respect to the proposed deviation: (a) the amount of the proposed Tax Exemption, (b) the amount and nature of the proposed PILOT, and (c) indicating the reasons for the proposed deviation. At its regular meeting held on December 16, 2024, the Agency approved the issuance of this letter setting forth the reasons of the proposed deviation from the Policy as required by the Act and the Policy.

The Proposed Pilot Agreement would be for a term of up to 32 years, with the Company making the payments in each year as a Pilot Payment as follows:

[DRAFT - TO BE FINALIZED AFTER COMMENTS RECEIVED]

PILOT TAX YEAR	PROPOSED PILOT PAYMENT DUE	APPROXIMATE PILOT ABATEMENT PERCENTAGE*
1	\$108,750	31%
2	\$112,013	31%
3	\$115,373	32%
4	\$118,834	32%
5	\$122,399	32%
6	\$126,071	32%
7	\$129,853	33%
8	\$133,749	33%
9	\$137,761	33%
10	\$141,894	34%
11	\$146,151	34%
12	\$150,535	34%
13	\$155,051	35%
14	\$159,703	35%
15	\$164,494	35%
16	\$169,429	36%
17	\$174,512	36%
18	\$261,768	53%

19	\$269,621	54%
20	\$277,709	54%
21	\$286,041	55%
22	\$294,622	55%
23	\$303,461	56%
24	\$312,564	56%
25	\$321,941	57%
26	\$482,912	84%
27	\$497,399	84%
28	\$512,321	85%
29	\$527,691	86%
30	\$543,522	87%
31	\$559,827	88%
32	\$576,622	89%

*For illustrative purposes only.

The purpose of this letter is to inform you of (i) the Pilot Request, (ii) the proposed deviation from the Policy, and (iii) that the Agency is considering whether to grant the Pilot Request and to approve a Proposed Pilot Agreement conforming to the terms of the Pilot Request. The Agency expects to consider whether to approve the terms of the Proposed Pilot Agreement at the Public Hearing. The Public Hearing will also serve as the initial Public Hearing so that the Agency can hear comments from the public on the proposed financial assistance being considered for the Project. You are encouraged to submit written comments to the Agency prior to or at the hearing date on **January 22, 2025**. This letter is forwarded to you for purposes of complying with Section 874 of the Act and the Policy, which requires notice prior to the Agency taking final action with respect to the Proposed Pilot Agreement (if said Proposed Pilot Agreement may deviate from the provisions of the Policy).

The Agency has considered the following factors in considering the proposed deviation from the Policy:

- 1. The nature of the Project: construction and improvement of one (1) new mixed-use building on the Land totaling approximately 200,000 square feet consisting of market-rate housing, affordable housing, commercial retail space and a parking garage.
- 2. The present use of the property: vacant land. The proposal would transform this vacant land into a vibrant mixed-use property bringing housing, jobs and tax revenue to the City.
- 3. The economic condition of the area at the time of the request of the Company and the economic multiplying effect that the Project will have on the area: At the time of the filing of the Application, the economic condition of the area in which the Project Facility is to be located is distressed.
- 4. New revenue from development of the Project is projected to be (in accordance with the Agency Cost-benefit Analysis): \$7,982,371 in new real property tax revenue; \$48,343 in sales tax revenue related to construction; \$259,463 in sales tax revenue related to operating the Project Facility during the period of the proposed PILOT; \$15,628 in annual sales tax revenue related to new household spending or \$752,512 over the life of the proposed PILOT.
- 5. The extent to which the Project will create or retain permanent, private sector jobs and the number of jobs to be created or retained and the salary range of such jobs:
 - (a) In the Application, the Company's anticipates two jobs associated with the residential management of the Project earning an annual average salary of \$75,000. The Company also anticipates 6-18 full-time and part-time jobs at the commercial units, generating an average salary of \$42,500 annually. The average new jobs is anticipated to be 14 (professional, managerial, semi-skilled and unskilled), which are expected to be maintained through duration of the proposed PILOT. Upon completion of the Project, it is estimated that the anticipated employment at the Project will generate approximately \$660,000 in wages annually and \$2.1 million in sales tax revenues.
 - (b) The construction phase of the Project is anticipated to create approximately 148 direct, on-site construction jobs and 10 indirect jobs. Combining direct and indirect impacts, the construction phase of the Project is expected to create 158 jobs that are expected to generate approximately \$6,700,000.00 in wages and more that \$17 million in sales tax revenue. The Applicant has indicated that the majority of the construction jobs will be filled by local labor in compliance with the Agency's Local Labor Policy.
- 6. The estimated value of new tax exemptions to be provided: Real property tax exemption benefit of approximately \$7,173,372 (estimated per the Agency Cost-Benefit Analysis).
- 7. The economic impact of the Proposed Pilot Agreement on affected tax jurisdictions: The economic impact of the Proposed Pilot Agreement on affected tax jurisdictions is positive. The existing assessments at the Project site will be paid in full. The proposed PILOT Agreement will apply to the improvements made to the Project site and will result in an inflow of net revenue to the City, the County and the School District where today there is none. The development of the Project Facility is expected to result in local construction jobs, the creation of permanent jobs and the development of additional retail.

- 8. The impact of the Proposed Pilot Agreement on existing and proposed businesses and economic development projects in the vicinity: The impact of the Project is a positive one on the community. The area around the Project is deteriorated due the land included in the Project being contaminated and vacant.
- 9. The amount of private sector investment generated or likely to be generated by the Proposed Pilot Agreement: \$74,273,933.
- 10. The effect of the Proposed Pilot Agreement on the environment: The Project is consistent with housing and retail improvements for similar sites and it is anticipated that there will be no detrimental impact on the environment.
- 11. Project timing: Anticipated to be completed within two (2) years of the commencement date of approximately fourth quarter 2026.
- 12. Development/redevelopment impacts: The Project will bring a productive use to a vacant land.
- 13. Type of development: The Project consists of the construction and development of one (1) new building on the Land totaling approximately 200,000 square feet for market-rate and affordable housing and commercial retail uses.
- 14. Creation of jobs: Upon its completion, the Project will bring approximately fifty-two (52) new permanent jobs to the surrounding area.

The Agency will consider the Proposed Pilot Agreement (and the proposed deviation from the Policy) at the Public Hearing. The Agency would welcome any written comments that you might have on this proposed deviation from the Policy. In accordance with Section 874(4)(c) of the Act, prior to taking final action at the Public Hearing, the Agency will review and respond to any written comments received from any affected tax jurisdiction with respect to the proposed deviation. The Agency will also allow any representative of any affected tax jurisdiction present at the Public Hearing to address the Agency regarding the proposed deviation from the Agency's Uniform Tax Exemption Policy.

If you have any questions or comments regarding the foregoing, please do not hesitate to contact me at the above telephone number.

Sincerely.

Michael Neppl, Chair

City of Newburgh

Industrial Development Agency

CITY OF NEWBURGH INDUSTRIAL DEVELOPMENT AGENCY

Resolution No. 2024-12-16-03

ANNUAL HOUSEKEEPING RESOLUTION FOR YEAR 2025

A regular meeting of City of Newburgh Industrial Development Agency (the "Agency") was convened in public session at Newburgh Activity Center, 401 Washington Street, Newburgh, New York on December 16, 2024, at 6:30 o'clock p.m., local time.

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:

Michael Neppl Alexandra Church Vickiana DeMora Gregory Nato Christina Amato Sharonda Powell

Chair
Vice Chair
Treasurer
Secretary
Member
Member

ABSENT:

AGENCY STAFF PRESENT INCLUDED THE FOLLOWING:

Cherisse Vickers Adrianna Huaynalaya Robert J. McLaughlin, Esq.

Executive Director Financial Adinistrator Agency Counsel

The following resolution was offered by Alexandra Church, seconded by Vickiana DeMora, 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 make certain appointments and approve certain administrative matters; and

WHEREAS, under the Agency's Policy Manual, the Agency shall review its policies and by-laws on an annual basis.

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

<u>Section 1</u>. The Agency hereby takes the following actions:

- (A) Approves and confirms each of the following for the calendar year 2025: (i) the Agency's Regular Meeting Schedule for the Calendar Year 2025; (ii) the Existing Policies and Procedures of the Agency; (iii) the Appointment of the Executive Director, Compliance Officer, Recording Secretary and Staff to the Agency; (iv) the Appointment of Accounting Firm of the Agency; (v) the Appointment of Agency Counsel and Bond Counsel to the Agency; (vi) the Appointment of Special Counsel to the Agency; and (vii) the Appointment of the Bank of the Agency and accounts, all as described on **Exhibit A**, as the same may have been amended previously to or at this meeting;
- (B) Approves and confirms the 2025 Performance Measurements of the Agency attached hereto as **Exhibit B**;
- (C) Approves and confirms the 2024 Operations and Accomplishments as set forth in **Exhibit C**; and
- (D) Approves and confirms the Agency Fee Structure for 2025 attached on
- Section 2. The Agency hereby authorizes the Chairperson, the Executive Director and Agency Counsel to take all steps necessary to implement the matters described in **Exhibit A**, **Exhibit B**, **Exhibit C** and **Exhibit D** attached.
 - 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:

Michael Neppl	VOTING	YES
Alexandra Church	VOTING	YES
Vickiana DeMora	VOTING	YES
Gregory Nato	VOTING	ABSTAIN
Christina Amato	VOTING	ABSTAIN
Sharonda Powell	VOTING	YES

The foregoing resolution was thereupon declared duly adopted.

STATE OF NEW YORK)
COLINTY OF OR ANGE) 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 December 16, 2024 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 __ day of December, 2024.

(SEAL)

EXHIBIT A

CITY OF NEWBURGH INDUSTRIAL DEVELOPMENT AGENCY HOUSEKEEPING MATTERS

1. Approval and Confirmation of Agency Policies and Procedures for Calendar Year 2025:

By-laws

Anti-Harassment

Code of Ethics

Conflicts of Interest

Board of Directors Duties and Responsibilities

Internal Controls

FOIL Policy

Investment Policy

Local Labor Policy

Policies Governing the Use of Agency Discretionary Funds

Procurement Policy

Property Acquisition Policy

Property Disposition Policy (See Resolution No. 2023-12-13-02)

Retaliatory Action policy (Whistleblower Policy)

Uniform Criteria for the Evaluation of Projects Policy

Recapture Policy

UTEP Policy

2. <u>Appointment of Executive Director, Compliance Officer, Recording Secretary and Staff to the Agency</u>

Cherisse Vickers – Executive Director and Compliance Officer Adriana Huaynalaya – Financial Administrator and Recording Secretary

3. Appointment of Accounting Firm of the Agency

PKF O'Connor Davies, LLP

4. Appointment of Agency Counsel and Bond Counsel to the Agency:

Whiteman Osterman & Hanna LLP

Robert J. McLaughlin, Esq.

Bond and Agency Counsel

5.	Appointment	of Special	Counsel	to the	Agency:

J&G Law LLC:

Kelly A. Pressler

Litigation

- 6. Appointment of Financial Institution for Banking Services to the Agency:
- 7. Mission Statement for 2025
- 8. Proposed Meeting Dates for 2025

EXHIBIT B 2025 PERFORMANCE MEASUREMENTS



Mission Statement and Performance Measurements January 1 to December 31, 2025

Mission Statement:

The mission of the City of Newburgh Industrial Development Agency is to help attract and contribute to: Newburgh's job opportunities, a diverse and net positive tax base to provide long term economic prosperity and sustainability, and advance the general welfare and standard of living for the city and its residents through the promotion, development, encouragement and assistance of commercial, technology, tourism initiatives, recreational facilities, warehousing, manufacturing and industrial facilities, utilizing Green practices and adaptive re-use where available.

Enabling Legislation:

The City of Newburgh Industrial Development Agency was formed under Article 18 A of the NYS General Municipal Law as a public benefit corporation. It can provide financial assistance consistent with the aforementioned law. It is subject to compliance with the Public Authorities Accountability Act of 2005 and Public Authorities Reform Act of 2009 and all subsequent and applicable regulations and laws of the State of New York.

Stakeholders: City of Newburgh government and school district City of Newburgh residents and businesses

Performance Goals and Measures:

Goal #1: Promote private investment for development, job creation and retention.

Measures.

- Facilitate disposition and development of vacant IDA industrial/commercial properties.
- Support new business, business retention, and job generation through coordination with the City of Newburgh and involved economic development organizations -- respond to leads, determine eligibility for IDA financing and other business assistance, make referrals, and support/facilitate regional economic development initiatives beneficial to the City.
- Induce and execute eligible projects that generate private investment and create or retain jobs.

Goal # 2: Dispose of agency-owned property.

Scobie Drive Brownfield: This property was put out to RFP and is in contract.

 West Street, Keefe Street and Cassedy Street properties: The Agency has been readily available to answer multiple requests regarding the purchase of these properties.

Goal # 3: Maintain the Agency in Compliance with all applicate New York State requirements

- Hold at least two Governance and Audit Committee Meetings a year.
- Annually review and adopt/re-adopt policies and operations.
- Monitor economic data.
- Conduct open monthly meetings.
- Video record meetings and post them to IDA website and YouTube.
- Complete an annual audit.
- Monitor projects.
- Complete PARIS reporting.
- Maintain and update web page.
- Manage the Agency in conformance with all applicable state laws and regulations.

Goal #4: Public Outreach

The Agency would like to improve outreach to the public on the benefits available. This can be done by:

- Improving Agency website
- Improving Agency image and presence
- Hosting a conference
- Creating printed materials for distribution
- Marketing and advertising
- Attend other economic development workshops and events

Additional Questions:

- 1. Have the board members acknowledged that they have read and understood the mission of the public authority? YES $\,$
- 2. Who has the power to appoint the management of the public authority?

The Members of the Agency approve the appointment of its chief executive and chief financial officers consistent with the qualifications stated in the Agency's By-Laws. The Governance Committee screens applicants' qualifications and experience; suitable candidates are interviewed; the finalist is voted on by the Board.

3. If the Board appoints management, do you have a policy you follow when appointing the management of the public authority.

Yes, the Agency's By-Laws establish responsibilities and experience required for its management positions.

4. Briefly describe the role of the Board and the role of management in the implementation of the mission.

The Board makes policy, establishes best practices, and directs the management of the Agency.

The Board establishes Agency goals, and monitors achievements/completion of tasks. They communicate by phone, zoom, meetings, and e-mail discussion. Decisions are voted on at monthly meetings.

The Executive Director is responsible for the day-to-day operations of the Agency and for compliance with state laws, regulations and best practices, and maintaining ongoing communication with the Board and Counsel via email.

The Board approves all expenditures.

The Agency's Committees undertake their duties consistent with adopted Charters recommended by the Authorities Budget Office.

5. Has the Board acknowledged that they have read and understand the responses of each of these questions? Yes, by annual adoption of the Mission Statement.

EXHIBIT C

2024 OPERATIONS AND ACCOMPLISHMENTS



Operations and Accomplishments January 1-December 31, 2024

Mission Statement

The mission of the City of Newburgh Industrial Development Agency is to help attract and contribute to: Newburgh's job opportunities, a diverse and net positive tax base to provide long term economic prosperity and sustainability, and advance the general welfare and standard of living for the city and its residents through the promotion, development, encouragement and assistance of commercial, technology, tourism initiatives, recreational facilities, warehousing, manufacturing and industrial facilities, utilizing Green practices and adaptive re-use where available.

Operations

The City of Newburgh Industrial Development Agency (NIDA) is a public authority of the State of New York organized under Article 18-A of the New York State General Municipal Law to serve the City of Newburgh.

The mission of the Agency is to encourage economic development throughout the city, to assist in the retention of existing jobs, and the creation and attraction of new jobs. The NIDA programs are discretionary and provide companies with access to tax-exempt bond financing and/or tax benefits to acquire or create capital assets, such as purchasing real estate, constructing, or renovating facilities, and acquiring new equipment. All applicants must satisfy eligibility requirements and demonstrate a need for assistance. NIDA administers its programs within the requirements of regulations enacted by New York State.

The Agency has two employees. Legal and auditing services are provided under contract.

The Board makes policy, establishes best practices, and directs the management of the Agency.

The Board establishes Agency goals and monitors achievements/completion of tasks through email discussion and review of activities at monthly meetings.

Staff are responsible for the day-to-day operations of the Agency and for compliance with state laws, regulations, and best practices.

As needed, the Board will hold work sessions to permit active participation of its members in the management of the Agency.

The Agency's funds are maintained and secured in several interest-bearing accounts at TD Bank and Provident Bank. All expenditures must be approved by the Agency.

Accomplishments

#1 Promote private investment for development, job creation, and retention.

In cooperation with the City of Newburgh, Orange County, Economic Development facilitators, and property owners, the IDA reviews potential eligible projects and authorizes incentives consistent with all applicable legislation.

The Agency responds to inquiries for potential projects to determine applicability for sites and properties in the City and eligibility for IDA Assistance.

The Agency approved one project in 2024 – IV5 Newburgh South Logistics Center, LLC. This project represents an investment of over \$53 million in the City of Newburgh. The Project is expected to create approximately 31 full-time or part-time jobs, 6 indirect full-time or part-time jobs and 68 direct and 37 indirect construction jobs. The project will adhere to the Agency's Local Labor Policy. This is an accomplishment for the City of Newburgh as it will create over \$5.5 million in revenue for local taxing jurisdictions on land that will be redeveloped from a brownfield, and it will create employment in line with planning initiatives for promoting walkable community areas.

The Agency has received a record increase in project applications and expects to review them in 2025.

The Executive Director and Board members attended conferences and workshops held throughout the state and county. These include the IDA academy and annual conference held by NYSEDC.

#2 Dispose of agency-owned property.

<u>Scobie Drive Brownfield</u>: An RFP was prepared and distributed. The Agency is in contract to sell the property and is awaiting the property to be entered into a Brownfield Cleanup Agreement with NYS Department of Environmental Conservation to complete the sale.

West Street, Keefe Street and Cassedy Street properties: The Agency has received multiple requests regarding the purchase of these properties and will continue to field calls till a sale can be completed.

145 Broadway: The Agency is in talks to dispose of this property for municipal use for the benefit of the City of Newburgh.

#3 Undertake compliance requirements.

Administer the Agency in compliance with enabling legislation.

- Hold at least two Governance and Audit/Finance Committee Meetings a year.
- Review, edit as necessary and re-affirm policies and operations.
- Monitor economic data.
- Conduct open monthly meetings.
- Video record meetings and post them to IDA website/YouTube.
- Monitor projects.
- Complete an Annual Audit and submission of PARIS.
- Maintain and update web site.

EXHIBIT D

AGENCY FEE STRUCTURE FOR 2025



83 Broadway, Newburgh, NY 12550 idadirector@cityofnewburgh-ny.gov
TEL: (845) 569-7369

2025 FEE STRUCTURE OF THE AGENCY

PROJECT FEES

Application Fee: \$1,000.00

Public Hearing Notification Fee: \$ at cost

Legal Fees for preparation of project \$ at cost

documents

Annual compliance processing fee: \$ 250

Covering the following services

- Confirmation of insurance
- Compliance with PILOT payments (if applicable)
- Sales tax exemption reporting
- Job status # of jobs created, retained
- Bond status (if applicable)

Closing Fee(s):

Taxable/Tax Exempt Bond and Straight Lease Transactions

Sliding Scale:

- .005 of total project costs on the first \$10 million
- .00333 of total project costs in excess of \$10,000,001 to Total Remaining Project Costs

MISCELLANEOUS FEES

TYPE MINIMUM AMOUNT

Document Processing \$750.00 - \$1,500.00

Extension of Inducement \$250.00

Amendments, waivers \$500.00

assignments, leases and subleases, etc.*

Consent, 2nd Mortgages and other Set by Board on a case-by-case basis Financings

Refinancing of Bonds* ½ of 1% of the outstanding bonds,

plus the applicable Administrative Fee as scheduled above for new

money

Assumption of Outstanding Bonds* 1/8 of 1% of the outstanding

Bonds, plus the applicable Administrative Fee as scheduled

above for new money

Termination Fee \$500.00

EXPENSES

All expenses incurred by the IDA (i.e. notices, court recorders, meeting rooms, etc.) shall be for the account of the applicant. All underwriting, trustee, legal, etc. expenses for the issuing of the bonds, notes, or straight leases shall be for the account of the applicant.

^{*-} Each transaction is reviewed for its complexity, and these fees are subject to an adjustment at the discretion of the IDA.

CITY OF NEWBURGH INDUSTRIAL DEVELOPMENT AGENCY

Resolution No. 2024-12-16-04

APPROVING AGENCY'S OPERATING BUDGET FOR FISCAL YEARS 2025-2029

A regular meeting of City of Newburgh Industrial Development Agency (the "Agency") was convened in public session at Newburgh Activity Center, 401 Washington Street, Newburgh, New York on December 16, 2024, at 6:30 o'clock p.m., local time.

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:

Michael Neppl Chair
Alexandra Church Vice Chair
Vickiana DeMora Treasurer
Gregory Nato Secretary
Christina Amato Member
Sharonda Powell Member

ABSENT:

AGENCY STAFF PRESENT INCLUDED THE FOLLOWING:

Cherisse Vickers Executive Director
Adrianna Huaynalaya Financial Administrator
Robert J. McLaughlin, Esq. Agency Counsel

The following resolution was offered by Alexandra Church, seconded by Christina Amato, 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, in connection with its purposes and powers, the Agency incurs various operating expenses and costs; and

WHEREAS, the Executive Director of the Agency has prepared a budget for the Agency's operating expenses and costs for Fiscal Years 2025 through Fiscal Year 2029 (the "2025-2029 Agency Budget"), as required by the New York State Authorities budget Office, as set forth in the attached Exhibit "A;" and

WHEREAS, in accordance with Section 861 of the Act, the Agency has filed a copy of the proposed 2025-2029 Agency Budget with the City Clerk of the City of Newburgh and has mailed or delivered a copy of the proposed 2025-2029 Agency Budget to the chief executive officer and governing body of the City of Newburgh and made available for public inspection and comment the 2025-2029 Agency Budget at least twenty (20) day prior to the adoption of this Resolution.

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 2025-2029 Agency Budget, as set forth in the attached Exhibit "A."
- Section 2. The Agency hereby authorizes the Executive Director of the Agency to file the approved 2025-2029 Agency Budget with the City Clerk of the City of Newburgh.
- Section 3. The Agency hereby authorizes the Chairperson, the Executive Director and Agency Counsel to take all steps necessary to implement the matters described herein.
 - 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:

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 December 16, 2024 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 __ day of December, 2024.

Secretary

(SEAL)

EXHIBIT A

CITY OF NEWBURGH INDUSTRIAL DEVELOPMENT AGENCY OPERATING BUDGET FOR FISCAL YEARS 2025 THROUGH 2029

City of Newburgh IDA Proposed Budget 2025

Revenue & Financial Sources	_	Proposed Budget
Operating Revenues:		
Charges for Services Rental & Financing Income Other Operating Income Sub-total	\$2,000 1,036,179 0	\$1,038,179
Non Operating Revenues:		
Investment Earnings Sub-total	297,848	297,848
Total Revenues & Financing Sources		\$1,336,027
Expenditures Operating Expenditures: Salaries & Wages Professional Services contracts Other Operating Expenditures Sub-total	\$128,264 150,000 28,000	\$306,264
Non-Operating Expenditures:		
Grants and donations Sub-total	\$0	\$0
Total Expenditures		\$306,264
Excess (deficiency) of revenues over expenditures		\$1,029,763

City of Newburgh Industrial Development Agency (IDA) Budget and Financial Plan

Budgeted Revenues, Expenditures, and Changes in Current Net Assets

	Proposed 2025	Proposed 2026	Proposed 2027	Proposed 2028	Proposed 2029
Nevenue and Financial Sources Operating Revenues Charges for Services Rental and Financing Income Other Operating Income	\$2,000.00 \$1,036,178.82 \$0.00	\$3,000.00 \$400,000.00 \$0.00	\$3,000.00 \$400,000.00 \$0.00	\$3,000.00 \$400,000.00 \$0.00	\$3,000.00 \$400,000.00 \$0.00
Non Operating Revenues Investment Earnings State Subsidies/Grants Federal Subsidies/Grants Municipal Subsidies/Grants Public Authority Subsidies Other Non/Operating Revenues	\$297,848.43 \$0.00 \$0.00 \$0.00 \$0.00	\$306,783.88 \$0.00 \$0.00 \$0.00 \$0.00	\$315,987.40 \$0.00 \$0.00 \$0.00 \$0.00	\$325,467.02 \$0.00 \$0.00 \$0.00 \$0.00	\$335,231.03 \$0.00 \$0.00 \$0.00 \$0.00
Proceeds from the Issuance of Debt	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Total Revenues and Financing Sources	\$1,336,027.25	\$709,783.88	\$718,987.40	\$728,467.02	\$738,231.03
Expenditures Operating Expenditures Salaries & Wages Other Employee Benefits Professional Services Contracts Supplies & Materials Other Operating Expenditures	\$128,264.00 \$0.00 \$150,000.00 \$3,000.00	\$132,111.92 \$0.00 \$154,500.00 \$3,090.00 \$25,750.00	\$136,075.28 \$0.00 \$159,135.00 \$3,182.70 \$26,522.50	\$140,157.54 \$0.00 \$163,909.05 \$3,278.18	\$144,362.26 \$0.00 \$168,826.32 \$3,376.53

Nonoperating Expenditures	9	00 0\$	00 0\$	\$0.00	\$0.00
Payment of principal on bonds and inancing arrangements	00.0\$	\$0.00	\$0.00	\$0.00	\$0.00
Interest and other miniting charges	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Capital asset Outlay	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Grants and donations	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Other Non-Operating Expenditures	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Total Expenditures	\$306,264.00	\$315,451.92	\$324,915.48	\$334,662.94	\$344,702.83
Capital Contributions	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Excess (deficiency) of revenues and capital contributions over expenditures:	\$1,029,763.25	\$394,331.96	\$394,071.92	\$393,804.08	\$393,528.20