

BOARD MEETING

6:30 p.m., Monday, April 21, 2025 Newburgh Recreation Center 401 Washington Street, Newburgh, NY

AGENDA

- 1. Roll Call
- 2. Proof of Notice of Meeting
- 3. Reading and approval of minutes of the previous meeting
- Report of the Treasurer
 Approval of Treasurer's Report for March 2025
 Approval of payment of bills for March 2025
- 5. Chairman's Report
- 6. Counsel's Report
- 7. Executive Director's Report
- 8. New Business

Resolution # 2025-04-21-01 SEQRA Resolution - 104 Washington St LLC

Resolution # 2025-04-21-02 Commercial/Retail Findings - 104 Washington St LLC

Resolution # 2025-04-21-03 Deviation Approval Resolution - 104 Washington St LLC

Resolution # 2025-04-21-04 Approving Resolution – 104 Washington St LLC

Resolution # 2025-04-21-05 SEQRA Resolution - Liberty Street Apartments LLC

Resolution # 2025-04-21-06 Commercial/Retail Findings - Liberty Street Apartments LLC

Resolution # 2025-04-21-07 Deviation Approval Resolution - Liberty Street Apartments LLC

Resolution # 2025-04-21-08 Approving Resolution - Liberty Street Apartments LLC

- 9. Old Business
- 10. Adjournment



The Board of Directors of the Newburgh IDA met on Monday, March 17 at 6:45 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:	David Craft, Esq., Whiteman Osterman & Hanna LLP
Guests:	Michael N'Dolo, MRB Group. Erik Cooney, Scobie Industrial Partners, LLC. Jacob Chai, Shaw Building L.P.

- 1. **<u>Roll Call</u>**: Michael Neppl, Chairman called the meeting to order at 6:36 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. **Public Hearing Scobie Industrial Partners, LLC:**

Scobie Industrial Partners, 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, which application has been updated by the Company prior to this meeting (collectively, the

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"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 a parcel of real property consisting of approximately 15.24 acres located at 5 Scobie Drive, Newburgh, New York (the "Land"), (2) the remediation of hazardous waste present on the Land pursuant to the Remedial Action Work Plan developed by the Company and approved by the New York State Department of Environmental Conservation, (3) the construction and improvement of a new warehouse distribution building on the Land totaling approximately 125,000 square feet (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.

4. Public Hearing Shaw Building, L.P:

Shaw Building, L.P., a New York limited partnership, 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 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 39,959 square feet located at 24-42 Johnes Street, Newburgh, New York (the "Land"), (2) the rehabilitation and conversion of an existing historic building on the Land to a mixed-use residential and commercial building totaling approximately 27,000 square feet and the construction and improvement of a new mezzanine residential building on the Land totaling approximately 36,500 square feet with principal uses across both buildings consisting of market-rate housing, affordable housing, and commercial retail space (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.

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5. **Reading and Approval of February 26, 2025 Meeting Minutes:**

Meeting Minutes from the board meeting of February 26, 2025, were distributed to the board via e-mail.

Motion to approve February 26, 2025 meeting minutes as presented:

Ms. Church: Motion to approve the minutes Ms. DeMora: Motion seconded **VOTE: Unanimously passed**

6. **Report of the Treasurer; Approval of Payment of Bills:**

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

Motion to approve February 2025 Treasurer's Report

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

Motion to approve February 2025 Bill Payments

Ms. Church: Motion to approve (Checks 1321, 1322, 1323, 1324, 1325, 1326, 1327, 1328, 1329)

Mr. Nato: Motion seconded **VOTE: Unanimously passed**

Audit 2024

This morning, Ms. DeMora, Ms. Powell, and Ms. Vickers met to review the results of the audit. The audit findings were positive, with no significant issues identified—only one or two recommendations. The treasurer asked board approval for the audit. Mr. Neppl opened the floor for questions or comments. Mr. Nato inquired about the specific recommendations made in the audit. Ms. DeMora explained that one recommendation pertained to QuickBooks, noting that some past issues had already been resolved, but the auditors suggested additional staff training. Mr. Neppl emphasized that there were no formal audit findings, just a few corrective journal entries, which are a standard part of annual audits. Mr. Neppl also supported the recommendation for additional training, stating that it is always beneficial.

7. Chairman's Report:

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Mr. Neppl expressed his gratitude to the developers who participated in the public hearings and acknowledged their contributions to the City's growth. The chair highlighted that the two proposed projects are of exceptional quality and serve as strong examples of how Newburgh is fostering an economic development environment that is attracting investors from the region and beyond. Mr. Neppl emphasized that this is an exciting time for both the City and its residents, as these investments contribute to the ongoing revitalization and economic expansion of Newburgh. Mr. Neppl thanked the developers for their interest and commitment to the city's future.

8. Counsel's Report:

Mr. Craft shared with the board for Newburgh South Logistics Center, this project has already been approved for financial assistance. Mr. Craft and the company's attorney are working on finalizing the closing process. The closing documents are in place, and the transaction is expected to be completed by the end of the month.

For the 191 Washington project, Mr. Craft mentioned this project, previously approved for financial assistance, was discussed in the last meeting by Mr. McLaughlin. Mr. Craft reported that they are in the process of finalizing the closing, with early April set as the expected time frame for completion.

For the Cell Tower lease, Mr. Craft shared with the board that counsel received a lease amendment from Crown Castle for approval, extending the cell tower lease for a 25-year term. The lease includes an early termination option after 10 years at the Agency's sole discretion. Upon execution of this third amendment, the Agency will receive a one-time payment of \$20,000, while continuing to share revenue from the cell tower rentals. Ms. Amato asked whether the \$20,000 was a one-time fee for the lease extension or if rental payments would continue. Mr. Craft confirmed that, per the lease amendment, all existing lease terms remain in effect, meaning rental payments and revenue sharing will continue throughout the renewal term. Ms. Church expressed appreciation for the additional maintenance obligations included in the lease, ensuring that costs remain the responsibility of the leaseholder. If these obligations are not met, the Agency has enforcement rights, including default and lease termination.

9. Executive Director's Report:

Ms. Vickers provided updates on the retreat planning for the Agency's UTEP Ms. Vickers reached out to board members regarding scheduling a retreat to discuss the UTEP (Uniform Tax Exemption Policy). Most members are available on April 11th at 9:00 AM, with only two votes still outstanding. If those confirmations come in, that will be the final date. The retreat location is yet to be determined. Previously, the board rented a space from Safe Harbors, which was convenient due to its proximity to City Hall. Ms. Vickers suggested using the same location again if agreeable to the board. Ms. Vickers is

now a member of SEDAC (Strategic Economic Development Advisory Committee) and attended a recent meeting where a board presentation took place. Moving forward, Ms. Vickers and/or Ms. Church can provide updates on SEDAC meetings as needed. Ms. Vickers also shared with the board the CD the IDA holds as noted in the treasurer's report is set to mature in April. The board will need to decide whether to renew the CD and under what terms. Ms. Vickers will be reaching out via email for guidance before the April meeting, as a decision may be needed in advance.

10. New Business:

Resolution # 2025-03-17-01 Audit and Investment Report for 2024

The Agency has received the Independent Report of the Agency Auditor for the year ending December 31, 2024, the 2024 Investment Report, and associated statements and reports (collectively, the "2024 Certified Annual Audit of the Agency") and the members of the Agency have reviewed and considered the findings of the 2024 Certified Annual Audit of the Agency.

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: Yes Ms. Amato: Yes Ms. Powell: Yes **VOTE: Unanimously passed**

Resolution # 2025-03-17-02 Approval of Amendment to Certain Lease Agreement (Cell Tower)

The Agency entered into a sublease, as amended, for the Property with Orange County-Poughkeepsie MSA Limited Partnership, a Delaware limited partnership ("ORP"), as subtenant, on or about February 1999 (the "Sublease") and as the subtenant, constructed, or caused the construction of, a cell tower for use by the City and others and pursuant to that certain assignment and assumption agreement dated December 6, 1999, by and between ORP and Crown Atlantic Company LLC, a Delaware limited liability company ("Crown Castle"), ORP assigned to Crown Castle all of its right, title and interest in and to the Sublease and the Property. The term of the Sublease expired on September 9, 2024 (the "Sublease Termination Date") and the members of the Agency have determined that is it in the best interest of the Agency to extend the term of the Sublease Agreement and by Resolution No. 2024-09-10-02 (the "Authorizing Resolution"), the Agency authorized the extension of the Sublease upon certain terms and conditions; and after negotiation between the parties to the Sublease, the Agency now desires to amend the terms and conditions upon which it will extend the Sublease as set forth in this Resolution and approve the Third Amendment to the Lease as presented to the Members at this meeting.

Mr. Nato: 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**

11. Old Business:

Ms. Amato and Mr. Neppl engaged in a conversation regarding the removal of two resolutions from the agenda prior to the meeting and comments made during the public hearings for Liberty Street Apartments, LLC, and 104 Washington St, LLC.

12. Adjournment

A motion to adjourn was made by Ms. Church and seconded by Ms. DeMora. Unanimously passed at 8:34 pm.

CITY OF NEWBURGH INDUSTRIAL DEVELOPMENT AGENCY TREASURER'S REPORT APRIL 21, 2025 MEETING MARCH

OPERATING Account #2847

As of March 1, 2025

Opening Balance from bank statement

Deposits

Payor 3/3/2025 AT&T 3/4/2025 T-Mobile 3/4/2025 Central Hudson 3/28/2025 Heritage Financial Credit Union 3/31/2025 Dish Network 3/31/2025 Interest Paid

TOTAL DEPOSITS 2847

Disbursements

		Payee
ACH	3/3/2025	QuickBooks Online
ACH	3/4/2025	Mid Hudson Times
ACH	3/4/2025	Mid Hudson Times
Check #1330	3/17/2025	PFK O'Connor Davis, LLP
Check #1331	3/17/2025	Whiteman Osterman & Hanna LLP
Check #1332	3/17/2025	USPS
Check #1333	3/17/2025	ODP Business Solutions
Check #1334	3/17/2025	Adriana Huaynalaya
Check #1335	3/17/2025	Phanatiks Entertainment
Check #1336	3/20/2025	Cherisse Vickers
Check #1337	3/20/2025	ODP Business Solutions
Check #1338	3/20/2025	Whiteman Osterman & Hanna LLP
Check #1339	3/27/2025	The Cornerstone Residence, L.P.
Check #1340	3/27/2025	PFK O'Connor Davis, LLP
Check #1341	3/27/2025	J&G Law, LLP
ACH	3/29/2025	QuickBooks Online

\$107,364.12

Amount Remarks 3,996.71 5,416.49 2,285.51 100.00 Payment for Invoice 349 1,500.00 254.92 Interest Rate 3.30%

\$13,553.63

Amount Remarks 70.28 Monthly payment 211.65 Mid Hudson Times Hearing Notice Shaw Building 202.77 Mid Hudson Times Hearing Notice Scobie Drive 8,250.00 Invoice 911378 11,083.91 Invoice 757816, 757821, 757822, 420.00 PO Box renewal 138.89 Invoice 409914030001, 40987998001 112.28 Reimbursed expenses 2,000.00 Invoice 03172025 37.60 Reimbursed expenses 275.39 Invoice 414646362001 1,896.00 Invoice 764475, 764484, 764485, 764481 600.00 Rental for April 11 retreat 2,750.00 Invoice 919044 325.00 Invoice 322387 70.28 Monthly payment

	TOTAL CHECKS & DISBURSEMENTS 2847	\$28,444.05	
Closing Balance	As of March 31, 2025	\$92,473.70 Op Acct #2847	
PAYROLL Acct #82	43		
Opening Balance	As of March 1, 2025	\$142,062.71	
Debit	3/5/2025 Payroll Fees December 24	56.23	
Debit	3/5/2025 Net Pay (part of gross wages)	3,827.04 02/17/25-03/02/25	
Debit	3/5/2025 Employer Payroll Tax + Employee WH (part of gross wages)	1,471.75 02/17/25-03/02/25	
Debit	3/19/2025 Net Pay (part of gross wages)	3,827.06 03/03/25-03/16/25	
Debit	3/19/2025 Employer Payroll Tax + Employee WH (part of gross wages)	1,467.24 03/03/25-03/16/25	
	Total Monthly Payroll Expense	\$10,649.32	
Credit	3/31/2025 Interest Paid	373.13 Interest Rate 3.30%	
Closing Balance	As of March 31, 2025	\$131,786.52 Payroll Acct #8243	
	ND Account #2855		
Opening Balance	As of March 1, 2025	\$14,151.44	
Closing Balance	As of March 31, 2025	\$14,151.44 App Fund Acct #2855	
LESSOR/TENANT A	Account #2863		
Opening Balance	As of March 1, 2025	\$2,530.03	
Interest Income	3/31/2025 Interest Paid	\$6.98 Interest Rate 3.30%	
Closing Balance	As of March 31, 2025	\$2,537.01 Lessor Acct #2863	
LABOR MONITORING Account #7072			
Opening Balance	As of March 1, 2025	\$15,014.79	

As of March 31, 2025

Closing Balance

\$15,014.79 Labor Monitor Acct #7072

MONEY MARKET Account #28 Opening Balance Interest Income 3/31/2025	As of March 1, 2025		
Closing Balance	As of March 31, 2025		
NEWBURGH SOUTH LOGISTICS Opening Balance Interest Income 3/31/2025 Closing Balance	As of March 1, 2025		
LABOR MONITORING IV5 Account #5325			
Opening Balance	As of March 1, 2025		
Closing Balance	As of March 31, 2025		
PROVIDENT BANK Account #4346			
Opening Balance	As of March 1, 2025		
Closing Balance	As of March 31, 2025		
PROVIDENT BANK Account #5 Opening Balance	683 As of March 1, 2025		

Closing Balance As of March 31, 2025

\$1,290,863.61 3,563.14 Interest Rate 3.30%

\$1,294,426.75 MM Acct #2871

\$54.64 0.15 Interest Rate 3.28%

\$54.79 NSLC Acct #6521

\$0.00

\$0.00 Labor Monitor IV5 Acct #5325

\$0.00

\$0.00 PROVIDENT BANK Acct #4346

\$4,258,821.87

\$4,258,821.87 PROVIDENT BANK Acct #5683