

**Orange County Industrial Development Agency**  
4 Crotty Lane  
New Windsor, NY 12553  
(845) 234-4192

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**OCIDA Audit Committee Minutes**  
Friday, April 26<sup>th</sup>, 2024

**Meeting Location:** 4 Crotty Lane, New Windsor, NY 12553

**Committee Members Present:** Susan Walski, Marc Greene, Dean Tamburri

**Staff Present:** Bill Fioravanti, Billy Ibberson (AV)

**Others Present:** Mark Fellenzer and Matt Fellenzer (Fellenzer Engineering), George Thompson (LAN Associates), Jim Loewke and Kevin Loewke (Loewke Brill), Vyacheslav Gofshteyn (CS Energy via Zoom), Paul DeSilva (Millwright Union), Luigi Kapiti, (Orange Inn/Limoncello), Brian Sanvidge (Anchin Accountants & Advisors via Zoom), Will Duffy (Royal Wine)

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**Order of Business**

**I. Call Meeting to Order**

Committee Chair Walski called the meeting to order at 1:06 p.m.

**II. Roll Call**

Mr. Fioravanti acknowledged the Committee and staff members present and introduced the guests.

**III. Proof of Notice**

Committee Chair Walski acknowledged that notice of the meeting was duly and properly provided.

**IV. Minutes**

**A MOTION TO APPROVE THE MARCH 13<sup>TH</sup>, 2024, OCIDA AUDIT COMMITTEE MEETING MINUTES WAS MADE BY MR. GREENE, SECONDED BY MR. TAMBURRI, AND PASSED UNANIMOUSLY.**

**V. New Business**

**Waiver Requests**

**Orange Inn:** Mr. Fioravanti discussed the waiver request for carpet installation performed by out of state laborers. Mr. Loewke confirmed that all other contractors in this project were between 99% and 100% compliant with the IDA's local labor policy.

**A MOTION TO APPROVE THE WAIVER REQUEST FOR ORANGE INN WAS MADE BY MR. TAMBURRI, SECONDED BY MR. GREENE, AND PASSED UNANIMOUSLY.**

**West Warwick 1, 2, 3/Convergent Energy:** Committee Chair Walski reviewed the request and noted that fencing installed without a monitor to evaluate it. Mr. Thompson at LAN Associates confirmed that by the time the project was closed, LAN had been named as a monitor and two of the three fences had already been completed. Mr. Fioravanti noted that the project had also been noncompliant with their annual reporting to the OCIDA and stated there was an opportunity for punitive action. He also confirmed that all other contracts were compliant. Ms. Walski noted that having only received one other quote, there would be no way to determine whether they shopped around for the best rates and agreed with the \$2,500 penalty. Mr. Tamburri acknowledged that, having come to the OCIDA for waivers in the past, the project should have known to return to the OCIDA for the waiver prior to installation.

**A MOTION TO ACCEPT THE WAIVER FOR WEST WARWICK 1, 2, 3 / CONVERGENT ENERGY TO INCLUDE A \$2,500 PENALTY FOR FAILURE TO PRESENT THE WAIVER REQUEST PRIOR TO THE FENCE INSTALLATION, WAS MADE BY MR. GREENE, SECONDED MR. TAMBURRI, AND PASSED UNANIMOUSLY.**

**JV Developer/Royal Wine – Specialized Construction:** Committee Chair Walski reviewed the waiver request stating that installation of storage racking system with pallet molds and construction requires specialized construction by a Frazier trained and certified installer. The Board and representatives for the project and the Labor monitors discussed training and wages for local labor and Millwright laborers compared to what the cost would be for a Frazier certified installer. They also discussed the fact that Frazier will not warranty installation that is not performed by a Frazier certified installer. The question of the timing of when the project knew it would require this specialty construction and when they presented the waiver request to the OCIDA. Representatives for Fellenzer confirmed that this project has otherwise been compliant with the local labor requirements.

**A MOTION TO DENY THE WAIVER TO ALLOW JV/ROYAL WINE DEVELOPER TO USE FRAZIER INDUSTRIAL COMPANY TO PERFORM AND WARRANTY THE SPECIALIZED CONSTRUCTION WAS MADE BY MR. TAMBURRI. THERE WAS NO SECOND. THE MOTION TO DENY THE WAIVER WAS DENIED.**

**A MOTION TO APPROVE THE WAIVER TO ALLOW JV/ROYAL WINE DEVELOPER TO USE FRAZIER INDUSTRIAL COMPANY TO PERFORM AND WARRANTY THE SPECIALIZED WAS MADE BY MR. GREENE, SECONDED BY COMMITTEE CHAIR WALSKI, AND PASSED BY A ROLL OF TWO AYES AND ONE NAY BY MR. TAMBURRI.**

**JV Developer/Royal Wine – Refrigerated Panels:** Committee Chair Walski reviewed the second waiver from Royal Wine requesting to use non-local labor to install insulated panels with a warranty provided if the panels are installed by certified installers. Mr. Loewke confirmed royal wine did bid for the construction. Locally, Perley-Halladay, a company in Pennsylvania, came in a lower price. Fellenzer did provide additional contractors who all declined with all local labor options having been exhausted, Perley-Halladay's bid was the lowest price. There was discussion on the warranty and certification, one of the bidders who was local was one of the lower bidders but was deemed unqualified and not able to meet the criteria to qualify. Fellenzer confirmed that the project had done its due diligence in bidding out the contract. Mr. DeSilva requested an open dialogue with the project with respect to training for local union members. Mr. Tamburri stated that a better effort could have been made to allow local labor and unions to get involved in the project. Mr. Greene argued that 94% of local labor was a positive for the county. Committee Chair Walski suggested the project go back to the other two bids as well as Perley-Halladay and allow them to re-bid and reconvene in two weeks.

**A MOTION TO APPROVE THE WAIVER TO ALLOW PERLEY-HALLADY TO COMPLETE THE INSTALLATION ON THE CONDITION THAT THE ROYAL WINE PROJECT PROVIDE WRITTEN DOCUMENTATION THAT THE BEST PRICE WAS SOUGHT, WAS MADE BY MR. GREENE, SECONDED BY COMMITTEE CHAIR WALSKI, AND PASSED BY A ROLL CALL**

**WITH TWO AYES AND ONE NAY BY MOR. TAMBURRI.**

**VI. Adjournment**

**A MOTION TO ADJOURN WAS MADE BY MR. TAMBURRI, SECONDED BY MR. GREENE,  
AND PASSED UNANIMOUSLY.**

**The meeting closed at 1:51 p.m.**

**DRAFT**