

ORANGE COUNTY INDUSTRIAL DEVELOPMENT AGENCY

MINUTES: FEBRUARY 16, 2022, BOARD OF DIRECTORS
MEETING

A meeting of the Orange County Industrial Development Agency was convened Wednesday, February 16, 2022, at 5:35 p.m.

The meeting was called to order by Chairman Torelli, immediately followed by the Pledge of Allegiance.

A roll call of the Board members showed six present. There is a quorum. The following are all who were in attendance:

PRESENT: Michael Torelli, Vincent Odock, Robert Kennedy, III, Noel Spencer, Dean Tamburri, Susan Walski

ABSENT: James Rinaldi

ALSO PRESENT: Bill Fioravanti – Chief Executive Officer
Sue Katzoff – General Counsel
Steven Maier – Harris Beach/Bond Counsel
Shannon Mannese – Finance/RBT
Dennis Brady – Technical Support
Steve McClure – Walgreens (via Zoom)
Kristin Kurylak – West Warwick Energy (via Zoom)
Dan Spitzer – West Warwick Energy (via Zoom)

The Chairman entertained a motion to approve the minutes of the January 19, 2022 OCIDA meeting and opened the floor for questions or comments.

Hearing no objections to the minutes, a motion was made by Mr. Tamburri, seconded by Mr. Odock, and passed unanimously.

Proof of Notice

Counsel confirmed proof of notice.

Members of the Orange County Legislature briefly addressed the Board to thank them for the work they have accomplished over the last year.

Finance Report

Ms. Mannese presented the Financial Report and noted that as of January, the IDA has received \$20,000 in application fees, \$7,400 in rent, \$27,473 including funds from the Accelerator, and the total admin costs are at \$38,147. Ms. Mannese also stated that with legal expenses and projects, the IDA is in line with its budget. She noted that with some of the current coding, the numbers would have to be reviewed again to reconcile. She reviewed the Bill.com platform in detail which the Chairman agreed to review further with the Finance committee and make it a topic for the March 2022 Board meeting.

January/February Payables: Mr. Fioravanti reviewed the Warwick Common Area Maintenance and internet charges and stated that these fees are recoverable. He advised the Board that some of the telephone/internet accounts for the Newburgh and New Windsor Accelerator locations have been transferred to the subtenants and the responsibility to pay these bills no longer rests on the IDA.

After a question from Mr. Spencer about year-end 1099 forms and with no further questions or concerns, a motion to accept the recurring building services was made by Mr. Spencer, seconded by Mr. Tamburri, and passed unanimously.

Monthly Payables: Mr. Fioravanti reviewed the payables line by line.

With no further questions or concerns, a motion to accept the monthly payables was made by Mr. Tamburri, seconded by Mr. Odock, and passed unanimously.

All Other: Mr. Fioravanti reviewed the professional fees, the Public Hearing publication costs, and the Youth Bureau fee of \$10,000 that was approved by the previous Board. The Chairman requested staff provide certain supporting documentation regarding the

Youth Bureau and asked staff to analyze whether it would better to support certain of these initiatives via the OCFC rather than the IDA. The Chairman chose to postpone a decision on payment to the Youth Bureau until next month.

A motion to accept the monthly payables, less the \$10,000 Youth Bureau amount, was made by Mr. Spencer, seconded by Mr. Tamburri, and passed unanimously.

Mr. Fioravanti concluded his report by stating that the 2021 IDA audit is ongoing with the assistance of JGS.

Chairman's Report

The Chairman opened by welcoming the newly elected IDA Board Members and requested that Counsel and Staff prepare an introductory/educational webinar to explain the processes of new and existing projects. The Chairman requested that a reformulating of the Committees be done before the March 2022 IDA meeting. He went on to discussed potential projects and advised the Board of the ABO training, paperwork, and disclosures they are required to complete for the purposes of full transparency and to gain back the public's trust.

CEO Report

Mr. Fioravanti addressed the performance review for the IDA Project Manager, Mrs. Kelly Reilly, and noted that it was positive and that procurement of a full IDA staff team is ongoing. He added that a Public Hearing for the Citiva project is being scheduled and that the IDA is continuing to get press and give interviews. Mr. Fioravanti will be presenting in front of NYSCAR as well as the Association of Towns in the near future.

New Business:

Mr. Fioravanti stated that the IDA has selected MRB Group to conduct the Cost Benefit Analysis for the Walgreens (Nucleus) project which will be posted to the IDA website. He also briefly explained how the sales taxes are being distributed for the South Gate Flats project and gave a quick history on the approval made by the previous Board and explained the project's request for increased benefits which is reflected in the resolution provided as part of the board's agenda.

With no further questions or concerns, a motion to approve the increase in sales, use, and mortgage reporting taxes for the South Gate Flats project as requested in the resolution was made by Mr. Tamburri, seconded by Ms. Walski, and passed unanimously.

Mr. McClure explained Walgreens's dialogue with the town and noted that the Cost Benefit Analysis showed benefits to the local area including the jobs that will be created. The Chairman stated that he is in full support of this project and believes the IDA should pursue it. Mr. Fioravanti explained that there will be no construction or build-out with this request and that their request for benefits is only for the installation of their specialized equipment.

With no further questions or concerns, Counsel introduced the SEQRA resolution for the Walgreens project. Ms. Katzoff stated the Board identified itself as Lead Agency for purposes of undertaking an uncoordinated review and determined that this was an Unlisted Action. A Short Environmental Assessment Form was submitted and reviewed and it was determined that the project will not have a significant negative impact on the environment and a negative declaration is attached to the resolution which was distributed as part of the agenda.

The motion to approve the SEQRA finding was made by Mr. Tamburri, seconded by Mr. Kennedy, and passed by unanimous roll call.

Ms. Katzoff then asked the Board to consider the final resolution in the board's agenda for the project authorizing the undertaking of the project, the granting of certain financial assistance and the execution and delivery of all necessary documents to confer approved benefits. It authorizes the appointment of the Company as agent of the Agency for purposes of undertaking the project and receiving sales and use tax exemptions in an amount not to exceed \$1,950,000.

With no further questions or concerns, a motion to accept the final resolution for the Walgreens project was made by the Chairman, seconded by Mr. Odock, and passed by a unanimous roll call.

Mr. Fioravanti reviewed the applications for financial assistance and the public hearing resolutions for the West Warwick Energy Storage projects 1, 2, and 3 separately. He explained that while the projects themselves will create temporary jobs, the primary benefit of the projects will be to provide affordable power in the area. Ms. Kurylak and Mr. Spitzer provided background on the projects and the economic impact of this

project.

Member Walski indicated she wanted to undertake some research on similar projects in the area. After some questions and clarification on the West Warwick Energy Storage 1 project, a motion to approve a public hearing as set forth in the resolution provided as part of the agenda was made by Mr. Spencer, seconded by Mr. Tamburri, and passed with five ayes and one nay (Susan Walski).

Mr. Fioravanti reviewed the application for financial assistance and the public hearing resolutions for West Warwick Energy Storage 2.

Member Walski indicated she wanted to undertake some research on similar projects in the area. With no further questions or concerns, a motion to approve a public hearing as set forth in the resolution provided as part of the agenda for West Warwick Energy Storage 2 was made by Mr. Kennedy, seconded by Mr. Spencer, and passed with five ayes and one nay (Susan Walski).

Mr. Fioravanti reviewed the application for financial assistance and the public hearing resolutions for West Warwick Energy Storage 3.

Member Walski indicated she wanted to undertake some research on similar projects in the area. With no further questions or concerns, a motion to approve a public hearing as set forth in the resolution provided as part of the agenda for West Warwick Energy Storage 3 was made by Mr. Odock, seconded by the Chairman, and passed with five ayes and one nay (Susan Walski).

Mr. Fioravanti requested that the agenda topics of Local Labor and Shovel Ready be tabled pending further research and analysis.

Counsel reviewed the request to approve two new officers of the IDA Board: Mr. Tamburri as Vice Chair and Mr. Odock as Secretary.

A motion to approve these appointments was made by Mr. Kennedy, seconded by Mr.

Tamburri, and passed by unanimous roll call.

A motion to go into Executive Session to discuss an update on potential litigation was made.

The meeting closed at 9:00 pm.

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