



*Empowering Businesses. Inspiring Growth.*

**Robert T. Armistead, Chairman • Mary Ellen Rogulski, Vice Chairman • Stephen Brescia, Secretary  
John Steinberg, Jr., Assistant Secretary • Edward A. Diana • Henry VanLeeuwen • Robert J. Schreibeis, Sr.  
James R. Petro, Jr, Executive Director • Laurie Villasuso, Associate Executive Director •  
Kevin Dowd, Attorney • Joel Kleiman, Chief Financial Officer**

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## Agenda

PLEASE TAKE NOTICE, The Orange County Industrial Development Agency will hold a regularly scheduled meeting on January 8, 2015 at 2:00 p.m. at the Orange County Business Accelerator, 4 Crotty Lane, Suite 100, New Windsor, New York, to consider and/or act upon the following:

### Order of Business

- **Roll Call**
- **Reorganization Meeting**

Elect Chairman: \_\_\_\_\_

Resolution- Elect Other Officers

Vice Chairman	_____
Second Vice Chairman	_____
Secretary	_____
Assistant Secretary	_____

IDA Chairman's Appointments:

Audit Committee-	Rogulski (Chairman); VanLeeuwen; Steinberg Alternate: Schreibeis
Governance Committee-	Brescia (Chairman); Diana; Schreibeis; Alternate: Rogulski

Resolution- Appoint Executive Director

Resolution- Appoint Associate Executive Director

Resolution- Appoint CFO (Kleiman)

Resolution- Appoint Attorney (Dowd)

Resolution- Appoint Contract Officer (Dowd)

Resolution- Appoint FOIL Officer and FOIL Appeals Officer

Resolution- Contract Officer Report All Agency-owned Properties As of 12-31-14  
(None)

Resolution- Designate Depositories and set limits

Resolution- Report Annual Review- Procurement Policies & Procedures for 2015

Resolution- Appoint OCBA Managing Director

Resolution- Foreign Trade Zone \$25,000

Resolution- Authorize "Agent Status" for Orange County Partnership; Hudson Valley Economic Development Corporation; Hudson Valley Development Network; Pattern for Progress; Hudson Valley Agri-Business; Hudson Valley Film Commission; Orange County NY Arts Council, Inc.; Hudson Valley Food & Beverage Alliance; Rockland Economic Development Corporation "PTAC".

- **Approval of the minutes from December 11, 2014 meeting**
- **Financial Reports and/or Requests for Payments**
- **New and Unfinished Business**
  - Chairman's Report
  - Executive Director's Report
  - OCBA Report
  - OCP Report
  - Discussions
    - City of Newburgh and City of Newburgh IDA – Shovel Ready Request
- **Resolutions**
  - Blackhawk Development, LLC – Initial Resolution
  - PCH Energy, LLC – Initial Resolution
- **Such other and further business as may be presented**
- **Executive Session**
- **Public Comments**
- **Adjournment**

Dated: January 5, 2015

Stephen Brescia, Secretary

By: James R. Petro, Jr., Executive Director

RESOLUTION ELECTING OFFICERS OTHER THAN CHAIRMAN FOR 2015

Motion By:

Seconded By:

WHEREAS, the IDA bylaws call for the election of a Chairman and the election of other officers at this time; and

WHEREAS, the Chairman for 2015 has already been elected and recorded in the minutes; and

WHEREAS, the Chairman has proposed a slate of officers.

NOW, THEREFORE, BE IT RESOLVED that the following are elected IDA officers for 2015:

Vice Chairman:

Second Vice Chairman:

Secretary:

Assistant Secretary:

Vote:

Mr. Schreibeis

Ms Rogulski

Mr. Diana

Mr. Brescia

Mr. Steinberg

Mr. Van Leeuwen

Chairman Armistead

Date: January 8, 2015

AYES ; NAYS

Resolution:

RESOLUTION APPOINTING JAMES PETRO AS A CONSULTANT TO THE IDA FOR 2015 AND AUTHORIZING THE CHAIRMAN TO EXECUTE AN AGREEMENT SETTING FORTH THE TERMS OF ENGAGEMENT THEREFOR.

Motion By:

Seconded By:

WHEREAS, by resolution dated January 15, 2014, this IDA retained the services of James Petro to act and perform the duties of Executive Director of the Agency; and

WHEREAS, the IDA believes that Mr. Petro has performed those duties with distinction and now wishes to retain his services for 2015 for \$60,000 and to execute an agreement with Mr. Petro specifying the terms of his engagement.

NOW, THEREFORE, BE IT RESOLVED, that the IDA hereby authorizes the engagement of James Petro as a consultant to the IDA for \$60,000 for one year and further authorizes the Chairman to sign an agreement for such services with Mr. Petro.

Mr. Schreibeis

Ms. Rogulski

Mr. Diana

Mr. Brescia

Mr. Steinberg

Mr. Van Leeuwen

Chairman Armistead

Date: January 8, 2015

AYES ; NAYS

Resolution:

RESOLUTION APPOINTING THE ASSOCIATE EXECUTIVE DIRECTOR OF THE  
IDA FOR 2015.

MOTION BY:

SECONDED BY:

WHEREAS, by resolution dated January 15, 2014, this IDA established the position of Associate Executive Director for the Agency; and

WHEREAS, this IDA wishes to appoint an Associate Executive Director for the year 2015.

NOW, THEREFORE, BE IT RESOLVED that this IDA hereby appoints Laurie Villasuso to the position of Associate Executive Director at the salary of \$61,000.00 for the year 2015.

Vote:

Mr. Schreibeis

Ms. Rogulski

Mr. Brescia

Mr. Diana

Mr. Steinberg

Mr. Van Leeuwen

Chairman Armistead

DATED: 1-08-15

AYES; NAYS

RESOLUTION:

RESOLUTION APPOINTING IDA CHIEF FINANCIAL OFFICER FOR 2015

Motion By:

Seconded By:

WHEREAS, the Public Authorities Accountability Act requires that this IDA appoint a Chief Financial Officer.

NOW, THEREFORE, BE IT RESOLVED that Joel Kleiman be designated the IDA's Chief Financial Officer for 2015, and receive annual compensation in the amount of \$7,000.00.

Mr. Schreibeis

Ms Rogulski

Mr. Diana

Mr. Brescia

Mr. Steinberg

Mr. Van Leeuwen

Chairman Armistead

Date: January 8, 2015

AYES; NAYS

Resolution:

RESOLUTION APPOINTING IDA ATTORNEY FOR 2015

MOTION BY:

SECONDED BY:

WHEREAS, the IDA bylaws provide that an IDA attorney may be appointed by this IDA.

NOW, THEREFORE, BE IT RESOLVED that Kevin T. Dowd shall be appointed the IDA attorney for 2015 at the hourly rate of \$185.00 per hour, plus reasonable expenses.

Vote:

Mr. Schreiber

Ms. Rogulski

Mr. Diana

Mr. Brescia

Mr. Steinberg

Mr. Van Leeuwen

Chairman Armistead

DATED: January 8, 2015

AYES ; NAYS

Resolution:

RESOLUTION APPOINTING A CONTRACT OFFICER FOR THE IDA FOR2015

Motion By:

Seconded By:

WHEREAS, the Public Authorities Accountability Act requires that the IDA appoint a Contract Officer for real property transactions and reporting to New York State and Orange County Officials.

NOW, THEREFORE, BE IT RESOLVED that the IDA attorney, Kevin T. Dowd, be appointed Contract Officer for 2015.

Mr. Schreibeis

Ms. Rogulski

Mr. Diana

Mr. Brescia

Mr. Steinberg

Mr. Van Leeuwen

Chairman Armistead

Date: January 8, 2015

AYES ; NAYS

Resolution:



RESOLUTION APPOINTING IDA FREEDOM OF INFORMATION LAW  
OFFICIALS FOR 2015

Motion By:

Seconded By:

WHEREAS, the NYS Open Meetings Law requires that this IDA appoint a FOIL officer and FOIL Appeals officer.

NOW, THEREFORE, BE IT RESOLVED that Laurie Villasuso is appointed FOIL officer and Kevin T. Dowd, Esq. is appointed FOIL Appeals officer for 2015.

Mr. Schreibeis

Ms. Rogulski

Mr. Diana

Mr. Brescia

Mr. Steinberg

Mr. Van Leeuwen

Chairman Armistead

Date: January 8, 2015

AYES; NAYS

Resolution:

RESOLUTION REPORTING IDA-OWNED PROPERTIES AS OF 12-31-14

Motion By:

Seconded By:

WHEREAS, the Public Authorities Accountability Act requires that this IDA report all Agency-owned real properties as of December 31, 2014; and

WHEREAS, the Contract Officer reports that this IDA owns NO real property as of that date.

NOW, THEREFORE, BE IT RESOLVED that this IDA shall report that it owns NO real property as of 12-31-14; and that the IDA Executive Director shall file a negative report with the Authority Budget Office, via PARIS as required by the PAAA.

Mr. Schreibeis

Ms. Rogulski

Mr. Diana

Mr. Brescia

Mr. Steinberg

Mr. Van Leeuwen

Chairman Armistead

Date: January 8, 2015

AYES ; NAYS

Resolution:

RESOLUTION APPROVING IDA DEPOSITORIES FOR 2015

MOTION BY:

SECONDED BY:

WHEREAS, the NYS General Municipal Law, Section 10, requires the Orange County Industrial Development Agency to designate one or more banks to secure the deposits of IDA funds and investments; and

WHEREAS, the IDA's Chief Financial Officer has requested that the IDA so designate its depositories.

NOW, THEREFORE, BE IT RESOLVED that pursuant to Article III, Section 2, Exhibit C of the Orange County IDA Bylaws and Policies, the IDA hereby designates the following depositories located within Orange County, together with their maximum dollar limits.

<u>Depository Name</u>	<u>Maximum \$</u>
Bank of America	\$10,000,000
Berkshire Bank	\$10,000,000
Catskill Hudson Bank	\$10,000,000
Greater Hudson Bank	\$10,000,000
JP Morgan Chase Bank	\$10,000,000
Key Bank	\$10,000,000
Manufacturers and Traders Trust Company	\$10,000,000
Orange County Trust	\$10,000,000
Sterling National Bank	\$10,000,000
TD Bank	\$10,000,000
Wachovia Bank/Wells Fargo & Co.	\$10,000,000

Vote:

Mr. Schreibeis

Ms. Rogulski

Mr. Diana

Mr. Brescia

Mr. Steinberg

Mr. VanLeeuwen

Chairman Armistead

DATED: January 8, 2015

AYES; NAYS

Resolution:

RESOLUTION PROVIDING FOR ANNUAL REVIEW OF IDA PROCUREMENT  
POLICIES & PRACTICES IN 2015

Motion By:

Seconded By:

WHEREAS, in accordance with Section 104-b of the General Municipal Law, and the Public Authorities Accountability Act of 2005, this IDA is required to adopt procurement policies which will apply to the procurement of goods and services not subject to the competitive bidding requirements of Section 103 of the GML and paid for by this IDA for its own use and account; and

WHEREAS, this IDA's Bylaws, Exhibit J, set forth the IDA's procurement policies and procedures, and Section B-11 therein requires that the Agency shall annually review its procurement policies and procedures.

NOW, THEREFORE, BE IT RESOLVED that the Governance Committee, Executive Director, and Attorney shall review this IDA's Procurement Policies and Procedures on or before the IDA meeting in February 2015, and report to the IDA Board as required.

Mr. Schreibeis

Ms. Rogulski

Mr. Diana

Mr. Brescia

Mr. Steinberg

Mr. Van Leeuwen

Chairman Armistead

Date: January 8, 2015

AYES ; NAYS

Resolution:

RESOLUTION APPROVING HUDSON VALLEY ECONOMIC DEVELOPMENT CORPORATION AS MANAGING DIRECTOR OF THE ORANGE COUNTY BUSINESS ACCELERATOR.

MOTION BY:

SECONDED BY:

WHEREAS, by resolution dated January 15, 2014, this IDA appointed the Hudson Valley Economic Development Corporation (HVEDC) as Managing Director of the OCBA on a month to month basis for the year 2014; and

WHEREAS, the IDA wishes to extend the appointment of HVEDC as Managing Director of OCBA on a month-to-month basis.

NOW, THEREFORE, BE IT RESOLVED that Hudson Valley Economic Development Corporation is appointed as of January 1, 2015, as Managing Director on a month-to-month basis at the contract amount of \$5,000.00 per month.

FURTHER RESOLVED, that the IDA attorney, in conjunction with the Executive Director and/or IDA Chairman, is hereby authorized to prepare a contract with the Hudson Valley Economic Development Corporation and the Executive Director and/or the IDA Chairman are hereby authorized to sign said contract on behalf of the IDA.

Vote:

Mr. Schreibeis

Ms. Rogulski

Mr. Van Leeuwen

Mr. Brescia

Mr. Steinberg

Mr. Diana

Chairman Armistead

DATED: 1-08-15

AYES; NAYS

RESOLUTION

RESOLUTION APPROVING \$25,000 ANNUAL CONTRACT WITH ORANGE COUNTY FOREIGN TRADE ZONE FOR 2015

MOTION BY:

SECONDED BY :

WHEREAS, this IDA has considered the annual request of the Orange County Foreign Trade Zone for \$25,000 for project expenses for calendar year 2015; and

WHEREAS, this IDA finds the request consistent with the IDA purpose of furthering economic development and international trade in Orange County; and

WHEREAS, such amount has been allocated in the 2015 budget.

NOW, THEREFORE, BE IT RESOLVED that the IDA Chairman is authorized to sign a contract with the Orange County Foreign Trade Zone in the amount of \$25,000 for project expenses for calendar year 2015 to be used solely for economic development and international trade in Orange County.

Vote:

Mr. Schreibeis

Ms. Rogulski

Mr. Diana

Mr. Brescia

Mr. Van Leeuwen

Mr. Steinberg

Chairman Armistead

DATED: January 8, 2015

YES; NAYS

Resolution:

RESOLUTION AUTHORIZING EXECUTIVE DIRECTOR AND/OR CHAIRMAN TO SIGN AGENCY AGREEMENTS WITH VARIOUS NOT-FOR-PROFIT ORGANIZATIONS.

MOTION BY:

SECONDED BY:

WHEREAS, this IDA recognizes the benefit of assistance from other organizations in fulfilling its economic development role in Orange County; and

WHEREAS, several not-for-profit organizations have assisted this IDA in the past to the IDA's benefit and this IDA desires to continue that assistance by designating such not-for-profit organizations as agents of this IDA for the purpose of economic development in Orange County, according to a letter of agency status to be executed between the IDA's Executive Director and/or the Chairman and the several not-for-profit organizations.

NOW, THEREFORE, BE IT RESOLVED that that the Executive Director and/or the Chairman are authorized to negotiate and execute a letter of agency status on behalf of this IDA, in the amount budgeted, with Orange County Partnership, Hudson Valley Economic Development Corporation, Hudson Valley Economic Development Network, Patterns for Progress, Hudson Valley Agri-Business, Hudson Valley Film Commission, Orange County NY Arts Council, Inc., Hudson Valley Food & Beverage Alliance and Rockland County PTAC.

Vote:

Mr. Schreibeis

Ms. Rogulski

Mr. Diana

Mr. Brescia

Mr. Steinberg

Mr. Van Leeuwen

Chairman Armistead

DATED: 1-08-15

AYES; NAYS

RESOLUTION:

ORANGE COUNTY INDUSTRIAL DEVELOPMENT AGENCY

MINUTES

December 11, 2014

A regular meeting of the Orange County Industrial Development Agency was convened in public session on December 11, 2014 at 2:02P.M. at the Orange County Business Accelerator in New Windsor, New York.

The meeting was called to order by the Chairman, Robert Armistead, and upon roll being called, the following were:

PRESENT: Robert Armistead, Stephen Brescia, Robert Schreibeis, Henry VanLeeuwen  
John Steinberg, Mary Ellen Rogulski, Russell Vernon

ABSENT: None

ALSO PRESENT: James Petro – Executive Director  
Laurie Villasuso – Associate Executive Director  
Kevin Dowd – IDA Attorney  
Bill Fioravanti – Orange County Partnership  
Maureen Halahan – Orange County Partnership  
Josh Sommers – Focus Media  
Bill Madden – Focus Media  
Brian Gates – HVEDC/OCBA  
Whitney Bowers – Focus Media  
Vincent Cozzolino – Galileo Technology Group

Chairman Armistead calls to order the regular meeting of the Orange County IDA, December 11, 2014 (Pledge of Allegiance is recited). Board consists of seven members. There is a quorum.

Review of the prior November 13, 25 and 28, 2014 meeting minutes. Motion made by VanLeeuwen, seconded by Schreibeis, to approve the minutes. Motion carries with all in favor.

Roll Call taken.

**Financial Reports and/or Requests for Payment**

Ms. Villasuso reviews the current bank balances, and reports the receipts in the amount of \$10K and payments in the amount of \$134,77.97 for December 2014. The members discuss interest rates.

Motion made by Vernon, seconded by Steinberg, that the Board accept the financial reports and authorize IDA payments and vouchers for December 2014. Open for discussion. Affirmative votes of all members present resulted in motion carried.

**Chairman's Report**

Mr. Vernon has turned in his resignation letter from the Orange County Industrial Development Agency Board. Chairman Armistead thanks him for his service.

Chairman Armistead discusses the Orange County Partnership event earlier in the month, as well as the recent dedication of the Pat & Bill Larkin community center at the Newburgh Armory.

**Executive Director Report**

Mr. Petro advises that Brian Egan has suggested he be hired by the IDA to investigate the cargo opportunities at Stewart. It is agreed that the IDA cannot fund the endeavor.

He goes on to discuss the Webb Properties application, and advises that the Town of Newburgh has issued a letter, which has been provided to the members, supporting only the 485-b and the abatement of the state portion of the



Mortgage Recording Tax Exemption. Mr. Petro reminds that Mr. Barton has advised that, without the 10 Year Enhanced PILOT, he will not build the facility and the Town will lose 17 current jobs in addition to the 15 jobs the Cadillac facility would have created. Mr. Barton is also considering a host community agreement. The public hearing for the application needs to be scheduled in January, and the hearing will consider the Enhanced PILOT. Ms. Villasuso will prepare an overview of the financial impact of both the 485-b and Enhanced PILOTs to be available at the hearing. The Board will decide on which PILOT to support after the public hearing is complete.

Ms. Villasuso advises that she met with President Container recently, who will be constructing a solar farm on their property. The savings from the solar farm will allow them to hire nearly 75 new people. President Container will be coming to the Board in January.

### **OCBA Report**

Mr. Gates offers an update of the OCBA's month, and reports that the Business Accelerator is at 91% occupancy. Mr. Gates reviews resources available to OCBA clients, and goes on to describe the activity in the Accelerator over the past month, including Paradise Energy's recent ribbon cutting.

Mr. Sommers advises that Focus would like to meet with HVEDC and IDA members for a SWOT meeting as the Business Accelerator moves into 2015. He then describes the outlook for next year's marketing, and gives an overview of the current plans for the Distinguished Seminar Series. He adds that Mr. Madden is moving on to another opportunity, and Mr. Sommers will be taking over the OCBA project.

Lastly, Mr. Gates offers an update on Start Up NY and the Incubator Grant.

Addressing the monthly Income and Expense report, Ms. Rogulski suggests revising the report.

### **Cut & Sew Project Expenditure Request**

Mr. Brescia advises that Governance recommends the approval of the \$25K request from Cut & Sew.

Mr. Cozzolino explains his proposal for a 3 phase project aimed at determining whether or not Newburgh, Middletown and the surrounding areas can support the Cut & Sew industry. Because of Orange County's proximity to NYC and its garment district, the Cut & Sew project – facilitated by Galileo Technology Group – aims to capture the garment work that might have been shipped overseas and bring it to Orange County. The \$25K Phase 1 will aim to prove that there will be enough work to sustain operations of over 100 individuals working with the garment industry and online retailers, such as Etsy. Working with a team, the project will identify designers who would manufacture their items here, and ultimately pair the designers with the workforce and the properties.

Motion to approve Galileo Technology Group, Inc. as an agent for economic development in the garment manufacturing industry made by VanLeeuwen, seconded by Vernon. Motion carries with all in favor.

*[Members Brescia and Vernon Exit the Meeting]*

### **Aurora Innovations – Initial Resolution**

Aurora Innovations, a manufacturer of organic potting soils located in Oregon, is a potential Start Up NY project, and began looking at Orange County with the news that Amy's Kitchen would be locating here. The project is in the Town of Goshen, and will allow their operation to ramp up production of their organic soils, in addition to developing new products. The capital investment will be \$4.5M over five years. The PILOT is not something that they are requesting at this time, so today's request is for the Sales & Use and Mortgage Recording Tax Exemptions. Fifty jobs will be created over 5 years with the project.

Mr. Dowd reads aloud the Aurora Innovations initial resolution. Motion made by VanLeeuwen, seconded by Schreibeis. Open for discussion. Affirmative votes of all members present resulted in motion carried.

### **OCP**

Mr. Fioravanti announces the CFA awards were made earlier in the afternoon, and the Mid-Hudson region won \$82.8M, including \$25M extra for winning. Orange County had 5 priority projects. He reviews the OCP annual event, as well as the OCP's recent marketing efforts. He then goes over the attractions and expansions for the year 2014, adding that

leads are increasing by 20% each year. He notes that Project Blackhawk is close to closing, and Chairman Armistead advises that he, Ms. Villasuso, Mr. Petro, Mr. Fioravanti and Mr. Dowd will be meeting with Blackhawk next week to discuss the labor policy. In addition, the Kikkerfrosch project is becoming active again.

**CNW Real Estate, LLC – Final Resolution**

Mr. Dowd reminds the Board that CNW is an assisted living facility in New Windsor, and will also be receiving OCFC benefits.

Mr. Dowd reads aloud the CNW Real Estate, LLC final resolution. Motion made by VanLeeuwen, seconded by Schreibeis. Open for discussion. Affirmative votes of all members present resulted in motion carried.

**Such other and further business as may be presented**

With no further business, meeting called for adjournment by Chairman Armistead, motion made by VanLeeuwen, seconded by Steinberg, the time being 3:23 p.m.

DRAFT

**ORANGE COUNTY INDUSTRIAL DEVELOPMENT AGENCY  
INCOME AND EXPENSE SUMMARY  
DECEMBER 31, 2014**

	Dec 14	Jan - Dec 14	Budget	\$ Over Budget
<b>Income</b>				
Closing Fees	\$ 297,000.00	\$ 232,281	\$ 983,333	\$ (751,052)
Fees	\$ -	\$ 1,358,126	\$ 655,000	\$ 703,126
IDA Administrative Fees	\$ 5,000.00	\$ 44,500	\$ 10,000	\$ 34,500
Interest Earnings	\$ -	\$ 21,666	\$ 22,000	\$ (334)
Pass Thru Legal Fees	\$ 5,000.00	\$ 27,500	\$ 10,000	\$ 17,500
Recovered Funds	\$ -	\$ -	\$ 255,000	\$ (255,000)
<b>Total Income</b>	<b>\$ 307,000.00</b>	<b>\$ 1,684,074</b>	<b>\$ 1,935,333</b>	<b>\$ (251,259)</b>
<b>Expense</b>				
<b>Administrative Costs</b>				
Advertising	\$ -	\$ -	\$ 1,500	\$ (1,500)
Auditors	\$ -	\$ 4,322	\$ 13,000	\$ (8,678)
Insurance	\$ 6,773.00	\$ 13,649	\$ 7,000	\$ 6,649
Mileage	\$ -	\$ 424	\$ 500	\$ (76)
OCIDA Admin. Support	\$ -	\$ 5,000	\$ 5,000	\$ -
Office Supplies & Expenses	\$ 351.78	\$ 4,150	\$ 5,000	\$ (850)
Secretary/Bookkeeper/Accountant	\$ 1,166.66	\$ 1,167	\$ 2,000	\$ (833)
Website and Technical Support	\$ -	\$ -	\$ 5,000	\$ (5,000)
<b>Total Administrative Costs</b>	<b>\$ 8,291.44</b>	<b>\$ 28,712</b>	<b>\$ 39,000</b>	<b>\$ (10,288)</b>
<b>Agency Contribution Costs</b>				
Hudson Valley Agribusiness Dvl.	\$ -	\$ -	\$ 25,000	\$ (25,000)
Hudson Valley Eco. Dev. Corp.	\$ -	\$ 15,500	\$ 15,500	\$ -
Hudson Valley Eco. Dev. Network	\$ -	\$ 4,500	\$ 4,500	\$ -
Hudson Valley Film Commission	\$ -	\$ 5,000	\$ 10,000	\$ (5,000)
Hudson Valley Food & Beverage	\$ -	\$ 20,000	\$ 20,000	\$ -
O.C. Foreign Trade Zone	\$ -	\$ 25,000	\$ 25,000	\$ -
O.C. Partnership	\$ -	\$ 192,579	\$ 230,000	\$ (37,421)
Orange County NY Arts Council	\$ 13,475.28	\$ 34,592	\$ 45,000	\$ (10,408)
Patterns for Progress	\$ -	\$ 17,000	\$ 17,000	\$ -
PTAC	\$ 7,000.00	\$ 28,000	\$ 28,000	\$ -
<b>Total Agency Contribution Costs</b>	<b>\$ 20,475.28</b>	<b>\$ 342,171</b>	<b>\$ 420,000</b>	<b>\$ (77,829)</b>
<b>Legal</b>				
Legal, Pass Thru	\$ 2,500.00	\$ 15,000	\$ 10,000	\$ 5,000
Legal - Other	\$ 5,707.25	\$ 66,156	\$ 75,000	\$ (8,844)
<b>Total Legal</b>	<b>\$ 8,207.25</b>	<b>\$ 81,156</b>	<b>\$ 85,000</b>	<b>\$ (3,844)</b>
<b>Other Expenses</b>				
Conf., Seminars, Events & Dues	\$ 1,500.00	\$ 7,713	\$ 5,000	\$ 2,713
Promotional Expenses	\$ -	\$ 23,727	\$ 30,000	\$ (6,273)
<b>Total Other Expenses</b>	<b>\$ 1,500.00</b>	<b>\$ 31,440</b>	<b>\$ 35,000</b>	<b>\$ (3,560)</b>
<b>Projects</b>				
Projects	\$ 88,575.00	\$ 589,972	\$ 450,000	\$ 139,972
<b>Total Projects</b>	<b>\$ 88,575.00</b>	<b>\$ 589,972</b>	<b>\$ 450,000</b>	<b>\$ 139,972</b>
Refund	\$ -	\$ 14,500	\$ -	\$ 14,500
<b>Total Expense</b>	<b>\$ 127,048.97</b>	<b>\$ 1,087,951</b>	<b>\$ 1,029,000</b>	<b>\$ 58,951</b>
<b>Income over/(under) expense</b>	<b>\$ 179,951.03</b>	<b>\$ 596,122</b>	<b>\$ 906,333</b>	<b>\$ (310,211)</b>

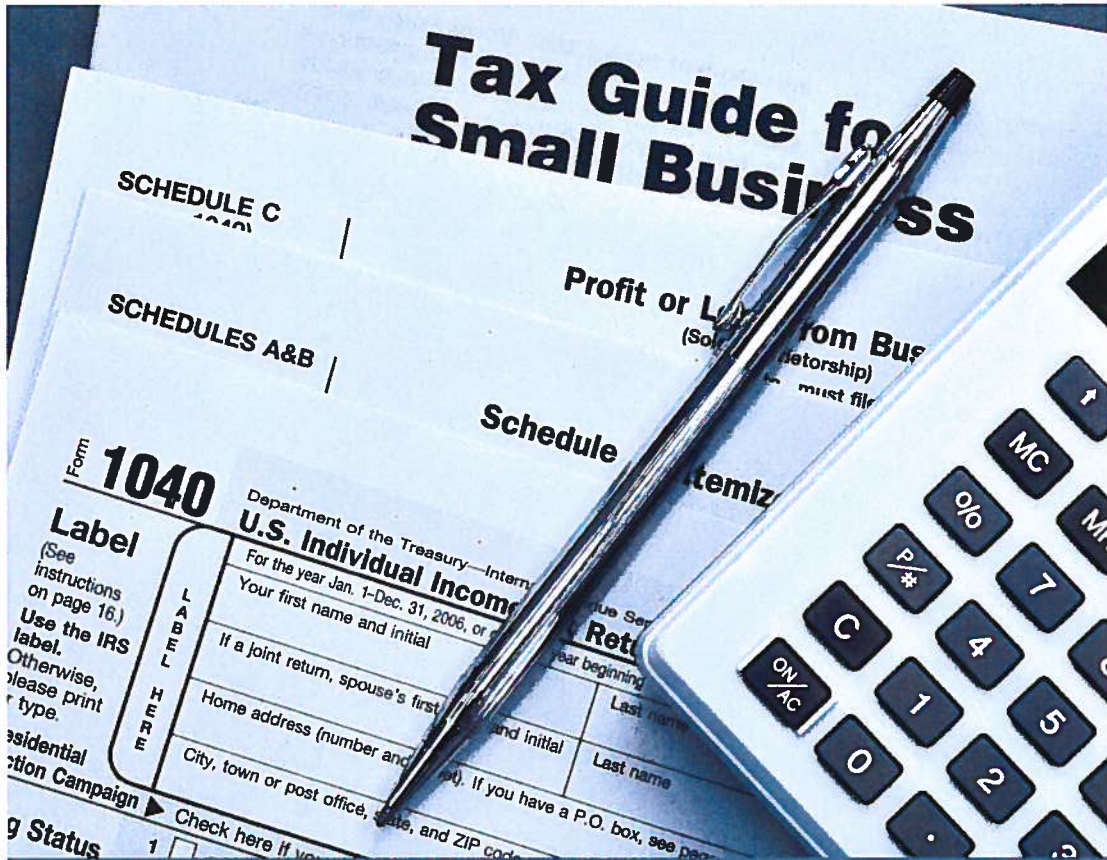
**ORANGE COUNTY FUNDING CORPORATION  
INCOME AND EXPENSE SUMMARY  
DECEMBER 31, 2014**

	Jan 14	Jan - Dec 14	Budget	\$ Over Budget
<b>Income</b>				
Closing Fees	\$ -	\$ -	\$ 100,000	\$ (100,000)
Interest Earnings	\$ 166.16	\$ 1,527	\$ 125	\$ 1,402
Millennium Pipeline Co. LLC	\$ -	\$ 108,000	\$ 108,000	\$ -
Recovered Funds	\$ -	\$ 523	\$ -	\$ 523
<b>Total Income</b>	<b>\$ 166.16</b>	<b>\$ 110,049</b>	<b>\$ 208,125</b>	<b>\$ (98,076)</b>
<b>Expense</b>				
Administrative Expense	\$ -	\$ -	\$ 5,000	\$ (5,000)
Auditor	\$ (5,000.00)	\$ (500)	\$ 4,000	\$ (4,500)
Insurance Expense	\$ 10,111.59	\$ 20,312	\$ -	\$ 20,312
Legal				
Loan Program	\$ -	\$ -	\$ 170,000	\$ (170,000)
Loan Program Administration	\$ -	\$ -	\$ 60,000	\$ (60,000)
Legal - Other	\$ 37.00	\$ 4,001	\$ 60,000	\$ (55,999)
<b>Total Legal</b>	<b>\$ 37.00</b>	<b>\$ 4,001</b>	<b>\$ 290,000</b>	<b>\$ (285,999)</b>
Office Supplies & Expenses	\$ -	\$ -	\$ 2,500	\$ (2,500)
Projects	\$ -	\$ 247,993	\$ -	\$ 247,993
<b>Total Expense</b>	<b>\$ 5,148.59</b>	<b>\$ 271,806</b>	<b>\$ 301,500</b>	<b>\$ (29,694)</b>
<b>Income over/(under) expense</b>	<b>\$ (4,982.43)</b>	<b>\$ (161,757)</b>	<b>\$ (93,375)</b>	<b>\$ (68,382)</b>



**Orange County Business Accelerator  
Profit & Loss YTD Comparison  
December 2014**

	<u>Dec 14</u>	<u>Jan - Dec 14</u>	<u>Budget</u>	<u>100%</u>
<b>Ordinary Income/Expense</b>				
<b>Income</b>				
IDA Deposit	0.00	524,826.75		
Interest Income			100.00	
Rent-Clients	6,568.70	68,489.02	100,000.00	
Rent-HVEDC	3,145.98	37,814.94	37,750.00	
Rent Sponsors	0.00	3,749.95	2,000.00	
Seminar/Sponsor	0.00	0.00		
Utility Reimbursement	249.92	4,367.48	3,000.00	
<b>Total Income</b>	<u>9,964.60</u>	<u>639,248.14</u>	<u>142,850.00</u>	
<b>Expense</b>				
Admin. Fees	12,778.44	162,045.82	150,870.00	107%
Automobile Expense	98.00	1,394.37	10,000.00	14%
Bank Service Charges	10.00	10.00		
Benefits				
403B	314.28	3,999.07		
MVP	1,194.28	14,658.72		
NYSDBL	15.12	189.42		
Benefits - Other	0.00	-148.40		
<b>Total Benefits</b>	<u>1,523.68</u>	<u>18,698.81</u>	<u>33,850.00</u>	55%
Building Insurance	0.00	6,671.18	7,000.00	95%
Building Rent	14,647.50	175,770.00	180,250.00	98%
Building Utilities	3,770.98	33,420.23	20,000.00	167%
Business Accelerator Management	5,000.00	65,000.00	72,000.00	90%
Common Area Maintenance	4,064.96	43,990.64	48,000.00	92%
Contingency	0.00	750.00	5,000.00	15%
Dues and Subscriptions	0.00	3,223.49	3,500.00	92%
Info Technology	1,482.38	10,146.55	20,000.00	51%
Marketing/PR & Web	1,163.83	47,174.18	100,000.00	47%
Office Cleaning	250.00	3,000.00	3,000.00	100%
Office Supplies & Postage	945.29	10,434.47	9,000.00	116%
Payroll Taxes & Fees				
FICA / Med	185.29	2,363.18		
FICA / SS	792.26	10,104.31		
FUTA	0.00	541.54		
Staff-Line Fee	223.64	2,835.99		
SUTA	0.00	659.30		
Workers Comp	83.04	1,380.68		
Payroll Taxes & Fees - Other	0.00	18.06		
<b>Total Payroll Taxes &amp; Fees</b>	<u>1,284.23</u>	<u>17,903.06</u>	<u>26,000.00</u>	69%
Professional Fees	0.00	0.00	6,300.00	0%
Returned Check	300.00	300.00		
Revenue Reimbursement to IDA	0.00	125,298.97		
Security Deposit - Refund	0.00	0.00		
Travel, Lodging, Meals	495.00	2,650.40	5,000.00	53%
<b>Total Expense</b>	<u>47,814.29</u>	<u>727,882.17</u>	<u>699,770.00</u>	
<b>Net Ordinary Income</b>	<u>-37,849.69</u>	<u>-88,634.03</u>		
<b>Other Income/Expense</b>				
<b>Other Income</b>				
Interest Income	13.10	128.95		
Refunds	0.00	0.00		
<b>Total Other Income</b>	<u>13.10</u>	<u>128.95</u>		
<b>Net Other Income</b>	<u>13.10</u>	<u>128.95</u>		
<b>Net Income</b>	<u><u>-37,836.59</u></u>	<u><u>-88,505.08</u></u>		



AN EXCLUSIVE INVITATION

## Distinguished Seminar Series

PRESENTED BY:

**Orange County Business Accelerator**

Distinguished Seminar Series  
Tuesday, Jan. 20, 2015 | Noon to 1:30 p.m.



ORANGE COUNTY  
BUSINESS ACCELERATOR

# FORUM

## Distinguished Seminar Series

Presented by **Orange County Business Accelerator**

### **Effective Tax Planning for Small Businesses**

Tuesday, Jan. 20, 2015  
Noon to 1:30 p.m.

#### **Orange County Business Accelerator**

N.Y. International Plaza at Stewart Airport  
4 Crotty Lane, Suite 100  
New Windsor, N.Y.

*A complimentary lunch is provided*

#### **EXPERTS:**

##### **Rob Unger, CPA, CFE**

Partner

Judelson, Giordano & Siegel, CPA, PC

##### **Domenick Del Rosso, CPA, MST**

Partner

Judelson, Giordano & Siegel, CPA, PC

Join us for an informational discussion on the timely subject of tax planning. Our experts will address a wide array of questions related to equity distribution, entity selection, tax credits and more.



ORANGE COUNTY  
**BUSINESS ACCELERATOR**

Please RSVP by contacting Kelly at (845) 220-2208 or  
[kreilly@ocaccelerator.com](mailto:kreilly@ocaccelerator.com) or visit [OCBA120.eventbrite.com](http://OCBA120.eventbrite.com)





*Empowering Businesses. Inspiring Growth.*

# **Shovel Ready Program Application**

City of Newburgh/ City of Newburgh IDA  
(Applicant Name)

**Robert T. Armistead  
Chairman**

Orange County Business Accelerator  
4 Crotty Lane, Suite 100  
New Windsor, NY 12553

Phone: 845-234-4192 Fax: 845-220-2228

[www.ocnyida.com](http://www.ocnyida.com)

[business@ocnyida.com](mailto:business@ocnyida.com)

# ORANGE COUNTY INDUSTRIAL DEVELOPMENT AGENCY

## SHOVEL READY PROGRAM APPLICATION

### I. APPLICANT INFORMATION

Applicants Name: City of Newburgh and City of Newburgh Industrial Development Agency

Mailing Address: 83 Broadway, Newburgh, NY 12550

Phone No.: City: 569-7383 IDA: 569-7369

Fax No.: (845) 569-9700

Fed Id. No.: City: 14-6002329 IDA: 14-1742033

Contact Person: City: Deidre Glenn, Director of Development (dglenn@cityofnewburgh-ny.gov)  
IDA: Teri Waivada, Executive Director (twaivada@cityofnewburgh-ny.gov)

### APPLICANT'S COUNSEL

#### **For the City:**

Name: George Rodenhausen, Esq., Rodenhausen & Chale LLP

Address: 20 Spring Brook Park, Rhinebeck, NY 12572

Phone No.: (845) 473-7766 Fax No.: (845) 473-7790

#### **FOR THE IDA:**

Name: Thomas Whyatt, Esq., Oxman, Tulis, Kirkpatrick, Whyatt LLP

Address: 120 Bloomingdale Road, White Plains, NY 10605

Phone No.: (914) 422-3900 Fax No.: (914) 422-3636

### II. PROJECT INFORMATION

A) Describe in detail the amount of program expenditure being requested by applicant, proposed project/infrastructure and the costs and expenditures expected and sources of payment (provide survey, architects/engineers renderings, etc... if available):

#### **1. Shovel Ready/Brownfield Remediation Request for \$310,000 for following Tasks:**

**The City of Newburgh Industrial Development Agency requests:**

**- \$53,000 to undertake site clearance of trees on IDA and City owned sites of roughly 18 acres. The work must be accomplished by March 31, 2015 to enable the completion of the Brownfield Cleanup Program remediation, issuance of Certificate of Completion, and the on-site installation of public facilities by December 31, 2015. The BCP sunsets on 12/31/2015.**

**-\$15,000 to hire Harris Beach LLP to provide legal services and prepare required grant agreements between the Orange County Industrial Development Agency, the City of Newburgh and the City of Newburgh Industrial Development Agency.**

**-4,000 to obtain title insurance the City and City of Newburgh properties.**

**The City of Newburgh requests**

**\$50,000 to secure engineering services for preparation of Landfill Exemption Plan (LEP) as requested by the DEC's Division of Waste Management to permit undertaking landfill management and stabilization of the City owned property adjacent to the Scobie Drive development site.**

**\$188,000 to implement the recommendations of the LEP which will require supplementing currently approved remedial activities to grade/secure/stabilize a 2+ acre elevated area abutting the IDA-owned site.**

**The applicants request exemption from Orange County IDA fees.**

**The Project:**

The City of Newburgh (City) and the City of Newburgh Industrial Development Agency (IDA) are partnering to facilitate retention of privately -Hudson Valley Lighting\* and its expansion and development of a 160,000 sq. ft. facility to house its operations. The development will be undertaken by 5 Scobie Drive LLC.

The site, roughly 25 acres located at 5 Scobie Drive in the City of Newburgh is in need of remediation as a result of its historic use for a municipal landfill. It borders I-84 and is easily accessible from/to I-84, the NYS Thruway, Stewart International Airport and more than 22 million people in the Tri-State area. .

The property consists of aggregated parcels consisting of an approximate 10+ acre portion of City of Newburgh DPW/former landfill and a 15-/+ acres owned by the IDA. The site is also adjacent to the 40-acre DuPont-Stauffer State Superfund site.

Since 2013, HVL, the City of Newburgh and the City of Newburgh IDA have aggressively sought assistance to offset the high costs of remediating and transforming a brownfield into a shovel ready site for the construction of a 160,000 sq. ft. facility to house the expanding assembly and distribution needs of Hudson Valley Lighting.

As result, the 15-Acre IDA site was accepted into the NYS Brownfield Tax Credit Program; Empire State Development awarded \$250,000 to the City for engineering costs, and the US Economic Development Administration awarded the City and IDA a grant of \$4,174,848 for installation of public infrastructure and some remediation activities on the site. The IDA is waving the cost of the disposition of the land and related fees. The City is waving building permit fees and has committed \$375,000 toward the local \$1.3 million match required by the US EDA grant. As the City is experiencing financial distress, 5 Scobie Drive will contribute an estimated \$ 543,720 to offset the matching share of the state and federal grants to the City and IDA.

## 5 Scobie Drive Project Costs and Grants

\$ 0 - Cost of land  
\$ 728,000 – Developer's fees to date for legal, engineering and BCP soft costs  
\$10,594,297– estimated cost for remediation of the 15 acre site less tax credits and grants.  
\$10,396,690 – estimated cost for construction of 160,000+sq.ft facility  
(\$ 2,922,393)– US EDA grant  
(\$ 200,000) NYS CFA grant

### **\*Hudson Valley Lighting:**

*Hudson Valley Lighting (HVL) is an established Orange County manufacturer of well-designed consumer and commercial lighting fixtures. Its main facility is located in leased space on 106 Pierces Road in the City of Newburgh with manufacturing space (USIA) at 1126 River Road, New Windsor, NY. The Company has grown in the last 7 years and has exceeded the capacity of its leased facilities in the City of Newburgh. The growth and expansion of both companies is dependent upon the completion of the new expanded facility at 5 Scobie Drive.*

*HVL has demonstrated its commitment to remaining in the City, and retaining its local work force that live in the City (70%) and its environs.*

### **The Development Partnership and Process:**

In 2012 Hudson Valley Lighting, approached City of Newburgh and the City of Newburgh to determine the potential for the company's expansion on the IDA 15-Acre Site located at 5 Scobie Drive and a 2+acre portion of adjacent City-owned property.

Recognizing the cost of remediating the site, the Development Partnership pursued assistance in transforming the property into a developable site:

- 2013 IDA enters into Disposition Agreement with 5 Scobie Drive LLC (aka Hudson Valley Lighting) to sell the land at no cost. City supports project.
- 2013 IDA and 5 Scobie Drive LLC apply for and are approved under the Brownfield Cleanup Program, thereby offsetting a portion of the remediation costs with Tax Credits.
- 2013 Hudson Valley Lighting and City submit grant for CFA funds to close funding gap for remediation. The request for \$250,000 is approved, \$50,000 match to be paid by HVL.
- 2014 City and IDA submit and are approved for a U.S. EDA grant for public works on the site for \$4,174,848 requiring matching share of \$1.3 million. Hudson Valley Lighting agrees to fund a portion the matching share, with the City agreeing contribute \$375,000 toward the local match of \$1,250,000 million.
- 2014-15 Faced with unanticipated site related costs, the City and IDA apply to Orange County IDA under the Shovel Ready Program for assistance to offset

costs not covered by state and federal grants as well as the activities on the adjacent city-owned landfill that require preparation of a Landfill not eligible for BCP tax credits.

B) Furnish a copy of any environmental application (SEQRA) presently in process of completion concerning the project, providing name and address of lead agency, and copy all pending or completed documentation and determinations (include information on status of site plan and any other required approvals):

The Lead Agency is the City of Newburgh Planning Board, 83 Broadway, Newburgh, NY 12550.

**BCP Project Manager:**

Kiera Thompson  
Engineering Geologist  
NYS Department of Environmental Conservation  
625 Broadway, 11th Floor  
Albany, NY 12233-7014  
Phone: (518) 402-9662 Fax: (518) 402-9679

Project Data

1. Project site (land)

(a) Indicate approximate size (in acres or square feet) of project site.

**15+ acre IDA-owned site and 2+acres of an adjacent City-owned land for tree clearing; and roughly 2+acres of a 10-acre landfill, City-owned site for stabilization and grading.**

(b) Are there buildings now on the project site? \_\_\_\_\_ Yes  \_\_\_\_\_ No

(c) Indicate the present use of the project site. **Vacant land, former landfill.**

2. Does the project involve acquisition of an existing building or buildings? If yes, indicate use, number, size and approximate age of buildings: **Not applicable**

3. Does the project consist of the construction of a new building or buildings? yes  
If yes, indicate use, number and size of new buildings:

**Following Remediation and Stabilization of overall Site, 5 Scobie Drive LLC will construct one 160,000 sq. ft. facility to be completed by mid-2016. The IDA will transfer the 15-acre site to 5 Scobie Drive following the issuance of a Certification of Completion from Dept. of Environmental Conservation – by December 31, 2015.**

4. List principal items or categories of equipment to be acquired as part of the project. **None.**

B) Project Address: IDA Site: 5 Scobie Drive, Newburgh, NY 12550 and City DPW Facility

Map: **the proposed site consists mainly of one tax parcel (S.B.L. 1-1-6) approximately 15+ acres in size and an approximate 2+ acre portion of S.B.L. 5-1-16). Only the SBL 1-1-6 will be transferred to Scobie Drive LLC, the City of Newburgh will retain its parcel and of public infrastructure.**

Located in City of Newburgh  
Located in Town of \_\_\_\_\_  
Located in Village of \_\_\_\_\_  
School District of Newburgh

C) Utilities on site? **To be accomplished with the grant from the US Economic Development Administration.**

Water     x          Electric     x      
Gas   x                Sanitary/Storm Sewer     x    

D) Present legal owner of the site to be conveyed: **City of Newburgh Industrial Development Agency. The City of Newburgh will retain ownership of its remediated acreage.**

Other than from applicant, by what means will the site be acquired for this project? \_\_\_\_\_

E) Zoning of Project Site:      Current:   Industrial   Proposed: \_\_\_\_\_

F) Are variances needed?   NA  

G) Principal/projected use of project upon completion: **A 160,000 sq. ft. Assembly, Design, Distribution and Warehouse facility will be owned and operated by Hudson Valley Lighting.**

H) Estimate how many construction/permanent jobs will be created or retained as a result of the project and the estimated annual salary range:

	<u>Number of jobs created</u>	<u>Estimated Annual Salary Range</u>
Construction:	<u>110</u>	<u>\$ 24,820</u> to <u>\$ 62,934</u>
Permanent:	_____	\$ _____ to \$ _____
HVL:	<u>180 retained</u>	<u>\$ 21,000</u> to <u>\$ 140,000</u>
	<u>50 new jobs</u>	<u>\$ 21,000</u> to <u>\$ 75,000</u>

I) Amount being applied for: **\$ 310,000**

J) Project Costs (Estimates) and sources of proceeds to pay project costs:

**See attached budget for estimates costs of project and sources of funds to be assisted by the Orange County Industrial Development Agency.**

Land	<u>    \$0    </u>
Building	_____
Equipment	_____
Soft costs	<u>  \$ 54,000  </u>

Site Clearance	<u>\$ 53,000</u>
Grading/Remediation	<u>\$188,000</u>
Fees to IDA	<u>\$ 15,000</u>
<b>Total</b>	<b><u>\$310,000</u></b>

**The Shovel Ready Assistance will generate public and private investment of \$10.5 million for installation of public works including water and sewer, storm drainage, site remediation and improvements, as well as pilings, and concrete foundation/slab for construction of 160,000 sq. ft. facility. Construction of the building will generate 10.39 million in private investment.**

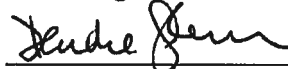
III. REPRESENTATIONS BY THE APPLICANT

The Applicant understands and agrees with the Agency as follows:

- A. Job Listings In accordance with Section 858-b(2) of the New York General Municipal Law, the applicant understands and agrees that, if the proposed project receives any assistance from the Agency, except as otherwise provided by collective bargaining agreements, new employment opportunities created as a result of the proposed project must be listed with the New York State Department of Labor Community Services Division (the "DOL") and with the administrative entity (collectively with the DOL, the "JTPA Entitle") of the service delivery area created by the federal job training partnership act (Public Law 97-300) ("JTPA") in which the project is located.
- B. First Consideration for Employment In accordance with Section 858-b(2) of the General Municipal Law, the applicant understands and agrees that, if the proposed project receives any assistance from the Agency, except as otherwise provided by collective bargaining agreements, where practicable, the applicant must first consider persons eligible to participate in JTPA programs who shall be referred by the JTPA Entities for new employment opportunities created as a result of the proposed project.
- C. A liability and contract liability policy for a minimum of three million dollars will be furnished by the Applicant insuring the Agency.
- D. Annual Sales Tax Fillings In accordance with Section 874(8) of the General Municipal Law, the Applicant understands and agrees that, if the proposed project receives any sales tax exemptions as part of the assistance from the Agency, in accordance with Section 874(8) of the General Municipal Law, the applicant agrees to file, or cause to be filed, with the New York State Department of Taxation and Finance, the annual form prescribed by the Department of Taxation and Finance, describing the value of all sales tax exemptions claimed by the applicant and all consultants or subcontractors retained by the Applicant.
- E. Annual Employment Reports The applicant understands and agrees that, if the proposed project receives any assistance from the Agency, the applicant agrees to file, or cause to be filed, with the Agency, on an annual basis, reports regarding the number of people employed at the project site.
- F. Absence of Conflicts of Interest The applicant has received from the Agency a list of the members, officers, and employees of the Agency. No member, officers or employee of the Agency has an interest, whether direct or indirect, in any transaction contemplated by this Application, except as hereinafter described:

The Applicant and the individual executing this Application on behalf of applicant acknowledge that the Agency and its counsel will rely on the representations made in this Application when acting hereon and hereby represents that the statements made herein do not contain any untrue statement of a material fact and do not omit to state a material fact necessary to make the statements contained herein not misleading.

**City of Newburgh**



\_\_\_\_\_  
(Applicant Signature)

Deidre Glenn

\_\_\_\_\_  
(Name of Officer)

Director of Planning

\_\_\_\_\_  
(Title)

**City of Newburgh Industrial Development Agency**



\_\_\_\_\_  
(Applicant Signature)

Theresa G. Waivada

\_\_\_\_\_  
(Name of Officer)

Executive Director

\_\_\_\_\_  
(Title)

This Application should be submitted to the Orange County Industrial Development Agency, c/o Robert T. Armistead, Chairman, Orange County Business Accelerator, 4 Crotty Lane, Suite 100, New Windsor, NY 12553.

The Agency will collect an administrative fee as set forth in **ATTACHED FEE SCHEDULE** (page 7)

**Counsel**

KEVIN T. DOWD, ESQ.  
46 Daisy Lane  
Montgomery, NY 12549  
Tel: (845) 778-5442

CHARLES SCHACHTER, ESQ./  
RUSSELL GAENZLE, ESQ.  
Harris Beach PLLC  
99 Garnsey Road  
Pittsford, New York 14534  
Tel: (585) 419-8718

**HOLD HARMLESS AGREEMENT**

APPLICANT HEREBY RELEASES THE ORANGE COUNTY INDUSTRIAL DEVELOPMENT AGENCY AND THE MEMBERS, OFFICERS, SERVANTS, AGENTS AND EMPLOYEES THEREOF (THE "AGENCY") FROM, AGREES THAT THE AGENCY SHALL NOT BE LIABLE FOR AND AGREES TO INDEMNIFY, DEFEND AND HOLD THE AGENCY HARMLESS FROM AND AGAINST ANY AND ALL LIABILITY ARISING FROM OR EXPENSE INCURRED BY (A) THE AGENCY'S EXAMINATION AND PROCESSING OF, AND ACTION PURSUANT TO OR UPON, THE ATTACHED APPLICATION, REGARDLESS OF WHETHER OR NOT THE



APPLICATION OR THE PROJECT DESCRIBED THEREIN OR THE TAX EXEMPTIONS AND OTHER ASSISTANCE REQUESTED THEREIN ARE FAVORABLY ACTED UPON BY THE AGENCY, (B) THE AGENCY'S ACQUISITION, CONSTRUCTION AND/OR INSTALLATION OF THE PROJECT DESCRIBED THEREIN AND (C) ANY FURTHER ACTION TAKEN BY THE AGENCY WITH RESPECT TO THE PROJECT; INCLUDING WITHOUT LIMITING THE GENERALITY OF THE FOREGOING, ALL CAUSES OF ACTION AND ATTORNEYS' FEES AND ANY OTHER EXPENSES INCURRED IN DEFENDING ANY SUITS OR ACTIONS WHICH MAY ARISE AS A RESULT OF ANY OF THE FOREGOING. IF, FOR ANY REASON, THE APPLICANT FAILS TO CONCLUDE OR CONSUMMATE NECESSARY NEGOTIATIONS, OR FAILS, WITHIN A REASONABLE OR SPECIFIED PERIOD OF TIME, TO TAKE REASONABLE, PROPER OR REQUESTED ACTION, OR WITHDRAWS, ABANDONS, CANCELS OR NEGLECTS THE APPLICATION, OR IF THE AGENCY OR THE APPLICANT ARE UNABLE TO REACH FINAL AGREEMENT WITH RESPECT TO THE PROJECT, THEN, AND IN THE EVENT, UPON PRESENTATION OF AN INVOICE ITEMIZING THE SAME, THE APPLICANT SHALL PAY TO THE AGENCY, ITS AGENTS OR ASSIGNS, ALL COSTS INCURRED BY THE AGENCY IN PROCESSING OF THE APPLICATION, INCLUDING ATTORNEYS' FEES, IF ANY.

*Deidre Glenn*

(Applicant Signature)

By: DEIDRE GLENN for the City of Newburgh

Name: DEIDRE GLENN

Title: DIRECTOR OF PLANNING & DEVELOPMENT

*Elizabeth Garrison*  
(Notary Public)

Sworn to before me this 5 day  
of January, 2015

ELIZABETH D. GARRISON  
Notary Public, State of New York  
No. 01GA5053248  
Qualified in Orange County  
Commission Expires December 11, 2017

#### HOLD HARMLESS AGREEMENT

APPLICANT HEREBY RELEASES THE ORANGE COUNTY INDUSTRIAL DEVELOPMENT AGENCY AND THE MEMBERS, OFFICERS, SERVANTS, AGENTS AND EMPLOYEES THEREOF (THE "AGENCY") FROM, AGREES THAT THE AGENCY SHALL NOT BE LIABLE FOR AND AGREES TO INDEMNIFY, DEFEND AND HOLD THE AGENCY HARMLESS FROM AND AGAINST ANY AND ALL LIABILITY ARISING FROM OR EXPENSE INCURRED BY (A) THE AGENCY'S EXAMINATION AND PROCESSING OF, AND ACTION PURSUANT TO OR UPON, THE ATTACHED APPLICATION, REGARDLESS OF WHETHER OR NOT THE APPLICATION OR THE PROJECT DESCRIBED THEREIN OR THE TAX EXEMPTIONS AND OTHER ASSISTANCE REQUESTED THEREIN ARE FAVORABLY ACTED UPON BY THE AGENCY, (B) THE AGENCY'S ACQUISITION, CONSTRUCTION AND/OR INSTALLATION OF THE PROJECT DESCRIBED THEREIN AND (C) ANY

FURTHER ACTION TAKEN BY THE AGENCY WITH RESPECT TO THE PROJECT; INCLUDING WITHOUT LIMITING THE GENERALITY OF THE FOREGOING, ALL CAUSES OF ACTION AND ATTORNEYS' FEES AND ANY OTHER EXPENSES INCURRED IN DEFENDING ANY SUITS OR ACTIONS WHICH MAY ARISE AS A RESULT OF ANY OF THE FOREGOING. IF, FOR ANY REASON, THE APPLICANT FAILS TO CONCLUDE OR CONSUMMATE NECESSARY NEGOTIATIONS, OR FAILS, WITHIN A REASONABLE OR SPECIFIED PERIOD OF TIME, TO TAKE REASONABLE, PROPER OR REQUESTED ACTION, OR WITHDRAWS, ABANDONS, CANCELS OR NEGLECTS THE APPLICATION, OR IF THE AGENCY OR THE APPLICANT ARE UNABLE TO REACH FINAL AGREEMENT WITH RESPECT TO THE PROJECT, THEN, AND IN THE EVENT, UPON PRESENTATION OF AN INVOICE ITEMIZING THE SAME, THE APPLICANT SHALL PAY TO THE AGENCY, ITS AGENTS OR ASSIGNS, ALL COSTS INCURRED BY THE AGENCY IN PROCESSING OF THE APPLICATION, INCLUDING ATTORNEYS' FEES, IF ANY.

(APPLICANT SIGNATURE)

BY: *Theresa G. Waivada*

NAME: Theresa G. WAIVADA

TITLE: Executive Director

*Elizabeth D. Garrison*  
(NOTARY PUBLIC)

SWORN TO BEFORE ME THIS 5 DAY  
OF January, 2015

[STAMP]

ELIZABETH D. GARRISON  
Notary Public, State of New York  
No. 01GA5053248  
Qualified in Orange County  
Commission Expires December 11, 2017

Reimbursement of Program Expenditure and Closing Fee:

Due upon sale or disposition of property (or upon other criteria approved by IDA), an amount equal to the Project Expenditure plus up to 5% (2.5% for IDA, and up to 2.5% for counsel fees)

NOTE: IDA reserves the right to seek additional IDA and Counsel fees for exceptionally complex/large transactions.

**Please make all Checks payable to:**

---

*Orange County Industrial Development Agency*

**Mail to:**

*4 Crotty Lane  
New Windsor, NY 12553*

**Attachments:**

**Project Location**

**Project Map**

**Negative Declaration**

**Project Budget and Sources of Grants**

**Draft of City of Newburgh Authorization**

For adoption on January 15, 2015

**City of Newburgh Industrial Development Agency Grant  
Authorization.**



# 5 Scobie Drive BCP Redevelopment Project



★ Site Location

1 Inch = 4 Miles

LFF  
12/31/14

FOR VISUAL REFERENCE ONLY  
COUNTY OF NEWBURGH makes no representation  
and assumes no liability for the accuracy of the information  
contained herein. The information is provided for informational  
purposes only and should not be used for any other purpose.  
The information is provided as a service to the public and  
is not intended to constitute an offer of any financial product  
or service.



State Environmental Quality Review  
**NEGATIVE DECLARATION**  
 Notice of Determination of Non-Significance

Project Number 2014-11

Date: December 12, 2014

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The City of Newburgh Planning Board as lead agency, has determined that the proposed action described below will not have a significant adverse environmental impact and a Draft Impact Statement will not be prepared.

**Name of Action:**

5 Scobie Drive Redevelopment Project

**SEQR Status:**      Type 1        
    Unlisted     

**Conditioned Negative Declaration:**       Yes  
     No

**Description of Action:**

The proposed action is for a warehouse and distribution facility for lighting products. The action consists of the implementation of remedial construction activities and site development on the approximately 15.5 acre parcel of land located on the northwest side of Scobie Drive in the City of Newburgh as well as grading activities on a portion of approximately 10 acres of the adjacent parcel owned by the City of Newburgh Department of Public Works. In total, the proposed action encompasses approximately 25.5 acres, of which approximately 18 acres will be disturbed. The project area was historically used for landfill operations until the 1960s and is zoned I-2, Warehouse/Light Industrial/Distribution. Site development activities on the 15.5 acre parcel include the construction and operation of a new warehousing and distribution facility and office (approximately 141,600 square feet), along with infrastructure development inclusive of the adjacent DPW parcel. Site development will include approximately 114 employee and visitor parking spaces, and a loading dock for up to 20 trucks. Access to the site will be provided from Scobie Drive. The applicant seeks site plan approval.

**Location:** (Include street address and the name of the municipality/county. A location map of appropriate scale is also recommended.)

5 Scobie Drive, City of Newburgh, County of Orange, New York

**Reasons Supporting This Determination:**

(See 617.7(a)-(c) for requirements of this determination ; see 617.7(d) for Conditioned Negative Declaration)

See attached.

**If Conditioned Negative Declaration**, provide on attachment the specific mitigation measures imposed, and identify comment period (not less than 30 days from date of publication in the ENB)

**For Further Information:**

Contact Person: Michelle Kelson

Address: 83 Broadway, Newburgh, New York 12550

Telephone Number: 845-569-7335

**For Type 1 Actions and Conditioned Negative Declarations, a Copy of this Notice is sent to:**

Chief Executive Officer , Town / City / Village of City of Newburgh

Other involved agencies (if any)

See attached.

Applicant (if any)

Environmental Notice Bulletin, 625 Broadway, Albany NY, 12233-1750 (Type One Actions only)

**HUDSON VALLEY LIGHTING HEADQUARTERS AND WAREHOUSE**

Newburgh, NY

**CONCEPTUAL ESTIMATE (12-22-14)**

(BUILDING FOOTPRINT CHANGE revised 09-16-14)

**PRE-ENGINEERED METAL BUILDING STRUCTURE with STUCCO-LIKE PANELS**

	QTY	UNIT	UNIT PRICE	TOTAL	GRANT ELIGIBLE	NOTE
<b>Project Costs to Date Not Reimbursable</b>						
BCP, Site Plan and other Project Related Costs				\$ 728,000		
<b>EARTHWORK AND CONCRETE:</b>						
General Excavation & Backfill	1	LS	\$	1,790,494	\$ 1,777,196	
Tree Clearing	1	LS	\$	52,500	\$ -	
Site Water	1	LS	\$	147,776	\$ 147,776	
Site Sanitary Sewer	1	LS	\$	245,470	\$ 245,470	
Utilities	1	LS	\$	116,200	\$ -	
Storm Drainage	1	LS	\$	73,960	\$ 73,960	
Paving and Sidewalks	1	LS	\$	786,371	\$ 786,371	
Landscaping and Site Improvements	1	LS	\$	337,875	\$ 337,875	
Piles	1	LS	\$	1,234,695		
Concrete Foundation & Slabs	1	LS	\$	2,810,225		
Underslab vapor mitigation system	1	LS	\$	201,061		
<b>SUBTOTAL</b>			\$	<b>8,524,627</b>	<b>\$ 3,368,648</b>	
BCP Environmental Easement, SMP & FER	1	LS	\$	100,000		
Administrative and Legal Expenses	1	LS	\$	30,000	\$ 30,000	
Landfill Disturbance Plan	1	LS	\$	30,000	\$ -	
Design / Estimate Contingency	5.00	%	\$	426,231	\$ 373,551	
Site and Foundation Engineering/QC	5.00	%	\$	497,206	\$ 252,649	
Project Inspections	1.00	LS	\$	300,000	\$ 150,000	
Subcontractor Bonds	1.50	%	\$	127,869	\$ -	
Construction Contingency	3.00	%	\$	255,739	\$ -	
GL Insurance	1.50	%	\$	127,869	\$ -	
Building Permit	1.25	%	\$	106,558	\$ -	
P&P Bond	0.80	%	\$	68,197	\$ -	
<b>SUBTOTAL:</b>			\$	<b>10,594,297</b>	<b>\$ 4,174,848</b>	
<b>TOTAL EARTHWORK AND CONCRETE:</b>			\$	<b>10,594,297</b>	<b>\$ 4,174,848</b>	
<b>BUILDING:</b>						
Pre-Engineered Metal Building (Tuff-Wall panel exterior)	168,648	sf	\$ 24.00	\$ 4,047,552		stucco-like exterior finish
4' x 10" Concrete Perimeter Wall	173	cy	\$ 600	\$ 103,800		interior liner panels above
Exterior Glass Wall System at Office Entrance	5700	sf	\$ 80	\$ 456,000		150 lf @ 38' height
Gutters/Scuppers and Downspouts	1	ls	\$ 25,000	\$ 25,000		840' gutters and 12 downspouts
Skylights / Smoke Roof Hatches	148	ea	\$ 3,000	\$ 444,000		based on 1 per 1000sf roof area per CA plan
OH Doors	25	ea	\$ 5,000	\$ 125,000		increased w'house area by 12%
Dock Levelers	25	ea	\$ 3,000	\$ 75,000		increased w'house area by 12%
Exterior Doors, Frames, and Hardware	14	ea	\$ 1,500	\$ 21,000		increased w'house area by 12%
Entrance Ramps and Railings	2	ea	\$ 15,000	\$ 30,000		
Exterior Signage	1	ls	\$ 5,000	\$ 5,000		
HVAC	147648	sf	\$ 4.50	\$ 664,416		heat only in w'house; exhaust fans / makeup air
Plumbing	147648	sf	\$ 1.00	\$ 147,648		warehouse trench drain; bathrooms
Fire Protection	147648	sf	\$ 3.00	\$ 442,944		wet p'ped system
Electrical	147648	sf	\$ 6.00	\$ 885,888		svc; high bay lighting; life safety; power equip
Office Area Construction	12000	sf	\$ 80	\$ 960,000		increased by 2000sf
General Conditions and Requirements	26	wks	\$ 10,000.00	\$ 260,000		based on 6 month construction schedule
<b>SUBTOTAL:</b>			\$	<b>8,693,248</b>		
Design / Estimate Contingency	5.00	%	\$	434,662		
Design Fee	5.00	%	\$	434,662		
Subcontractor Bonds	1.40	%	\$	121,705		
GL Insurance	1.50	%	\$	130,399		
Building Permit	1.00	%	\$	86,932		
<b>SUBTOTAL:</b>			\$	<b>9,901,609</b>		
CM Fee	5	%	\$	495,080		
Escalation	0	%	\$	-		
<b>TOTAL BUILDING:</b>			\$	<b>10,396,690</b>		
<b>TOTAL PROJECT (P/E BLDG EIFS/METAL):</b>			\$	<b>20,990,987</b>		



	USEDA & eligible costs	NYS ESD - City	USEDA (70%)	NYS ESD (80%)
	Eligible Costs	Eligible Costs	Reimbursable	Reimbursable
Current Grants	\$4,174,848	\$250,000	\$2,922,394	\$200,000

	\$ Scoble Drive (HVL)	City	Required match	City contribution	\$ Scoble Drive (HVL) contribution
Estimated Current Engineering, Legal and Grant Management Fees through December 2014 (Based on actual expenses and CT estimates thru year end)	\$ 728,000	\$ -			
From KCCM Site Preparation Cost Estimated Dated 12.22 (See attached detail)	\$ 6,169,449	\$ 4,424,848	(City portion represents USEDA & NYS ESD)		
Site Preparation and Engineering, Legal and Grant Management	\$ 6,897,449	\$ 4,424,848			
NYS ESD - City	\$ -	\$ (200,000)			
USEDA Grant Reimbursement Amount	\$ -	\$ (2,922,394)			
	\$ -	\$ -			
	\$ -	\$ -	(50,000)	(200,000)	
	\$ -	\$ -	(1,252,454)		
Waiving of building permit fees	\$ -	\$ -		(375,000) *	
	\$ -	\$ -		(183,734)	
Site Preparation Costs Reduced by Funding (Total less grants)	\$ 6,897,449	\$ 1,302,654	\$ (1,302,654)	\$ (758,734)	\$ (543,720)

10% in pot at time of engineering contract  
Balance in pot at time of construction contract

\* (187,500 each in 2015, 2016)

RESOLUTION NO.: \_\_\_\_\_ - 2015

OF

JANUARY 12, 2015

A RESOLUTION AUTHORIZING THE CITY MANAGER  
TO SUBMIT A JOINT APPLICATION WITH  
THE CITY OF NEWBURGH INDUSTRIAL DEVELOPEMNT AGENCY  
TO APPLY FOR AND ACCEPT IF AWARDED  
FUNDS IN AN AMOUNT NOT TO EXCEED \$310,000.00  
FROM THE ORANGE COUNTY INDUSTRIAL DEVELOPMENT AGENCY  
UNDER THE SHOVEL READY PROGRAM

WHEREAS, the Orange County Industrial Development Agency ("OCIDA") has developed a Shovel Ready Assistance Program (the "Program") in order to stay ahead of market conditions and provide potential businesses with the best opportunity to quickly begin operating in Orange County; and

WHEREAS, OCIDA has determined that certain risks and costs of the early stages of development have prevented municipalities from developing properties in the County to a shovel ready stage conducive to attracting businesses that would be highly beneficial to the County's continued economic success; and

WHEREAS, under the Program OCIDA will make expenditures for infrastructure and related improvements at sites that are ripe for the development of selected sites in Orange County that are favorable to use as large box and multi-user park sites; and

WHEREAS, the City of Newburgh and the City of Newburgh Industrial Development Agency ("IDA") wish to submit a joint application to the OCIDA for the Shovel Ready Program in an amount not to exceed \$310,000.00; and

WHEREAS, the funding will be used to support the development of 5 Scobie Drive and remedial work at the adjacent Department of Public Works ("DPW") site for tree removal, support of the Landfill Exemption Plan for DPW and grading the two (2) plus acres which adjoin both sites; and

WHEREAS, this Council has reviewed said grant and finds such to be in the best interests of the City of Newburgh;

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to submit a joint application with the City of Newburgh Industrial Development Agency to apply for and accept if awarded funds in an amount not to exceed \$310,000.00 from the Orange County Industrial Development Agency Shovel Ready Program and to execute all necessary documents to receive and comply with the terms of such grant and to carry out the programs funded thereby.

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**CITY OF NEWBURGH  
INDUSTRIAL DEVELOPMENT AGENCY**

**RESOLUTION NO. 2014-12-15-3**

**AUTHORIZING APPLICATION FOR FUNDS TO THE  
ORANGE COUNTY IDA'S SHOVEL READY PROGRAM**

**WHEREAS:**

By Resolution 2012-12-17-1, adopted December 17, 2012, the City of Newburgh Industrial Development Agency ("IDA") authorized the Chairman to execute a Land Disposition and Access Agreement ("Agreement") with the City of Newburgh (the "City") in connection with a Brownfields Clean-up Program ("BCP") to be undertaken by the IDA and Hudson Valley Lighting, Inc. ("HVL") to secure the remediation and improvement of a parcel of land owned by the IDA and located at 5 Scobie Drive for the purposes of industrial development and creation of jobs in the City of Newburgh (the "Project").

The Agreement was entered into by the City and the IDA on January 29, 2013.

The Orange County Industrial Development Agency maintains a "Shovel Ready Program" fund for the purposes of assisting industrial development, and has informed the Agency certain activities undertaken in the Project may be eligible for grant support from the Shovel Ready Program.

**NOW THEREFORE BE IT RESOLVED:**

1. The activity under review, seeking funding for an already approved project, is a Type II action under the State Environmental Quality Review Act, and no further review pursuant to SEQRA is thus required.
2. The Agency authorizes the Executive Director to submit a grant application to the Shovel Ready Program, on behalf of the IDA alone or in cooperation with the City of Newburgh, for such funds as may be made available.

The foregoing resolution Number 2014-12-15-3 was duly put to vote, which resulted as follows:

	<i>Yea</i>	<i>Nay</i>	<i>Absent</i>	<i>Abstain</i>
<b>Joshua Smith</b>	<b>X</b>			
<b>Richard Bedrosian</b>	<b>X</b>			
<b>Michael Curry</b>			<b>X</b>	
<b>Austin DuBois</b>	<b>X</b>			
<b>Jimmy Mera</b>			<b>X</b>	
<b>John Penney</b>	<b>X</b>			
<b>Nancy Thomas</b>	<b>X</b>			

This resolution was thereupon duly adopted on December 15, 2014.



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John Penney, Secretary

**LABOR POLICY**  
**ORANGE COUNTY INDUSTRIAL DEVELOPMENT AGENCY**  
**Adopted 04-24-2014**

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The Orange County Industrial Development Agency (IDA) was created for the purpose of creating employment opportunities for, and to promote the general prosperity and economic welfare of the residents of Orange County. The IDA offers economic incentives and benefits to qualified applicants who wish to locate or expand their businesses or facilities in Orange County. When the IDA approves a project, it enters into agreements to extend these incentives and benefits to the applicant.

Construction jobs, though limited in time duration, are vital to the overall employment opportunities in Orange County. The IDA believes that companies benefiting from its incentive programs should employ local laborers, mechanics, craft persons, journey workers, equipment operators, truck drivers and apprentices (hereinafter "construction workers"), including those who have returned from military service, during the construction phase of projects. In this way, the IDA can generate significant benefits to advance the County's general prosperity. It is, therefore, the policy of the IDA that firms benefiting from its programs shall employ workers in Orange County during all project phases, including the construction phase.

For the purposes of this Policy, the local labor market for construction workers shall be defined as those individuals living in Orange, Ulster, Sullivan, Dutchess, Putnam, Rockland and Westchester Counties. Applicants receiving IDA benefits shall utilize at least 85% local labor for their approved projects. However, the IDA recognizes that the use of local labor may not be possible for the following reasons:

- 1) Warranty issues related to installation of specialized equipment whereby the manufacturer requires installation by only approved installers;
- 2) Specialized construction is required and no local contractors or local construction workers have the required skills, certifications or training to perform the work;
- 3) Significant cost differentials in bid prices whereby the use of local labor significantly increases the cost of the project. A cost differential of 10% is deemed significant. Every effort should be made by the contractor or applicant to get below the 10% cost differential including, but not limited to, meeting with local construction trade organizations and local contractor associations;
- 4) No local labor is available for the project; and
- 5) The contractor requires the use of key or core persons such as supervisors, foremen, or construction workers having special skills.

The request to secure an exemption for use of non-local labor must be received in writing from the applicant. The request will be reviewed by the Executive Director who shall have the authority to approve or disapprove the request. The Executive Director shall report each authorized exemption to the Board of Directors at its monthly meeting.

In addition, applicants receiving IDA benefits and Contractors on the project shall make every effort to utilize vendors, material suppliers, subcontractors and professional services from Orange County and the surrounding counties. Applicants and contractors shall be required to keep records of those local vendors, material suppliers, contractors and professional services who they have solicited and with whom they have contracted with or awarded.

It is the goal of the County of Orange and the IDA to promote the use of local veterans on projects receiving IDA benefits. By partnering with local contractors, local contractor groups, local trade unions and contractors awarded work on IDA projects there is opportunity for veterans to gain both short term and long term careers in the construction industry.

Once approved for IDA benefits, all applicants will be required to provide to the IDA's Executive Director the following information:

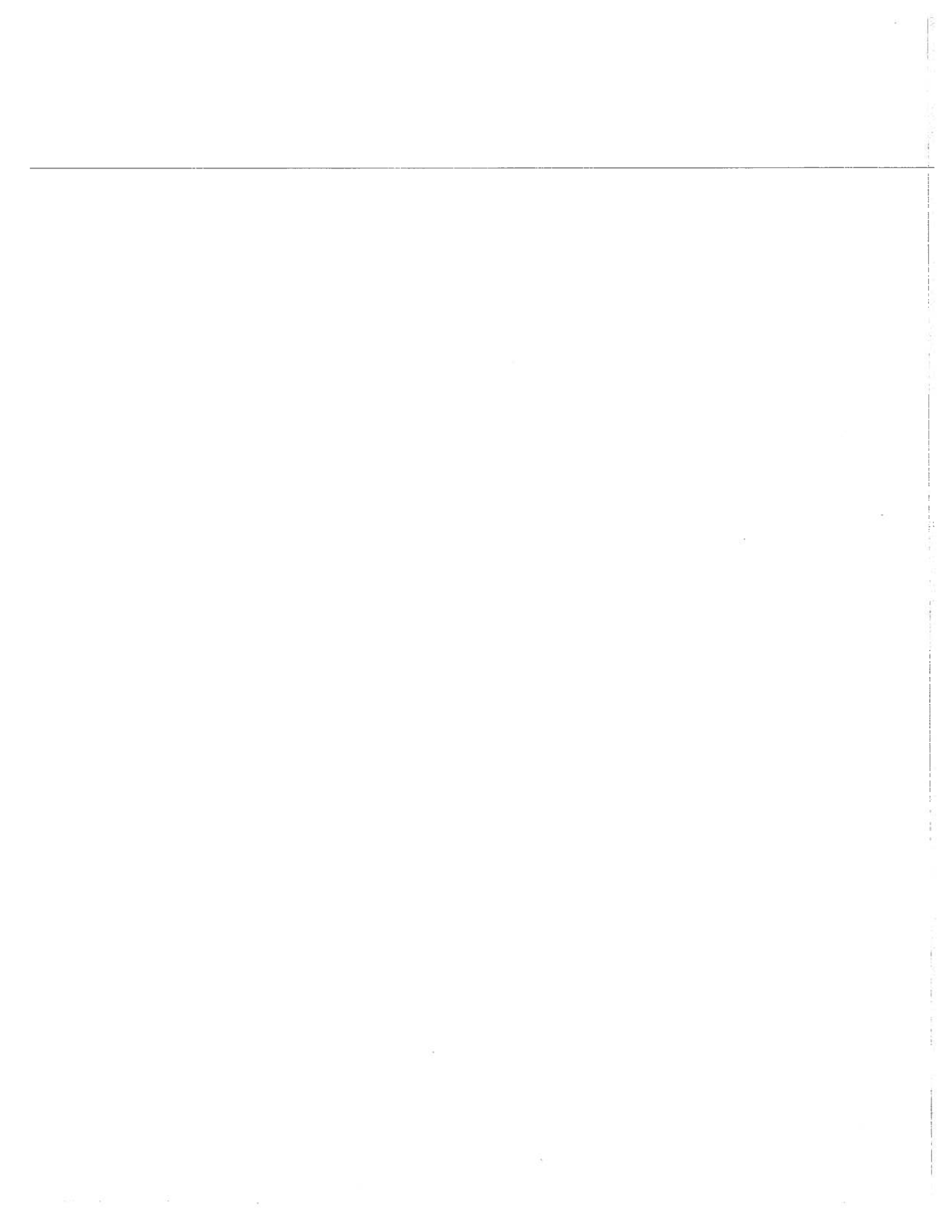
- 1) Contact information for the applicant's representative who will be responsible and accountable for providing information about the bidding and awarding of construction contracts relative to the application and project;
- 2) Description of the nature of construction jobs created by the project, including in as much detail as possible, the number, type and duration of construction positions;
- 3) The names, contact information, certificate of authorization to do business in the State of New York and copies of current Certificates of NYS Workers' Compensation Insurance, NYS Disability Insurance, General Liability Insurance and proof of current OSHA training certification for all contractors and their employees performing work on the site; and
- 4) A Construction Completion Report listing the names and business locations of prime contractors, subcontractors and vendors who have been engaged in the construction phase of the project.

All Orange County IDA projects are subject to local monitoring by the IDA. The Construction Manager, acting as agent for the applicant, on the project shall keep a log book on site detailing the number of workers on the job for each trade and the counties in which they reside which shall be subject to periodic inspection by the monitoring entity. The monitor shall issue a report to the Executive Director relative to compliance with this labor policy who shall share such information with the IDA Board of Directors. If a violation of the policy has occurred, the Executive Director shall notify the applicant in writing and give such applicant a warning of such violation. In the event there is a subsequent violation of the policy, the Executive Director shall bring such information to the Board of Directors which may, in its discretion, take action to revoke IDA benefits.

The applicant of an IDA approved project shall be required to maintain a 4' x 8' bulletin board on the project site containing the following information:

- 1) Contact information of the applicant;
- 2) Summary of the IDA benefits received; and
- 3) Contractors' names and contact information.

The bulletin board shall be located in an area that is accessible to onsite workers and visitors.







*Empowering Businesses. Inspiring Growth.*

# APPLICATION FOR FINANCIAL ASSISTANCE

Blackhawk Development, LLC  
(Applicant Name)

**Robert T. Armistead**  
**Chairman**

Orange County Business Accelerator  
4 Crotty Lane, Suite 100  
New Windsor, NY 12553

Phone: 845-234-4192 Fax: 845-220-2228

[www.ocnyida.com](http://www.ocnyida.com)

[business@ocnyida.com](mailto:business@ocnyida.com)

Updated July 2014

# ORANGE COUNTY INDUSTRIAL DEVELOPMENT AGENCY

## APPLICATION FOR FINANCIAL ASSISTANCE

### I. APPLICANT INFORMATION

Company Name: Blackhawk Development, LLC, an operating entity of a Fortune 100, publicly traded company. See attached certificate of formation

Mailing Address: CBRE Inc (agent of Blackhawk Development, LLC)  
2415 E. Camelback Road | Phoenix, AZ 85016

Phone No.: 602-735-5514

Fax No.: n/a. Use email at john.lenio@cbre.com

Fed Id. No.: To be disclosed at a future time

Contact Person: John Lenio

Principal Owners/Officers/Directors (list owners with 15% or more in equity holdings with percentage ownership):

Not applicable to Blackhawk Development, LLC. None for the Fortune 100 Company.

Corporate Structure (*attach schematic if applicant is a subsidiary or otherwise affiliated with another entity*)

Form of Entity

Corporation

Date of Incorporation: \_\_\_\_\_  
State of Incorporation: \_\_\_\_\_

Partnership

General \_\_\_\_\_ or Limited \_\_\_\_\_  
Number of general partners \_\_\_\_\_  
If applicable, number of limited partners \_\_\_\_\_

Date of formation \_\_\_\_\_  
Jurisdiction of Formation \_\_\_\_\_

Limited Liability Company/Partnership (number of members 1 )

Date of organization: 6/9/2014  
State of Organization: Delaware

Sole Proprietorship

If a foreign organization, is the applicant authorized to do business in the State of New York?

APPLICANT'S COUNSEL

Name: \_\_\_\_\_ Client will be using in-house counsel \_\_\_\_\_

Address: \_\_\_\_\_

Phone No.: \_\_\_\_\_

Fax No.: \_\_\_\_\_

II. PROJECT INFORMATION

A) Describe the proposed acquisitions, construction or reconstruction and a description of the costs and expenditures expected.

The Project consists of new construction of a ~340,000 square foot distribution center (with 100,000 square foot expansion option) on about 37 acres of vacant land located in Hamptonburgh. Total capital investment is estimated at approximately \$85.2 million. A breakdown of investment is shown in the table below.

<b>Capital Investment Summary Project Blackhawk</b>						
<b>Item</b>	<b>Totals</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>
Building / Lease size (sq ft)		Under Construction		350,000	350,000	350,000
<b>Hamptonburgh NY (Hudson Valley site)</b>						
Land Acquisition	<b>\$9,500,000</b>	\$0	\$9,500,000	\$0	\$0	\$0
Site Work Costs	<b>\$8,400,000</b>	\$0	\$8,400,000	\$0	\$0	\$0
Construction <sup>1</sup>	<b>\$32,900,000</b>	\$0	\$32,900,000	\$0	\$0	\$0
Material Handling Equipment	<b>\$33,800,000</b>	\$0	\$0	\$33,800,000	\$0	\$0
Furniture & Fixtures	<b>\$600,000</b>	\$0	\$0	\$600,000	\$0	\$0
<b>Total Investment</b>	<b>\$85,200,000</b>	<b>\$0</b>	<b>\$50,800,000</b>	<b>\$34,400,000</b>	<b>\$0</b>	<b>\$0</b>

<sup>1</sup> Costs include those funded by a Developer on the Company's behalf or by the Company itself.

B) Furnish a copy of any environmental application presently in process of completion concerning this project, providing name and address of the agency, and copy all pending or completed documentation and determinations.

See attached SEQR approval and site plan approval.

If any of the above persons, or a group of them, owns more than a 50% interest in the company, list all other organizations which are related to the company by virtue of such persons having more than a 50% interest in such organizations.

Not applicable

Is the company related to any other organization by reason of more than 50% common ownership? If so, indicate name of related organization and relationship.

Yes. A confidential Fortune 100, publicly traded company.

Has the company (or any related corporation or person) made a public offering or private placement of its stock within the last year? If so, please provide offering statement used.

No

Project Data

1. Project site (land)

(a) Indicate approximate size (in acres or square feet) of project site.

37 acres

(b) Are there buildings now on the project site? \_\_\_\_\_ Yes  No

(c) Indicate the present use of the project site.

Vacant land

(d) Indicate relationship to present user of project.

The Company is the proposed purchaser of vacant land from the current owner.

2. Does the project involve acquisition of an existing building or buildings? If yes, indicate number, size and approximate age of buildings:

No

3. Does the project consist of the construction of a new building or buildings? If yes, indicate number and size of new buildings:

Yes. One building. Initial construction of ~350,000 square foot building with an option to expand by ~100,000 square feet.

4. Does the project consist of additions and/or renovations to existing buildings? If yes, indicate nature of expansion and/or renovation:

No

5. What will the building or buildings to be acquired, constructed or expanded be used for by the company? (Include description of products to be manufactured, assembled or processed, and services to be rendered. . .

The building will be a distribution center of bulk pharmaceutical drugs.

. . .*including* the percentage of building(s) to be used for office space and an estimate of the percentage of the functions to be performed at such office not related to the day-to-day operations of the facilities being financed.)

~6% of the building area will be used as office space. All of the activity performed in the office space will be related to day-to-day operations.

6. If any space in the project is to be leased to third parties, indicate total square footage of the project amount to be leased to each tenant and proposed use by each tenant.

Not applicable

7. List principal items or categories of equipment to be acquired as part of the project.

Material handling equipment, furniture, computerized equipment, fixtures

8. Has construction work on this project begun? No

Complete the following

- |                            |           |             |                  |
|----------------------------|-----------|-------------|------------------|
| (a) site clearance         | _____ Yes | <u>X</u> No | _____ % complete |
| (b) foundation             | _____ Yes | <u>X</u> No | _____ % complete |
| (c) footings               | _____ Yes | <u>X</u> No | _____ % complete |
| (d) steel                  | _____ Yes | <u>X</u> No | _____ % complete |
| (e) masonry work           | _____ Yes | <u>X</u> No | _____ % complete |
| (f) other (describe below) | _____ Yes | <u>X</u> No | _____ % complete |

9. Will any of the funds borrowed through the Agency be used for refinancing?  
Not applicable. The Company will be using cash to finance the development.

10. Is a purchaser for the bonds in place? Not applicable

**COST BENEFIT ANALYSIS:**

	<u>Costs =</u> <u>Financial Assistance</u>	<u>Benefits =</u> <u>Economic Development</u>
Estimated Sales Tax Exemption	<u>\$4,132,000</u>	New Jobs Created <u>164</u>
		Existing Jobs Retained <u>0</u>
Estimated Mortgage Tax Exemption	<u>\$0</u>	Private Funds invested <u>\$85,200,000</u>
Estimated Property Tax Abatement	<u>\$8,294,000</u>	Other Benefits <u>See Economic Impact Study</u>
		Expected Yearly Payroll <u>\$6,500,000</u>
Estimated Interest Savings IRB Issue	<u>\$0</u>	Expected Gross Receipts <u>\$2 billion+</u>

B) Project Address: Hudson Valley Crossing Drive

Tax Map Number 333489 1-1-21.212  
(Section/Block/Lot)

Located in City of \_\_\_\_\_

Located in Town of Hamptonburgh

Located in Village of \_\_\_\_\_

School District of Valley Central School 334201

C) Are utilities on site?

Water Yes

Electric Yes

Gas Yes

Sanitary/Storm Sewer Yes

D) Present legal owner of the site Hudson Valley Crossing LLC

If other than from applicant, by what means will the site be acquired for this project? Not applicable

E) Zoning of Project Site: Current: LUI Proposed: Same

F) Are any variances needed? No

G) Principal use of project upon completion: Distribution center

H) Will the project result in the removal of a plant or facility of the applicant from one area of the State of New York to another? No

Will the project result in the removal of a plant or facility of another proposed occupant of the project from one area of the State of New York to another area of the State of New York? No

Will the project result in the abandonment of one or more plants or facilities located in the State of New York? No

I) Estimate how many construction/permanent jobs will be created or retained as a result of this project and the estimated annual salary range:

	<u>Number of jobs created</u>	<u>Estimated Annual Salary Range</u>
Construction:	<u>216</u>	<u>\$50,000</u> to <u>\$60,000</u>
Permanent:	<u>264</u>	<u>\$34,000</u> to <u>\$68,000</u>
Retained:	<u>0</u>	<u>\$</u> to <u>\$</u>

J) Financial Assistance being applied for:

Estimated Value

X Real Property Tax Abatement \$8,294,000

Please indicate the term of the PILOT: 15 Years

       Mortgage Tax Exemption \$0

Please provide the Mortgage Amount: \$ \_\_\_\_\_

X Sales and Use Tax Exemption \$4,132,000

Amount of Goods & Services to be purchased: \$50,850,000

\_\_\_\_\_ Issuance by the Agency of Tax Exempt Bonds \$0

K) Project Costs (Estimates)

Land	<u>\$9,500,000</u>
Building	<u>\$32,900,000</u>
Equipment	<u>\$34,400,000</u>
Soft costs	<u>Included above</u>
Other	<u>\$8,400,000 (site work)</u>
<b>Total</b>	<b><u>\$85,200,000</u></b>

III. REPRESENTATIONS BY THE APPLICANT


The Applicant understands and agrees with the Agency as follows:

- A. Job Listings In accordance with Section 858-b(2) of the New York General Municipal Law, the applicant understands and agrees that, if the proposed project receives any Financial Assistance from the Agency, except as otherwise provided by collective bargaining agreements, new employment opportunities created as a result of the proposed project must be listed with the New York State Department of Labor Community Services Division (the "DOL") and with the administrative entity (collectively with the DOL, the "JTPA Entitle") of the service delivery area created by the federal job training partnership act (Public Law 97-300) ("JTPA") in which the project is located.
- B. First Consideration for Employment In accordance with Section 858-b(2) of the General Municipal Law, the applicant understands and agrees that, if the proposed project receives any Financial Assistance from the Agency, except as otherwise provided by collective bargaining agreements, where practicable, the applicant must first consider persons eligible to participate in JTPA programs who shall be referred by the JTPA Entities for new employment opportunities created as a result of the proposed project.
- C. A liability and contract liability policy for a minimum of three million dollars will be furnished by the Applicant insuring the Agency.
- D. Annual Sales Tax Fillings In accordance with Section 874(8) of the General Municipal Law, the Applicant understands and agrees that, if the proposed project receives any sales tax exemptions as part of the Financial Assistance from the Agency, in accordance with Section 874(8) of the General Municipal Law, the applicant agrees to file, or cause to be filed, with the New York State Department of Taxation and Finance, the annual form prescribed by the Department of Taxation and Finance, describing the value of all sales tax exemptions claimed by the applicant and all consultants or subcontractors retained by the Applicant.
- E. Annual Employment Reports The applicant understands and agrees that, if the proposed project receives any Financial Assistance from the Agency, the applicant agrees to file, or cause to be filed, with the Agency, on an annual basis, reports regarding the number of people employed at the project site.
- F. Absence of Conflicts of Interest The applicant has received from the Agency a list of the members, officers, and employees of the Agency. No member, officers or



employee of the Agency has an interest, whether direct or indirect, in any transaction contemplated by this Application, except as hereinafter described:

The Applicant and the individual executing this Application on behalf of applicant acknowledge that the Agency and its counsel will rely on the representations made in this Application when acting hereon and hereby represents that the statements made herein do not contain any untrue statement of a material fact and do not omit to state a material fact necessary to make the statements contained herein not misleading.

  
\_\_\_\_\_  
(Applicant Signature)  
**Darryl E. Smith**  
\_\_\_\_\_  
(Name of Officer)  
*Manager and Assistant Secretary*  
\_\_\_\_\_  
(Title)

This Application should be submitted to the Orange County Industrial Development Agency, c/o Robert T. Armistead, Chairman, Orange County Business Accelerator, 4 Crotty Lane, Suite 100, New Windsor, NY 12553.

The Agency will collect an administrative fee at the time of closing.  
**SEE ATTACHED FEE SCHEDULE** (page 10)

Bond Counsel  
CHARLES SCHACHTER, ESQ./  
RUSSELL GAENZLE, ESQ.  
Harris Beach PLLC  
99 Garnsey Road  
Pittsford, New York 14534  
Tel: (585) 419-8633  
Fax: (585) 419-8817

Attach copies of preliminary plans or sketches of proposed construction or rehabilitation or both.

Attach the following Financial Information of the Company

1. Financial statements for last two fiscal years (unless included in company's Annual Reports).
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(Applicant Signature)

By: Blackhawk Development, LLC

Name: Darryl E. Smith

Title: Manager and Assistant Secretary

  
(Notary Public)

Sworn to before me this 15<sup>th</sup> day  
of December, 2014



**FEE SCHEDULE FOR THE  
ORANGE COUNTY IDA IS AS FOLLOWS:**

**Application Fee:**

**\$5,000 non-refundable, due at application, broken down as follows:**

**IDA Administrative Fee: \$2,500**

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**IDA Fee**

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Balance due to be determined based on Project and overall structure (typically \$25,000 to \$35,000 plus out of pocket expenditures).

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**Mail to:**

*4 Crotty Lane*

*New Windsor, NY 12553*

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straight one-half percent (0.5%) of the project cost (as identified on page 7 of this application).

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ORANGE COUNTY INDUSTRIAL DEVELOPMENT AGENCY  
Adopted 04-24-2014**

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- 3) The names, contact information, certificate of authorization to do business in the State of New York and copies of current Certificates of NYS Workers' Compensation Insurance, NYS Disability Insurance, General Liability Insurance and proof of current OSHA training certification for all contractors and their employees performing work on the site; and
- 4) A Construction Completion Report listing the names and business locations of prime contractors, subcontractors and vendors who have been engaged in the construction phase of the project.

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*Empowering Businesses. Inspiring Growth.*

# APPLICATION FOR FINANCIAL ASSISTANCE

PCH Energy, LLC

(Applicant Name)

**Robert T. Armistead**  
**Chairman**

Orange County Business Accelerator  
4 Crotty Lane, Suite 100  
New Windsor, NY 12553

Phone: 845-234-4192 Fax: 845-220-2228

[www.ocnyida.com](http://www.ocnyida.com)

[business@ocnyida.com](mailto:business@ocnyida.com)

Updated July 2014

# ORANGE COUNTY INDUSTRIAL DEVELOPMENT AGENCY

## APPLICATION FOR FINANCIAL ASSISTANCE

### I. APPLICANT INFORMATION

Company Name: PCH Energy, LLC

Mailing Address: 200 West Commercial Ave

Phone No.: 201. 933. 7500

Fax No.: \_\_\_\_\_

Fed Id. No.: 61-1750246

Contact Person: RICHARD GOLDBERG / HOWARD COHEN

Principal Owners/Officers/Directors (list owners with 15% or more in equity holdings with percentage ownership):

Corporate Structure (*attach schematic if applicant is a subsidiary or otherwise affiliated with another entity*)

#### Form of Entity

Corporation

Date of Incorporation: \_\_\_\_\_  
State of Incorporation: \_\_\_\_\_

Partnership

General \_\_\_\_\_ or Limited \_\_\_\_\_  
Number of general partners \_\_\_\_\_  
If applicable, number of limited partners \_\_\_\_\_

Date of formation \_\_\_\_\_  
Jurisdiction of Formation \_\_\_\_\_

Limited Liability Company/Partnership (number of members 1)

Date of organization: 10/8/2014  
State of Organization: New York

Sole Proprietorship

If a foreign organization, is the applicant authorized to do business in the State of New York?

\_\_\_\_\_

APPLICANT'S COUNSEL

Name: R. Scott Laforgia

Address: 594 Valley Road, Suite #8 Montclair NJ 07043

Phone No.: 973-655-1661

Fax No.: 973-655-1664

II. PROJECT INFORMATION

A) Describe the proposed acquisitions, construction or reconstruction and a description of the costs and expenditures expected.

Install 2 new solar electric generation facility.  
Estimated cost = \$4,350,000<sup>00</sup>

B) Furnish a copy of any environmental application presently in process of completion concerning this project, providing name and address of the agency, and copy all pending or completed documentation and determinations.

If any of the above persons, or a group of them, owns more than a 50% interest in the company, list all other organizations which are related to the company by virtue of such persons having more than a 50% interest in such organizations.

President Container Holdings I, LLC. President Container Group II, LLC

Is the company related to any other organization by reason of more than 50% common ownership? If so, indicate name of related organization and relationship.

SP REALTY ASSOCIATE II, LLC

Has the company (or any related corporation or person) made a public offering or private placement of its stock within the last year? If so, please provide offering statement used.

No.



Project Data

1. Project site (land)

(a) Indicate approximate size (in acres or square feet) of project site.

11 acres

(b) Are there buildings now on the project site?  Yes  No

(c) Indicate the present use of the project site.

vacant land

(d) Indicate relationship to present user of project.

vacant land.

2. Does the project involve acquisition of an existing building or buildings? If yes, indicate number, size and approximate age of buildings:

No

3. Does the project consist of the construction of a new building or buildings? If yes, indicate number and size of new buildings:

No

4. Does the project consist of additions and/or renovations to existing buildings? If yes, indicate nature of expansion and/or renovation:

No

5. What will the building or buildings to be acquired, constructed or expanded be used for by the company? (Include description of products to be manufactured, assembled or processed, and services to be rendered. . .

N/A

. . .including the percentage of building(s) to be used for office space and an estimate of the percentage of the functions to be performed at such office not related to the day-to-day operations of the facilities being financed.)

N/A

6. If any space in the project is to be leased to third parties, indicate total square footage of the project amount to be leased to each tenant and proposed use by each tenant.

n/a

7. List principal items or categories of equipment to be acquired as part of the project.

Solar array - Solar panels, structure to hold panels. Energy Inverter.

8. Has construction work on this project begun?

Complete the following

- |                            |           |             |                  |
|----------------------------|-----------|-------------|------------------|
| (a) site clearance         | _____ Yes | <u>X</u> No | _____ % complete |
| (b) foundation             | _____ Yes | <u>X</u> No | _____ % complete |
| (c) footings               | _____ Yes | <u>X</u> No | _____ % complete |
| (d) steel                  | _____ Yes | <u>X</u> No | _____ % complete |
| (e) masonry work           | _____ Yes | <u>X</u> No | _____ % complete |
| (f) other (describe below) | _____ Yes | <u>X</u> No | _____ % complete |

9. Will any of the funds borrowed through the Agency be used for refinancing?

NO

10. Is a purchaser for the bonds in place? n/a.

**COST BENEFIT ANALYSIS:**

	<u>Costs =</u> <u>Financial Assistance</u>	<u>Benefits =</u> <u>Economic Development</u>
Estimated Sales Tax Exemption	\$ <u>165,000 -</u>	New Jobs Created _____
		Existing Jobs Retained _____
Estimated Mortgage Tax Exemption	\$ <u>- 0 -</u>	Private Funds invested \$ _____
Estimated Property Tax Abatement	\$ <u>- 0 -</u>	Other Benefits _____
Estimated Interest Savings IRB Issue	\$ <u>- 0 -</u>	Expected Yearly Payroll \$ _____
		Expected Gross Receipts \$ _____

B) Project Address: 290 Ballard Rd Middletown NY 10941

Tax Map Number 60-1-120.2  
(Section/Block/Lot)  
Located in City of Middletown  
Located in Town of Wallkill  
Located in Village of \_\_\_\_\_  
School District of Goshen

C) Are utilities on site?

Water ✓ Electric ✓  
Gas ✓ Sanitary/Storm Sewer ✓

D) Present legal owner of the site SP Realty Associates II, LLC  
If other than from applicant, by what means will the site be acquired for this project? \_\_\_\_\_

E) Zoning of Project Site: Current: ~~Manufacturing~~ <sup>Light</sup> Proposed: Manufacturing

F) Are any variances needed? No

G) Principal use of project upon completion: Solar Energy production

H) Will the project result in the removal of a plant or facility of the applicant from one area of the State of New York to another? No

Will the project result in the removal of a plant or facility of another proposed occupant of the project from one area of the State of New York to another area of the State of New York? No

Will the project result in the abandonment of one or more plants or facilities located in the State of New York? No

I) Estimate how many construction/permanent jobs will be created or retained as a result of this project and the estimated annual salary range:

	Number of jobs created	Estimated Annual Salary Range
Construction:	<u>TBD</u>	\$ _____ to \$ _____
Permanent:	<u>15</u>	\$ <u>29,000 (14/hr)</u> to \$ <u>37,000 (18/hr)</u>
Retained:	_____	\$ _____ to \$ _____

J) Financial Assistance being applied for:

	Estimated Value
_____ Real Property Tax Abatement	\$ _____
Please indicate the term of the PILOT: _____ Years	
_____ Mortgage Tax Exemption	\$ _____
Please provide the Mortgage Amount: \$ _____	
<u>✓</u> Sales and Use Tax Exemption	\$ <u>165,000<sup>00</sup></u>
Amount of Goods & Services to be purchased: \$ <u>4350,000</u>	
_____ Issuance by the Agency of Tax Exempt Bonds	\$ _____

K) Project Costs (Estimates)

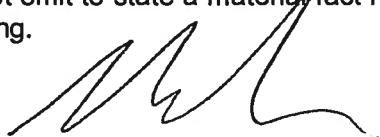
Land		
Building		
Equipment	4,000,000	(estimate)
Soft costs	350,000	(estimate)
Other		
<b>Total</b>	<b>4,350,000</b>	

III. REPRESENTATIONS BY THE APPLICANT

The Applicant understands and agrees with the Agency as follows:

- A. Job Listings In accordance with Section 858-b(2) of the New York General Municipal Law, the applicant understands and agrees that, if the proposed project receives any Financial Assistance from the Agency, except as otherwise provided by collective bargaining agreements, new employment opportunities created as a result of the proposed project must be listed with the New York State Department of Labor Community Services Division (the "DOL") and with the administrative entity (collectively with the DOL, the "JTPA Entitle") of the service delivery area created by the federal job training partnership act (Public Law 97-300) ("JTPA") in which the project is located.
- B. First Consideration for Employment In accordance with Section 858-b(2) of the General Municipal Law, the applicant understands and agrees that, if the proposed project receives any Financial Assistance from the Agency, except as otherwise provided by collective bargaining agreements, where practicable, the applicant must first consider persons eligible to participate in JTPA programs who shall be referred by the JTPA Entities for new employment opportunities created as a result of the proposed project.
- C. A liability and contract liability policy for a minimum of three million dollars will be furnished by the Applicant insuring the Agency.
- D. Annual Sales Tax Fillings In accordance with Section 874(8) of the General Municipal Law, the Applicant understands and agrees that, if the proposed project receives any sales tax exemptions as part of the Financial Assistance from the Agency, in accordance with Section 874(8) of the General Municipal Law, the applicant agrees to file, or cause to be filed, with the New York State Department of Taxation and Finance, the annual form prescribed by the Department of Taxation and Finance, describing the value of all sales tax exemptions claimed by the applicant and all consultants or subcontractors retained by the Applicant.
- E. Annual Employment Reports The applicant understands and agrees that, if the proposed project receives any Financial Assistance from the Agency, the applicant agrees to file, or cause to be filed, with the Agency, on an annual basis, reports regarding the number of people employed at the project site.
- F. Absence of Conflicts of Interest The applicant has received from the Agency a list of the members, officers, and employees of the Agency. No member, officers or employee of the Agency has an interest, whether direct or indirect, in any transaction contemplated by this Application, except as hereinafter described:

The Applicant and the individual executing this Application on behalf of applicant acknowledge that the Agency and its counsel will rely on the representations made in this Application when acting hereon and hereby represents that the statements made herein do not contain any untrue statement of a material fact and do not omit to state a material fact necessary to make the statements contained herein not misleading.

  
\_\_\_\_\_  
(Applicant Signature)  
*Howard Cohen*  
\_\_\_\_\_  
(Name of Officer)  
*Chief financial officer*  
\_\_\_\_\_  
(Title)

This Application should be submitted to the Orange County Industrial Development Agency, c/o Robert T. Armistead, Chairman, Orange County Business Accelerator, 4 Crotty Lane, Suite 100, New Windsor, NY 12553.

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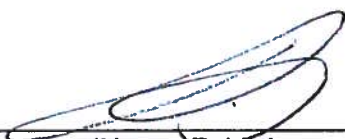
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\_\_\_\_\_  
(Applicant Signature)

By: \_\_\_\_\_  
Name: Howard Cohen  
Title: Chief Financial Officer

  
\_\_\_\_\_  
(Notary Public)

Sworn to before me this 5<sup>th</sup> day  
of JAN, 2015

[stamp]

R. SCOTT LAFAZIA  
Notary Public State of New York  
No. 02LA5049900  
Qualified in Richmond County  
Commission Expires 9/25/15

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December 15, 2014

Roslyn Smith,  
Vice President, Administration & Finance  
SUNY Orange  
115 South St.  
Middletown, NY 10940

**BOARD OF DIRECTORS**

Robert T. Armistead  
-CHAIRMAN

Mary Ellen Rogulski  
-VICE CHAIRMAN

Russell O. Vernon  
-SECOND VICE CHAIRMAN

Steven Brescia  
-SECRETARY

John Steinberg, Jr.  
-ASSISTANT SECRETARY

Henry VanLeeuwen

Robert Screibeis, Sr.

**RE: SUNY Re-Granting Waiver Request**

Ms. Smith:

The Orange County Industrial Development Agency Board has considered your request, as presented at the October 9<sup>th</sup> IDA meeting, to waive the balance of a 2007 grant, which was scheduled to be repaid to the IDA over ten years. After discussion and review, the IDA Board voted on November 13<sup>th</sup>, 2014 to restructure the OCCC Re-Granting arrangement, rather than waive the balance.

Currently, the remaining balance is \$333,161.00, and the Board has voted to divide that balance equally over ten years. The restructuring results in ten annual payments of \$33,316.10. Please keep in mind, no interest is being charged on the outstanding balance.

This new arrangement is contingent upon the IDA receiving payment in full for Re-Granting years 2013 and 2014 at the new rate. At this time, \$66,632.20 is due to make your account current and to confirm the new terms. Please submit payment no later than February, 27, 2015.

Going forward, you will be invoiced in late November for the annual payments, beginning in November of 2015.

Should you have any questions, please do not hesitate to contact me.

Thank you,



James R. Petro, Jr.  
Executive Director  
Orange County Industrial Development Agency

# INVOICE



Empowering Businesses. Inspiring Growth.

Date: 12/15/14  
Invoice No: 2013-2014  
Project: OCCC  
Regranting

**Bill To:** Roz Smith, VP Administration & Finance  
SUNY Orange  
115 South Street  
Middletown, NY 10940

Description	Amount
Years 2013 and 2014 re-granting of the \$555,269 for the start-up and initial sustainability of the Center for Business Solutions and Professional Development. New Annual Payment of \$33,316.10 (as of IDA Board Meeting and Motion on 11/13/14)	
Year 2013	<b>\$33,316.10</b>
Year 2014	<b>\$33,316.10</b>
<b>Total</b>	<b>\$66,632.20</b>

**This balance is due in full no later than February 27, 2015.**

Make check payable to: **Orange County Industrial Development Agency**

Remit to address below.

Paid Date: _____
Check #: _____
Received by: _____

# ORANGE COUNTY LEGISLATURE

**Committee:** Education and Economic Development  
**Sponsors:** DiSalvo, Eachus  
**Co-Sponsors:**

**Agenda No. 17**

## RESOLUTION NO. 326 OF 2014

### **RESOLUTION OF THE ORANGE COUNTY LEGISLATURE APPOINTING EDWARD A. DIANA TO FILL A VACANCY IN THE ORANGE COUNTY INDUSTRIAL DEVELOPMENT AGENCY, PURSUANT TO SECTIONS 856 AND 912 OF THE GENERAL MUNICIPAL LAW.**

**WHEREAS**, there is a vacancy on the Board of the Orange County Industrial Development Agency as a result of the resignation of Russell O. Vernon.

**NOW, THEREFORE**, it is hereby

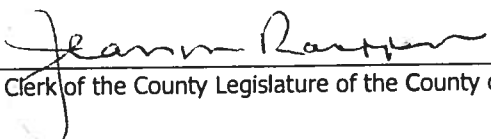
**RESOLVED**, that Edward A. Diana of Middletown, New York 10940 be and he hereby is appointed a member of the Orange County Industrial Development Agency to serve out the term of Russell O. Vernon., such term expiring on December 31, 2016; and it is

**FURTHER RESOLVED**, that, in accordance with Section 856, subdivision 2, of the General Municipal Law, the Clerk of the County Legislature is directed to transmit a certificate of the appointment of the said Edward A. Diana to the Secretary of State together with a certified copy of this Resolution.

**STATE OF NEW YORK  
COUNTY OF ORANGE**

**THIS IS TO CERTIFY THAT I, JEAN M. RAMPEN**, Clerk of the County Legislature of said County of Orange, have compared the foregoing copy of resolution with the original resolution now on file in my office and which was passed by the County Legislature of said County of Orange on the 18th day of December, 2014 and that the same is a correct and true transcript of such original resolution and the whole thereof.

**IN WITNESS WHEREOF**, I have hereunto set my hand and the official seal of said County Legislature this 19th day of December, 2014

  
Clerk of the County Legislature of the County of Orange

# ORANGE COUNTY LEGISLATURE

**Committee:** Education and Economic Development  
**Sponsors:** Eachus, DiSalvo  
**Co-Sponsors:**

**Agenda No. 19**

## RESOLUTION NO. 328 OF 2014

### **RESOLUTION OF THE ORANGE COUNTY LEGISLATURE REAPPOINTING JOHN STEINBERG JR. TO THE ORANGE COUNTY INDUSTRIAL DEVELOPMENT AGENCY, PURSUANT TO SECTIONS 856 AND 912 OF THE GENERAL MUNICIPAL LAW.**

**WHEREAS**, this Legislature does wish to reappoint John Steinberg Jr. as its designated member to the Orange County Industrial Development Agency; and

**WHEREAS**, the term of the Legislature's designee board member expired on December 31, 2014.

**NOW, THEREFORE**, it is hereby

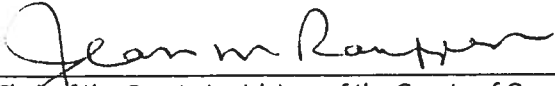
**RESOLVED**, that John Steinberg Jr., of Salisbury Mills, New York be and he hereby is reappointed the Legislature's designee board member to the Orange County Industrial Development Agency, such term expiring on December 31, 2019; and it is further

**RESOLVED**, that, in accordance with Section 856, subdivision 2 of the General Municipal Law, the Clerk of the County Legislature is directed to transmit a certificate of the reappointment of said John Steinberg Jr. to the Secretary of State together with a certified copy of this Resolution.

**STATE OF NEW YORK  
COUNTY OF ORANGE**

**THIS IS TO CERTIFY THAT I, JEAN M. RAMPPEN**, Clerk of the County Legislature of said County of Orange, have compared the foregoing copy of resolution with the original resolution now on file in my office and which was passed by the County Legislature of said County of Orange on the 18th day of December, 2014 and that the same is a correct and true transcript of such original resolution and the whole thereof.

**IN WITNESS WHEREOF**, I have hereunto set my hand and the official seal of said County Legislature this 19th day of December, 2014.

  
Clerk of the County Legislature of the County of Orange

# ORANGE COUNTY LEGISLATURE

**Committee:** Education and Economic Development  
**Sponsors:** Eachus, DiSalvo  
**Co-Sponsors:**

**Agenda No. 21**

## RESOLUTION NO. 330 OF 2014

### **RESOLUTION OF THE ORANGE COUNTY LEGISLATURE REAPPOINTING HENRY VANLEEUVEN TO THE ORANGE COUNTY INDUSTRIAL DEVELOPMENT AGENCY, PURSUANT TO SECTIONS 856 AND 912 OF THE GENERAL MUNICIPAL LAW.**

**WHEREAS**, this Legislature does wish to reappoint Henry VanLeeuwen as its designated member to the Orange County Industrial Development Agency; and

**WHEREAS**, the term of the Legislature's designee board member expired on December 31, 2014.

**NOW, THEREFORE**, it is hereby

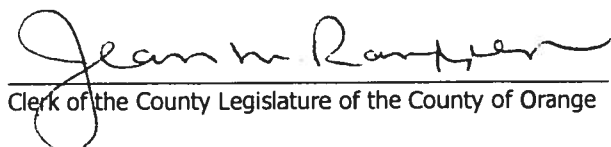
**RESOLVED**, that Henry VanLeeuwen, of Rock Tavern, New York be and he hereby is reappointed the Legislature's designee board member to the Orange County Industrial Development Agency, such term expiring on December 31, 2019; and it is further

**RESOLVED**, that, in accordance with Section 856, subdivision 2 of the General Municipal Law, the Clerk of the County Legislature is directed to transmit a certificate of the reappointment of said Henry VanLeeuwen to the Secretary of State together with a certified copy of this Resolution.

**STATE OF NEW YORK  
COUNTY OF ORANGE**

**THIS IS TO CERTIFY THAT I, JEAN M. RAMPEN**, Clerk of the County Legislature of said County of Orange, have compared the foregoing copy of resolution with the original resolution now on file in my office and which was passed by the County Legislature of said County of Orange on the 18th day of December, 2014 and that the same is a correct and true transcript of such original resolution and the whole thereof.

**IN WITNESS WHEREOF**, I have hereunto set my hand and the official seal of said County Legislature this 19th day of December, 2014.

  
Clerk of the County Legislature of the County of Orange



# LEGAL ALERT

December 2014

## **Governor Cuomo Vetoes Extension of Brownfield Cleanup Program's Redevelopment Tax Credits**

On December 29, 2014, Governor Cuomo vetoed the state assembly bill that would extend the availability of tax credits under the state's Brownfield Cleanup Program ("BCP") to March 31, 2017. The bill would also authorize an additional \$300 million in bonding authority for the state's Superfund Program through March 31, 2017 and appropriate \$100 million for the Superfund Program in the current year.

In the veto, the governor cited his 2014-15 Executive Budget which proposed a 10-year extension of the BCP with "sensible reforms and a new \$100 million appropriation for Superfund which clearly demonstrates this Administration's commitment to these important programs." The governor noted that since the legislation was not included as part of the 2014-15 Enacted Budget, it would not have an unplanned, direct impact on the current state fiscal plan. He did note that in the 2015-16 Executive Budget, he will again propose extending the BCP with appropriate forms and funding.

The veto means current projects will have to be completed and certified by the end of 2015 in order to benefit from the program's tax credits.

For more information on the Brownfield Cleanup Program's redevelopment tax credits, please contact Robert G. Murray at 716-200-5180 / [bmurray@harrisbeach.com](mailto:bmurray@harrisbeach.com), Frank C. Pavia at 585-419-8709 / [fpavia@harrisbeach.com](mailto:fpavia@harrisbeach.com), Gene Kelly at 518-701-2740 / [gkelly@harrisbeach.com](mailto:gkelly@harrisbeach.com), or the Harris Beach attorney with whom you usually consult.

*This alert does not purport to be a substitute for advice of counsel on specific matters.*

Harris Beach has offices throughout New York state, including Albany, Buffalo, Ithaca, New York City, Rochester, Saratoga Springs, Syracuse, Uniondale and White Plains, as well as New Haven, Connecticut and Newark, New Jersey.