

1
2 ORANGE COUNTY INDUSTRIAL DEVELOPMENT AGENCY
3 STATE OF NEW YORK

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4 In The Matter of

5 RE: DANSKAMMER ENERGY, LLC

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7 Newburgh Town Hall
8 1496 Route 300
9 Newburgh, New York
10 January 31, 2020
11 10:00 a.m.

12 B E F O R E: Kevin Dowd, Esq.
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23 FRANCES ROTH
24 Court Stenographer
25 168 North Drury Lane
Newburgh, NY 12550
(845) 401-1641

1 A P P E A R A N C E S :

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4 LAW OFFICES OF KEVIN T. DOWD
Attorney for IDA
5 46 Daisy Lane
Montgomery, New York 12549

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7 Kelly Reilly
Project Manager

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11 Frances Roth, RPR
Court Reporter

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DANSKAMMER ENERGY, LLC

1 MR. DOWD: I'll ask you to stand for the
2 Pledge of Allegiance please.

3 (Whereupon, the Pledge of Allegiance was
4 recited.)

5 MR. DOWD: Good morning everyone, my name is
6 Kevin Dowd, I'm local counsel to the Orange
7 County Industrial Development Agency. To my
8 right is Kelly Reilly, one of our project
9 coordinators and to her right is Fran Roth who is
10 our stenographer who will be taking down
11 everything that's being said today and provide a
12 transcript to the board for their review. We
13 were supposed to livestream this meeting under a
14 new state law but unfortunately we have some
15 malfunctioning of our equipment so we will not
16 be livestreaming it tonight, that's why the
17 transcript's here as a backup, so that's good.
18 So I'm going to read the public hearing notice
19 and then I have a few things to say and then
20 we'll open this up for the applicant to make a
21 brief statement if they wish and open it up to
22 public comment. Notice is hereby given that a
23 public hearing pursuant to Article 18-A of the
24 New York General Municipal Law will be held by
25 the Orange County Industrial Development Agency

DANSKAMMER ENERGY, LLC

1 on Friday, January 31, 2020, at 10:00 a.m. local
2 time, in the meeting room at the Newburgh Town
3 Hall, 1496 Route 300, Newburgh, New York, in
4 connection with the following matter: DANSKAMMER
5 ENERGY, LLC, for itself or on behalf of an entity
6 formed or to be formed, previously received
7 certain financial assistance from the Agency in
8 connection with a certain project consisting of
9 (i) the acquisition by the Agency of a leasehold
10 interest in an aggregate approximately 52 acres
11 of land located on West Hudson River Road and Old
12 Post Road, each in the Town of Newburgh, New
13 York, Orange County, New York together with the
14 six existing generators located thereon
15 comprising the Danskammer Power Station, (ii) the
16 repair or replacement in kind of the damaged
17 components within the Existing Improvements; and
18 (iii) the acquisition and installation in, on and
19 around the Improvements of certain items of
20 equipment and other tangible personal property
21 including, but not limited to, piping and valves,
22 generators, pumps, electrical switchgear and
23 various instrumentation all for continued use as
24 a power plant. The Agency previously approved
25 financial assistance to the Company for the

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1 Original Project in the form of (a) sales and use
2 tax exemption for purchases and rentals related
3 to the repair and equipping of the Facility, (b)
4 a partial real property tax abatement structured
5 within a tax agreement, and (c) if necessary, a
6 mortgage recording tax exemption for financing or
7 re-financing related to the Original Project.

8 The Company and the Agency entered into that
9 certain Tax Agreement, dated as of December 1,
10 2014, under the terms of which the Company is
11 required to make certain payments in lieu of real
12 property taxes to Orange County, the Town of
13 Newburgh and the Marlboro Central School
14 District; said Original Tax Agreement expires on
15 December 31, 2021. The Company has submitted an
16 application requesting the Agency to extend the
17 term of the Original Tax Agreement to December
18 31, 2025. The Agency is considering providing
19 financial assistance to the Company by extending
20 the term of the Original Tax Agreement. A
21 representative of the Agency will be at the
22 above-stated time and place to present a copy of
23 the Company's Project Application and hear and
24 accept written and oral comments from all persons
25 with views in favor of or opposed to or otherwise

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relevant to the proposed Financial Assistance.

Dated: January 16, 2020 by the Orange County Industrial Development Agency. The applicant,

Danskammer Energy, filed an application on

January 8, 2020, the IDA passed its initial

resolution on January 9, 2020 authorizing this

public hearing. Previous to that we had asked

Danskammer to contact the affected tax

jurisdictions and to get their approval for

extension of the PILOT by a resolution dated

October 17, 2019, the Marlboro Central School

District adopted the following resolution.

Resolved that the Board of Education upon

recommendation of the Superintendent of Schools

approves an amended community benefit agreement

and extended PILOT with Danskammer Energy, LLC

upon the attached terms and conditions and

further authorizes the President to sign the

amended community benefit agreement and extended

PILOT; a full executed copy of which shall be

placed on file with the District Clerk as

presented. And that's a unanimous resolution of

that school board. I'm sorry, yes, on

December 23, 2019, the resolution of the Town

Board in support of the application was also

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1 adopted with four ayes and one abstention. With
2 that being said, I will turn this over to someone
3 from Danskammer to make a brief statement. Thank
4 you.

5 MR. REID: Thank you very much. I'm Bill
6 Reid, I'm the C.E.O. of Danskammer and thank you
7 very much for everyone who's here and thank you
8 for letting us just make a few comments about
9 this public hearing regarding the extension of
10 our underlying PILOT. As many of you know we
11 have been a local business here in the Hudson
12 Valley for more than 60 years. We have an annual
13 payroll of more than \$5 million and employ 42
14 local men and women. We are locally owned and
15 operated. Danskammer was purchased by our group
16 in December of 2017 and in auditing our
17 financials we came to the conclusion there was a
18 discrepancy in PILOT payments that amounted to
19 about \$1 million. Without getting too much in
20 the weeds, the discrepancy was about some special
21 district charges were credited back to the
22 primary PILOT payment. There was a
23 misunderstanding about how that was done. We
24 reached out in July to the Orange County
25 Industrial Development Agency and they asked that

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1 we engage with the town and the Marlboro School
2 District about this issue. We have had a
3 continuous dialogue with both entities and as
4 opposed to having the schools write us a check
5 for about 75 percent of the discrepancy in funds
6 which was their portion everyone thought that it
7 made more sense to have an extension of our
8 existing PILOT and in order to achieve the goals
9 and allow us to remain the major contributor to
10 the community that we are as part of their
11 extension we'd clear up the language in the PILOT
12 agreement surrounding the special district
13 charges so this doesn't happen again. Our
14 conversations with the town and the school
15 district also resulted in an updated community
16 benefit agreement for the town and the schools
17 which weren't also working as they probably
18 should have. As you well know, Danskammer is
19 currently involved in the state's Article 10
20 permitting process to modernize our facility to
21 make it cleaner and more efficient with the
22 latest technology, stop using the Hudson River
23 for cooling and lower electric rates in New York
24 actually to about \$53 million a year. The
25 permitting process will take about a year from

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1 today, maybe a little more. We filed our
2 application in December and we're waiting for it
3 to be accepted by the Public Service Commission.
4 Any PILOT extension would only serve to get us
5 through until we start building a new facility
6 and if there's a new PILOT agreement that would
7 be negotiated to cover the new facility it would
8 supersede this extension. That really concludes
9 my comments and I'm very happy to hear from
10 others regarding the extension or answer any
11 questions anybody might have.

12 MR. DOWD: Thank you. So now I'll open it
13 to the public, ask you to step up to the
14 microphone, give your name and comments.

15 SUPERVISOR PIAQUADIO: Hi, so I really want
16 to thank the IDA for having this public hearing
17 here today.

18 MR. DOWD: Can we have your name please? I
19 know who are but--

20 SUPERVISOR PIAQUADIO: Gil Piaquadio,
21 Supervisor of the Town of Newburgh and I live in
22 the town also. So the Town of Newburgh supports
23 extending the existing PILOT for four years on
24 the existing Danskammer Power Plant for the
25 following reasons. Increases payments to the

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1 Town of Newburgh, County of Orange and Marlboro
2 Central School District. This extended PILOT
3 will eliminate any overpayment as a result of a
4 conflict in wording which will be corrected and
5 made clear in this extended PILOT. The PILOT
6 does not apply to any redevelopment of the new
7 Danskammer plant under the Article 10 and I
8 wanted to read even though you know, you already
9 have it, the resolution was approved by my town
10 board. So here it is. Councilwoman Greene
11 presented the following resolution which was
12 seconded by Councilman Manley. Whereas, the Town
13 of Newburgh Town Board heretofore by resolution
14 adopted on August 4, 2014 and October 6, 2014
15 authorized letters of support to be delivered to
16 the Orange County Industrial Development Agency
17 for the applications of Danskammer Energy, LLC to
18 the Orange County IDA. So that among other
19 things a deviation Payment in Lieu of Taxes
20 called a PILOT agreement dated December 1, 2014
21 in connection with the improvement and repair of
22 the Danskammer Power Generating Station, the
23 existing PILOT could be approved and executed by
24 the Orange County IDA and Danskammer. And
25 whereas, the Town Board is advised that

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1 Danskammer will be applying to the Orange County
2 IDA to amend and extend the existing PILOT for a
3 period of four years and that if said application
4 is approved, a new extended PILOT agreement will
5 replace and nullify the existing PILOT. And
6 whereas, the Town Board has been informed that
7 the proposed extended PILOT will provide for
8 annual increases in payments for the benefit of
9 the County of Orange, Town of Newburgh and
10 Marlboro School District, the affected taxing
11 jurisdictions at the same rate as provided in the
12 existing PILOT. And whereas, Danskammer has also
13 informed the Town Board that it is willing to
14 withdraw its claim for reimbursement under the
15 existing PILOT based upon a disagreement over the
16 calculation of credits due to Danskammer, if the
17 extended PILOT is completed and with the Orange
18 County IDA. And whereas, the extended PILOT will
19 not apply to the redevelopment of the Danskammer
20 Power Generating Station proposed in the pending
21 application of Danskammer under the Article 10 of
22 the Public Service Law without further amendment
23 or replacement. And whereas, the Town Board has
24 reviewed and considered the matter and finds that
25 support for Danskammer's application for an

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1 extended PILOT to the Orange County IDA is in the
2 best interest of the Town of Newburgh so long as
3 the payments are made under the extended PILOT on
4 behalf of the affected taxing jurisdictions and
5 are not reduced and any credits due to Danskammer
6 based upon the payment of special district
7 charges are limited to fire district charges.

8 Therefore, be it resolved that the Town Board of
9 the Town of Newburgh hereby supports the approval
10 by the Orange County IDA of the application by
11 Danskammer for the proposed extension, amendment
12 and clarification of the existing PILOT between
13 the Orange County IDA and Danskammer. And be it
14 further resolved that the Town Board hereby
15 authorizes and directs that a copy of this
16 resolution certified by the Town Clerk be
17 forwarded to the Orange County IDA and also
18 authorizes the Supervisor to send further letters
19 of support consistent with this resolution. And
20 be it further resolved that the resolution shall
21 take effect immediately. And this was voted on
22 by Councilwoman Greene voted yes, Paul Ruggiero,
23 yes, James Presutti abstained, Scott Manley voted
24 yes and I voted yes myself, so thank you.

25 MR. DOWD: Anyone else?

DANSKAMMER ENERGY, LLC

1 MR. BROOKS: Thank you very much for
2 allowing us to speak today. I'm Michael Brooks,
3 Superintendent of Schools for the Marlboro
4 Central School District. I want to say thank you
5 certainly to Supervisor Piaquadio for being a
6 spearhead on keeping the parties moving in the
7 right direction. I know he shared jurisdictional
8 responsibility because of the Town of Newburgh
9 and the school district of Marlboro. The school
10 district of Marlboro and the Board of Education
11 unanimously adopted the resolution to support the
12 extension of this PILOT revolving some matters
13 that we had in disagreement and would request
14 that the IDA take that seriously in its
15 considerations as you decide on this short term
16 extension. The existing PILOT is expiring so if
17 we don't do some kind of extension there's no
18 steps forward and it is an interim step. So
19 that's an important piece for us, it allows us to
20 settle the matter and prepare for the eventual
21 rebuilding of the Danskammer plant which the
22 Marlboro School District also supports. So that
23 next phase in how we deal with, what the new
24 plant is and isn't is to the school district and
25 the town is obviously another important step and

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1 we request that we be directly involved in that
2 process. Thank you very much.

3 MR. DIORIO: I'm Todd Diorio, Hudson Valley
4 Building Trades. I represent the trades council
5 which is 28 local unions. I'm also a resident in
6 Marlboro so I'm in the school district of
7 Marlboro, so I'm hearing a lot about this power
8 plant, most everybody that I know I speak to in
9 town support the extension, it's much needed.
10 The Article 10 process is long so, we don't know
11 how long it's going to take before construction
12 so they're going to need this extension to keep
13 Danskammer up and going with affordable taxes.
14 It's supported by the Town of Newburgh as you
15 heard from Gil and the Marlboro School District.
16 There's been a lot of support, I've attended a
17 lot of meetings with Bill and Michele from
18 Danskammer, I can't even count how many elected
19 officials, how many meetings, this is much
20 needed, this is one step closer to the new
21 facility which Bill, I'm not going to get into
22 details, it's a better facility than the old one.
23 But construction, after they start it's 450 jobs,
24 \$450 million roughly in construction, probably a
25 little higher now as the longer it goes on. So

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1 we definitely support this project and we support
2 the extension. Thank you.

3 MS. HALAHAN: Good morning, Maureen Halahan,
4 president and C.E.O. of the Orange County
5 Partnership. On behalf of the Board of Directors
6 of the Orange County Partnership we want to
7 support this project. We know that the
8 infrastructure is very much needed to continue
9 our economic development efforts not only in the
10 town but also in the county and the region. And
11 this extension will continue to move them forward
12 in the pursuit of making sure that this plant is
13 fully operational. Supporting the
14 infrastructure, the job creation is significant
15 as is the ratables for the communities and we
16 know as we have met with most of the elected
17 officials ourselves and attended all the meetings
18 that there's a tremendous amount of support for
19 this project and we ask you to continue to do
20 that. Thank you so much.

21 MR. DOWD: Anyone else? There being no
22 further comments, I will declare the public
23 hearing closed. I thank you for your attendance.
24 (Proceedings concluded at 10:20 a.m.)

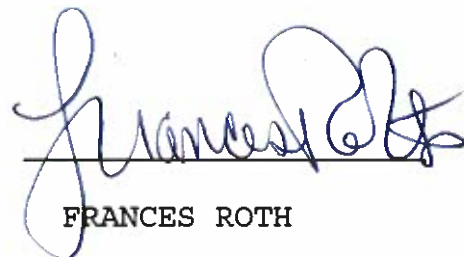
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C-E-R-T-I-F-I-C-A-T-I-O-N

I, FRANCES ROTH, a Stenographic Reporter and Notary Public
of the State of New York, do hereby certify:

That the foregoing is an accurate record of the testimony,
as given, to the best of my knowledge and belief, the same
having been stenographically recorded by me and transcribed
under my supervision.

That I am not related to any of the parties involved in
this matter, and that I have no personal interest
whatsoever in the outcome thereof.



FRANCES ROTH

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	back [1] 7/21	considerations [1] 13/15

C considered [1] 11/24 considering [1] 5/18 consistent [1] 12/19 consisting [1] 4/8 construction [3] 14/11 14/23 14/24 contact [1] 6/8 continue [3] 15/8 15/11 15/19 continued [1] 4/23 continuous [1] 8/3 contributor [1] 8/9 conversations [1] 8/14 cooling [1] 8/23 coordinators [1] 3/9 copy [3] 5/22 6/20 12/15 corrected [1] 10/4 could [1] 10/23 council [1] 14/4 Councilman [1] 10/12 Councilwoman [2] 10/10 12/22 counsel [1] 3/6 count [1] 14/18 county [21] Court [2] 1/23 2/11 cover [1] 9/7 creation [1] 15/14 credited [1] 7/21 credits [2] 11/16 12/5 currently [1] 8/19	Education [2] 6/13 13/10 effect [1] 12/21 efficient [1] 8/21 efforts [1] 15/9 elected [2] 14/18 15/16 electric [1] 8/23 electrical [1] 4/22 eliminate [1] 10/3 else [2] 12/25 15/21 employ [1] 7/13 ENERGY [5] 1/5 4/5 6/4 6/16 10/17 engage [1] 8/1 entered [1] 5/8 entities [1] 8/3 entity [1] 4/5 equipment [2] 3/15 4/20 equipping [1] 5/3 Esq [1] 1/12 even [2] 10/8 14/18 eventual [1] 13/20 everybody [1] 14/8 everyone [3] 3/5 7/7 8/6 everything [1] 3/11 executed [2] 6/20 10/23 exemption [2] 5/2 5/6 existing [12] 4/14 4/17 8/8 9/23 9/24 10/23 11/2 11/5 11/12 11/15 12/12 13/16 expires [1] 5/14 expiring [1] 13/16 extend [2] 5/16 11/2 extended [10] 6/16 6/19 10/2 10/5 11/4 11/7 11/17 11/18 12/1 12/3 extending [2] 5/19 9/23 extension [15] 6/10 7/9 8/7 8/11 9/4 9/8 9/10 12/11 13/12 13/16 13/17 14/9 14/12 15/2 15/11	G General [1] 3/24 Generating [2] 10/22 11/20 generators [2] 4/14 4/22 get [3] 6/9 9/4 14/21 getting [1] 7/19 Gil [2] 9/20 14/15 give [1] 9/14 given [2] 3/22 16/7 goals [1] 8/8 goes [1] 14/25 going [5] 3/18 14/11 14/12 14/13 14/21 good [3] 3/5 3/17 15/3 Greene [2] 10/10 12/22 group [1] 7/15
D Daisy [1] 2/5 damaged [1] 4/16 DANSKAMMER [26] Danskammer's [1] 11/25 dated [4] 5/9 6/2 6/10 10/20 deal [1] 13/23 December [7] 5/9 5/15 5/17 6/24 7/16 9/2 10/20 December 1 [1] 10/20 December 23 [1] 6/24 decide [1] 13/15 declare [1] 15/22 definitely [1] 15/1 delivered [1] 10/15 details [1] 14/22 development [7] 1/2 3/7 3/25 6/3 7/25 10/16 15/9 deviation [1] 10/19 dialogue [1] 8/3 Diorio [1] 14/3 direction [1] 13/7 directly [1] 14/1 Directors [1] 15/5 directs [1] 12/15 disagreement [2] 11/15 13/13 discrepancy [3] 7/18 7/20 8/5 district [18] do [3] 13/17 15/19 16/4 does [1] 10/6 doesn't [1] 8/13 don't [2] 13/17 14/10 done [1] 7/23 Dowd [3] 1/12 2/4 3/6 down [1] 3/10 Drury [1] 1/24 due [2] 11/16 12/5	F facility [6] 5/3 8/20 9/5 9/7 14/21 14/22 favor [1] 5/25 few [2] 3/19 7/8 file [1] 6/21 filed [2] 6/4 9/1 financial [4] 4/7 4/25 5/19 6/1 financials [1] 7/17 financing [2] 5/6 5/7 finds [1] 11/24 fire [1] 12/7 following [4] 4/4 6/12 9/25 10/11 foregoing [1] 16/6 form [1] 5/1 formed [2] 4/6 4/6 forward [2] 13/18 15/11 forwarded [1] 12/17 four [3] 7/1 9/23 11/3 Fran [1] 3/9 FRANCES [4] 1/23 2/11 16/3 16/17 Friday [1] 4/1 full [1] 6/20 fully [1] 15/13 funds [1] 8/5 further [6] 6/18 11/22 12/14 12/18 12/20 15/22	H had [3] 6/7 8/2 13/13 Halahan [1] 15/3 Hall [2] 1/6 4/3 happen [1] 8/13 happy [1] 9/9 has [4] 5/15 11/6 11/12 11/23 have [12] 3/14 3/19 7/11 7/12 8/2 8/7 8/18 9/11 9/18 10/9 15/16 16/12 having [3] 8/4 9/16 16/8 he [1] 13/7 hear [2] 5/23 9/9 heard [1] 14/15 hearing [7] 3/18 3/23 6/7 7/9 9/16 14/7 15/23 held [1] 3/24 her [1] 3/9 here [5] 3/17 7/7 7/11 9/17 10/10 hereby [4] 3/22 12/9 12/14 16/4 heretofore [1] 10/13 Hi [1] 9/15 higher [1] 14/25 how [5] 7/23 13/23 14/11 14/18 14/19 Hudson [4] 4/11 7/11 8/22 14/3
E each [1] 4/12 economic [1] 15/9		I I'll [2] 3/1 9/12 I'm [12] 3/6 3/18 6/23 7/5 7/6 9/9 13/2 14/3 14/5 14/6 14/7 14/21 I've [1] 14/16 IDA [12] 2/4 6/5 9/16 10/18 10/24 11/2 11/18 12/1 12/10 12/13 12/17 13/14 if [6] 3/21 5/5 9/6 11/3 11/16 13/16 ii [1] 4/15 iii [1] 4/18 immediately [1] 12/21 important [2] 13/19 13/25 improvement [1] 10/21 Improvements [2] 4/17 4/19 in [48] including [1] 4/21 increases [2] 9/25 11/8 INDUSTRIAL [6] 1/2 3/7 3/25 6/3 7/25 10/16 informed [2] 11/6 11/13 infrastructure [2] 15/8 15/14 initial [1] 6/5

I	making [1] 15/12 malfunctioning [1] 3/15 Manager [1] 2/7 Manley [2] 10/12 12/23 many [3] 7/10 14/18 14/19 Marlboro [12] 5/13 6/11 8/1 10/1 11/10 13/3 13/9 13/10 13/22 14/6 14/7 14/15 matter [5] 1/4 4/4 11/24 13/20 16/12 matters [1] 13/12 Maureen [1] 15/3 maybe [1] 9/1 me [1] 16/8 meeting [2] 3/13 4/2 meetings [3] 14/17 14/19 15/17 men [1] 7/14 met [1] 15/16 Michael [1] 13/2 Michele [1] 14/17 microphone [1] 9/14 might [1] 9/11 million [4] 7/13 7/19 8/24 14/24 misunderstanding [1] 7/23 modernize [1] 8/20 Montgomery [1] 2/5 more [5] 7/12 7/13 8/7 8/21 9/1 morning [2] 3/5 15/3 mortgage [1] 5/6 most [2] 14/8 15/16 move [1] 15/11 moving [1] 13/6 much [9] 7/5 7/7 7/19 13/1 14/2 14/9 14/19 15/8 15/20 Municipal [1] 3/24 my [6] 3/5 3/7 9/9 10/9 16/7 16/9 myself [1] 12/24	only [2] 9/4 15/9 open [3] 3/20 3/21 9/12 operated [1] 7/15 operational [1] 15/13 opposed [2] 5/25 8/4 or [8] 4/5 4/6 4/16 5/6 5/25 5/25 9/10 11/23 oral [1] 5/24 ORANGE [20] order [1] 8/8 Original [5] 5/1 5/7 5/14 5/17 5/20 other [2] 4/20 10/18 others [1] 9/10 otherwise [1] 5/25 our [11] 3/8 3/10 3/15 7/10 7/15 7/16 8/7 8/13 8/20 9/1 15/9 ourselves [1] 15/17 out [1] 7/24 outcome [1] 16/13 over [2] 7/2 11/15 overpayment [1] 10/3 owned [1] 7/14
J	P	
James [1] 12/23 January [5] 1/8 4/1 6/2 6/5 6/6 job [1] 15/14 jobs [1] 14/23 July [1] 7/24 jurisdictional [1] 13/7 jurisdictions [3] 6/9 11/11 12/4 just [1] 7/8	part [1] 8/10 partial [1] 5/4 parties [2] 13/6 16/11 Partnership [2] 15/5 15/6 passed [1] 6/5 Paul [1] 12/22 payment [3] 7/22 10/19 12/6 payments [5] 5/11 7/18 9/25 11/8 12/3 payroll [1] 7/13 pending [1] 11/20 percent [1] 8/5 period [1] 11/3 permitting [2] 8/20 8/25 personal [2] 4/20 16/12 persons [1] 5/24 phase [1] 13/23 Piaquadio [2] 9/20 13/5 piece [1] 13/19 PILOT [29] piping [1] 4/21 place [1] 5/22 placed [1] 6/21 plant [7] 4/24 9/24 10/7 13/21 13/24 14/8 15/12 please [2] 3/2 9/18 Pledge [2] 3/2 3/3 portion [1] 8/6 Post [1] 4/12 power [6] 4/15 4/24 9/24 10/22 11/20 14/7 prepare [1] 13/20 present [1] 5/22 presented [2] 6/22 10/11 president [2] 6/18 15/4 Presutti [1] 12/23 Previous [1] 6/7 previously [2] 4/6 4/24 primary [1] 7/22 probably [2] 8/17 14/24 Proceedings [1] 15/24 process [4] 8/20 8/25 14/2 14/10 project [9] 2/7 3/8 4/8 5/1 5/7 5/23 15/1 15/7 15/19 property [3] 4/20 5/4 5/12 proposed [4] 6/1 11/7 11/20	
K		
keep [1] 14/12 keeping [1] 13/6 Kelly [2] 2/7 3/8 Kevin [3] 1/12 2/4 3/6 kind [2] 4/16 13/17 know [9] 7/10 8/18 9/19 10/8 13/7 14/8 14/10 15/7 15/16 knowledge [1] 16/7		
L	N	
land [1] 4/11 Lane [2] 1/24 2/5 language [1] 8/11 latest [1] 8/22 law [4] 2/4 3/14 3/24 11/22 leasehold [1] 4/9 letters [2] 10/15 12/18 letting [1] 7/8 lieu [2] 5/11 10/19 limited [2] 4/21 12/7 little [2] 9/1 14/25 live [1] 9/21 livestream [1] 3/13 livestreaming [1] 3/16 LLC [4] 1/5 4/5 6/16 10/17 local [5] 3/6 4/1 7/11 7/14 14/5 locally [1] 7/14 located [2] 4/11 4/14 long [3] 12/2 14/10 14/11 longer [1] 14/25 lot [3] 14/7 14/16 14/17 lower [1] 8/23	name [3] 3/5 9/14 9/18 necessary [1] 5/5 need [1] 14/12 needed [3] 14/9 14/20 15/8 negotiated [1] 9/7 new [17] Newburgh [16] 1/6 1/7 1/24 4/2 4/3 4/12 5/13 9/21 9/22 10/1 10/13 11/9 12/2 12/9 13/8 14/14 next [1] 13/23 no [3] 13/17 15/21 16/12 North [1] 1/24 not [8] 3/15 4/21 10/6 11/19 12/5 14/21 15/9 16/11 Notary [1] 16/3 notice [2] 3/18 3/22 now [2] 9/12 14/25 nullify [1] 11/5 NY [1] 1/24	
M	O	
made [3] 8/7 10/5 12/3 major [1] 8/9 make [5] 3/20 5/11 7/3 7/8 8/21	obviously [1] 13/25 October [2] 6/11 10/14 October 17 [1] 6/11 OFFICES [1] 2/4 officials [2] 14/19 15/17 old [2] 4/11 14/22 on [17] one [4] 3/8 7/1 14/20 14/22	

P	16/17 roughly [1] 14/24 Route [2] 1/7 4/3 RPR [1] 2/11 Ruggiero [1] 12/22	T
proposed... [1] 12/11 provide [2] 3/11 11/7 provided [1] 11/11 providing [1] 5/18 public [11] 3/18 3/22 3/23 6/7 7/9 9/3 9/13 9/16 11/22 15/22 16/3 pumps [1] 4/22 purchased [1] 7/15 purchases [1] 5/2 pursuant [1] 3/23 pursuit [1] 15/12	S said [4] 3/11 5/14 7/2 11/3 sales [1] 5/1 same [2] 11/11 16/7 say [2] 3/19 13/4 school [14] 5/13 6/11 6/23 8/1 8/14 10/2 11/10 13/4 13/9 13/9 13/22 13/24 14/6 14/15 schools [4] 6/14 8/4 8/16 13/3 Scott [1] 12/23 seconded [1] 10/12 send [1] 12/18 sense [1] 8/7 seriously [1] 13/14 serve [1] 9/4 Service [2] 9/3 11/22 settle [1] 13/20 shall [2] 6/20 12/20 shared [1] 13/7 short [1] 13/15 should [1] 8/18 sign [1] 6/18 significant [1] 15/14 six [1] 4/14 so [20] some [4] 3/14 7/20 13/12 13/17 someone [1] 7/2 sorry [1] 6/23 speak [2] 13/2 14/8 spearhead [1] 13/6 special [3] 7/20 8/12 12/6 stand [1] 3/1 start [2] 9/5 14/23 state [3] 1/2 3/14 16/4 state's [1] 8/19 stated [1] 5/22 statement [2] 3/21 7/3 Station [3] 4/15 10/22 11/20 stenographer [2] 1/23 3/10 Stenographic [1] 16/3 stenographically [1] 16/8 step [4] 9/13 13/18 13/25 14/20 steps [1] 13/18 stop [1] 8/22 structured [1] 5/4 submitted [1] 5/15 Superintendent [2] 6/14 13/3 supersede [1] 9/8 supervision [1] 16/9 Supervisor [3] 9/21 12/18 13/5 support [11] 6/25 10/15 11/25 12/19 13/11 14/9 14/16 15/1 15/1 15/7 15/18 supported [1] 14/14 Supporting [1] 15/13 supports [3] 9/22 12/9 13/22 supposed [1] 3/13 sure [1] 15/12 surrounding [1] 8/12 switchgear [1] 4/22	take [4] 8/25 12/21 13/14 14/11 taking [1] 3/10 tangible [1] 4/20 tax [9] 5/2 5/4 5/5 5/6 5/9 5/14 5/17 5/20 6/8 taxes [3] 5/12 10/19 14/13 taxing [2] 11/10 12/4 technology [1] 8/22 term [3] 5/17 5/20 13/15 terms [2] 5/10 6/17 testimony [1] 16/6 than [3] 7/12 7/13 14/22 thank [13] 7/3 7/5 7/6 7/7 9/12 9/16 12/24 13/1 13/4 14/2 15/2 15/20 15/23 that [37] that's [5] 3/11 3/16 3/17 6/22 13/19 their [4] 3/12 6/9 8/6 8/10 them [1] 15/11 then [2] 3/19 3/19 there [3] 7/17 7/22 15/21 there's [4] 9/6 13/17 14/16 15/18 Therefore [1] 12/8 thereof [1] 16/13 thereon [1] 4/14 they [4] 3/21 7/25 8/17 14/23 they're [1] 14/12 things [2] 3/19 10/19 this [26] though [1] 10/8 thought [1] 8/6 through [1] 9/5 time [2] 4/2 5/22 today [4] 3/11 9/1 9/17 13/2 Todd [1] 14/3 together [1] 4/13 tonight [1] 3/16 too [1] 7/19 town [30] trades [2] 14/4 14/4 transcribed [1] 16/8 transcript [1] 3/12 transcript's [1] 3/17 tremendous [1] 15/18 turn [1] 7/2
Q		U
questions [1] 9/11		unanimous [1] 6/22 unanimously [1] 13/11 under [7] 3/13 5/10 10/7 11/14 11/21 12/3 16/9 underlying [1] 7/10 unfortunately [1] 3/14 unions [1] 14/5 until [1] 9/5 up [5] 3/20 3/21 8/11 9/13 14/13 updated [1] 8/15 upon [4] 6/13 6/17 11/15 12/6 us [7] 7/8 8/4 8/9 9/4 13/2 13/19 13/19 use [2] 4/23 5/1 using [1] 8/22
R		V
ratables [1] 15/15 rate [1] 11/11 rates [1] 8/23 re [2] 1/5 5/7 re-financing [1] 5/7 reached [1] 7/24 read [2] 3/18 10/8 real [2] 5/4 5/11 really [2] 9/8 9/15 reasons [1] 9/25 rebuilding [1] 13/21 received [1] 4/6 recited [1] 3/4 recommendation [1] 6/14 record [1] 16/6 recorded [1] 16/8 recording [1] 5/6 redevelopment [2] 10/6 11/19 reduced [1] 12/5 regarding [2] 7/9 9/10 region [1] 15/10 Reid [1] 7/6 Reilly [2] 2/7 3/8 reimbursement [1] 11/14 related [3] 5/2 5/7 16/11 relevant [1] 6/1 remain [1] 8/9 rentals [1] 5/2 repair [3] 4/16 5/3 10/21 replace [1] 11/5 replacement [2] 4/16 11/23 Reporter [2] 2/11 16/3 represent [1] 14/4 representative [1] 5/21 request [2] 13/13 14/1 requesting [1] 5/16 required [1] 5/11 resident [1] 14/5 resolution [12] 6/6 6/10 6/12 6/22 6/24 10/9 10/11 10/13 12/16 12/19 12/20 13/11 resolved [4] 6/13 12/8 12/14 12/20 responsibility [1] 13/8 result [1] 10/3 resulted [1] 8/15 review [1] 3/12 reviewed [1] 11/24 revolving [1] 13/12 right [3] 3/8 3/9 13/7 River [2] 4/11 8/22 Road [2] 4/11 4/12 room [1] 4/2 ROTH [5] 1/23 2/11 3/9 16/3		Valley [2] 7/12 14/3 valves [1] 4/21 various [1] 4/23

V

very [6] 7/5 7/7 9/9 13/1
14/2 15/8
views [1] 5/25
voted [4] 12/21 12/22 12/23
12/24

W

waiting [1] 9/2
want [3] 9/15 13/4 15/6
wanted [1] 10/8
was [11] 3/3 6/25 7/15 7/17
7/20 7/22 7/23 8/6 10/9
10/11 12/21
we [28]
we'd [1] 8/11
we'll [1] 3/20
we're [1] 9/2
weeds [1] 7/20
well [1] 8/18
were [2] 3/13 7/21
weren't [1] 8/17
West [1] 4/11
what [1] 13/23
whatsoever [1] 16/13
whereas [6] 10/12 10/25 11/6
11/12 11/18 11/23
Whereupon [1] 3/3
which [9] 5/10 6/20 8/6 8/17
10/4 10/11 13/21 14/5 14/21
who [3] 3/9 3/10 9/19
who's [1] 7/7
why [1] 3/16
will [14] 3/10 3/15 3/24 5/21
7/2 8/25 10/3 10/4 11/1 11/4
11/7 11/18 15/11 15/22
willing [1] 11/13
wish [1] 3/21
withdraw [1] 11/14
within [2] 4/17 5/5
without [2] 7/19 11/22
women [1] 7/14
wording [1] 10/4
working [1] 8/17
would [4] 9/4 9/6 9/7 13/13
write [1] 8/4
written [1] 5/24

Y

year [2] 8/24 8/25
years [3] 7/12 9/23 11/3
yes [5] 6/23 12/22 12/23
12/24 12/24
YORK [9] 1/2 1/7 2/5 3/24 4/3
4/13 4/13 8/23 16/4
you [21]
your [3] 9/14 9/18 15/23