

**City of Newburgh
INDUSTRIAL DEVELOPMENT AGENCY
("IDA")
MINUTES OF MEETING
APRIL 19, 2010**

Present

Board Members: Richard Bedrosian
Michael Curry
Jerry Maldonado
John Penney
Sean O'Shea
Excused Absences: Josh Smith, Spencer Gulliver
Administrative Director: Courtney Kain
Counsel: Thomas Whyatt, Esq.
Corporation Counsel: Bernis Nelson, Esq.

1. **Roll Call.** Mr. Bedrosian called the meeting to order.
2. **Proof of Notice of Meeting.** Accepted
3. **Approval of Minutes of March 15 Meeting.**
Mr. Curry: Motion to approve the minutes as corrected.
Mr. Penney: Motion seconded
Vote: Unanimously approved.

4. **Request for Bills and Communications.**
Mr. Curry received unsorted mail, including a legal notice that was not flagged for review. The Board discussed ways to facilitate communications. Mr. Penney suggested that an IDA mailbox be provided in City Hall. Mr. Curry stated that administrative services paid for by the IDA should include sorting the mail and that internal controls need to be provided. There was a consensus that an agreement for administrative services between the IDA and the City needs to be fully developed and include specific duties.

5. **Reports on Committees.**

Audit Committee. Mr. Curry reported there was no meeting.

Governance. Mr. Maldonado circulated drafts of property disposition policy statements that were discussed at the meeting. Clarification was sought from Counsel on how to word the bidding process when bids are rejected and notices are re-issued. Mr. Whyatt said it is not a legal issue, but a procedural matter to obtain good qualified bids. Revisiting the bidding process is legitimate. Mr. Whyatt asked if there is a City of Newburgh standard process for bidding. Ms. Nelson indicated there are no standards currently for the bidding forms.

Mr. Bedrosian referred to Article 1, Section 4 regarding third party transfers, such as 132 Broadway. He asked if Third Party language can be included in the property disposition guidelines. Mr. Whyatt said a Deed could be restricted so that a property could not be sold without the Board's approval. Mr. Bedrosian asked if a reverter clause could be used in such a case. Mr. Whyatt indicated that one solution would be language to control mortgaging the property without the approval of the Board. Such language could not be in

the guidelines, but would be on a contract by contract basis. Ms. Nelson also referred to 'conditions to sale' as a means to control dispositions to third parties.

Mr. Maldonado: Motion to adopt the Property Disposition Guidelines

Mr. Curry: Motion seconded.

Vote: Unanimously adopted.

There was a discussion of the IDA's Mission Statement which was crafted years ago. There was a consensus that the wording should be changed in the original By-Laws as well as wherever used throughout IDA's newly-adopted documents. The Board agreed to table the discussion until the May meeting to finalize language.

Treasurer's Report. Mr. Curry recommended paying three invoices: \$7,782.50 to Oxman, \$2,490.14 city tax for the Cell Tower site, and \$4,500 to Sedore for regular audit services. An invoice for \$300 from the title abstract firm remains outstanding. \$1,432.86 lease payment from T-Mobile was deposited. The monthly interest payment from Leyland Alliance will be paid late, and will include the late fee.

Mr. Maldonado: Motion to approve payment of the three invoices.

Mr. Penney: Motion Seconded.

Vote: Unanimously approved.

6. Old Business

IDA/City Council Working Committee: Ms. Kain reported that the Working Committee convened two weeks ago to discuss a potential agreement which will be under discussion during the executive session. Mr. Curry requested that the Verizon Building discussion be on the Agenda for the next Working Committee.

Pierces Road/Dupont Site BOA: Mr. Curry stated that he would like the Scobie Drive property developed for industrial purposes.

Armory Acquisition. Ms. Kain reported that the Armory will be reviewed during the Work Session on Thursday, April 22nd.

132 Broadway. The proposals that were submitted by developers were rejected. Ms. Kain is working on an RFQ process which will be presented to the joint Working Committee.

Murphy's Ditch. Mr. Whyatt reported that he and Mr. Capella are finalizing language so that the IDA's interest is secure as the pads are developed. IDA will have a lien of \$45,000 per pad, to be recorded and filed. When a Certificate of Occupancy is issued and a pad is leased or sold, the lien will show up in the record and would have to be paid off. The Agreement will be final by the May meeting.

EDA Award Ms. Kain reported that she is working on the financial and banking information that was requested. She did not know when the federal agency would release the funds.

West Street Project Mr. Whyatt asked Ian McDougall to the table to discuss the Consolidation Agreement. The IDA became a party due to a lot line adjustment. The Board discussed whether the IDA should turn over the property to the City. Ms. Nelson

stated that the property is encumbered by a mortgage. Northeast Development agreed to remove the encumbrance, but there has been no action taken.

Verizon Building Inspection. Mr. Curry reiterated his request that the joint Working Committee discuss the opportunities. Mr. Maldonado requested the specs on the Verizon Building which had been distributed at the inspection. There was a general discussion about the IDA's ability to 'matchmaker' and how to develop a database of businesses, real estate agents and developers. Mr. Bedrosian explained how Newburgh For Newcomers evolved. The Board discussed the possibility of hosting an event in the future.

1 Corwin Court. Ms. Kain will investigate whether the PILOT payments are current and correct.

Directors' Insurance. Mr. Curry is finalizing an RFP. Mr. Bedrosian asked how much insurance coverage would be requested. He asked for prices on various limits of coverage.

Required 2010 Public Authority training and Reimbursements. Mr. Bedrosian, Ms. Kain and Ms. Boyle attended the training today in New York City. Mr. O'Shea will be taking it next month. The Board will have then fulfilled its requirements.

Public Transportation Issues and Planning. Ms. Kain reported that Orange County has a grant to review the bus system along 17K/Broadway, to double the routes and extend the hours. The City is waiting for a first draft from Orange County. Mr. Maldonado asked that the issue be added to the joint Working Committee agenda. Alternative modes of bus transportation currently include a Medicaid van, Workforce Van, and Senior Bus; however, they are not coordinated.

Mr. O'Shea asked who the county contact is for these issues. Ms. Kain said that communications are through the Department of Planning. Mr. O'Shea stated that Newburgh's primary legislative representatives (Mr. Burger and Patrick Bernardinelli) should be participating.

7. New Business

2008 Annual Report. Ms. Kain has compiled the information for the auditors.

Database of Businesses. Ms. Kain asked Jamie Lo to put together a GIS map of industrial locations by size. The information will identify businesses for outreach by the IDA.

Audit Committee Announcement: The Committee will meet fifteen (15) minutes before the next scheduled board meeting to review vouchers and checks.

8. The next IDA Meeting is scheduled for Monday, May 17, 2010.

Mr. Penney: Motion to adjourn and move into Executive Session on Property Disposition.

Mr. Curry: Motion seconded.

Vote: Unanimously approved.