

Town of Montgomery Industrial Development Agency
Town of Montgomery Government Center
110 Bracken Road
Montgomery, New York 12549
<https://www.facebook.com/TownofMontgomeryOfficial/>

Tuesday, May 12, 2020
5:30 PM

Present via conference call: Jeffrey D. Crist, Chairman
John Dickson, Second Vice-Chairman
Matthew P. Stoddard, Treasurer and Member
Randi Greene, Member
Donald Berger, Member
Robert Santo, Member

Absent: Edwin Williams, First Vice-Chairman

Also Present: Conor Eckert, Executive Director
Robert McLaughlin, Esq.
William Ibberson – President, Acquisitions Marketing
Members of the Audience - via-
Suzanne Hadden, Secretary

AGENDA

1. Call to Order and Declaration of Quorum
2. Approval of the March 10, 2020 Meeting Minutes
- Approval of the April 14, 2020 Meeting Minutes
- Approval of the April 23, 2020 Special Meeting Minutes
3. Matrix Maple Development, LLC-Discussion
4. Local Business Support-Discussion
5. Local Labor-Discussion
6. Sailfish closing update
7. Office Supplies-Discussion
8. CD Renewal-Discussion
9. April Financial Report
10. Other Business

Next meeting scheduled for June 9, 2020

Adjournment

Call to Order and Declaration of Quorum

Chairman Crist – Called the meeting to order. A roll call of the board was taken, and First Vice Chairman Williams was absent. Conor Eckert, Executive Director was welcomed to his first meeting.

Conor Eckert, Executive Director – I'm excited to be part of this team, I'm excited for the meeting. It's unfortunate that we couldn't do Zoom, but we have great work ahead of us and I am happy to be here.

Approval of the March 10, 2020 Meeting Minutes

Second Vice Chairman Dickson motioned to approve the March 10, 2020 meeting minutes, seconded by Member Santo. A roll call of the board was taken, and all members motioned in favor, all ayes, First Vice Chairman Williams was absent, motion carried.

Approval of the April 14, 2020 Meeting Minutes

Attorney McLaughlin – In my comments and in re-reading them and as supplemented by the memo that I sent to the board members on April 16th, I want to make sure that we clarify in those minutes that the approval was for if, as, and when the authority exists to do that type of loan program. The IDA is supportive of the efforts of the town board and the supervisor and the entity that some members are on, TOM Strong, but per the memo that I wrote to the board members on April 16th, I want to make sure that the minutes clarify the fact that the IDA can not use currently, although there still are proposals in Albany being considered for the use of money toward grant and loan programs, but as of that date and today's date, the IDA can not use your money for grant and loan programs. With that clarification, which I can submit to Sue for inclusion in the minutes, that's the only item I wanted to raise.

Second Vice Chairman Dickson motioned to approve the April 14, 2020 meeting minutes, with the addendum being added to the minutes, seconded by Member Santo. A roll call of the board was taken, all members voted in favor, all ayes, First Vice Chairman Williams was absent, motion carried.

Approval of the April 23, 2020 Special Meeting Minutes

Second Vice Chairman Dickson motioned to approve the April 23, 2020 special meeting minutes, seconded by Member Santo. A roll call of the board was taken, all members voted in favor, all ayes, First Vice Chairman Williams was absent, motion carried.

Matrix Maple Development, LLC-Discussion

Alexander Mathes (Sandy) – We had a great discussion with Conor and Jeff on Friday and talked about the key element which was the projected assessment after Conor’s discussion with the town assessor and the good news is that the projected assessment of this project is right in line with what the proposed PILOT application calls for, the value and resulting in PILOT payment/community benefit package. We feel good that there is not a tax break being provided, the value the certainty of the PILOT and the commitment of the 1.208 million for community benefit/or PILOT payment is in line with what’s been happening in projects in the county and how the IDA board decides to utilize that is up to the board and we support your decision, we wanted to give you some options on what can be done with that. Scott, do you have anything you want to add before we open for questions?

Scott Sabbagh, with Matrix Development - No, I think that was everything.

Michael Doud, with Matrix Development – The slides that were forwarded by Conor I cannot show visually right now. When I approached this board last year and we submitted our initial application, one of the things I said was we are not necessarily looking for a tax exemption. What we are looking for is a fair assessment by three taxing jurisdictions. The IDA is a body that allows the three organizations, the town, the county and the school district to bring them all together into a financially beneficial program to all of those entities in a manner that suits the town, that’s why we engaged the IDA last year and that still holds true today. I provided three scenarios to Conor to make it clear so you can see our numbers. I provided a financial scenario where we didn’t do a solar project, the only revenue you are going to get would be the revenue from the land at its current assessment value over the next 25-years, which equates to about 50,000 dollars in tax revenue over 25-years. Then I did a scenario with the full assessment based on the most recent projections, there are a couple of solar systems that have been built in the town now, based on those assessments I provided a model that includes both the taxes on the current land at full assessment value and a solar system at full assessment value. The third scenario I provided was a more detailed explanation of what we put in the application when we submitted it last year. I can run through the three scenarios, unless you want me to dig into the land only option, the 50,000 dollars, I would skip to the full assessment.

Member Berger – I’m looking at the excel monies, could you identify the two? The one is one-million, 300 and 11 thousand dollars and the other is one-million 200 and 8 thousand dollars. Is that the one you are referring to?

Mr. Doud – Those are the two scenarios that both include solar, that’s correct.

Member Berger – Because depending on if both include land and solar, when you go over could you identify by the number, which one you are talking about?

Mr. Doud – I will start with the full assessment model and then I will transition to the IDA request and what’s in the application that we submitted last fall. For the 300 and 11 thousand model, over 25-years, the total taxes between the land and the solar is one-million 300 and 11 thousand dollars. How I got there is based on the tax guidance from the town. I was able to use the assessment for the current solar systems that are built and that comes down to 645,000 dollars for each mega-watt of solar power we build and as it relates to Maple Solar, we are building a 1.95 mega-watt system. You multiply 645,000 dollars times 4.9 and that will give you a total assessment of 3.1 million dollars.

Matrix Maple Development, LLC-Discussion

Mr. Doud - After the equalization in the Town of Montgomery is 63%, that gives you a final assessment of 2-million 75,000 dollars. Based on those numbers we take that 2-million dollars and multiply it by the rates for each of the taxing jurisdiction. In the Town of Montgomery there is the county tax, the Town of Montgomery tax, the highway tax, PT town tax, which I can't tell you what PT stands for. Then you have the special district tax, and the school district tax. In this particular scenario, we added the land value and the solar value to get a total assessed value of 2-million, 223,000 dollars. Then we multiply it by the jurisdiction rates, and you get the total tax for each of those jurisdictions, which amounts to 40,960 dollars a year, for both land and the solar asset. The one exception in this model, that we talked about before, the school district in this case would not get any money from the solar system. As part of the real property tax law in New York State, Section 487, we notified the school district of our project. They had 60-days to respond to our notification and tell us if they want to enter into a PILOT, they did not respond to our notification. For that reason, the only column that should be different in the assessed value is the school district column because the solar system would be exempt from school taxes. This option and this full assessment option do not include taxes going to the school district, with the exception of the land taxes. The land would be taxed at full value, 147,000 dollars at a millage rate of 35.9 dollars per thousand, they would get roughly 5,281 dollars per year, just for the land taxes. They would not be included in the property taxes of the solar system. In this model, the total taxes for all jurisdictions is 1-million 311,000 dollars.

Chairman Crist – Why is the school district taxed higher than it is with the no build chart?

Mr. Doud – The no build chart, that is the chart that indicates there is 50,000 dollars-worth of taxes over the 25-years, that assumes an agricultural exemption. The farmer would continue to mow the hay field and that is a big difference between the assessments.

Member Berger – When did you send that letter to VC, do you have a date for that?

Mr. Doud – We do, I don't have that date on hand, I believe it was January 2018.

Member Berger – Really and they haven't responded in all that time?

Mr. Doud – They have statutorily 60-days to respond.

Member Berger – Have you tried to engage through telephone or email conversation with them at all?

Mr. Doud – That process predates me; I have not personally done that. They did recently opt out of the Solar Law, which means that every project going forward from that point on would be taxed at the full rate. I'm going to go to the last model, it's the model that reflects our request of the IDA. Our intent was at the full assessment model and the IDA model would be very similar, the difference between the two models is about 3,242 dollars a year and that wasn't by design, part of that is because we got some recent information from the Town of Montgomery of the current assessments of the systems that are being built. This model is an exact replica of the last model, the big difference here is this model is built on doing a PILOT with the IDA. The PILOT amount with the IDA would roughly yield 30,000 dollars in tax revenue every year starting year one and increase 2% every year for the next 25-years.

Matrix Maple Development, LLC-Discussion

Mr. Doud - The other difference is, even though you do a PILOT, you still have to pay special district taxes, both on the land and on the solar asset and they amount to roughly 7,393 dollars a year. All together between special districts and the PILOT we would be paying 37,714 dollars a year and the difference, as I indicated before is roughly a 3,000 difference between what we submitted to the IDA and the full assessment model that I just covered previously. The amounts are very similar, but that is the bucket of money that we have to offer to the IDA. Part of the value in this model is that money could be dispersed to the school system or appropriated however the IDA would like, either a percentage to the school, however you want to divide it up. In this model you could apportion some of that money to the school district. Those are the three models, you have no solar at 50,000 dollars a year, you have a full assessment model at 1.3 million dollars year, and you have an IDA request at 1.2 million dollars a year. Does anybody have any questions on the 1.2 million IDA model?

Member Berger – Overall with the three models, you're here with a 25-year model. Why are you going after the 25 years, how did it come to the 25-years as opposed to the real property tax law 487 where it is a simple 15-year PILOT? Why have you chosen to go to the 25? You probably have discussed this last year, but I wasn't part of the board then, so I would like to hear it.

Mr. Doud – Our business is about reducing the risk of a project and providing continuity of the revenue and the expense. There are many flaws in the 487 law and our project is penalized because of the unknown between year 15 and year 25. Part of the way we address that in the 25-year model is we did a 2% escalator, which covers inflation over the next 25-years. It shouldn't change, if you look at your tax base over the last 25-years, on average, you should be right around the cost of inflation, about 2% every year. You are going to have a little more here or there in each of the districts but overtime your inflation should be roughly 2%. We addressed that in the 25-year model, we assume that, we give that in the PILOTS, it provides continuity for the town and the other jurisdictions on the revenue they are going to get over the 25-years and it gives us some surety that at year 15 we are not going to have to rip this out of the ground because we can't agree on the taxes or in worse-case scenario we would duke it out in court. The 487 is a framework, it doesn't limit the 15-years and the jurisdictions have a limit of 15-years, the school district and the town and county, it's not a 487 limitation, in my understanding.

Member Berger – I'm reading here, I don't see anything in this that goes beyond 15-years with the 487, so I'm going to stick with the 15-years. I don't know if Bob is hearing me and whether he can confirm or not whether the 487 is restricted to the 15-years or not?

Attorney McLaughlin – Yes, 487 does speak to 15-years. Your UTEP and your PILOT program can be beyond that as I noted to Conor and Jeff in the past. There is at least one IDA in the state that has increased their PILOT for solar to a 25-year program. I think I mentioned that at the board meeting back in March.

Mr. Doud – Don, I said this before, I also want to note that our revenue streams are fairly contracted from day one all the way to year 25 and those rates and those values and our revenue streams are tied to a law that is determined by the Public Service Commission of who has put it into their tariff, that our rates have been memorialized in their tariff for 25-years.

Matrix Maple Development, LLC-Discussion

Mr. Doud - We try to match revenues with expense and we give you your inflation and we agree to your inflationary factors, which you can plot for the last 25-years and see that the full assessment should be the same, whether it's 15 or 25. It allows us some continuity between our taxes and our revenue streams.

Member Berger – I understand that. What I have also done is I've researched with the three existing solar projects that have been developed in the Town of Montgomery and I researched the size of what their ag exception, if they still do have an ag exemption and more importantly the term of their PILOT. There are three of them, there is one on Albany Post and there is one on the west end of 52 and one on the east end of 52 and two of them for sure I can tell the board and Mike, their 15-year PILOT, which I believe fall under the 487. The one additional one, they say is tentative, they didn't give me a concrete date. In my own mind in trying to assess this and study it, I'm trying to figure out what's the difference between your project and these three projects that are up and running now. These three projects are somewhat larger than yours. Why would you need 25 and the other three only 15?

Mr. Doud – Full disclosure, I developed the two projects, the one project on Albany Post Road and the Route 52 project, it's closer to Walden. I was with a different company at that time. Those projects are all very different. The Albany Post Road project had different incentive levels, the technology is different, it uses what's called a tracker and it has higher revenues.

Mr. Mathes – Let me interrupt for a second, the tenure of this agreement is 15 to 25. We could do a 15-year, we can then turn to a PILOT with the town and the county and do a 15-year and if we don't get through the IDA or this doesn't work, that's what we will do. The benefit of 25-years, it helps everybody. It helps us being able to put this thing away to match the revenue and the expenses and we don't have to renegotiate it in 15-years and maybe the depreciation. Who knows what is going to happen between 15-years and 25? That's the beauty of the longer term, we don't have to get back in the room, 15-years isn't that long and the valuations then, who knows what they are going to be? That is part of the reason why we went the IDA route, to be able to do it for 25-years, that's the motivating factor.

Mr. Doud – Part of the reason we were looking at 25 was in relation to the upfront payment, so over 25-years it gives us a bigger bucket of money to provide you an upfront payment, that was one of the other reasons for requesting a 25-year PILOT, so we could give you more money upfront.

Member Berger – Okay, let's talk about that upfront money. You have enough upfront money and Mike I'm reading from your email on April 13th of this year, addressed to our chairperson and it has 100,000 dollars payable within 30-days of the IDA approval of the PILOT and 200,000 when you get your Certificate of Occupancy. Is that correct?

Mr. Doud – That was an early discussion we had, yes.

Member Berger – Is that still the discussion?

Mr. Doud – I believe the discussion has broadened. I don't think we talked about timing of payment, but I believe the payment was more like 600,000 dollars for this project.

Matrix Maple Development, LLC-Discussion

Mr. Sabbagh – That’s doing a bond deal.

Mr. Doud – That’s based on bond financing by the county or by the town.

Member Berger – But the direct payment to the town was going to be 300,000 dollars, right?

Mr. Sabbagh – That is what Mike is saying. We decided to go with the bond financing, and we could still do some upfront money, but Sandy pointed out the benefits and the cost of capital and it’s more cost effective for you to do bond financing.

Member Berger – I wasn’t aware of that, I didn’t see any information talking about any bond, but that’s good to know. Who would agree upon that, Jeff, was that presented to this board?

Mr. Mathes – Don, let me clarify, there’s been no agreement. What we’ve done with Matrix is we’ve provided a pot of funding, the 1.208 million and left it up to the board to decide how you wanted to treat that and we created a couple of scenarios that if there was an advance payment that you wanted, what would that look like and what would be the interest cost to carry that over the 25-years. There has been no decision, there’s been no agreement, how we left that as late as Friday with Conor and Jeff was, it’s up to the board what you want to do. It’s your decision, Matrix wants to maximize the flexibility the board on timeframe to advance some of those payments instead of waiting for payments over 25-years because of the more urgent needs that are in your community. However the board decides if you want that allocated, then Matrix would have to look at what that cost is to carry that and provide a final summary of where the money would go and how you want it once a decision was made, but there’s been no agreement, it’s been provided as an option; the number is 1.2.

Member Berger – One point two million, right.

Mr. Mathes – That’s the pot minus your special districts because your PILOT will not impact special districts. You take the 1.208 minus the special district and that’s your pot of money that you have available as a board to strategically talk to your counsel, among yourselves, your governmental leaders at the town and see how is that best applied to help the community and Matrix will work with you to provide that revenue at the timeframe that you would like to see it. It’s up to the board at this point to how you want to allocate that new revenue.

Member Berger – Okay, that is going to be a further discussion with the board, our executive director and our chairperson. I must have got a different read on it at the last meeting we had Mike, I thought there was a 300,000-dollar lump sum payment; excuse me if I got that wrong.

Mr. Sabbagh – We did present that at one time, that was wrong.

Chairman Crist – Don, at this point we are trying to look at the project up to the point of the 1.2 million or the 1.311, how we use that money as Sandy points out is to be determined if we want to move forward with the project. We didn’t want to get the cart in front of the horse and that upfront money should be a subsequent conversation.

Matrix Maple Development, LLC-Discussion

Treasurer Stoddard – With IDA request Number 1 and IDA request Number 2, which is the IDA request Number 1 is 1.3 and IDA request Number 2 is 1.2, what exactly is that 1.3 and the 1.2, what exactly is that number? Because there is only a 104,000-dollar difference here.

Mr. Doud - The first model I went through is the 1.3 million dollars.

Treasurer Stoddard – Yes, but that 1.3 is what? The cost savings to you, is what you're getting from us, I'm confused here.

Mr. Doud – The 1.2, if we can do a 25-year IDA PILOT, the 1.2 million dollars would be the bucket of money that would be used, it would be the tax revenue, 1.2. If we don't do an IDA PILOT, the 1.3 million dollars is the bucket money, the tax revenue, that we would do a PILOT with the town and we would do a PILOT with the county and that tax money would be appropriated between those two taxing jurisdictions and special districts; it's just outside the IDA.

Treasurer Stoddard – The only difference coming to us is 104,000?

Mr. Doud – There's a couple of differences, one if the IDA chooses, they can provide some money to the school district. Part of this application is to give you upfront money to do other business activity, whether it is job creation or helping other businesses. You can use this money to fund other activities at the IDA.

Treasurer Stoddard – I understand that, I'm thinking about on your end, the difference on your end is a savings of 104,000, am I correct?

Mr. Doud – The difference is yes; it's not a huge savings.

Treasurer Stoddard – So, you are asking for the IDA benefits and you are going to save 104,000 over the life of the grant?

Mr. Sabbagh – That's correct, yes.

Chairman Crist – But also and I think this was mentioned, you are going to have a guarantee of what taxes or PILOT's you pay for 25-years as opposed to a possible change in assessment. You have the predictability for your project on expense, is that correct?

Mr. Doud – That is our benefit, that's right.

Member Berger – Mike, what is your projected start date?

Mr. Doud – That is a difficult question, the economics will change if we can't get the system on-line by December. Non-COVID it takes about 6-months for these systems fully on-line, built and approved by the utility and generating power it takes 6-months. If we don't get it on-line by the end of the year, we also lose some tax credits as well. Our push is to get it done by the end of the year, we really need to get started, which is why we are here today and pushing the IDA for a vote so, we know where we stand, but we hope to get started end of June or July.

Matrix Maple Development, LLC-Discussion

Member Berger- You're saying you have a 6-month period of construction to get this thing on-line by the end of December.

Mr. Doud – Without COVID complications that is correct.

Chairman Crist – I'd like Conor to jump in here, he has done a lot of research on this and to give us a summary.

Mr. Eckert, ED – I've had an opportunity to dive into this project and work with the guys on Matrix. I can go through the strength of this project quickly. Based off the application there is a job creation aspect in the construction and maintenance field of 15 plus FTE's and there is also the potential 10% reduction in utility bills to both the residents and town municipal buildings. It is important to note that this project is 1,208 million in PILOT and property tax payments, but it's a 100% net benefit. Solar projects will not be using our roads, they will not be increasing the number of students in classrooms or utilizing police or fire services, that's 1.2 million with no strain on our infrastructure. Apart from that it also is a means to possibly improve air quality and quality of life in the Town of Montgomery because of the reduction of carbon pollution over the 25-year period. It is also important to note that this area is zoned industrial, so a solar farm might be more appropriate and slightly pleasing then other forms of industrial development and that is part of the strength of this project itself; it might be more appealing. There is also weaknesses and one being the fact that there would be no permanent full-time jobs created directly associated with Matrix and that's the nature with many solar projects. A lot of the jobs are created in the construction phase and as Mike alluded to in our previous conversation, a lot of these maintenance and contractors work on other projects, so it helps the independent contractor, construction economy scale. The other weaknesses are, the upfront payment is currently being explored by counsel and we are trying to find feasibility and likewise as Don alluded to, it is a 25-year PILOT, which many find problematic, but the nature of solar and solar economics and also the tariff as Mike alluded to, might warrant a 25-year PILOT in this scenario, but then again that's the board's discretion, but it is in essence a weakness. There are a handful of opportunities that are in line with this. One being it makes Montgomery a more green town, a more environmentally friendly town and gives the residents access to quiet, renewable energy, that has the potential to decrease the utility.

Mr. Sabbagh – I would add to what Conor said about the discount of electricity and the town can pick 40% of that, which they may want to in their current rules that is allowed and that 10% discount across 25-years, which is in our application adds up to 3.6 million.

Mr. Doud – 3.2 million dollars in utility savings over 25-years.

Member Berger – Let's touch on this 10% power savings to the town residents. What portion of one's electric bill is this going to affect? It is not going to affect the gross number on the electric bill, so could you identify what part of the electric bill?

Mr. Mathes – If offsets all three, it offsets supply, demand, and delivery, which is not what most energy supply companies try to sell you. They just offset supplies, so that's the beauty of the solar credits.

Matrix Maple Development, LLC-Discussion

Member Berger – Okay, I'll give you an example, I'm looking at a bill right now, it will offset the basic service, it will offset the delivery charge and it will offset the market price, those are the three largest components.

Mr. Doud – That's correct.

Member Berger – I'm just talking about residents because as everybody is aware, residents are told when it comes to taxes and all this kind of stuff, your taxes are going to go down. You guys know it, I know it, your taxes never go down. How is a resident going to be able to identify that they are getting that 10% break?

Mr. Mathes – Currently there are two bills, you will get a bill from Central Hudson and it will show a credit on your bill. Let's say you have a 100 dollars-worth of credits from us at 90 dollars, so it would show a 100-dollar credit and then you would get a separate invoice from us for the 90. When consolidated billing comes into effect, which is supposed to happen in January, it is probably getting delayed because of COVID, you will only get one bill and all the accounting will happen at Central Hudson, so you will realize that 10% discount, it will be shown on your bill. Yes, it will be a 10% off the overall bill, which follows the solar credit rate.

Member Berger – How is the resident going to get that? Do they have to opt in on something to get that or is it just automatic?

Mr. Mathes – Yes, we subscribe them, we reach out, combination of door to door marketing. This is a contract they enter with a subscription company.

Member Berger – I'm going to refer back to your email Mike, it says Town of Montgomery residents, does it also include the villages?

Mr. Sabbagh – It does go across all Central Hudson; it has to be within Central Hudson territory.

Member Berger – One more point on the benefits Conor laid out, Conor mentioned that it is not going to have a negative impact on roads and structure and all this kind of stuff. I have to beg to differ with you Conor because when you are making an assessment, you are making an assessment based on that project alone, but the whole idea with projects like this, green and all that, it would burden the inner structure because there would be more housing built because of the green climate that Montgomery is projected to give, with becoming a green community. In an outside way, it is affecting inner structure because based on this and not just solar, I'm talking about all projects, it does have an effect on the entire town. Whether it is direct or not, I think we have to be careful how we say things because it will have an affect and isn't that what we want? If you are bringing solar in here to be a green community, aren't you projecting this town and soliciting people, we are a green community, perhaps this is where you want to live; I think you have to be careful with words.

Mr. Eckert, ED – Thank you Don, an indirect strain on our municipal infrastructure, I was speaking strictly direct, but I appreciate that, and I will move forward with that.

Chairman Crist – I would add on the 10% reduction, that is only for a portion of the town that uses the amount of energy available. Is that correct?

Matrix Maple Development, LLC-Discussion

Mr. Doud – The 10% that the town could use, we reached out to the town to get their bills to give you an exact number, but with everything going on we haven't gotten the bills, but it's roughly 40% of the production of the solar array that can be applied to the town. What we understand from the town is the majority and better than 98% of the town bills are within the Central Hudson territory. So, 40% of the systems production and the solar credits associated with that could be applied to the town bills.

Chairman Crist – As far as the residents, most residents are not going to see this 10% reduction, except as it might impact their town taxes?

Mr. Mathes – If we didn't do any credits to the town, it would be approximately 2,100 homes that could participate in the project.

Treasurer Stoddard – I'm looking through this other brochure, on Page 4 of the cost benefit analysis.

Mr. Eckert, ED – That was in the documents circulated to the IDA board members Matt.

Treasurer Stoddard – The cost of this project, am I correct, is it roughly 10 million?

Mr. Doud – Correct.

Mr. Mathes – The cost to construct the project is roughly 10 million versus the cost.

Treasurer Stoddard – Isn't that with the construction and the material, your panels and everything or is there more to it?

Mr. Doud – It's mainly the panels, the material and the labor, yes.

Treasurer Stoddard – What is your total worth of this project?

Mr. Doud – The cost of the project is 10 million dollars.

Treasurer Stoddard – Okay, let's stay with the 10, but I'm looking at this other thing on Page 4 of the cost benefit analysis, what am I looking at with the discounted value of 4.5 million, what does that mean?

Mr. Eckert, ED – This is the CGR software and in working with this company on this specific cost benefit analysis, they let me know that the software is not a great measure of the effectiveness of solar projects. From my understanding the discounted value is over the 25-years, it is the 2% discount rate that comes with that 5.4 million. It would be an assumption at that 2% discount over the 25-years.

Treasurer Stoddard – So, it is 4.5 million that Matrix would save. Am I correct?

Matrix Maple Development, LLC-Discussion

Mr. Eckert, ED – No, that’s the value of the exemption over the 25-years and I do mention it in the synopsis on Page 3, that this tool doesn’t take into account a lot of the benefits and it also can’t take into account the real property taxes expected for 2020, that is why I included the swat analysis because the company informed me that it is not going to do a very accurate depiction of the real cost and benefit. They can give you a rough estimate, but it is not going to be spot on; it’s just for solar.

Treasurer Stoddard – I’m still a little bit confused with all of this, I don’t know if I’m able to make a decision tonight, I don’t know if we have to. I would like to do a little bit more research on this.

Chairman Crist – Yes, to that point Matt, I don’t see how we make a decision tonight, I’m not pushing for that. I know it is important to the applicant, but this is an important learning step and we’ll be diligent in our further review to help me to time that might be important to them.

Second Vice Chairman Dickson – It’s going to help residents with their bill, approximately 10%. The one question I have is the length of the PILOT, that’s where I’m on the fence with?

Member Santo – On a positive note, we live in a town where our summer house is and we were told there is a solar farm there and we didn’t know where it was and we found out it was only two blocks from us and we never knew it. It is so beautifully landscaped with hemlocks; we wouldn’t know it was there if we didn’t see it; so, on a positive note. The question I have, and I asked Conor yesterday, if this runs 25-years, that’s the year 2045 and I don’t have any idea, but do we think that this technology is still going to be profitable in the year 2045? Is there a bond or something in case this property becomes abandoned? If the profits run out and there is no sense in keeping it anymore, technology passed us by? Is there an assurance that we will get the cleanup done?

Mr. Doud - It’s a question that has been defined in the Solar Law within the Town of Montgomery. We are required to put a financial security up that the town board will approve, and they will approve the amount of that financial security to ensure that the system is removed to the prior condition throughout its life, at any point in operation. Yes, that will be put in place, every solar system that the Town of Montgomery has, has a bond with the town, and it is approved by the town board.

Member Greene – I think I need a few clarifications before I’m prepared to make a decision, but I don’t have any direct questions that need to be answered by the applicant tonight.

Chairman Crist – Bob, I’d like to ask you the difference between the full assessment and the PILOT? It is not that many raw dollars, but there is a big difference in who gets the money. The PILOT plan brings most of the money through the Montgomery IDA, gives us a lot of flexibility on where we go with it, but restricted by the regulatory option. How should we as a board look at that difference where the money is designated to certain taxing authorities except for the school district compared to the PILOT where we designate the use of the money?

Attorney McLaughlin – Under the PILOT agreement and your UTEP policy, the IDA can agree to a payment in lieu of taxes. The distribution of that payment is the percentages that are laid out annually to the county, the town and the school district. The only flexibility that you have is the upfront payment and even there to the extent that there is a difference in that percentage, you would need to obtain the consent of that taxing jurisdiction.

Matrix Maple Development, LLC-Discussion

Attorney McLaughlin - If the school district were to give up, hypothetically, its current percentage of its tax revenue for the benefit of this project to be built, you would need to get the written approval, the affirmative consent of the school district to approve that reduced percentage, similarly for the county, similarly for the town.

Chairman Crist – I'm having a hard time understanding the difference between the full assessment and the PILOT plan, especially with that explanation of the money having to go to the same places.

Attorney McLaughlin – I don't have the chart that was prepared for this meeting in front of me right now, but the assessment is the assessment, the PILOT doesn't change what the assessment is, the PILOT changes what the tax that's payable in lieu of the normal assessed tax would have been. For solar, at least in this state, it has been viewed as we really can't because there is no real capital project being constructed other than the panels, there's really no way to put a percentage of a reduction on the project and the state's model encourages that. The state model encourages to a per mega-watt PILOT payment and then that payment gets divided pursuant to the taxing percentage to, in your case three taxing jurisdictions. The view is that again, the traditional PILOT, a percentage off the assessed value doesn't work in this instance. I think what is being proposed is an annual payment, with a larger upfront payment where the suggestion is that potentially the IDA could possibly use that for purposes. Again, you have to go back to the fact that the payment is a payment in lieu of taxes and so it still needs to follow the tax payment stream of where are these percentages.

Chairman Crist – You have other thoughts Conor?

Mr. Eckert, ED – No, I'm okay Jeff.

Member Berger – Mike, I know there is no employment through this, but when the project is built can you ensure us that the landscaping, the plowing and all that stuff that is going to be done will be handled locally?

Mr. Doud – We can give a preference to local contractors, that was the intent of our labor claim. I've been trying to find a local electrician and civil, it's difficult to find the qualified labor within the Town of Montgomery and we talked to Connor about working with the local colleges to help on the job front. I believe it is in the application and that would be our directive and I would be glad to entertain any recommendations that the board members have or Conor.

Chairman Crist – They would be subject to our Local Labor Policy as well Don.

Member Berger – I understand that, but I'd like to make it a lot clearer.

Member Greene – Is there anyway Mike, we can get a printout of what the exact jobs that need to be filled because with all due respect I find it very hard to believe that we can't fill those positions within the town.

Mr. Doud – It's less about individual people as it is individual people that work for a contractor within the Town of Montgomery that is both bondable and has experience. In the application I spent a fair amount of time providing a narrative of the job description.

Matrix Maple Development, LLC-Discussion

Mr. Doud - I don't think you will find anything out of the ordinary, but it is not necessarily that a single individual or a group of individuals that are within the Town of Montgomery, it's about a contracting organization like an electrical contractor that has solar experience and is bondable and financeable, it's about the whole picture not just about a particular individual. There are plenty of one-off contractors and like the landscaping is probably an easy discussion. Landscaping, property maintenance and snow plowing, I am not talking about that specifically that's fairly easy to find. It's around the construction jobs, finding electricians that work for a contractor that is based in the Town of Montgomery that are bondable and financeable.

Member Berger – Jeff, in closing I would like to say hearing what Matt said and John Dickson said, I think if we can possibly do this and Mike you would agree with this, that in a couple of weeks here if need be that we could get together to see your charts and to see your presentation, is a lot easier than it is right here and I think that is where a lot of the misunderstanding or confusion comes from without seeing you, presenting it and seeing the numbers. I know I have mine here, but I don't know what everybody else has, but I think it benefits everyone if we could meet at town hall at a designated town. I know our town attorney has mentioned that we can meet, so I would urge the chair and the applicant to come up with some sort of agreement to do that.

Mr. Doud – I'm supportive of that.

Second Vice Chairman Dickson - I would like to say that there are plenty of electricians that are qualified to do that in the area, not necessarily in the Town of Montgomery. There is local labor that hire electricians that live in the Town of Montgomery. There are contractors around that are local that can do the work.

Mr. Doud – John, I would be glad to talk to them if you forward me the contact information.

Second Vice Chairman Dickson – I just wanted to make the point that there are local contractors that are qualified to do that work and they are not necessarily in the Town of Montgomery, but they hire Town of Montgomery people to do their work.

Mr. Doud – Sure, it was brought up on the last call there was another board member talked about hiring jobs within the Town of Montgomery, I've been focused on talking to that point. Your application talks about hiring contractors within the Hudson Valley Region, which is a much more practical and achievable and there are lots of contractors in the Hudson Valley Region that could take on this job and would want the work and they may hire people within the Town of Montgomery. Yes, we are open to both circumstances and glad to work with you and if you have references, we can tee those up for an evaluation.

Chairman Crist – Anything else in closing with Matrix Maple Development tonight, board members? Hearing from no one, thank you Sandy and Mike and Scott. We will continue our deliberations. I'll give you my word that we will be diligent in forging ahead to try to answer so many questions, it's a lot to get our hand arounds. As Don points out it's difficult when we can't meet face to face; we will be in touch.

Local Business Support-Discussion

Chairman Crist - Our next item is the local business support and there are some things evolving there, we are exploring options to figure out the appropriate availability of our funding for this type of use. Bob, I would ask you, I understand there is a request that if we can determine how to get that money to the community foundation fund that we agreed to at the last meeting that it be flexible to become all grants as opposed to 50% loans and 50% grants. Should we put that in a motion, is that appropriate? Would you provide us the wording?

Attorney McLaughlin – I would not recommend doing anything at this point until you have a firm proposal or request from the town. What's been discussed is potentially utilizing IDA monies for the purchase of PPE for businesses in the town. I think that is one of many proposals that may be considered. There are several IDAs in the state that are running what they call their COVID PPE program that up to 100,000 dollars can be utilized by way of a sales tax exemption for manufacturers within their jurisdictions that are producing PPE, that is the only PPE program that I am aware of. I've asked many of my colleagues around the state that represent IDAs if they are aware of any other programs, I'm waiting for responses, but no one knew of anything right away. If there was a manufacturer of PP in the Town of Montgomery that could use the sales tax exemption to spur the development of PPE, there is a tremendous need in the state and the town, and the IDA could help in that limited way.

Chairman Crist – Board members we are challenged in how to accommodate our decision at the last meeting to provide funds in light of the COVID virus situation because what we thought we could do at the last meeting is not available to us. We are also hopeful of an executive order by the governor that may make that avenue available in the not to distant future. I would ask for any questions, comments related to the fund? I believe three of you were involved in the committee to designate where funds that are available to that committee go in the town.

Member Berger – From my understanding and the other guys will help me out on this. This grant program was not a PPP, this is just trying to help small businesses through grants, that wasn't the intention of that. The thing and I'm looking at it right now, there is already a flyer circulating around the community and on the website about this program. Now that's where I have a real problem and I know Jeff I've talked to you a couple of times about it and I'm going to bring it up, so this board understands where I'm coming from. I'll say it, Brian Maher has been talking an awful lot about this and he is the town supervisor, but it seems that he has been talking a lot about IDA issues and what the IDA should or shouldn't do. I'm not so sure that's the way it should be, I don't know that Brian should be speaking for the IDA, I think we need to straighten that matter out and I'll touch on another thing and this is information that I get from our committee meeting. Is that Bob, if I'm wrong, tell me I'm wrong, it seems to me from what Brain Maher has been saying, that he has been directing you to talk to Amazon about taking some of that money and guys that doesn't sound right to me. Our attorney doesn't work for the town supervisor, I think he works for this board. I'm concerned about it, I want this program to work, I want it to get it out there, but I'm concerned about how it is being done. To me, it doesn't seem that we are taking the right angles on this and I think that the board, our chair should be taking the lead on this and we could be speaking to the town supervisor, but I don't know that the town supervisor should be directing this.

Attorney McLaughlin – Don, just to confirm my role, I have been appointed agency counsel until I am no longer agency council. I represent the agency; I don't represent individual board members. I do not represent the Town of Montgomery, there is a town attorney for that.

Local Business Support-Discussion

Attorney McLaughlin - I am happy to discuss any issues that are appropriate with this town's supervisor. The town board is your appointing authority, but I represent the agency. I am not aware of any request made for me to speak to Amazon about anything and I've never had any type of discussion in that vein and no request has been made of me by anyone, including the town supervisor to speak to Amazon about any application fee or any other fee. The only person that I have spoken about the Sailfish closing to has been Conor in the last two weeks, Jeff in the past and Michelle Kennedy, who is an attorney at Whiteman, Osterman, who is the attorney for Sailfish as we are trying to negotiate documents, that's all.

Member Berger – Bob, I'm glad to hear that.

Chairman Crist – Don, I would reinforce that the supervisor is not directing us what to do. They do appoint us as Bob correctly points out, but these are our decisions and we have an update on the Sailfish closing in a few moments and I can tell you they do not include redirecting funds. I'm not even sure that's an option for this fund. I standby the direction of this board at the last meeting that tried to figure out a way to get our funds in the amount designated at 215,000 dollars to that community fund and that's as far as it's gone.

Member Berger – I can only tell you what happens at our committee meetings and I'll leave it at that.

Treasurer Stoddard – Don, you're correct, we're an independent board here and because we work at the leisure of the town board, we have to stay independent and we can't be swayed by any other entity. I agree with you, if any other entity is doing that, all the way up to the supervisor, that should not occur.

Member Greene – I tried to do as much research as I could about all of this and the grants that we agreed to give the town and it seems that it doesn't matter who says what or who suggests what, there is no way to circumvent this money legally to this fund at this time. The only way we are going to be able to do this is if there is an executive order and from my research if there is going to be an executive order, it would have been done already. There is not anyway for us to give 215,000 dollars to the Town of Montgomery Community Response Team, without risking anything from a slap on the wrist from the ABO to being censured, which I am not going to put myself in that position, I don't think anybody else on the board would either. What we can do is pay the 15,000 dollars to Nugent and Haeussler to advise these small businesses on what to do going forward. We can pay for PPP for all the businesses that are going to reopen in Phase I and subsequent phases, so that everyone is safe. We can pay for sanitizers; we can pay for thermal scanners and thermometers for these businesses. We can also pay for any equipment that will make these businesses capable of producing PPE, which I'm sure there is more that I'm not thinking of, but would be someone like Alpac, who produces paper and plastic bags. I don't know if they manufacturer them there, but we can buy any equipment that we wanted to, to help someone to be able to produce PPE, but other than that it is unclear to me what we are able to directly fund beside purchasing things that I don't feel except for the PPE and the sanitizer and thermometers and scanners for people to go into these businesses, that's not going to be an astronomical expense. It's money well spent, but it's not going to be a ton of money. It's not the kind of help we were looking to give these businesses.

Local Business Support-Discussion

Member Greene - I did request with Don and Conor to set up a meeting with the ABO directly, to ask them to explain to myself and Don as new members, what specifically we are able to fund, so maybe we can clarify some ways to get the money to this fund.

Member Berger – Randi, I brought this up a month ago about hiring a sanitizing company to go into businesses and sanitize the business.

Member Greene – Yes, we can pay Surf Pro or some kind of company similar to that to go in and sanitize all the businesses that are going to reopen to the public, absolutely.

Member Berger – That sounds like a logical thing to do.

Chairman Crist – Yes, but that is not my understanding of what our counsel just advised, he spoke to a sales tax exemption on that stuff, but not outright supplying the PPE or the sanitizing services. Is that correct Bob?

Attorney McLaughlin – Correct, but I am more than willing to speak to Randi and to Don, to any board member and try to develop a process procedure within the confines of the General Municipal Law to determine if what you are proposing is permissible. Perhaps in looking at your Procurement Policy and issuing an RFP for that type of proposal, perhaps that is a way to make it available and I'm happy to look at that.

Treasurer Stoddard – Don, our next meeting with that other board that we are on, should we go back there and do a discussion with them and find out where we are and what our goals are and what avenues are left to explore?

Member Berger – As you know Matt, we have a meeting tomorrow. We are going to have to discuss this and figure out what we are going to do? Shut it down or I agree with what Randi says, I think that is a very good idea, if that is doable, that's an avenue to take or consider.

Treasurer Stoddard – If we don't have any other avenue of course, why not.

Chairman Crist – The intentions of this board seem clear to me, the avenues to make it happen have been difficult, but doesn't mean we should give up and we'll continue to look at all options; I appreciate the dedication on this.

Local Labor-Discussion

Chairman Crist - On the local labor discussion, the board has copies of the compliance reports and I'm pleased to report Amazon is in compliance with our policy. Were there any other discussions on the local labor at this point? The same applies to Stewart Holdings, which are the two projects being managed at this point.

Local Labor-Discussion

Member Berger – You guys are probably aware, I went out and did an inspection with Conor and to be honest about this whole thing, I thought the inspection went very well. Walking away from this, I couldn't be negative on anything. Going there I had trepidations of how they were running their business, they did have the paperwork, it was kind of cool to see how they did it with Kevin in our presence. The one thing I will say and I think Matt brought this up at the last meeting was there are somethings in our local law that we need to redefine and hopefully you guys would consider that and I think we need to redefine some things and it would help us out quite a bit.

Treasurer Stoddard – I think if visiting the Local Labor Policy or revisiting it is not a bad thing, we want to get this policy working so that it flows and that there are not any problems. I think that our board should look at it and maybe we can adjust it or tweak it a bit so that it is better for the people.

Chairman Crist – I know Conor is aware of some of the possible areas to look at and I would encourage for that work to continue.

Sailfish closing update

Chairman Crist - On the Sailfish closing, I did sign papers this afternoon, Sue our secretary notarized, they will be coming back to you. We did not get them in FedEx tonight Bob, but we will get them in first thing in the morning. Do you have anything to add on Sailfish Bob?

Attorney McLaughlin – It's moving forward ever so slowly, there have been issues partly due to COVID, partly due to the relationship between the tenant and its investing USAA. Their attorney has told me that they are working through the few remaining issues, we are supposed to have a conference call at some point this week and that's supposed to be between myself, the Sailfish attorney at Whitman, Osterman and Hanna and inhouse counsel for USAA and the tenant Amazon. In an effort to keep the closing moving forward, I did send out signature packages yesterday to both the agency and to Sailfish's counsel. I will hold them in escrow pending hopefully the final closing by the end of the month. If there are any new developments, I will advise Conor and he can advise the board, but I'm optimistic that by the end of this month that this transaction will be closed.

Office Supplies-Discussion

Chairman Crist – Moving on to office supplies. Don, I think you had some thoughts here?

Member Berger – I talked to Conor a great deal about the office supplies and I think we should as a board be given the availability to get the things that he needs, purchase a town laptop. I think it is not secured with a personnel laptop, as a priority and there are things that we also discussed. We went to a job site; they are handing out business cards and here I'm standing there like a jerk without being able to give a business card.

Office Supplies-Discussion

Member Berger - I think we need things like that. I at least want them, I'm sure there are other members that want them because I know I am going to be going around and visiting people and talking with people, learning what this IDA is all about. I'd like to be representative of the IDA and be able to show something, furthermore I talked to Conor about getting us ID's, things like that. We talked about various things that he needs, and I think we need to approve that, give him some money, and let him go out and purchase pencils.

Mr. Eckert, ED – Regarding the business cards, Don, I did identify a local company that would be able to do it, we could do a custom logo. I do have the pricing information, which I could forward to the board, and I appreciate the sentiment on getting the supplies I need and recently I spoke with the town, they did a bulk order of laptops and they have some extra ones. I would be able to use it, if the board is okay with reimbursing the town, it's around 700 dollars for the laptop and they have extra ones that I would be able to use one and then purchase it.

Chairman Crist – I would mention that you are getting a phone dedicated to the IDA as well Conor?

Mr. Eckert, ED – Yes, I got that yesterday and I need to work with IT to set it up.

Treasurer Stoddard – We do as a board, we have to make sure our new executive director has what he needs to do his job, so I'm in favor. If you need a motion, Jeff?

Member Greene – I think we need a value, it's not about Conor. If we're planning on hiring and keeping a full-time executive director staffed, then we need to make sure that everything is setup in an office and all of the equipment that the executive director needs; we weren't prepared to take him on as far as an office and supplies goes; I'm in favor of that.

Chairman Crist – I would correct you Randi, I worked with the supervisor for an office location, Conor moved in there on his first or second day. He is having to adjust according to both the COVID restriction, but that part is organized, and Conor I would encourage you to make me aware of things you don't have. You and I talked about some various things, there is more to do, but I don't feel we dropped the ball, we're ramping up an executive director position.

Member Berger – I don't think anybody is blaming anybody for anything, I think we need to establish an account for the executive director to be able to run the business.

Chairman Crist – When you say an account, I'm not sure what you mean? We have a checking account, I'm not aware that we have foregone things that are needed. Can you clarify that Don?

Member Berger – Yes, I don't know who the town goes through, but we could have an IDA account with WD Mason, when Conor needs things or any of us board members need things. For goodness sakes, I don't even have binders and folders to put all my information in. What are we a third world country here? He should have an assortment of these things in his office that anyone of us can get or he can get, or he could make folders for each applicant and hand it out to us; to me it's ridiculous this is the Town of Montgomery.

Office Supplies-Discussion

Chairman Crist – Don, we're in a crisis, Conor's been on the job for two-weeks. We offered to prepare hard copies in a folder for you for this meeting, my understanding is you preferred to get it by email, which was done.

Member Berger – Jeff, if you don't want to take my advice, that's fine, we could be rinky dink all you want.

Treasurer Stoddard – Gentleman, can I make a suggestion? How about if the new executive director, whatever you need, Conor, would you make a list and give it to the chair and the chair can reach out to us and we can approve or disapprove; this is easy.

Chairman Crist – Yes, that would be my opinion Matt, thank you.

Second Vice Chairman Dickson – Isn't there an account already existing for this from the previous CEO for supplies and stuff?

Chairman Crist – Not that I know of. We intended to get our supplies through the town and Sue's office and I'm not aware that there has been a deficiency there. I'm not arguing there is more we could do moving ahead, but when we have been having in person meetings in the past there have been documents for everybody including our meeting in early March.

Second Vice Chairman Dickson – Okay, I was wondering if there was an existing account already.

Chairman Crist – If it is prudent to set those up, I have no argument.

Member Greene – Could we setup a credit card, that we would then at the end of the month approve to pay?

Chairman Crist – Just like our checking account and the financial report, that would all be included, we could look into a credit card if that was the easiest way to do it.

Member Greene – Is it a regular checking account that we can give him a debit card too, is what I'm asking and what is the easiest way to do it and then approve it?

Chairman Crist – Let's ask Conor to figure that out for us and make a guidance for the next meeting.

Mr. Eckert, ED – I will look into that and I appreciate everyone's support and I will say that I'm appreciative for the office and the supplies I have and thank you for being willing to get me what's required.

Second Vice Chairman Dickson – Bob, is it appropriate for IDA members to go onto job sites?

Attorney McLaughlin – I don't think there is any prohibition, especially if it is supporting the executive director. The restriction that I would caution is that many of your closing documents may have requirements of reasonable notice, business notice.

Office Supplies-Discussion

Attorney McLaughlin - For example, one of the requirements that have been requested, the Sailfish project because you will have a lease hold interest in the site, you need access to the facility, you have a right to do an inspection, you have a right to review books and records, especially with request to their employment numbers. One of the items that they have requested is that those requests be made on reasonable notice and that the inspections occur during regular business hours and on business days. I think those are all appropriate changes, right now the site is a construction site and as long as Conor and the board members that go with Conor take appropriate precautions with respect to entering into a constructions site, I don't see any issue with that.

Treasurer Stoddard – Bob, I have been to the site too, with the auditor and I think every board member should have an avenue to go there, but when I was sent there, I was sent there because I am on the audit committee with Randi and Ed Williams, now they didn't go, but I thought it was under the audit committee and anybody else. I guess you can make arrangements too, but under the Labor Policy the audit committee is who is supposed to check that stuff out.

Attorney McLaughlin – Under your Labor Policy it is the Audit Committee, but you can't prevent another board member, as long as they are complying with the requirements of the closing documentation, you can't prevent a board member from exercising what he or she believes to be their fiduciary function, that being said, with respect to your Labor Policy, your policy does provide that the audit committee is supposed to be the committee that implements and oversees the implementation of that policy and so it is entirely for the audit committee as a whole or independently to participate with the consultant in reviewing what's happening at that project or any of the other projects that are under construction in the town and have received financial assistance from the IDA, that is set forth in the agreements that the IDA has with those projects applicants, that they will cooperate with the project labor policy and they have posted money to an account, for the purposes of paying for the vendors, so, they are fully aware of what the vendor is doing and what the audit committee's role is.

Second Vice Chairman Dickson – The reason I ask is I do not want any of our members to get into legal trouble. I don't think anybody wants to get in legal trouble.

Attorney McLaughlin – I do not know what legal trouble a board member could get into, with proper notice, investigating what is happening at a particular project site. There is however, and I think to your point John, if the IDA is making regular visits during construction, that is entirely appropriate especially if it is with the labor vendor. Once operations occur, at some point, I'm not sure if regular visits are warranted. Annual visits are warranted, and they need to provide annual reports so you can do your ABO filing, but I think it is a case by case.

CD Renewal-Discussion

Chairman Crist – Item 8 the CD renewal, this discussion came up for looking into and that's been looked into. Conor, can you review that please?

CD Renewal-Discussion

Mr. Eckert, ED – Absolutely Jeff, that was included in the virtual file that I emailed the board members. There are two CDs, they were past due on May 8th, but there is a 10-day grace period, which gives us a little bit of time to determine what we want to do. According to Orange Bank and Trust there are a few rates that are available to the CDs if we decide to roll them over. For three months there is .25%, 6-months you have .30%, a year you have .37% and if you decide to put it into a money market it is .11% and the interest on the money for the two CDs that total 400,000 dollars and change, for 3-month at each rate, they would go back 3-months at .25%, you would earn 246 dollars in 3-months. Over 6-months at a .30% you would earn 295 dollars in 3-months. The one year at .37% you would earn 364 dollars in 3-months and then in the money market you would earn 108 dollars at that .11% and once again this information should be provided via email, but that is a brief overview of the CDs.

Chairman Crist – Matt, you are our treasurer, any thoughts on what we should do?

Treasurer Stoddard – We should do whatever brings us the best return.

Second Vice Chairman Dickson – And the savings return.

Treasurer Stoddard – I haven't gone over these numbers with Conor yet, I don't know if you would like to talk about this? What is your recommendation, you did the research Conor?

Mr. Eckert, ED– I'm in the same sentiment as you, I think what yields the greatest return, but at the safest clip and the interest rates are low, so I could consult with the Orange Bank and Trust tomorrow morning and get back to you with a definitive answer based on their specialized knowledge or we could meet at a separate date to deliberate, I think that might be the best course of action.

Chairman Crist – We have just a few more days to make a decision if we want to roll them over, but we can put them in a money market and have our options open for a period of time. The upside of a CD in locking into money is limited, you are talking between 150 and maybe 250 dollars, it makes me wonder if we shouldn't go with the money market until we see if rates improve or we figure out a better option.

Member Santo – Jeff, cash is the right thing now, I look at inflation coming up and I think you are right.

Member Greene – I would say put it in the money market for 3-months and shop around and see if we can't get a better rate somewhere else.

Member Berger – Yes, that is where I was going to go Conor, it may be stored in the money market, but what's to prevent us from looking at other banks, Walden Savings or any other bank? Are we committed to Orange County Trust?

Mr. Eckert, ED – I am not sure that I am most equipped to answer this question, I am relatively new. I don't know the long-standing relationship that we have had with the Orange County Trust. I think Jeff or another board member might speak to if we do have a long-standing relationship with them.

CD Renewal-Discussion

Chairman Crist – I believe it is reasonably long, but I think we still have to do what’s right for this board and our funds, if we don’t renew we would have to stop them from automatically renewing into another CD, is that right Conor and elect to go to a money market?

Mr. Eckert, ED – Right, they automatically will rollover after that 10-day grace period and putting it in the money market and shopping around seems like it might be the best course of action at this moment and give us a little time, while also having it in that market. I do generally agree with the board members who have spoken of the money market and shopping around.

Treasurer Stoddard – Do we need a motion to put it in the money market for now?

Attorney McLaughlin – Yes, you should have a motion for that purpose.

Second Vice Chairman Dickson motioned to transfer the two IDA CDs to a money market account, seconded by Member Greene. A roll call of the board was taken, all board members voted in favor, all ayes, First Vice Chairman Williams was absent, motion carried.

April Financial Report

Treasurer Stoddard reviewed the April 2020 Treasurer’s Report.

Member Greene motioned to accept the April financial report as presented by Treasurer Stoddard, seconded by Member Santo. A roll call of the board was taken, and all board members voted in favor, all ayes, First Vice Chairman Williams was absent, motion carried.

Other Business

Chairman Crist – On other business, we wanted to close the issue that was open from our regular board meeting of April that the request to fund the gates for the town parks is not an option and I don’t think there is anything new related to that. Is that correct Bob? We do not have an avenue we can do that right now.

Attorney McLaughlin – Correct.

Member Greene – It seems like we can pay for services, so would it not be an option to fund the electrical work or one of the services being provided to install the gate.

Attorney McLaughlin – You can provide financial assistance for a project and you can make payments in accordance with your procurement policy. A project is one of those 11 items that we talked about at the board training and although a recreation facility is included there, in order to provide financial assistance you would have to have an ownership interest in the town park or town property and typically under the town law those type of properties cannot be easily, if ever alienated to any party, let alone an IDA.

Other Business

Attorney McLaughlin - The gate, the electric, all that stuff, that's appropriate for a budget line in the department that's making the request. They need to budget for that and make the request to the town board. The town board then needs to approve the budget and appropriate from the general funds for that purpose. This type of request is trying to not go through that process, which is not appropriate.

Member Greene – Bob, what exactly is P triple A training and how do I take care of that? It was my understanding that we have to do that within a year of being appointed to the board. I didn't know what the acronym meant when it was thrown in my direction and I don't know how to look it up to sign up for it?

Attorney McLaughlin – P triple A is the Public Authority Accountability Act, that was passed in 2005 or 6, part of your training was what we talked about in March, which we have not completed yet. It was in 2006, it was proposed in 2005. The ABO has training available on-line and I can direct you to that. The EDC also provides training through its annual meetings.

Member Greene – So, that is something that we would have learned in New Paltz?

Attorney McLaughlin – Correct, the good news is you had my training, which was preliminary, we never finished it, and the bad news is the other training that was available have all been suspended and I don't see an end date for that suspension, but I can direct you to the website and they have some good programs there. I will send it to Conor, and he can send it out to you again.

Member Greene – Is that something that needs to be done on an annual or whatever basis or is it just the one time?

Attorney McLaughlin – You are supposed to certify annually that you have gone through the training, again I can put together a short memo to provide to the board members and Conor can send it out.

Member Greene – I would like to make sure that we are all compliant on that because it seems that we are motivated to make sure that we can get money out to our town and our residents through any way we can and if that is going to put us under any kind of speculation, I would like to make sure that we have all of our i's dotted and t's crossed in every way we can.

Attorney McLaughlin – I appreciate that and that is part of my role. One of my goals in offering clients and it is hard for me to say that you can't do something like the gates, but part of my role is to make sure that the Town of Montgomery IDA and the Town of Montgomery IDA Board and its Executive Director, do not become the poster child for an ABO and an Attorney General enforcement and it has always been a possibility although never done and they have several enforcement actions, but the mis-use of funds, the AG, the Attorney General has the ability to seek personal reimbursement of those monies and that is why I get very nervous when we are trying to push the envelope. I am okay with pushing an envelope from time to time, but my role is to make sure that the board members and the agency are protected.

Other Business

Chairman Crist – I had one thing which came up earlier in the meeting, but as we see needs to try to get together for a particular project, Bob, do you have any recommendations under the current state of emergency and pause in New York, what options we should consider?

Attorney McLaughlin – For meeting in person?

Chairman Crist – Correct.

Attorney McLaughlin – As I understand it the pause is in effect until Friday and it has been extended to June 6th pending each regions compliance with the seven metrics that the Governor has laid out. I do not think the Town of Montgomery IDA would fall into Phase I, which is construction and manufacturing. I believe the IDA and town meetings would fall into Phase II. There is an argument that the IDA provides a essential service and I know that the town attorney and I have spoken about that and to the extent that there is a need to meet in person and the metrics are in compliance and more importantly the town hall has been deemed safe and there are social distancing rules in place to protect the board members, most of which are in the class of individuals that are at high risk because the Governor lowered it the other day to anyone over the age of 50, as long as that is satisfied, then I think the board can go ahead and meet in person at town hall, but I think you need to satisfy all of those requirements. The comment that I read today from Doctor Fauci were not helpful in getting anything open anytime soon.

Chairman Crist - Our next meeting is scheduled for June 9th, 2020 as I think you all know, I am open minded and I believe Conor would be as well to special meetings when they are warranted and to carry on in the interest of the Montgomery IDA to schedule those special meetings. We can continue our thought process there in conjunction with the Matrix Maple project. Is there anything else tonight before I ask for a motion to adjourn? Hearing from no one he asked if anyone would care to make that motion?

Second Vice Chairman Dickson motioned to adjourn the meeting, seconded by Member Santo. All in favor, all ayes, First Vice Chairman Williams was absent, motion carried.

Respectfully Submitted,

Suzanne Hadden, Secretary