

Town of Montgomery Industrial Development Agency
I.D.A. Special Meeting
Town of Montgomery Government Center
110 Bracken Road
Montgomery, New York 12549

Friday, January 24, 2020
1:00 PM

Present: Jeffrey D. Crist, Chairman
Edwin Williams, First Vice-Chairman
Stephen Rainaldi, Second Vice-Chairman
Matthew P. Stoddard, Treasurer and Member
John W. Dickson, Member
John Macioce, Member
Robert Santo, Member

Also Present: Robert Mc Laughlin, Esq. Hodgson Russ Attorneys
Members of the Audience
Suzanne Hadden, Secretary

Chairman Crist called the special meeting to order. He read the special meeting notice into the record, dated January 21, 2020. He said I would like to clarify for the people attending today, our public hearing for this project will continue on February 11th at 5:30 p.m. This is not the appropriate time for public comment related to the project as was noticed and just read in our meeting notice, is for a Resolution authorizing a PILOT deviation notice for this project. I would also acknowledge we've received a number of letters, emails objecting to this meeting and as a courtesy and out of respect for some response to that, I've asked our counsel, Bob McLaughlin to comment on the meeting today.

Attorney McLaughlin said I did want to address the objections to the special meeting that we've received yesterday; maybe a dozen objections saying that the notice was improper, this meeting is improper. I do want to go through the public officer's law, Article 7. Section 103 talks about open meetings, Section 103A states that every meeting of a public body shall be open to the general public. I believe the general public is here, the meeting is open. Section B says public bodies shall make a course be made all reasonable efforts to ensure that meetings are held in facilities that permit barrier free physical access to the physically handicapped. This meeting room qualifies under that section as well. Section 103D states public bodies shall make a course to be made all reasonable efforts to ensure that meetings are held in an appropriate facility which can adequately accommodate members of the public who wish to attend such meetings and again this meeting room qualifies and satisfies that provision. Public notice is governed by Section 104 of the Public Officer's Law. Section 104.1 states that a public notice of the time and place of the meeting schedule at least one-week prior there to shall be given to the news media and shall be conspicuously posted in one or more designated public locations at least 72-hours before such meeting. This meeting was not scheduled one week prior so, there is no requirement to comply with Section One.

Attorney McLaughlin - Section 104.2 states that the public notice of the time and place of every other meeting, meaning meetings not scheduled one week in advance shall be given to the extent practical to the news media and shall be conspicuously posted in one or more designated public locations at a reasonable time prior there to. Your meeting notice as I understand it, from the secretary to the board was posted on the afternoon of January 21st in Town Hall and was provided to the news media also January 21st, in that afternoon. Finally, Section 104.5 states that when a public body has the ability to do so, notice of the time and place of the meeting given in accordance with subdivision one or two, two provisions I just read, shall also be conspicuously posted on the public body's internet website and as I understand it the secretary also provided to your web provider the notice on the afternoon of January 21st. The objections to the meeting although I understand them are not supported by the statute and in my opinion this special meeting was duly noticed and can be properly held.

Chairman Crist said I might follow up that it is this board's intention to be transparent. There was some question if this meeting was even required and we felt it would be more appropriate to carry our the meeting and be completely transparent in referencing the further consideration for moderation of the PILOT and this is detailed on a letter from Whiteman, Osterman and Hanna dated January 21st. It's been posted to our website and I am going to ask the applicant Steve Butte to briefly review the details of that modification under consideration.

Mr. Butte said thank you members of the agency, I trust that you've all seen a copy of the letter and read it, so I won't go through the entire letter, just highlight a few points. We've considered the issues raised at the January 6th meeting by the town board and school district and because of that we are offering to modify the first five-years of the PILOT for the 90% abatement to 80% abatement. According to our estimates in year one the combined PILOT payment, existing land tax and add valuing tax will provide approximately \$ 786,000.00 annually, an increase of \$ 740,000.00 compared to the existing tax table; effectively doubling the taxes paid annually as compared to the prior offer. In five years, the payments will total close 4-million dollars, as compared to the current taxes being paid, which total \$250,000.00 over the same period. We hope that this offer's acceptable, we hope for your support, thank you.

Chairman Crist said to be clear the expectation and Bob correct me if I'm wrong is just to properly communicate this draft modification to the taxing authorities and also to have the appropriate time for public comment to the same.

Attorney McLaughlin said correct, this Resolution is exactly the same or very similar to the Resolution that the board considered on December 3rd, then you passed a Resolution that authorized the chair to send a notice to the taxing jurisdictions, which in this case will be the school district, the county as well as the town of your attention to consider a proposed deviation from your existing Uniform Tax Exempt Policy, that deviation back on December 3rd was voted to send a letter stating that instead of 100% over the 1st 5-years for the exemption, that the ida board was considering a 90% exemption and you welcomed the comments from both the town and the school district on that deviation. In light of the letter that was received on January 21st and consistent with this board's intention to be totally transparent to the public, I have prepared a second notice of Resolution that would authorize the chair to send a notice to the same taxing jurisdictions advising them of the deviation over the 1st 5-years from your existing policy instead of 100% exemption relief now being considered to be an 80% exemption over that same 5-year period.

Attorney McLaughlin - The board is not being asked by this Resolution to make any conclusions, no final determinations at this time, simply to send a notice like this board considered in December to be consistent with the General Municipal Law provisions as well as the provisions of your Uniform Tax Exempt Policy, which states that, to the extent practicable you should give 30-day's notice of a deviation, unless you are not allowed to do that. In this case we are trying to get the deviation notice out and approved and the whole purpose is so that the public can consider as well as the taxing jurisdictions consider it before the February 11th public hearing. The continuation of the hearing that started on January 6th. I'm happy to take any questions that the board may have.

Chairman Crist asked, questions board related to this proposed modification? Hearing from no one he said the only thing I would say is this board negotiated a 90% exemption from the full 100% earlier in the process from our normal PILOT in the 1st 5-years and this in effect, just to simplify, doubles the amount of PILOT that will be paid in that 1st 5-years by the applicant. No matter what people's opinion might be about it, it does double the amount in significantly so the amount of the PILOT payment in the 1st 5-years. I would ask for a motion to accept the Resolution that's in draft form right now, to send this modification to the taxing authorities.

Treasurer Stoddard motioned to accept the Resolution to send the modification to the taxing authorities, seconded by Member Dickson. A roll call was taken, all members voted aye, Second Vice Chairman abstained, motion carried.

Chairman Crist said we have six yeases and one abstention, that that motion is carried to approve the Resolution. I would also like to comment on the thought process in review of a possible schedule. Certainly, the continuation of the public hearing for this project with reconvene on February 11th at 5:30 p.m., as I earlier stated. There's a distinct possibility that the board would close the public hearing at the end of that meeting, which we had lengthy discussion during the public hearing process on January 6th and I would like to inform the board that in consultation with our counsel, I would consider a special meeting within the 2 or 3 days after the public hearing for a special meeting to consider a decision on the application, that way it will allow the board not to be pressed on making a decision the night the public hearing is likely to be closed, but would provide us some avenue to make a decision in a timely manner. Any comments board on that process? Hearing from no one he said I might also say again in the interest of transparency and now of course following the appropriate regulations for the IDA's, this meeting is being live streamed today. So, those that could not be here will be able to view it through that process. Is there any other business that should come before us today at this special meeting?

There wasn't any other business for this special meeting.

Chairman Crist said I would suggest a motion to conclude this meeting.

Member Santo motioned to adjourn this meeting, seconded by Member Dickson. All in favor, all ayes, motion carried.