

City of Newburgh IDA Board Meeting

Minutes for Meeting on Tuesday February 17, 2009

Board Members Present

*Josh Smith
Michael Curry
Sean O'Shea
Jerry Maldonado
Jack Penney*

Board Member(s) Absent

*Spencer Gulliver
* Richard Bedrosian*

**- Participated in first executive session by cell phone*

I. Executive Meeting (First)

- A. Motion for meeting called by Josh Smith, seconded by Jerry Maldonado*
- B. Discussion of the interviews for attorneys to represent IDA took place on 02/14/2009 by a volunteer group of board members*
- C. Interviews went well, all the candidates were well qualified, according to the Josh Smith*
- D. The recommendation to the board was the selection of Oxman & Tulis, LLC. Oxman & Tulis is an experienced law firm in representing IDA Boards*
- E. Michael Curry questioned the whereabouts of the city seal for legal documents*
- F. Josh Smith called a motion to hire Oxman & Tulis, LLC to be the legal representative to the City of Newburgh IDA Board, Jerry Maldonado seconded, the board all voted "yes"*

II. Agenda Items

- A. Request for any Bills or Communications-No request for any Bills or Communications by the board*

- B.** *Review and Approval of Minutes- Michael Curry requested a clarification to change the voucher process (bullet 4 item # 6) to be stricken from the minutes; motion set by Jack Penny seconded by Jerry Maldonado*
- C.** *Report of the Treasurer- No access to Quickbook Files or Bank Statements; List of bills were presented by the Treasurer. Jerry Maldonado asked about whether access to these records would be granted in the future, request put in writing by the Treasurer (Michael Curry) on 01/08/09. Jerry Maldonado discussed the on going issue regarding the separation of the IDA files co-mingled with other ED business with the Director (Lourdes Zapata). The Director recommended that a ruling by the City Corporate Counsel on the issue of filling out a confidentiality statement to access records; Josh Smith stated his frustration over the time it has taken for the board to access vital records; Jerry Maldonado requested a time frame and a priority made to establish the records issue; the Treasurer requested a change to the treasurer's report to "outstanding bills"; the Director submitted a Reconciliation Detail Report to the board; the Treasurer suggests to cancel subscription to the Orange County Chamber of Commerce due to we do not have full access to their services- Jerry Maldonado recommended that this should be tabled; Jerry Maldonado recommended that all bills should be prorated down to a third of the charges that we are currently being charged by the city and that the board have full acknowledgement of what comprises of the payment to the IDA Board in the amount of \$388,825.97, the date and action. Josh Smith questioned why the board had no counsel on this appropriation.*
- D.** *Reports of Committees- No activity on committees*
- E.** *Scope of Services: City of Newburgh & IDA- the Director discussed information relating to having administrative support services; Michael Curry requested that a letter must be filed to the Authorization Board/LDC; Jack Penny requests information relating to LDC; Josh Smith requested that we have a meeting in the future with the members of the IDA Board and those members that comprise the LDC- he requested a letter to communicate this be forwarded to those members of the LDC Board*
- F.** *Real Estate- Josh Smith discussed a comprehensive approach on the brownfield application; the Director discussed the BOA application; Josh Smith requested the IDA Board withdraw from the Work Session Meeting with the City Council on Thursday February 19th due to the*

boards disagreement with the contents presented on the application; Josh Smith agreed to forward the board's wishes to be taken off the agenda for that night and requested information related to Indemnification Insurance; information relating to the properties 150 Ann Street and The Foundry (Extension Request) tabled by unanimous decision

- G.** *Unfinished Business- Michael Curry mentioned that the board has received two answers from the RFP for Accounting Services for the IDA Board and motioned that the decision be tabled, Jack Penney seconded the motion; the Director asked who will be attending Training for Public Authorities in New York at the CUNY Graduate Center on February 27th*
- H.** *Adjourn to Executive Session-Josh Smith motioned to adjourn the public meeting to return to executive session; Michael Curry seconded*

III. Executive Meeting (Second)

A. *Discussion of Secretary Position- interviews for the Recording Secretary to the IDA Board will take place on Thursday February 26th at 5:00PM at Heritage Hall; Jerry Maldonado motioned to adjourn executive session; Sean O'Shea seconded*