ORANGE COUNTY INDUSTRIAL DEVELOPMENT AGENCY

MINUTES

October 17, 2007

A regular meeting of the Orange County Industrial Development Agency was convened in public session on October 17, 2007 at 3:00 P.M. at the County Government Center, Goshen, in Orange County, New York.

The meeting was called to order by the Chairman, David MacFarland, and upon roll being called, the following were

PRESENT: David MacFarland, Stephen Brescia, Robert Armistead, Henry Van Leeuwen, James Petro, Daniel Coleman

ABSENT: John Steinberg

ALSO PRESENT: William Trimble – Executive Director
Edda Eller – Recording Secretary
Joel Kleiman – IDA Treasurer
Phil Crotty – Attorney
Lorrie Dana – Secretary to Executive Director
Maureen Halahan – Orange County Partnership
Bill Lahey – Orange County Legislature
Michael Levensohn – Times Herald-Record

Chairman David MacFarland asked for a motion to approve the September 19, 2007 minutes. Henry Van Leeuwen made a motion to approve the minutes as presented and Robert Armistead seconded motion. Minutes approved by all members present.

Treasurer Joel Kleiman presented the financial report for September 2007. He had prepared a comparison chart of year-end balances from 2003 to 2006 showing an increase in fund balance of 3% in 2004 and 1% increase in 2005 and 2006. Daniel Coleman made a motion seconded by Henry Van Leeuwen to approve the Treasurer's report as submitted. Affirmative votes of all members present resulted in motion carried.

Treasurer Joel Kleiman presented the following: Received pro-rata insurance from Orange Regional Medical Center $2538.00, Millwood Place $1,082.00, Elant at Goshen $1,290.00 and IBM $2,368.00, received application fee in the amount of $5,000 from Crystal Run Healthcare. Vouchers and payment to: NYS Insurance Fund $431.27, NYS Environmental Conservation (assessed fee) $475.00, Pattern for Progress table reservation for annual dinner $1,250.00, Philip Crotty legal fees for August 2007 $5,950.00, SWF Airport Acquisition Inc. Air Tran reimbursement and remaining match $56,583.84. A motion was made by James Petro and seconded by Henry Van Leeuwen to approve vouchers and payments as presented. Affirmative votes of all members present resulted in motion carried.

James Petro informed members that seven RFP's were sent out to professional engineering and planning services for the 58-acres project and they have until October 10, 2007 to reply. Received was one response from a surveyor in the amount of $13,400.

Presented was a Resolution regarding SWF 58-acres project approving proposals from professional engineer & professional planner. The IDA has entered into a MOU to acquire approximately 58-acres at SWF from NYS ESDC and professional engineering and planning services are required in order to meet the requirements of the MOU. The IDA attorney and Committee Chairman have met with a respected local engineer and planner who have submitted proposals to satisfy the requirements and time is of the essence to complete the tasks involved by December 31, 2008. Following adoption of the IDA resolution dated 9-19-07, it was deemed prudent though unnecessary to send out an RFP for such professional services, and after consultation with Orange County officials such RFP was sent to eight potential responders. At the end of the RFP reply period there were three responses, including one declination, as well as the two original responders who re-submitted proposals. Now therefore be it resolved that this IDA authorize the execution of the proposal from Greg Shaw, P.E. for professional engineering services as set forth in his proposal re-dated 10-5-07 in the amount of $68,000-$78,000, and also execution of the proposal from Stuart Turner Associates in his proposal re-dated 10-1-07 in the amount of $143,000-$178,000. Henry Van Leeuwen made a motion seconded by Robert Armistead to accept Resolution as presented. Affirmative votes of all members present resulted in motion carried.

Phil Crotty made members aware of the response letter from NYS Department of Transportation to a letter sent to Bill Larkin who forwarded same to the Regional Director of NYS Department of Transportation regarding the traffic lights at the intersection of newly constructed Route 747 and the ramps to and from I-84.

Bill Trimble presented some information and points from a conference call made regarding general liability insurance. Participating were Russ Gaenzle, Phil Crotty, Mary Beth Meany, Brian Meany and Bill. The question is does the IDA need first party, primary coverage. Russ Gaenzle said IDA is unique in requirement of pro-rata insurance monies. Most projects already named IDA as second insured. It was decided to get some more advice and information before making any decisions.

Presented was a preliminary application from Habitat for Humanity of Greater Newburgh, Inc. for a grant in the amount of $250,000. James Petro asked how does this fit into the purpose of the IDA and where is the line? Also it should go to the County Executive first for approval and then to the IDA. A discussion followed and it was suggested to go over the IDA's By-Laws. Daniel Coleman made a motion seconded by James Petro to table the request at this time. Affirmative votes of all members present resulted in motion carried.

Presented was a Resolution accepting the application of C&S Wholesale Grocers, Inc with respect to a certain project, describing the forms of financial assistance being contemplated by the Orange County Industrial Development Agency with respect to such project and authorizing a public hearing with respect to such project. Henry Van Leeuwen made a motion to accept resolution as presented. Robert Armistead seconded motion and affirmative votes of all members present resulted in motion carried.

Treasurer Joe Kleiman presented the proposed 2008 budget and discussed line by line item and pointed out the land acquisition line allocated to reserves. James Petro made a motion seconded by Henry Van Leeuwen to approve 2008 budget as presented. Affirmative votes of all members present resulted in motion carried.

Presented was a Resolution to open and maintain account(s) with Orange County Trust Company of Middletown, New York. Robert Armistead made a motion seconded by Daniel Coleman to accept resolution as presented. Affirmative votes of all members present resulted in motion carried.

James Petro made members aware of the possibility to purchase an additional prime 100 acres across from the 58 acres already in process of purchasing by the IDA. He checked out the larger parcel, and it appears to be free of wetland and in good shape. Members worried that private developers might come in and buy it. Phil Crotty drafted a Resolution approving IDA letter to NYS Empire State Development Corporation for possible IDA acquisition of 100 acres +/- of SWF Properties west of Drury Lane. Robert Armistead made a motion seconded by Daniel Coleman to approve Resolution. Motion carried with four ayes and one abstain.

Presented was a Resolution approving IDA to send notices of PILOT Deviation regarding IBM to affected taxing jurisdictions. IBM is a major employer and taxpayer in Orange County, and a long-term IDA client. IBM needs further IDA financing in the form of a PILOT to remain in Orange County. Stephen Brescia made motion to authorize the Executive Director, Attorney, and Bond Counsel to send out deviation notices to the affected taxing jurisdiction regarding a PILOT, with the specific details to be included in the notice. Daniel Coleman seconded motion and with fives ayes and one abstain, motion carried.

Henry Van Leeuwen made a motion seconded by James Petro that this meeting be duly adjourned the time being 4:40 p.m.

Edda Eller
Recording Secretary