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Mary Ellen Rogulski, Chairman • **Edward A. Diana**, Vice Chairman • **James DiSalvo**, Second Vice Chairman
Stephen Brescia, Secretary • **Michael Gaydos**, Assistant Secretary • **John McCarey**
Laurie Villasuso, Chief Executive Officer • **Vincent Cozzolino**, Managing Director • **Melanie Schouten**, Chief Operating Officer
Edward Januszkiewicz, Chief Financial Officer • **Kevin Dowd**, Attorney • **Russell E. Gaenzle**, Harris Beach

Agenda

Due to the COVID-19 public health crisis, this meeting will be held via video conference.
To watch the livestream, please visit our website: www.ocnyida.com

PLEASE TAKE NOTICE, The Orange County Industrial Development Agency will hold a regularly scheduled meeting on September 10, 2020 at 2:00 p.m. to consider and/or act upon the following:

Order of Business

- **Roll Call**
- **Approval of the minutes**
 - August 13, 2020 Board Meeting
 - August 13, 2020 Governance Committee Meeting
 - August 13, 2020 Audit Committee Meeting
 - August 18, 2020 Special Meeting Minutes
- **Financial Reports and/or Requests for Payments**
 - 2021 Budget
- **New and Unfinished Business**
 - Chairman's Report
 - Chief Executive Officer Report
 - Accelerator Report
 - Board Committee Reports (as needed)
 - Audit Committee Report
- **Resolutions**
 - Leentjes Amusement Corp.
 - Resolution
 - Orange County Marketing Ad
 - Resolution
- **Executive Session**
- **Other Board Business**
 - The Sentinel
- **Adjournment**

Dated: September 3, 2020

Stephen Brescia, Secretary

By: Laurie Villasuso, Chief Executive Officer

ORANGE COUNTY INDUSTRIAL DEVELOPMENT AGENCY

MINUTES

August 13, 2020

A regular meeting of the Orange County Industrial Development Agency was convened via Zoom video conference August 13, 2020 at 2:05P.M.

Chairman Rogulski calls to order the regular meeting of the Orange County IDA, August 13, 2020 (Pledge of Allegiance is recited). Board consists of five members. There is a quorum. Upon roll call, the following were:

PRESENT: Mary Ellen Rogulski, Edward Diana, James DiSalvo, Michael Gaydos, John McCarey

ABSENT: Stephen Brescia

ALSO PRESENT: Laurie Villasuso – Chief Executive Officer
Vincent Cozzolino – Managing Director
Melanie Schouten – Chief Operating Officer
Edward Januszkiewicz – Chief Financial Officer
Kevin Dowd – IDA Attorney
Russell Gaenzle – Harris Beach
Dean Brady – Tech Management
Michael Esposito – Orange County Packaging
Thomas Gibney – St. Luke's Cornwall Hospital

Minutes

Review of the July 9, 2020 Board meeting minutes. Motion to approve the minutes is made by Mr. Diana, seconded by Mr. DiSalvo. Motion carries with all in favor.

Review of the July 9, 2020 Governance Committee meeting minutes. Motion to approve the minutes is made by Mr. Diana, seconded by Mr. DiSalvo. Motion carries with all in favor.

Financial Reports and/or Requests for Payment

Mr. Januszkiewicz reviews the summary of IDA bank accounts, certificate of deposits, and money market accounts that reflect a total of \$7,289,487 as of July 31, 2020.

Mr. Januszkiewicz reviews the income and expense summary, noting that YTD income is \$127,210 and YTD expenses are \$217,129, with expenses exceeding revenues by \$89,919.

Mr. Januszkiewicz reviews the income and expense summary for the Business Accelerator, noting that revenues YTD are \$82,509, and expenses are \$1,543,706. Expenses, as anticipated, exceed revenues by \$1,461,197. Mr. Januszkiewicz notes that cash and cash equivalencies are down. A payment was received from Merlin Entertainments.

Mr. Brescia joins the meeting at 2:10pm.

Chairman Rogulski asks for a motion to approve the vouchers and payments in the amount of \$21,564.29 for August. Motion made by Mr. DiSalvo, seconded by Mr. Gaydos, that the board accept the financial reports and authorize IDA payments and vouchers. Open for discussion. Affirmative votes of all members present results in motion carried.

Chairman's Report

Chairman Rogulski acknowledges her sadness in the passing of OCIDA Board Member Robert Schreiber. He passed away last month unexpectedly. He was an actively engaged Board Member, whose experience and knowledge were valuable contributions to the Board. She gives her condolences to his family. This is the second family member they have lost in sixty days. He will be greatly missed.

Chief Executive Officer Report

Ms. Villasuso gives the Chief Executive Officer Report.

The OCIDA COVID-19 Safety Plan was sent out to the Board. A paper copy is available upon request.

The Executive Order to allow virtual meetings was extended through September 4th. This Executive order gets sign month-to-month, and typically on the day of expiration.

The ABO IDA New Project Analysis can be found in the Board Packet. The OCIDA has discussed potential solar development in the past. The Analysis debates whether incentivizing solar project is something IDAs should do as resulting job creation is limited, and State incentives are already provided for this type of projects. The OCIDA continues to get requests for solar projects, and the Board can reevaluate incentivizing this type of project, should they want to, in the future.

The 2018 Annual IDA performance report can be found in the Board Packet. This is an annual report produced by the Office of the State Comptroller (OSC). As previously mentioned, it is hard to get true full picture of IDA operations based on the PARIS reporting module. No matter the stage of development, all projects are treated the same on the PARIS platform. This has been brought to the attention of the OCS, but currently there is no perfect formula.

As requested by Mr. McCarey, the presentation given by the ABO Director, Jeff Pearlman, during the NYSEDC Conference was shared with the Board Members. In the future, Management would like to hold a Board training session and have Mr. Pearlman present. This will provide an opportunity for open dialogue, and have any questions directly addressed.

Due to the unfortunate passing of Mr. Schreiber, the Board Retreat has been postponed. The goal is to reschedule once the Board has a newly appointed member.

The Monroe/NDC RFQ can be found in the Board Packet. It was reviewed and edited by Mr. Gaenzle prior to being sent out. Everything that was discussed at the July meeting is reflected in the document.

IDAs continue to get a lot of attention and, as a result, there are a few bills that have been presented that would directly affect the regulation and function of IDAs. Nothing is certain until these potentially get passed. The following are some of the pending bills:

A bill addressing compensation which would prohibit State or local elected officials or persons in leadership of a party from receiving compensation for work performed for an IDA, Economic Development Corporation, or State Local authority.

A bill addressing gender balance on IDA Boards and the equity balance for the makeup of Boards, assuring that Boards fairly reflect the communities they represent. This bill proposes the Boards be made up of half women and half men on Boards.

A bill addressing increasing the powers of the ABO. These increased oversight power would require authorities to publish responses to recommendations, and failure to comply would make authorities delinquent. Knowingly submitting false documents would be considered perjury in the third degree. This would allow the ABO to remove Boards. It gives the ABO the power to dissolve an authority should it be acting beyond its capacity.

A bill addressing additional reporting requirements. It proposes Boards should have a local labor representative. It requires that affected jurisdictions, Assembly Representatives, and Senators get notice of potential projects and that agendas be published three days in advance of meetings. The OCIDA posts agendas approximately a week in

advance and all information is posted online for the general public. Should this bill pass, the OCIDA would have to increase some level of notification to Representatives. This bill also requires annual reports be submitted to school districts that have projects in their jurisdictions. PILOTs and notices are already provided to school districts by the OCIDA.

A bill allowing for the examination of IDAs by County Comptrollers. This examination would be in addition to the ABO, OSC, and public authority transparency standards.

There are a lot of oversight measures being introduced. For example, a bill prohibiting elected officials serving on a County, Town, City, or Village capacity from serving on an IDA Board. This was introduced by the package submitted by Senator Skoufis. That package also included bills banning the assistance to projects already in development that have a secret occupant.

The prevailing wage bill passed. This bill will go into effect 2022. This bill requires that any project in excess of five million dollars in which 30% of the total construction costs are public funds, IDA, ESD grants etc., would be required to abide by prevailing wage law. The Governor will appoint a labor committee to oversee and guide this legislation. There are many questions on how this legislation will affect IDAs. For example, the project operator is responsible for calculating the value of public funds in their project. It would really require agencies to work together and make sure that the calculation is an accurate aggregated amount. Loewke Brill is informed on this legislation, is staying educated on any changes, and understands implementation concerns regarding this bill. Next year, Loewke Brill will give the Board an overview of what is to be expected from this legislation.

Mr. Brescia states that it amazes him that Albany has the time to implement additional regulations as opposed to helping business development in a time like this. More efforts should be put forth to turn the economy around, not try to make things more burdensome.

Chairman Rogulski states that the incentives provided by the OCIDA would not reach 30% of the total project cost.

Ms. Villasuso agrees that is true but combined with other public funds that could be provided by additional state agencies, that percentage could be met.

Chairman Rogulski states with the burden of proof being on the applicant that leaves any agencies involved exposed to scrutiny, should the application be untruthful.

Ms. Villasuso states that there is some concern regarding the agency liability at the state level. She had questioned who was liable for calculating the 30%. The OCIDA application does ask if the project is receiving other incentives, but if the project went elsewhere and got benefits after receiving IDA approvals, the IDA may not know of that action. A response was received stating the determination of the threshold is made by the owner or developer of the project, and the amount is cumulative. There will need for checks and balances, and this will need to be reported on.

Chairman Rogulski states that in the bill providing additional powers to the ABO, it mentions 3rd degree perjury. She asks Counsel what that means in terms of a criminal charge.

Mr. Dowd states he will look it up.

Mr. DiSalvo states he finds it remarkable that it doesn't matter if a Board Member is a good fit, or knowledgeable candidate, it seems that the State, or people that oversea this region, are looking to remove IDA Board Members they don't like on a personal level. He feels some of the proposed bills are unnecessary.

Accelerator Report

Mr. Diana informs the Board that Michael Esposito attended the meeting and explained how the Accelerator assisted his business, Orange County Packaging, through these challenging times.

Mr. Cozzolino states for the last two meetings Management has had AWOW clients attend and explain the benefits they have received from the program. Last month the company visited just the Accelerator Committee, but it was felt the whole Board should hear what was shared directly from the company. As a result, this month's company, Orange County Packaging, attended both the Accelerator Committee and IDA Board meeting.

Mr. Esposito informs the Board on the assistance provided to his company through the AWOW program.

Orange County Packaging has been operating for 70 years. It is a multi-generational family run company. The relationship started awhile back when the company was looking for grants to help fund the consolidation of the company into one building. Guidance was given through the application process. An engineer came onsite to evaluate efficiency. He helped develop a robotic arm that helped inflate balls and increase productivity. This device eliminated a lot of hand labor and helped keep the account. This kind of assistance has really helped the company to hire additional staff, grow, and diversify.

When COVID-19 hit, everything felt unpredictable and potentially the end of the company. The company applied for PPE assistance brought to their attention by Accelerator staff. Assistance was available 24/7. He referred other companies to the AWOW program so that they too could navigate through the COVID crisis. The assistance was received and that helped pay payroll and get the company back on track. Prior to all of this as a business they have never reached out for any assistance from any sources. The educational COVID webinars have been a great resource. The speakers were informed and very helpful. The Accelerator connected them with other companies that needed help sourcing materials for PPE. Three million face shields have been produced to date. A new order recently came in for four million face shields. They have been able to pivot and adapt in these challenging times to supply large quantities of PPE. This has allowed growth already with the potential for more should they receive bids for surgical gowns. All 74 staff members have been kept since the start of COVID. Staff has increased to 131 staff members to meet the PPE demand. Any core business that disappeared in March has returned. The Accelerator has helped them sustain and thrive, and to also help other local businesses.

Chairman Rogulski thanks Mr. Esposito for sharing his story and wishes him continued success.

Mr. Brescia states that this story should be featured on the website to show how Accelerator assistance supports local businesses. The community needs to understand the type of support that is available. This is a positive story about The Accelerator and OCIDA. He thanks Management for their efforts and Mr. Esposito for sharing his story.

Ms. Villasuso states that it has been a pleasure to work with Orange County Packaging. To watch the relationships and connections unfold has been exciting. The comradery between local companies providing resources and support so that all could succeed during this time. It is a testament to the support an accelerator can provide to a community. She thanks him for his cooperation, support, and selfless acts in the recent months.

Mr. Dowd informs the Chairman that perjury in the third degree is an A misdemeanor with a penalty of a thousand dollars, a year in jail, and/or both.

Audit Committee Report

Mr. DiSalvo states that the Committee received a labor policy update and the prevailing wage bill.

Ms. Villasuso states that Kevin Loewke provided an overview of the prevailing wage bill. There are currently three active projects. One project is at 96% compliance, one is at 100% compliance, and the third, which is Legoland, is currently below the 85%. As a reminder, construction compliance is measured over the course of the entire job. Loewke Brill is confident that they will raise their 79% local labor compliance number up to 85%. One waiver for GAM Property Corp for a blasting company was presented. The company worked with Mr. Gaydos and Loewke Brill to try and find a local company, but the search was unsuccessful. The audit committee approved the waiver.

Governance Committee Report

Mr. Diana reminded the Board that the Committee discussed potential IDA Agent Hudson Valley Agribusiness Development Corp. (HVADC). The Committee has been evaluating what this Agent does to work with the IDA, assist Orange County based businesses, and their funding sources. Currently, the HVADC receives \$25K from five regional Counties: Columbia, Dutchess, Orange, Sullivan, and Ulster. HVADC is an organization that helps agriculture-based businesses throughout the region and in Orange County. He feels that it is worthwhile to continue supporting this Agency for their efforts. The organization provided a revised proposal for the 2021 year reflecting their workforce development efforts in Orange County.

Ms. Villasuso states that in advance of the 2021 budget review, Management wanted to have an in-depth review of the current OCIDA Agents. The Committee did not want to continue the support of this organization, Management could have conversations with them ahead of budget approval and revise the use of funds for the full Board budget approval.

Resolutions

St. Luke's Cornwall Hospital

Ms. Villasuso reminds the Board that just prior to COVID-19 hitting, the Board acted to terminate the agreement with St. Luke's as per their request. St. Luke's anticipated refinancing and paying off their bonds. The refinancing was not pursued. Instead they will be receiving a grant from the State, and in order to use those funds, the Board must grant approval.

Mr. Gibney speaks on behalf of the project, stating St. Luke's had secured financing to pay off all of the debt in March. Once COVID-19 hit, Montefiore was uncomfortable backing the guarantee. Since that financing was off the table, the project has come before the Board to request consent to use grant funding received from the State to update the Cornwall facility.

Mr. Gaenzle states as mentioned by Mr. Gibney, the financing fell through and the project needs approval for use of a grant. Granting approval will not affect the OCIDA in any way.

Mr. Dowd reads aloud the St. Luke's Cornwall Hospital Resolution. Resolution (i) terminating the approvals of the issuer under its resolution dated April 9, 2020; (ii) authorizing consent with respect to the additions, modifications, or improvements of certain existing project facilities; and (iii) authorizing and delegating authority to Chairman, Vice Chairman and the Chief Executive Officer to execute and deliver such consents and any related documents. Motion is made by Mr. Brescia, seconded by Mr. Diana. Roll call is taken. All vote in favor.

Ms. Villasuso states that the resolution terminates the action taken by the Board in April.

Kraftify

Ms. Villasuso states that Mr. Gaenzle was contacted by Kraftify, LLC, a brewery in Warwick, requesting OCIDA subordination for an SBA loan. It was requested that the project pay owed Labor Audit and penalty fees prior to receiving any Board approval. As a result, the project wants to terminate its agreements with the OCIDA.

Mr. Gaenzle states he was contacted by a partner in the Albany office regarding the subordination request. He told his partner to relay the message on fee repayment. The project said dealing with the OCIDA was too expensive and compliance reporting was cumbersome. Kraftify wants to terminate all agreements. The resolution being presented to the Board today would authorize the termination of the lease, leaseback, PILOT documents, and put the property back on the tax rolls.

Chairman Rogulski asks if the Board has the right to recoup any of the incentive issued to the project.

Mr. Gaenzle states he does not believe so. A company has the right to terminate. If they used too much Sales Tax, relocated, or were in default regarding employment documents that would be another case. He can take a closer look at what is permitted.

Ms. Villasuso states it might be worth looking into as the Board considered authorizing incentives based on a package that included workforce development. If termination is authorized, the Board would not be able to evaluate if the initial promise of local job creation is upheld. If the Board would like to pursue some form of recapture, Mr. Gaenzle can investigate the matter further and it can be addressed at the September meeting. The Board has a responsibility to the taxpayers to ensure that the incentives being authorized are done so for the right reasons.

Mr. Gaenzle asks if the Board would like him to inquire if the project has thought through the financial ramifications of terminating the agreements.

Chairman Rogulski states no. This project has been uncooperative from the beginning. There have been construction labor audit issues, amongst other issues. The project is not making good decisions. The benefits would far outweigh the costs. She asks if the Board has the ability to recoup the owed Labor Audit fees.

Mr. Gaenzle states that authorized termination documents would not be presented to the project until all fees are received.

Mr. Gaydos says the project will have to pay the fees or else they will not get the termination as needed for the SBA bank documents.

Mr. Diana states that his concern is the value of the incentives already gained by the project. Those are taxpayer dollars they were cheated out of. The business may remain open, but no one knows if they will create the initial promised amount of jobs. The Board should consider recouping that money.

Mr. Gaydos agrees.

Mr. Gaenzle states he will look at recapture provisions. He asks the Board if they would like to adopt the resolution, subject to recapture, or table it.

Mr. DiSalvo states that he would like the owed fees to be paid first, and then the Board should consider taking any action. This cannot be the normal way of conducting business. A project should not use the IDA benefits and then just terminate because they feel reporting standards are too hard.

Chairman Rogulski states that in relation to the Sales and Use Tax Exemption, perhaps the Board can acquire information on the status of the business and potential job creation. It would be helpful to use this leverage to gain as much information as possible.

Mr. DiSalvo states that he feels the situation will get combative once the project hears the Board's decision.

Chairman Rogulski states that this project has been difficult from the start.

Mr. Gaenzle states that the project squabbling over a \$2,500 bill is very telling.

Ms. Villasuso asks if it would be within the right of the Board to request job figures for a couple years, should there be no way to recapture the already used incentivized funds.

Mr. Gaenzle states that that can be a survival provision of the termination. The project would then be transactionally obligated to provide the Board with whatever was requested.

Chairman Rogulski states that if they are required to provide information and fail to do so, the absence of reporting would permit recapture by the Board. It should be made clear to the project that the Board is more than willing to recapture the used incentives.

The resolution is tabled.

Executive Session

Chairman Rogulski entertains a motion that the board enter into executive session pursuant to section 105(1)(f) of the open meetings law to discuss the credit, financial, and employment, history of a client of the IDA. Motion made by Mr. DiSalvo to enter executive session issued. Motion seconded by Mr. Brescia. All in favor.

Mr. Brescia and Mr. McCarey immediately recuse themselves and leave executive session. Mr. Brescia has departed and will not be returning to the meeting.

Enter Executive Session

The members discuss the credit, financial, and employment, history of a client of the IDA.

End Executive Session

Other Board Business

Ms. Villasuso states that the Board will review an ad for the Wall Street Journal (WSJ). The OCIDA will be partnering with the County to assist with the promotion of Camp LaGuardia. The OCIDA was contacted by the County Executive office regarding this request. A proposal was submitted for a \$74,000 WSJ ad. The Board would need to authorize a resolution for a certain amount should they like to contribute. The County stated that any contribution amount would be welcome.

Motion is made by Mr. DiSalvo, seconded by Mr. Gaydos. Authorizing a contribution of \$25,000 to assist with the marketing of Orange County. Mr. McCarey abstains. Roll call is taken. Resolution passes with four votes.

Mr. Gaydos states that the receipt of funds should be contingent the fact that OCIDA funds are last in.

Adjournment

Meeting called for adjournment, motion made by Mr. DiSalvo, seconded by Mr. McCarey, the time being 3:54p.m.

DRAFT

ORANGE COUNTY INDUSTRIAL DEVELOPMENT AGENCY & ORANGE COUNTY FUNDING CORPORATION

GOVERNANCE COMMITTEE MINUTES

August 13, 2020

Via Zoom / Conference CALL
1:28pm – 1:35pm

PRESENT: Edward Diana, Michael Gaydos, James DiSalvo

ALSO PRESENT: Laurie Villasuso – Chief Executive Officer
Kevin Dowd – IDA Attorney
Vincent Cozzolino – Managing Director
Melanie Schouten – Chief Operating Officer
Ed Januszkiewicz - Chief Financial Officer
Kelly Reilly
Dean Brady

Orange County Industrial Development Agency

HVADC (Hudson Valley AgriBusiness Development Corporation) IDA Agent Status

Ms. Villasuso started the meeting stating that they are following up on the HVADC. Historically they have been an agent of the IDA at the cost of \$25,000.00 a year. HVADC has been an agricultural arm for the IDA. She said that when the IDA was working on developing the CBD Accelerator, they were helping us rally the farmers. They also assisted the IDA when the IDA was working with dairy farmers about the tire removal issue with mosquitos on farms throughout the County. She stated that the IDA has worked with HVADC a lot in the past, and that every year the IDA looks at all its Agents who have been approved and what the IDA gets for their dollars.

Ms. Villasuso stated that last month the Governance Committee Members asked the IDA to reach out to other Counties to see what they contribute to HVADC. Ms. Villasuso stated that HVADC collects \$25,000.00 a year from Columbia County, Dutchess County, Orange County, Sullivan County and Ulster County. From Columbia County and Ulster County the money comes from the Economic Development Office, from Dutchess County, Sullivan County and Orange County the money comes from their IDA's. Putman County, Rockland County and Westchester County do not contribute as they don't have robust an agricultural community especially in Rockland and Westchester County. Ms. Villasuso, Mr. Cozzolino, and Ms. Schouten had a call with HVADC to see what the outlook for 2021 would be. They asked HVADC to submit a plan that's more in tune with a project with specific deliverables. Ms. Villasuso asked Ms. Schouten if she received the application from HVADC and she stated yes. Ms. Schouten stated that she read it and it is good. Ms. Schouten said that she spoke to them about their narrative being changed and how they handle work force development. Ms. Villasuso asked what their deliverable looks like for 2021, more workforce related or less? Ms. Schouten stated that they still cover the other basics, but their actions are more workforce specific and how their direct actions lead toward workforce development and retention. Ms. Villasuso stated that the HVADC application will be included in the budget discussion but the full application to the Governance Committee review prior to it going to the Full Board. Ms. Villasuso asked if the Committee is comfortable moving forward with this application. The Committee agreed they are comfortable with the application.

Motion is made by Mr. Diana seconded by Mr. Gaydos to adjourn the Governance Committee Meeting.
All voted in favor. Motion is carried.

Governance Committee Meeting ended at 1:35pm.

ORANGE COUNTY INDUSTRIAL DEVELOPMENT AGENCY

AUDIT COMMITTEE MINUTES

August 13, 2020

Via Zoom / Conference 1:08pm- 1:28pm

PRESENT: Michael Gaydos, Edward Diana, James DiSalvo

ALSO PRESENT: Laurie Villasuso - Chief Executive Officer, Ed Januszkiewicz – CFO,
Melanie Schouten – Chief Operating Officer, Vincent Cozzolino – Managing
Director, Kevin Dowd – Attorney, Kelly Reilly, Dean Brady, Kevin Loewke –
Loewke Brill Consulting

Labor Policy Audit Updates

Ms. Villasuso began by stating Mr. Kevin Loewke from Loewke Brill was invited to the meeting to go over the status of the Labor Audits in progress and also an Exemption Request from GAM Properties. Mr. Loewke started with Legoland and stated that they are 79.83% overall and they are up to date on their documents. Orange Tower Drive is closed out and completed with 96% compliance overall, GAM Property Corp. has two sub-contractors on site Boyce which is at 98% and Rancourt is 100% compliant. The last project is 360 Middletown Holdings, LLC which has six contractors on site, and they are all 100% compliant. Mr. Loewke stated that the 3 jobs are in good shape even though Legoland is below the 85%, he feels that by the end of the project they will exceed the 85% local labor compliance.

Mr. Loewke went to the GAM Property Corp. waiver that Loewke Brill recommends the Committee to approve. This waiver is for a company MD Blasting and Drilling from Connecticut. They will be blasting and drilling on the backside of the building where the addition will be going. They were unable to find a local company to perform this work, so Mr. Loewke worked with Mr. Gaydos to try and find a local solution. There was only one local company Roehrs Construction, which was given the designs and came back stating that their Insurance Agent told them they should not work on the job due to the age of the utility wires surrounding the project which was a big risk so they decided to decline on the project. Mr. Loewke stated that since there were no other local companies that this waiver should be approved.

Motion is made by Mr. DiSalvo seconded by Mr. Gaydos to approve the GAM Property Corp waiver.
All voted in favor. Motion is carried.

Ms. Villasuso stated that Mr. Jim Loewke and Mr. Kevin Loewke has gotten themselves very familiar with the Prevailing Wage Bill that passed to start in 2022. She wanted to let the Committee know that next year Mr. Jim Loewke and Mr. Kevin Loewke will be giving us their take on the Prevailing Wage Bill and the requirements. Mr. Kevin Loewke stated that they are working with the person that wrote the bill and they are getting more clarity about it and what to expect.

Audit 2019

Ms. Villasuso brought up the Audit of 2019 and how we wanted to close out the New Hampton Tech, Breonics, Inc. and Port Authority/DOT line items in our Audits. Mr. Diana had asked to confirm the exact amounts that were outstanding. She stated that these are old documents that predate both Mr. Dowd and her and now that Mr. Kleiman gone, we have to bring Mr. Januszkiewicz up to speed. She stated now that all parties have met this month the Board will be brought up to speed at the September Meeting and close it out.

Heritage Trail

Ms. Villasuso stated that the Heritage Trail documents have been received from the County. She stated if or when the withdrawals come the Committee will be made aware if a CD has to be terminated early to pay the vendors for the project. Mr. Diana mentioned that we should wait until December for the repayment request. Ms. Villasuso stated that Mr. Januszkiewicz will be monitoring this. She stated that if payments are due prior to December maybe will do what Mr. DiSalvo suggested that we ask the bank to waive the early termination fee.

Kraftify

Ms. Villasuso let the Committee know that Kraftify owed us money for completion of the Loewke Brill Labor Audit monitoring

cost. They also in the past had labor compliance issues. Kraftify reached out to the IDA to get Board action due to the fact that they wanted to refinance with the SBA and the IDA would have to consent to subordinate. Ms. Villasuso let Kraftify know that they would consent, provided the project paid the fee's owed to the IDA. She stated that as of today Kraftify seems a little disinterested in moving forward due to all of the fees and expenses with the IDA and may want to terminate their agreements entirely. Ms. Villasuso stated that they can terminate if they choose and it could do good for the taxing jurisdictions since the building and property become 100% taxable and no longer under a PILOT, however Kraftify took advantage of the Sales and Use Tax Exemption and the Mortgage Recording Tax Exemption. She stated that this will give Kraftify the benefits without the IDA being able to monitor the number of employees promised in the application and not living up to all ends of the bargain. Mr. Diana stated that he was not happy about this since they took advantage of the STE and MTE and feels that the Board should do what needs to be done to go after all the money. Mr. Gaydos agreed. Ms. Villasuso stated that there is an option to recapture. Mr. Dowd stated that Kraftify was told if they want the IDA to consent to subordinate the mortgage, Kraftify would have to pay all the fees not just the Labor Audit Fee but also the penalty fee which was imposed on them for not complying with the Local Labor Policy. Mr. DiSalvo stated that the IDA has had continued issues with Kraftify's documentation and Labor Policy. He asked what the total amount of the Sales Tax Benefit that Kraftify benefited from, Mrs. Villasuso stated their total STE benefit was authorized up to \$81,250.00 based on \$1,000,000.00 taxable purchases. Mr. DiSalvo asked Mr. Dowd what the penalty would be, and Mr. Dowd stated that it would be total recapture. Mr. DiSalvo asked what the penalty for the Labor Policy non-compliance is and Ms. Schouten stated \$1,430.00. Ms. Villasuso reminded the Committee that termination of their agreement will be a Full Board action and if we wanted to recapture then the monies could be returned to the affected jurisdictions. The Committee all agree that they like that action. Ms. Schouten stated that the total amount of fee's that Kraftify owes is \$2,543.50. Mr. Diana stated versus \$85,000.00. Mr. Gaydo's asked if the IDA needs to respond to Kraftify and she stated yes after the Full Board has acted. Ms. Villasuso stated that they had a savings of \$18,000.00 on the Mortgage Recording Tax and last year they saved \$48,000.00 on the Sales Tax not inclusive of any savings for 2020. She projected that they are close to their \$80,000.00. All in it is about \$95,000.00. Mr. Diana stated that if they have no money to pay what happens then and Mr. DiSalvo stated that a lien could be put on the property. Mr. Dowd stated that they also have a PILOT and Ms. Villasuso stated yes, a 485-b. Mr. DiSalvo asked if the 485-b is through the IDA or town, Ms. Villasuso stated IDA, Mr. Dowd said they would lose that also.

Motion is made by Mr. Gaydos seconded by Mr. Diana to adjourn the Audit Committee Meeting.
All voted in favor. Motion is carried.

Audit Committee Meeting ended at 1:28pm

ORANGE COUNTY INDUSTRIAL DEVELOPMENT AGENCY

MINUTES

August 18, 2020

A Special meeting of the Orange County Industrial Development Agency was convened via Zoom video conference August 18, 2020 at 12:00P.M.

Chairman Rogulski calls to order a Special meeting of the Orange County IDA, August 18, 2020. Board consists of five members. There is a quorum. Upon roll call, the following were:

PRESENT: Mary Ellen Rogulski, Edward Diana, Stephen Brescia, Michael Gaydos, John McCarey

ABSENT: James DiSalvo

ALSO PRESENT: Laurie Villasuso – Chief Executive Officer
Vincent Cozzolino – Managing Director
Melanie Schouten – Chief Operating Officer
Edward Januskiewicz – Chief Financial Officer
Kevin Dowd – IDA Attorney
Russell Gaenzle – Harris Beach
Dean Brady – Tech Management

Resolution(s)

Kraftify

Chairman Rogulski asks if any Board Members have and comments or questions relating to the Termination Resolution for the Kraftify, LLC project.

Mr. Diana states that the Board should have a conversation about recapturing Sale and Use Tax and Mortgage Recording Tax that has already been used by the project. The project has already benefited from an estimated amount of \$100,000, and has yet to provide any job creation, which is contingent to the OCIDA incentives.

Chairman Rogulski agrees that recapture should be discussed, but during another meeting. If the Board terminates Kraftify's benefits, that does not preclude them from taking action to recapture.

Mr. Diana states that he is nervous that the project will not move forward with the termination if it is aware that there is a possibility of recapture.

Mr. Brescia asks if the Board can truly recapture once the project is terminated.

Mr. Gaenzle states that, assuming the termination resolution is adopted by the Board, it will terminate the tax agreement, lease, leaseback, and related documents. Termination documents will be prepared in which the Board will reserve its right to recapture.

Termination Resolution

Chairman Rogulski asks for a motion and a second authorizing the Termination Resolution for Kraftify, LLC. Motion is made by Mr. McCarey, seconded by Mr. Brescia.

Mr. Gaenzle reads aloud the Kraftify, LLC Termination Resolution. Resolution of the Orange County Industrial Development Agency authorizing termination of the sublease agreement, subleaseback agreement, tax agreement and related documents in connection with the Kraftify, LLC project. Roll call is taken. All vote in favor.

Mr. Gaenzle states that he will reach out to the project and inform them that the termination is authorized.

Ms. Villasuso states that this termination, as requested by the project, was contingent on the receipt of owed Labor Audit fees. The fees have been received. Additionally, there are outstanding fees owed to Harris Beach. It is asked if the Board would like to make it a condition that the document execution will take place once those fees are paid.

The Board agrees that the fees to Harris Beach should be paid before the project receives the executed documents.

Other Board Business

No Other Board Business is presented.

Adjournment

Meeting called for adjournment, motion made by Mr. McCarey, seconded by Mr. Diana, the time being 12:08p.m.

Banks Accounts/Certificates of Deposit/Money Markets Accounts
As of August 31, 2020

Listed in order of maturity date.

Purchase Date	Maturity Date	# of Days	Bank	Principal	Interest Rate	Interest Amount	Status
2/28/20	3/1/21	367	M&T Bank - CD	\$ 1,374,253	1.25%	\$ 17,178	open

Bank	Account Type	Amount	% of total	rate
Chase Bank	Checking Account - Operating	\$ 2,537,600	35%	-
M&T	Savings	\$ 1,581,000	22%	-
Orange Bank & Trust Co	Checking Account - Trust Escrow	\$ 72,098	1%	-
Total CDs and Treasuries	Certificates of Deposit & Treasuries	\$ 1,374,253	19%	See above.
Sterling National Bank	Money Market	\$ 1,719,208	24%	0.25%
Total		<u>\$ 7,284,160</u>	<u>100%</u>	

**Orange County IDA
Income and Expense Summary
August 2020**

	Aug	Y-T-D	Budget	\$ Over/(Under) over Budget
Income				
Closing Fees	\$ -	\$ 70,102	\$ 1,445,393	\$ (1,375,291)
Fees	\$ -	\$ 401,091	\$ 783,316	\$ (382,225)
IDA Administrative Fees	\$ -	\$ 2,500	\$ 10,000	\$ (7,500)
Interest Earnings	\$ 13,694	\$ 61,468	\$ 90,000	\$ (28,532)
Pass Thru Legal Fees	\$ -	\$ 2,500	\$ 10,000	\$ (7,500)
Other Income	\$ 1,414	\$ 5,748	\$ -	\$ 5,748
Total Income	\$ 15,107	\$ 543,408	\$ 2,338,709	\$ (1,795,301)
Expenses				
Administrative Costs				
Auditors	\$ 4,185	\$ 65,253	\$ 51,580	\$ 13,673
Insurance	\$ -	\$ 12,839	\$ 10,800	\$ 2,039
Professional Fees	\$ 7,338	\$ 82,365	\$ 126,000	\$ (43,635)
Total Administrative Costs	\$ 11,523	\$ 160,457	\$ 188,380	\$ (27,923)
Agency Contribution Costs				
Friends of Orange County Youth Bureau Fund	\$ -	\$ 3,204	\$ 22,500	\$ (19,296)
Hudson Valley Agribusiness Dvl.	\$ -	\$ -	\$ 25,000	\$ (25,000)
O.C. Foreign Trade Zone	\$ -	\$ -	\$ 25,000	\$ (25,000)
PTAC	\$ -	\$ -	\$ 14,000	\$ (14,000)
T-SEC	\$ 5,348	\$ 14,624	\$ 35,000	\$ (20,376)
Women's Enterprise Dev Center	\$ -	\$ -	\$ 30,000	\$ (30,000)
Total Agency Contribution Costs	\$ 5,348	\$ 17,828	\$ 151,500	\$ (133,672)
Legal				
Legal, Pass Thru	\$ 4,693	\$ 55,408	\$ 120,000	\$ (64,592)
Total Legal	\$ 4,693	\$ 60,408	\$ 130,000	\$ (69,592)
Projects				
Project Expenditures	\$ -	\$ -	\$ 1,500,000	\$ (1,500,000)
Research and Support	\$ -	\$ -	\$ 89,000	\$ (89,000)
Shovel Ready Program	\$ -	\$ -	\$ 100,000	\$ (100,000)
Total Projects	\$ -	\$ -	\$ 1,689,000	\$ (1,689,000)
Total Expenses	\$ 21,564	\$ 238,694	\$ 2,158,880	\$ (1,920,186)
Income Over/(Under) Expenses	\$ (6,457)	\$ 304,714	\$ 179,829	\$ 124,885

**The Accelerator
Income and Expense Summary
August 2020**

	August	Y-T-D	Budget	Over/(Under) Budget
Income				
Client Rent	\$ 7,577	\$ 49,913	\$ 102,331	\$ (52,418)
Grant Income	\$ -	\$ 40,000	\$ -	\$ 40,000
Interest Income	\$ 18	\$ 277	\$ 100	\$ 177
Total Income	\$ 7,595	\$ 90,190	\$ 102,431	\$ (12,241)
Expenses				
Salaries & Benefits	\$ 41,686	\$ 359,805	\$ 572,238	\$ (212,433)
Payroll taxes and fees	\$ 3,818	\$ 34,804	\$ 53,796	\$ (18,992)
Management Expense	\$ 12,500	\$ 324,568	\$ 446,000	\$ (121,432)
Accelerator Without Walls	\$ 58,104	\$ 248,360	\$ 500,000	\$ (251,640)
Special Initiatives	\$ 5,404	\$ 84,385	\$ 100,000	\$ (15,615)
Building Expenses:				
Insurance	\$ 18,655	\$ 35,827	\$ 21,000	\$ 14,827
Rent	\$ 29,957	\$ 296,526	\$ 510,849	\$ (214,323)
Utilities	\$ 2,556	\$ 37,316	\$ 50,000	\$ (12,684)
Repairs & Maintenance	\$ 840	\$ 2,981	\$ 23,500	\$ (20,519)
Operations (snow, lawn, trash, etc.)	\$ 558	\$ 9,210	\$ 17,200	\$ (7,990)
Renovations	\$ -	\$ 39,560	\$ 65,000	\$ (25,440)
Highland Falls Campus - Renovations	\$ -	\$ -	\$ 75,000	\$ (75,000)
	\$ 52,566	\$ 421,420	\$ 762,549	\$ (341,129)
Equipment Maintenance - TSEC	\$ -	\$ -	\$ 50,000	\$ (50,000)
Equipment Maintenance - Other	\$ -	\$ 75	\$ 1,000	\$ (925)
Information Technology	\$ 3,799	\$ 22,968	\$ 25,000	\$ (2,032)
Marketing, PR, Website & Membership	\$ 32,129	\$ 137,847	\$ 135,000	\$ 2,847
Office Cleaning	\$ 2,990	\$ 20,385	\$ 45,000	\$ (24,616)
Office Supplies and Postage	\$ 960	\$ 10,980	\$ 25,000	\$ (14,020)
Travel, Lodging & Meals	\$ -	\$ 4,711	\$ 10,000	\$ (5,289)
Training & Education	\$ 4,880	\$ 5,380	\$ 4,000	\$ 1,380
Professional Fees	\$ 2,858	\$ 66,823	\$ 110,000	\$ (43,177)
Conference Expense (BA Sponsored)	\$ 2,500	\$ 2,500	\$ 5,000	\$ (2,500)
Bad Debt	\$ -	\$ 2,497	\$ -	\$ 2,497
Total Expenses	\$ 224,193	\$ 1,747,505	\$ 2,844,583	\$ (1,097,078)
Income Over/(Under) Expenses	\$ (216,599)	\$ (1,657,315)	\$ (2,742,152)	\$ 1,084,837

Orange County IDA

September 2020

Receipts

		--
Grand Total		--

Vouchers & Payments

UHY Advisors	August Accounting Retainer	\$ 337.80
Loewke Brill Consulting	August Site Visits, Reporting	\$ 3,380.00
Brown & Weinraub	September Consulting	\$ 5,500.00
McAllister & Quinn	August Retainer	\$ 5,000.00
Kevin Dowd, Esq	August Legal Services	\$ 3,769.50
OC Business Accelerator	4Q20 Support	\$ 1,200,000.00
Grand Total		\$ 1,217,987.30



Steven M. Neuhaus
County Executive

William Fioravanti
Director of Economic Development

August 26, 2020

Melanie Schouten
Chief Operating Officer
Orange County IDA
4 Crotty Lane, Suite 100
New Windsor, NY 12553

Melanie,

As requested, I am writing to explain why the budgeted amount for the Camp LaGuardia property Wall Street Journal (WSJ) ad campaign changed after our formal request for funding to the IDA.

The original advertising campaign, devised by Focus Media, proposed a full-page ad in the WSJ, supported by a digital campaign. That budgeted figure was a total of \$74,461. At your 8/13/20 Board of Directors meeting, the IDA approved \$25,000 in funding for this project. Although we turned over every stone to find County funds to help pay the remainder, our fiscal challenges are simply too great to permit that. Therefore, we ran a *half*-page, yet full-color, ad in the WSJ at a cost of \$27,837.68. Again, Orange County is limited to covering the just-under \$3,000 balance that is owed to Focus after the IDA's contribution.

If we can identify other funding sources, or if the IDA is interested in a second investment in this effort, then we would launch the digital phase of the campaign immediately. Until then, however, we are limited to the WSJ print ad which will run for one more week.

I hope this provides the explanation you were looking for. Please reach out any time if you need any further information. Thanks very much for your time and many thanks to the IDA Board & Staff for your critical support during these challenging times!

Sincerely,

William Fioravanti
Director of Economic Development

Escape from New York City!

Attention all Investors, Developers and Businesses looking to relocate from New York City:

Orange County, New York is offering a prime real estate opportunity. Come to business-friendly Orange County, where companies such as LEGOLAND® New York, Amazon and Medline are currently setting up shop. Join great companies such as Mediacom, Pratt and Whitney and a host of others who already call Orange County home.

ABOUT ORANGE COUNTY, NEW YORK:

Approximately halfway between New York City and Albany, with three major interstate highways (I-87/New York State Thruway, I-84, I-86/Rt 17), the Hudson River, New York Stewart International Airport and 150 miles of freight and commuter rail, Orange County can claim one of the most effective transportation systems in the country. Located just 60 miles from the financial center of the world, and as the second-fastest growing county in the state, Orange County, with a highly skilled and trained workforce, and an unmatched quality of life, is perfectly positioned for new business and innovative development.



**For more
information:**

Please visit:
www.orangecountygov.com/property
or call: (800) 225-1107



- ★ 258+ Acres Prime Commercial Real Estate
- 📍 Woodbury Common Premium Outlets
- 📍 LEGOLAND® New York (2021)
- 📍 Medline
- 📍 Amazon
- 📍 New York Stewart International Airport
- 🚆 Metro-North Railroad

Orange County, New York

PROPERTY FOR SALE:

- 258+ total acres, much of which is developable for a variety of commercial, industrial and agricultural uses.
- Prime location in Orange County along the Route 17/Future I-86 corridor (within a few miles of LEGOLAND® New York opening in 2021).
- Property is immediately available, but won't be for long!

ABOUT THE PROPERTY:

The 258+ acre site is a prime area for development in Orange County, boasting excellent transportation access. The site is proximate to a freight rail line and to an entrance/exit for Route 17/I-86, and approximately 15 miles from Stewart International Airport. There are numerous opportunities for this property, all with the support of state, county and local municipalities and guidance throughout the development process.



Orange County Government
Office of County Executive Steven M. Neuhaus
NEWS RELEASE

For Immediate Release
August 14, 2020

Contact: Justin Rodriguez
845.291.3255

**County Executive Neuhaus announces aggressive marketing plan of
commercial properties to NYC corporations**

Goshen, N.Y. – Orange County Executive Steven M. Neuhaus has announced that he will begin marketing commercial properties to New York City corporations to attract them to relocate to the County.

The County issued Request for Proposals (RFP) for Camp LaGuardia and the “Grand Street Properties”, located near SUNY Orange in the City of Newburgh, in late-June. The marketing campaign to sell Camp LaGuardia will include an ad in the Wall Street Journal with an “Escape from New York” theme.

The Orange County Industrial Development Agency (IDA) has provided the County \$25,000 to utilize for marketing and advertising as it continues to seek proposals for Camp LaGuardia, a 258-acre property located in the Towns of Blooming Grove/Chester.

“Businesses are actively seeking to leave New York City and Orange County has a variety of sites which are perfect for commercial development,” Neuhaus said. “We are grateful that the IDA has committed these funds to marketing Camp LaGuardia, which will help attract prospective buyer(s). The site is perfect for commercial development and will provide economic development as well as job opportunities. We look forward to seeing the potential buyers who want to invest in Orange County and make Camp LaGuardia a success story.”

The County Legislature voted to acquire Camp LaGuardia, a homeless shelter for New York City residents, in 2007. In December 2013, days before Neuhaus took office, the County voted to purchase the Grand Street properties with the goal of expanding services at SUNY Orange onto those properties.

The County Legislature will select the developers who will buy some or all the properties. The Request for Proposals (RFP) for Camp LaGuardia can be found at: <https://www.orangecountygov.com/1968/RFP-Sale-of-former-Camp-LaGuardia-Propert>

For more information, contact Justin Rodriguez, Assistant to the County Executive for Communications and Media Relations at 845.291.3255 or jrodriguez@orangecountygov.com.

###

Orange County tries to lure NYC companies during pandemic as they open satellites, downsize

Daniel Axelrod Times Herald-Record
Published 5:00 a.m. ET Aug. 26, 2020

Orange County leaders recently launched an ad campaign to lure corporate headquarters, as companies and their employees consider moving out of New York City during the coronavirus pandemic.

This month, the county began advertising in print and online with the Wall Street Journal, America's second largest newspaper behind Gannett's USA Today, and the county is considering additional cross-platform ads for other media, said Orange County Executive Steve Neuhaus.

The Orange County Industrial Development Agency funded the initial \$25,000 ad buy at Neuhaus's request. The nonprofit public benefit corporation helps lure and retain jobs with measures such as tax breaks.



IDA CEO Laurie Villasuso and Neuhaus said the ads are part of a multi-pronged team effort to entice, network with and sell companies on Orange County as its residential real estate market increasingly attracts New York City residents.

“We (county leaders) think the commercial influx of development can follow the residential market’s strength,” Neuhaus said regarding local realtors' recent reports of robust residential housing demand.

IDA and county leaders think now is the time “to try to capitalize on the fact that Orange County is prime real estate for companies that could be looking to move upstate,” Villasuso said.

City workers have increasingly been looking for less congested areas to live, as their employers shutter offices and let employees work remotely, according to local real estate salespeople and Orange County leaders.

Escape from New York City!

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For more information: Please visit: www.orangecountygov.com/property or call: (800) 225-1107

Indeed, roughly 5 percent of New York City residents – or around 420,000 people – moved out of the city, mostly to the New York Metro Area, between March 1 and May 1 alone, by one recent estimate.

Orange County's goal: Pick up some of those workers' employers, not just the workers themselves, by luring corporate offices to locations such as Camp La Guardia in Blooming Grove and Chester, Goshen, Montgomery and land beside New York Stewart International Airport.

The county's model, Neuhaus said, is a firm like Mediacom Communications Corp., America's fifth largest cable TV firm. It built and moved into a \$43.9 million, 110,000-square-foot gleaming glass headquarters in Blooming Grove in 2013.

"Through COVID-19, companies have realized they can operate anywhere, so Orange County is saying to them, 'Why not come somewhere with an unbeatable quality of life, a diverse workforce and a tremendous transportation structure,'" said Bill Fioravanti, Orange County's economic development director.

daxelrod@th-record.com



Orange County Government
Office of County Executive Steven M. Neuhaus
NEWS RELEASE

For Immediate Release
August 18, 2020

Contact: Justin Rodriguez
845.291.3255

Orange County implements plan on re-opening of gyms and studios

Goshen, N.Y. – On Monday, August 17th, Governor Cuomo stated that effective August 24th, but no later than September 2nd, gyms can re-open across the State under the below circumstances. Gyms include standalones, hotel gyms, residential gyms, office gyms and fitness centers, gyms at higher education institutions, yoga/Pilates/barre studios, boxing/kickboxing gyms, fitness boot camps, CrossFit or other plyometric boxes, and other group fitness classes.

The Governor’s guidance on Gyms can be found at: <https://forward.ny.gov/phase-four-industries> (scroll down to “Gyms and Fitness Centers”).

County Executive Steven M. Neuhaus has asked the County Health Department to undertake inspections to enable gyms to re-open in compliance with the Governor’s requirements. He is asking all gyms to email the following information to the Orange County Department of Health at envhealth@orangecountygov.com.

- a. Legal name, address and phone number of gym.
- b. Town, City, or Village where gym is located. This will enable inspections to be better coordinated.
- c. Owner(s) of gym.
- d. Name of responsible person at gym. This is the person or persons who will be responsible for ensuring ongoing compliance with the Governor’s requirements.
- e. Plan to comply with the Governor’s requirements.
- f. List of any health-related, pandemic response improvements the gym has made in 2020.

- g. Posted occupancy limit of gyms (prior to the reduction to 33%).
- h. State whether your gym offers indoor classes. Under Governor Cuomo's rule, Counties must approve the offering of indoor classes.
- i. Hours of operation when the gyms are available for inspection (must be between 9 a.m. and 5 p.m., Monday-Friday, weekends optional) through 9/7.

Gyms must also file with the State the "Read and Affirm Detailed Guidelines" available at the above link (<https://forward.ny.gov/phase-four-industries> (scroll down to "Gyms and Fitness Centers").

Neuhaus is also urging the Orange County IDA to make grants of up to \$10,000 to small gyms (those employing less than 50 people) to help reduce the spread of COVID-19. Under a State law passed earlier this year, IDAs are permitted to make such grants. Gyms are seen as places where the virus can easily pass through the air. Therefore, making safety improvements and wearing masks always is seen as something that can significantly mitigate the chance of COVID-19 spread.

"I am someone who believes in physical fitness," Orange County Executive Steven M. Neuhaus said. "Gyms can and do play an important role in keeping people healthy. We are going to apply the Governor's standards, allow gyms to re-open, and reach out to gyms prior to undertake the inspections the Governor wants done. I know there are a lot of small gyms who have been waiting for this day and I have asked the Health Department to implement a timely inspection process."

Orange County Health Commissioner Dr. Irina Gelman added: "Gyms can help us expedite their re-opening by emailing us the information requested in points a-I above. County staff will continue to work, in collaboration with municipal building and code inspectors, to expediently conduct the inspections. Gyms seeking re-opening approval are directed to send the requested information by email to envhealth@orangecountygov.com immediately."

Orange County will then arrange inspections of the facilities. Gyms requesting inspection should plan on being open 9 a.m. to 5 p.m., Monday-Friday in order to facilitate inspection. If your facility is open and capable of being inspected on weekends, please supply that information. County inspectors will have County identification on them, may take photographs of the facility, and will ultimately leave gyms which pass inspection with a certificate of inspection. **Key components of the Governor's rules for gym re-opening are:**

1. Capacity: 33% occupancy limit.
2. Masks must always be worn by staff, volunteers, visitors and patrons. Adequate signage must be posted conspicuously outlining masking requirement.
3. Protocols for staff who test positive for COVID-19, along with daily screening (containing at minimum questions listed below)
4. Access: Sign-in with contact information and health pre-screening prior to entry required for staff, volunteers, visitors and patrons (containing at minimum questions listed below).
5. PPE: Appropriate face coverings always required.
6. Distancing: 6 feet of separation always.
7. Hygiene/Cleaning: Cleaning and disinfection supplies made available to customers; shared equipment cleaned after every use; staff must also be available to clean and disinfect equipment in between uses; rental equipment must be cleaned and disinfected between customer use. Please <https://www.cdc.gov/coronavirus/2019-ncov/community/reopen-guidance.html>
8. Classes: All classes by appointment/reservation only; maximum class capacity capped at number of people that can adhere to the 6-foot social distancing rules, but in no case more than 33% of the typical class size (i.e., leave stations, cycles, etc. vacant); classes should be scheduled to allow additional time for cleaning and disinfection in between each session. Sign-in with contact information and health pre-screening prior to entry required for all classes. Screening questions **must** at least include the following:
 - a. Do you feel ill today?
 - b. Have you tested positive for COVID-19 in the past 10 days?
 - c. Is there anyone in your household that has tested positive for, and/or experiencing symptoms of COVID-19 in the past 14 days?
 - d. Have you traveled outside of NYS to an area with high prevalence of COVID-19 in the past 14 days? <https://coronavirus.health.ny.gov/covid-19-travel-advisory> If so, the person must follow the State's travel advisory regulations.
 - e. Have you recently been tested for COVID-19 and currently awaiting results?

9. Amenities: Water bottle refill stations permitted, but not shared water fountains; communal showers are closed, but individual showers/stalls can remain open so long as they are cleaned in between use. Avoid use of hand dryers and other equipment that may aerosolize particles.

10. Air Handling Systems: Gyms should operate at MERV-13 or greater; if they are unable to operate at that level, they must have heating, ventilation, and air conditioning (HVAC) professional document their inability to do so and adopt additional ventilation and mitigation protocols from American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) and the Centers for Disease Control and Prevention (CDC), air filters must be able to help prevent the transmission of viral particles.

11. Inspection: Local health departments, in collaboration with municipal building and code inspectors, shall inspect before or within two weeks of the gym/fitness center opening to ensure compliance.

###

Orange County implements plans for reopening of gyms

August 19, 2020



GOSHEN – On Monday Governor Cuomo announced that gyms will be allowed to reopen by August 24th if they meet certain requirements and Orange County Executive Steven Neuhaus has developed a plan to get the businesses up and running. The gyms have been closed since the pandemic struck the region in March.

Cuomo’s plan calls for local governments to inspect the facilities no later than September 2nd in order for the exercise facilities to be opened. Neuhaus, a proponent of physical fitness said “Gyms can and do play an important role in keeping people healthy. We are going to apply the Governor’s standards, allow gyms to re-open, and reach out to gyms prior to undertake the inspections the Governor wants done. I know there are a lot of small gyms who have been waiting for this day and I

Neuhaus is also urging the Orange County IDA to make grants of up to \$10,000 to small gyms (those employing less than 50 people) to help reduce the spread of COVID-19. Under a state law passed earlier this year, IDAs are permitted to make such grants. Gyms are seen as places where the virus can easily pass through the air. Therefore, making safety improvements and wearing masks always is seen as something that can significantly mitigate the chance of COVID-19 spread.

Neuhaus has asked the County Health Department to undertake inspections to enable gyms to re-open in compliance with the Governor's requirements. He is asking all gyms to email the following information to the Orange County Department of Health at envhealth@orangecountygov.com.

1. Legal name, address, and phone number of the gym.
2. Town, City, or Village where the gym is located. This will enable inspections to be better coordinated.
3. The owner of the gym.
4. Name of the responsible person at the gym. This is the person or persons who will be responsible for ensuring ongoing compliance with the Governor's requirements.
5. Plan to comply with the Governor's requirements.
6. List of any health-related, pandemic response improvements the gym has made in 2020.
7. Posted occupancy limit of gyms (prior to the reduction to 33%).
8. State whether your gym offers indoor classes. Under Governor Cuomo's rule, Counties must approve the offering of indoor classes.
9. Hours of operation when the gyms are available for inspection (must be between 9 a.m. and 5 p.m., Monday-Friday, weekends optional) through 9/7.

Gyms must also file with the State the "Read and Affirm Detailed Guidelines" available at <https://forward.ny.gov/phase-four-industries>. It can be found under the heading of "Gyms and Fitness Centers".

Orange County Health Commissioner Dr. Irina Gelman added: "Gyms can help us expedite their re-opening by emailing us the information requested in points a-i above. County staff will continue to work, in collaboration with municipal building and code inspectors, to expediently conduct the inspections. Gyms seeking re-opening approval are directed to send the requested information by email to envhealth@orangecountygov.com immediately."

inspection. If your facility is open and capable of being inspected on weekends, please supply that information. County inspectors will have County identification on them, may take photographs of the facility, and will ultimately leave gyms which pass inspection with a certificate of inspection. Key components of the Governor's rules for gym re-opening are:

- Capacity: 33% occupancy limit.
- Masks must always be worn by staff, volunteers, visitors and patrons. Adequate signage must be posted conspicuously outlining masking requirement.
- Protocols for staff who test positive for COVID-19, along with daily screening (containing at minimum questions listed below)
- Access: Sign-in with contact information and health pre-screening prior to entry required for staff, volunteers, visitors and patrons (containing at minimum questions listed below).
- PPE: Appropriate face coverings always required.
- Distancing: 6 feet of separation always.
- Hygiene/Cleaning: Cleaning and disinfection supplies made available to customers; shared equipment cleaned after every use; staff must also be available to clean and disinfect equipment in between uses; rental equipment must be cleaned and disinfected between customer use. Please <https://www.cdc.gov/coronavirus/2019-ncov/community/reopen-guidance.html>

Classes: All classes by appointment/reservation only; maximum class capacity capped at a number of people that can adhere to the 6-foot social distancing rules, but in no case more than 33% of the typical class size (i.e., leave stations, cycles, etc. vacant); classes should be scheduled to allow additional time for cleaning and disinfection in between each session. Sign-in with contact information and health pre-screening prior to entry required for all classes.

Screening questions must at least include the following:

- Do you feel ill today?
 - Have you tested positive for COVID-19 in the past 10 days?
 - Is there anyone in your household that has tested positive for, and/or experiencing symptoms of COVID-19 in the past 14 days?
 - Have you traveled outside of NYS to an area with a high prevalence of COVID-19 in the past 14 days? <https://coronavirus.health.ny.gov/covid-19-travel-advisory> If so, the person must follow the State's travel advisory regulations.
 - Have you recently been tested for COVID-19 and currently awaiting results?
 - Amenities: Water bottle refill stations permitted, but not shared water fountains; communal showers are closed, but individual showers/stalls can remain open so long as they are cleaned in between use. Avoid the use of hand dryers and other equipment that may aerosolize particles.
9. Air Handling Systems: Gyms should operate at MERV-13 or greater; if they are unable to operate at that level, they must have heating, ventilation, and air conditioning (HVAC) professional document their inability to do so and adopt additional ventilation and mitigation protocols from American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) and the Centers for Disease Control and Prevention (CDC), air filters must be able to help prevent the transmission of viral particles.
10. Inspection: Local health departments, in collaboration with municipal building and code inspectors, shall inspect before or within two weeks of the gym/fitness center opening to ensure compliance.