

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

Tuesday, July 14, 2020
5:30 PM

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

Via-conference call: Edwin Williams, First Vice-Chairman

Also Present: Conor Eckert, Executive Director
Robert McLaughlin, Attorney for the IDA
William Ibberson – President, Acquisitions Marketing
Suzanne Hadden, Secretary

AGENDA

1. Call to Order and Declaration of Quorum
2. Approval of June 9th Meeting Minutes and Public Hearing Transcript from June 22nd Special Meeting
3. Consideration of an Approving Resolution – Corridor Study Conducted by Delaware Engineering
4. Consideration of an Approving Resolution Authorization of MIDA State Disaster Grant Program (as authorized by New York State)
5. Sailfish Closing Update
6. June Financial Report
7. Other Business

Next meeting scheduled for August 11

Adjournment

Call to Order and Declaration of Quorum

Chairman Crist called the meeting to order. A roll call of the board members was taken, and all members were present, with one member via conference call.

Approval of June 9th Meeting and Public Hearing Transcript from June 22nd Special Meeting

Second Vice Chairman Dickson motioned to accept the June 9, 2020 meeting minutes as presented, seconded by Member Berger. A roll call of the board was taken, all in favor, all ayes, motion carried.

Attorney McLaughlin – There is no need to accept the June 22, 2020 transcript.

Consideration of an Approving Resolution – Corridor Study Conducted by Delaware Engineering

Exec. Director Eckert – Over the last few weeks there were some changes to the draft of professional services agreement. They described the market study in an in-depth way, describing the benefits post COVID economy, examining the trend in the market. Over the last few days, we have received dozens of comments, which today I worked to get back to everyone as of 4:45. I believe I responded to 15 out of the 16 emails that we received. I tried to summarize the main themes throughout the emails. One being the duplication of taxpayer money, as counsel said, ida funds are not directly taxpayer money, it is fees from projects. It is also a different scope than the comprehensive plan, a more in-depth look at a specific area of town as opposed to the broad overview of the whole jurisdiction as a whole. Another main question was, why are you doing the study? The study is an objective analysis to a specific area for the prudent approach to economic development planning, it is an opportunity to show us what we can do in the Town of Montgomery that fits with the kind of development that we desire out of the town. What I have heard is, it is justification for more warehouses, but in my eyes, it is justification to better diversify. It is a means to show us other means of development. In looking at past corridor studies there are options given based on objective analysis and market trends that are beyond just a warehouse. Another theme I was seeing is the study is going to perc the town. The study has no authority, it is strictly informative. The comprehensive plan committee, if the comprehensive plan is adopted by the town, it is the rural when it comes to land use and zoning. This is strictly informative made to inform the ida, the town and hopefully the comprehensive plan committee on economic development potential in a specific area of the town. Lastly, there have been some comments on the fact that the map was said to be incorrect. This map was a draft map when no analysis was done, it was merely a means to show what can be done from the illustrator.

Chairman Crist – Conor, we had some concern that we may be infringing on property owners' rights by studying the town and you and I talked that the comprehensive plan committee is also studying the whole town and as a landowner in town, I have not been asked by the plan committee if they can study my property? I know they have a right to study it, just as public documents allow us to look at available information on property around the town. In our case we align it with our mission for economic development in the business community.

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Exec. Director Eckert – The comprehensive plan is examining properties in the town as a whole and I do not believe that the comprehensive plan members are asking every resident or owner of a parcel if they could exam their land for comprehensive plan purposes. This is an informative study based on publicly available data that will hopefully move our mission forward, diversifying the Town of Montgomery economy to the best of our ability.

Chairman Crist – Thank you Conor. I am not accepting comments from the audience tonight, we have interacted with the town board, the comprehensive plan committee, members of the public and Conor has had numerous phone calls and this is an internal discussion of the board to evaluate our consideration of the approving resolution, but I have asked Mary Beth Bianconi from Delaware Engineering who was called out in one letter in particular to respond to those comments as part of our due diligence to cover what was asked of us in those letters.

Mary Beth Bianconi, Delaware Engineering – I was here last month to talk about this project. I understand there was concerns about my being on an Orange County Partnership board relative to my work on this study. I am on that board. I am not a member of the executive committee and in that capacity, I do not make any decisions about anything, I am simply a member of the board. My intent in being on that board, most of the work that we do is municipal, 85% of what we do is municipal, the other 25% is industrial; we are civil engineers. My intent in being on the Orange County Partnership board was to bring some perspective. When I looked at the list of the people who are on that board, many people are business owners, there are real estate people, contractors, people who build things, there is a lot of real estate interest, bankers, but there did not seem to be a voice of someone from a public perspective. Again, I am a consultant, I work for public bodies. In a big picture, what are the things that are faced by municipalities, when we are looking at economic development? What we do is infrastructure, that is usually one of the big impacts. My intent in being there is to provide some perspective to that board. I am also on the executive committee of Patterns for Progress. I have been on their board for many years and on that committee and in that capacity, you help make decisions of directions of that agency and their work. They are a regional planning agency and their objective is to do things that improve the quality of life in the Hudson Valley and for me that is important. The last board that I am on is, I am a trustee on the Historic Board of the village I grew up in, in central New York, which has a population of 400 people. I am currently the treasurer of that board. I do not see this as a conflict of interest, I see this as bringing together many different interests that can be helpful and informative to the town. This is the town ida, we are working for the town, I see this as a big picture effort to assist and support the town.

Member Berger – Discussed with Ms. Bianconi her title with the partnership, the timing of the corridor study and the letter emailed by the Orange County Partnership regarding a 1.2 million square foot warehouse proposed in the corridor.

Ms. Bianconi – I do not know anything about it.

Member Berger – You could understand how residents and myself could have a problem with that.

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Ms. Bianconi – Initially I worked for the pentagon when I first got out of school and I worked for transportation planning in New York City for many years and I moved to Albany and I have been doing civil engineering since for 24-years. I spent my career helping communities. The work that I do is objective, it is based on facts. We worked in Walden; we are working for the county on a sewer project. We work for many municipalities, we welcome giving you references, if you would like to talk to people to find out if the quality of our work is transparent or if we try to guide or direct anything towards anything, you are welcome to look at our and my personal background. I can stand here firmly before you and say, I have zero interest in directing any kind of economic development of any kind to any property or any person, that is not what I do, I dedicated my life to doing work for public entities. I understand there is history here and the board is concerned. We were asked to come and talk about doing this type of study because we have done it in other places. We have done it in Greene County, Sullivan, Rensselaer, and Saratoga County, they all found a lot of value in this type of study. If you do not want to proceed that is fine, I am a consultant. I do the work that we are contracted to do.

Member Berger – Do you remember the comment you made to me at the meeting last month?

Ms. Bianconi – I do not specifically no.

Member Berger – It refers to that town seal, you said your seal says you are a transportation hub.

Ms. Bianconi – It does, it is a very striking seal. I am not aware of any other that looks like it.

Member Berger – Do you remember my comment back to you?

Ms. Bianconi – I do not.

Member Berger - I said that is the problem with this town, that seal.

Ms. Bianconi – You are certainly in the crosshairs and you have experienced it. From my perspective, because I have a master's degree in planning, now is the time to plan and control the development in your community, decide what you want. You are taking those steps, you have a land use moratorium in place for certain types of development, you are engaged in a comprehensive plan. Your ida board is looking at doing some economic development planning, market study planning. In my world those are all very good things.

Member Greene – When were the studies done for those counties?

Ms. Bianconi – For Sullivan 2018, Greene was right before 2008.

Member Greene – When you say, you were asked to come. Who asked you to come?

Ms. Bianconi – This nice gentleman sitting here. She pointed to Chairman Crist.

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Member Greene – If we move forward with this, there has been a lot of chatter about the 2008 study, I know your firm did not do that one.

Ms. Bianconi – There were two, one is, Managing Growth, a white paper concerning development within the New York Study Route 211 and Route 416 corridor, 1st draft September of 2007 and it was produced by Planet and Crawford Engineering Associates. The other one was conducted by Behan Planning Associates, dated December 12, 2007 and it says land use and zoning report, 17K and 208 intersection. I am glad you asked about these, the chairman shared them with me, I found them to be interesting. I don't know if any of the recommendations that were made in these two companion studies were effected in terms of zoning and the recommendations. It seems all the issues that were present in 2007, are present today, if not more so. There is discussion in here about concerns about residential development being converted into large scale big box. Those two areas are the areas we are talking about. The Orange County Airport area, which we did add to the study, that was one of the other changes that we did make at your request, which I think is very smart. It is an area that is prime for development and then 17K. Many of the concerns that we are hearing today are listed in these studies. Clearly more needs to be done and these are old at this point. They need to be updated, they need to be reevaluated, but yes, the idea here is not to reinvent the wheel. The idea is to say clearly in the past, people said these are areas where there could be development and we are very concerned and that is the reason these studies were created, but they are from 2007.

Member Greene – Before the study was done and during the study the concern was the building and the big warehouses, but part of that study was the 416 and 211 corridors. Now we know we did have a lot of building there, if that was the concern then and that was one of the reasons why we did that study, but we got that stuff anyway, how do we do it differently, what was done wrong, how can we change it so that when we invest in this study, we can take everything from it that we need and move forward?

Ms. Bianconi – This study did a lot of very similar things of potential build out. The recommendations were, change the zoning.

Member Greene – How are we going to get all the power and knowledge from this study?

Chairman Crist – Can I jump in to assist in answering the question. Part of the answer is to do it in coordination with the comprehensive plan committee. We do not act on that, the plan committee and then the town board does, but to have that information, those dynamics, the innovation of new businesses. I reviewed that study myself and it talks about some smaller lots, smaller businesses, that is not in the plan right now. I think we can show validity and market value to that if we move ahead with this study.

Ms. Bianconi – That is exactly it. These two studies clearly show that this was a concern all this time ago, it is still a concern. Now you have seen some real development happen here that people are concerned about and with good reason. So, that feeds into why do a comprehensive plan, why do this kind of study?

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Ms. Bianconi - You have a lot of industry warehousing and distribution centers here, that came from outside of your community. Again, this is part of this idea, what are people from the outside seeing, that is the purpose of the market study. Your comprehensive plan is what do you want and then where is that intersection between those things. How do you preserve and protect farmland? I'm from a very rural area where I have seen farm after farm be sold for other purposes, it happens because there are no land use regulations and no way for these farmers to be economical with what they are doing. Plan for it and do something about it.

Member Berger – You had mentioned earlier, how we need to speak up. We have been speaking up for over 2-years and nobody listens. Can you explain, what is the urgency with this study? In my opinion, it has dropped on this desk here and we are being asked to proceed with this in a rapid push. Last month my conversation with you about the comprehensive plan and allowing that committee to at least get their foot in the ground and start working on something. They have not been able to do that yet because of the pandemic that we are in. What is the urgency for this board, your company should work side by side by the comprehensive plan? The comprehensive plan is going to make decisions based on some of those decisions, it would be easier to move forward with your study. Say we hire you today, what is the sense in moving forward on that study when the comprehensive plan has not made a single decision yet?

Ms. Bianconi – Because this is an objective study, it is from the top down, it is not from the bottom up. It is not related in that perspective to the comprehensive plan. The comprehensive plan folks can use that top down information to help make their decisions, but the top down is intended to be objective. I am a busy person and I am not here saying make a decision. I do think you have some breathing room in development interest for two big reasons. One is you have a moratorium, which as we know cannot last forever, judges get kind of excited about that stuff. The second thing is the pandemic, businesses are making different decisions, but there will come a day when pandemic will be less of a concern and you will have that development pressure back on you again. We do not know when that will be; but assume it will be relatively soon. We are working on the town's water and sewer infrastructure and we were evaluating the sewer system that the town has. Folks may be aware that there is a waste treatment plant, that is 25-years old, that was intended to have about a 20-year service life. It is not built of materials that can be refurbished; it needs to be replaced. The town started working on this back in early 2000, hired an engineer that designed a ½ a million gallon a day large facility, your current one is 100,000 gallons a day. The community said that is a very expensive project and decided not to proceed it and that was in 2005 or 2006. Recently, the town engaged another engineer who redesigned it for a smaller plant, a 250,000-gallon plant, which is larger than the one you have now in anticipation of growth. Today we were going over those plans for our work for the town and one of the things that became apparent is, we have a system of pipes underneath the ground that conveys all the sewerage to the wastewater treatment plant where it gets treated and discharged to the Hudson River, that network of pipes was not planned.

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Ms. Bianconi - It happened over time as people decided to connect. While they all went in on an engineer's review and they all met code, it was not a plant. What we discovered in looking at this is you can build a 250,000 gallon a day wastewater treatment plant if you want to, you cannot convey 250,000 gallons to that treatment plant, you do not have the pipe network to do it. The reason to do this is because it does fall in line with the town's work on the water and sewer system to try and anticipate where, who, how does it get paid for? As a result of this study you may not need a 250,000 gallon a day treatment plant, meaning let us pick a small one, be less expensive, less for taxpayers to pay for; that is one of the reasons. We have to do that type of analysis anyway to complete our engineering work for the town, but this process is helpful in forming that. We will add, to the extent that there is any federal or state stimulus as a result of Corona Virus, if it is at all like 2009, what we learned with the communities that had plans in place and knew what they wanted to do they could go get that money to make those changes and invest in what they wanted to. Proper planning takes time and consideration and that is the reason for you to consider if you want to do something like this. Again, you do not have to, but now would be a good time to do it.

Member Berger – Bob, with the interest from the residents on this, with all the letters that have been put out and I gather most of the people in the audience there. I want to go back to Page 6, it says perpetuate of the 859- A of the act, prior to issuing any debt and/or granting any tax exemptions collectively equaling any aggregate more than 100,000 dollars, you must hold a public hearing. Could you explain that?

Attorney McLaughlin – What that section refers to is actions of the agency with respect to a project. If the agency is going to issue bonds, issue debt, for a project and a project falls into one of the eleven categories that are in the statute section, that talks about what projects are and that is in that book as well or if you are considering providing financial assistance, which the agency can do three types, that we have talked about. A PILOT agreement, a mortgage tax exemption, and a sales tax exemption. If the aggregate of the debt or the aggregate of that financial assistance is contemplated to be at least 100,000 or more, that section of the statute states that you must hold a public hearing, to hear public comments. It does not apply to this case because this is a contract to do a study.

Member Berger – The term issuing of any debt. This would be a debt to us, no?

Attorney McLaughlin – No, the statute refers to debt of the issuance of bonds. Bonds is a debt, you are issuing bonds, your obligation to pay to raise capital in the public market to provide to a project as a conduit; that is the issuance of debt. Your name, the ida's name is on those bonds, you off load the obligation to pay those bonds to the project beneficiary, but it is still ida bonds. You are not issuing debt here, you are using proceeds, so I understand where the conflict or the misunderstanding could come in to play, but you are using assets of the entity, you are not issuing debt.

Member Greene – We are just spending money.

Member Berger – My point is that I see such a public outcry and something that bothers me is they are not allowed to speak on the matter.

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Attorney McLaughlin – The decision to speak or not speak is the decision of the chair, the executive director, the board. The written comments have been received and the executive director has summarized the responses. I have looked at those written comments as well and I discussed them with the chair and the executive director. I think the executive director did an adequate job in responding to those comments just prior in this meeting. The only thing we haven't talked about is the FOIL request, which was for this map, which was never a record of the agency. I understand the request for it, but if the response is, there is no record, I think the agency has received 6 or 7 requests and those requests were even made to the town, which is not the right entity. The FOIL request should be issued to the agency and the secretary is Sue Hadden and yet those requests are going to the town. There is no map in the town records and there is no map in the agency records as well. With respect to FOIL, the agency must under FOIL disclose records that are in its possession unless there is some sort of exemption. The map that was used as an illustration, which is a draft at best, is not a record. Even if it were a record as part of a study, unless the producer says this is somehow protected by FOIL, some sort of, would provide their competitors with an unfair advantage because it discloses some sort of a formula that Delaware Engineering has a trademark on, which is weird, that wouldn't happen. Other than that, once it becomes part of the study then it is open to the public, it is a record.

Ms. Bianconi – Can I talk for one second about the map? I have a staff of GIS people in my office and GIS information is very powerful. It is mapping, so it is physical things in the world that are tied to data bases of publicly available records. Those data bases include presence of a federal or state wetland. We have typography available to us, we can look at steep slopes, things over 15%. There are stream corridors that are mapped, tons of publicly available information. Some of that information is real property information. The real property service provided very robust data about property information. All that map was, literally I walked over and said, if you spend more than 5-minutes on this, I promise you, you are fired. You are going to make a big illustration for me of all the properties that are over 20-acres that are along that corridor. I do not care what the zoning is, I do not care if there is something already built on them. I just want an illustration to show how much at risk you are if you do not plan this corridor; that is all the map was. Anyone who has access to GIS can make the exact same map I did. I picked 20-acres, it was random, I could have said 10, 5 or 50. Even to call it a draft is to give it way too much credit, it was an illustration. Again, if you did not have all that area, we would not even be talking about this, it would not be a concern at all. Having done this for many years, if you stick a map up in front of a group of people with very specific information, lines and colors and things. Everybody starts going, why is that there, why is that here? We do not know because we have not done the study or the analysis yet; it was an illustration. I had one copy of it, it was in my car until I played golf the other day and it got completely covered in mud and it is now in the trash, but I promise you if we do a study you will end up with maps and objective analysis and that will eventually become a public document.

Chairman Crist – You will have public input before there is a project here knocking on our door saying the zoning says we can do this and you were saying Don, having no one listen to your concerns for 2-years. This gives us an opportunity to be in front of the curve, to point out those concerns and be able to help offer information to the comprehensive plan committee to meet our mission of the Montgomery IDA to figure out appropriate business development, that's what Conor's job title is.

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Ms. Bianconi – That same map is in this 2007 plan; it is almost identical. It is a planning tool.

Chairman Crist – Thank you Mary Beth, I am going to ask Bob a couple of questions.

John Brown, audience – We are not blue boxes, do not treat us as blue boxes.

Kristen Brown, audience – Jeff, I have a question are you going to let me come?

Chairman Crist – No, I stated already there is not public comment tonight.

Mrs. Brown – I am an elected official; you are not going to let me talk right now?

Chairman Crist – That is correct. Cross talk occurred between Mrs. Brown and Chairman Crist. Please sit down, you are not recognized.

Mrs. Brown – I am not sitting down.

Chairman Crist – I am calling for a recess to this meeting for a moment.

Mrs. Brown – You have not addressed my letter. When are you going to address my letter?

Chairman Crist – What do you recommend Bob?

Attorney McLaughlin – It is up to the chair.

Mrs. Brown – You have not addressed my letter and I am asking you to address my letter right now.

Chairman Crist – Conor, did you respond to her letter?

Exec. Director Eckert – No, I did not.

Chairman Crist – Mary Beth responded.

Mrs. Brown – You or Brian, Supervisor Maher, who I addressed my letter to, neither one of you have addressed my letter, so I am standing right here now asking you to address my letter.

Chairman Crist – I am not recognizing you.

Attorney McLaughlin – Sorry, I think he has.

Mrs. Brown – No, I never got an address to my letter.

Attorney McLaughlin – This one sent yesterday?

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Mrs. Brown – No, this is the letter that was sent this morning.

Attorney McLaughlin – Can I see your letter?

Mrs. Brown – Absolutely, you can have a copy of it.

Chairman Crist – One thing that is incorrect, I just asked Mary Beth to respond to one of the questions in your letter and she did.

Mrs. Brown – I am sorry you did address that, but you did not address the other points that are in that letter and not only that, you stated both these comments before during this meeting, you did not address...

Chairman Crist – I am not recognizing you.

Mrs. Brown – I am standing right here. Nobody from this board has addressed the comprehensive plan committee as a whole board. Have you talked to the comprehensive plan committee?

Exec. Director Eckert – Councilwoman Brown, we have had a couple conversations with the chair of the committee as well as the planner in an effort if this project does move forward to create a working relationship.

Mrs. Brown – At the last town board meeting, Supervisor Maher said we were supposed to have a presentation. He would work with Mary Beth and have a presentation and invite the core members. You said Chairman Crist during your last presentation it was supposed to be the planning board, the ida, the cpc and if we are supposed to work together than I believe we need to be in a room together to discuss this, that is what I asked for, so that is why I want to know why it was not addressed?

Chairman Crist – I am not responding.

Mrs. Brown – You are not responding to an elected official?

Chairman Crist – Correct.

Mrs. Brown – Or to the members of the community?

Chairman Crist – We have in many ways and we are an independent board. You can back to your board an get me removed.

Mrs. Brown – I will ask for your resignation right now.

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Member Greene – I would ask for yours because you are either a resident or a you are an elected official, and in my opinion, an elected official does not come here and act like that. You are being disrespectful and rude. Are you a resident or are you an elected official today? What protected area are you in?

Joseph Keenan, audience – The whole ethics in the town of Montgomery, none, excuse me, none, very few ethics. You guys got to look for the people, there are only two people here, that is why I am getting off the ethics board, there is no ethics in this town, and this has to change, and it will change election year.

Chairman Crist – This is inappropriate Bob.

Attorney McLaughlin – I agree.

Chairman Crist – Do you want to shut the live stream or end the meeting.

Attorney McLaughlin – You can discontinue the meeting right now.

Member Berger - Let's call for a motion to postpone the meeting.

Member Greene – What is postponing going to do, this is the same joke and the same people over and over. I get why people are upset about it; I get the hesitation. I get the distrust in Maureen and Orange County Partnership, I understand it, but it is our job to invest in economic development and it needs to be safe and it needs smart and this does that. I am sorry the ends do not always justify the means, but in this situation, I do believe that the means justify the ends.

Member Santo motioned to postpone the item, on voting this today, postpone it to the next meeting, seconded by Member Berger.

Chairman Crist – Any further discussion. I will call for a vote, Matt?

Treasurer Stoddard – No.

Chairman Crist – John?

Second Vice Chairman Dickson – No.

Chairman Crist – Randi?

Member Greene – No.

Chairman Crist – I am a no. Ed Williams, could you hear the motion and second? Bob, your vote?

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Member Santo – Yes.

Chairman Crist – Don?

Member Berger – Yes.

Chairman Crist – We have four to two against that motion, so with that in mind.

Member Santo – It does not matter.

Chairman Crist – I realize that, but as a courtesy to each board member I am asking for his vote Bob.

Member Santo – Yes, I understand that.

First Vice- Chairman Williams – Yes.

Exec. Director Eckert – Did you hear the motion?

First Vice Chairman Williams – Yes, I am here. If you want to repeat it again, I can hear it, go ahead.

Chairman Crist – The motion was to suspend our decision on the corridor study tonight.

Member Santo – A motion to postpone.

Chairman Crist – A motion to postpone our decision, four opposed and two for the motion.

First Vice Chairman Williams – Yes.

Chairman Crist – Okay, he votes for the postponement, we have four against and three for, so I would suggest Bob, we move forward with the resolution.

Attorney McLaughlin – To address the councilwoman, with due respect and I mean that sincerely, it is entirely inappropriate for a councilwoman of the town board to come before this body and threaten an agency chair.

Mrs. Brown – When did I threaten him?

Attorney McLaughlin – I think you did.

Mrs. Brown – No, I just wanted an answer, I did not threaten him. He said that he was going to hand in his resignation and I said I would welcome it.

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Chairman Crist – I did not say I would hand in my resignation. I said you go back to your board and get me removed.

Mrs. Brown – I thought you said that you would hand in your resignation, so I apologize, and I said I would accept it.

Second Vice Chairman Dickson – He never said that.

Attorney McLaughlin – It is highly inappropriate, with due respect, for a councilwoman of the town board to threaten the chair of another town entity; it is highly inappropriate; potentially criminal.

Mrs. Brown – That is why I apologize.

Attorney McLaughlin – Potentially criminal, you cannot apologize that type of activity.

Mrs. Brown – I will talk to the board in executive session.

Attorney McLaughlin – I do not offer an opinion on that, but I do think that the ethics board may take that up with you, but that is not my role. I think that is a violation of the town's ethics board.

Mrs. Brown – On record, I...

Chairman Crist – You are not recognized; this is an independent board.

Mrs. Brown – He was trying to talk to me. Okay, fine if you (inaudible) I will tell you that I will apologize to him because I misunderstood, I thought he said that he would hand in his resignation, that is how I took it. Could you convey, because I am not recognized, that I apologize because I misunderstood?

Attorney McLaughlin – I will do that.

Mrs. Brown – Thank you.

Attorney McLaughlin – With respect to this letter, I did look at this this morning or when this came in earlier today. I believe the executive director addressed every point except for the penultimate paragraph. I do not believe the executive director can address the penultimate paragraph because that did not contain anything that was within his knowledge.

Mrs. Brown – What is penultimate?

Attorney McLaughlin – Next to last, that saying you had conversation with the town board, I do not believe the executive director was at that town board meeting.

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Mrs. Brown – No, nobody was allowed.

Attorney McLaughlin – I do not think it is appropriate for this agency or the executive director or any of the members, again with due respect, in your position as a councilwoman, to respond to that paragraph, simply because no one here has any knowledge, as I understand it. I do think that, the supervisor, who I think has responded, should be consulted based on that paragraph and I expect since there is a board meeting two days from now, that you will raise it then.

Mrs. Brown – Yes, it will be. I talked to the supervisor today about this and that is why I was hoping for a response from the agency that I was never afforded.

Attorney McLaughlin – Again with due respect, as a councilwoman and an elected official, I think the executive director attempted to respond to all these points. The agency provided the consultant, who has been treated inappropriately by the members of the audience, in my opinion, to come here and give us her responses, as a professional engineer, who has done this for 25, 24 years, by her own saying and she has been treated inappropriately by the members of the public that are here, in my opinion. I do believe except for the penultimate, which is except for the next to last paragraph, every point in your letter has been addressed by the executive director.

Mrs. Brown – I gave you the last copy, I thought I had another copy.

Attorney McLaughlin – I have it in my emails, so that is fine.

Treasurer Stoddard – I think, the counsel and the councilwoman, we need to get back to our meeting.

Chairman Crist – I agree.

Treasurer Stoddard – Enough is enough on this, with all due respect, you are a great person, but we do need to get back to our meeting please.

Chairman Crist – Bob, to carry on looking at our resolution, one question I had, and I expect we will list every letter, author in this resolution?

Attorney McLaughlin – The letters should be made part of the minutes of the meeting and the executive director has addressed each of the points raised in those letters. The invitation to have the consultant's comments specifically address certain points, that were directed to her and to answer additional questions by the board as part of the minutes, also addresses many of the comments that were raised in those written comments and then finally the map, which was the subject of numerous FOIL requests was also addressed. The one point in the proposed resolution that is before the board, that I would like to add, is as part of that and I will amend it in the written resolution. Is that if you are to proceed with this kind of contract, it is a Type II action under SEQRA. Again, SEQRA requires this board to review from an environmental standpoint what the impact of your decisions are. A contract like this has been designated by DEC as a Type II action.

Consideration of an Approving Resolution – Corridor Study Conducted by Delaware Engineering

Attorney McLaughlin - Type II actions are those that are deemed by DEC to be administrative, or in the case of where there is an actual project, such a small impact, that they will have little or no impact on the environment. The entering into a contract such as this for a corridor study is a Type II action and it was omitted in the draft resolution and if it is voted on by the board, I will add that to the written resolution and present it to the secretary for signature.

Chairman Crist – Bob, would you review this resolution for the board with the highlights?

Attorney McLaughlin – Sure, what this resolution does is authorize the entering into a contract with Delaware Engineering, DPC for the conduction of a corridor study. This contract is consistent with Section 858 of your authorizing act, which is consistent with the purpose to promote, encourage and assist in the acquiring of constructing, reconstructing, improving, maintaining, equipping and furnishing industrial warehouses, manufacturing warehouses, commercial research and recreational facilities in the town, you advance the job opportunities, self-general prosperity and economic welfare of the people of the state. The purpose of the corridor study is also to support projects in the town, that could create or retain jobs or promote private sector investing utilizing the statutory powers of the agency and achieve a goal for the immediate long-range protection enhancement throughout the development of the town. Other ida's in the state have authorized contracts such as this for a corridor study, or a market study. It is consistent with the agency's mission, this contract that is also in the packet, has been negotiated by the executive director. I believe he obtained a price reduction as well as a study enhancement.

Chairman Crist – We have one more addition here.

Attorney McLaughlin – This does provide that the study will be on the 17K corridor, which will include the Orange County Airport terminal.

Chairman Crist – Yes, that was the result of the negotiation with the executive director.

Member Greene – I thought it was going to go from 17K from the town of Montgomery and the Town of Newburgh line, all the way down through the village to the end. Correct?

Attorney McLaughlin – Route 17K generally is from I 84, Exit 6 to the Village of Montgomery and including lands around the Orange County Airport.

Member Greene – We discussed making it straight through the village to the end of the Town of Montgomery on 17K. If that can be clarified?

Chairman Crist – In our discussions with Mary Beth and Conor, we purposely left it a little vague on which areas would be studied.

Member Greene – That was something I did not grade, I'm sorry.

Consideration of an Approving Resolution – Corridor Study Conducted by Delaware Engineering

Chairman Crist – The revised agreement was slightly modified along those lines and thank you about reminding us about those other studies, but when we looked at the 416/211 corridor, we realized that really was a more important area, so we focused that in.

Member Greene – Okay.

Member Berger – When they talk about the Orange County Airport, are they talking about all the way out 211 to the town line? Or are we talking about the airport itself?

Chairman Crist – We did not try to draw lines because as we study we will know better what makes sense and some of that property now has been developed, so it is looking at the nucleus of the airport and what other dynamics, innovations and airport type businesses might be attracted there, as opposed to warehouses.

Member Berger – Are you referring to the Dunn Road area, that would be the airport. Right?

Chairman Crist – Yes, but back towards 416, south of Neelytown Road there are a couple properties by Storm King, but again, it is kind of broad and it got impossible to define these properties until the study begins. Any other questions? Hearing from no one further he said, I would ask for a consideration of our motion.

Member Santo – Have we finished discussion?

Chairman Crist – Let me get the motion and I will ask for more because I think I have a motion from Randi, second to the motion? Matt, thank you. Any other discussion to accept the agreement?

Member Santo – I was at first lukewarm to this, I have been involved in one of these studies before. It cost 400,000 dollars for the school district to do a demographic study. The results were old and useless and all they did was do research on computers and add data that is already stored, nobody got on the ground and knocked on doors. I see here they are going to do a lot of research of records and they also, if I am correct, are going to do some boots on the ground, on shovel ready projects. When I joined this board, I thought that is what this board was designed to do. If we sit here and do nothing, we are going to get warehoused to death. I was on the interstate today and I saw red signs warning blasting going on. Then I heard the Town Supervisor on a message, they are blasting for Medline. I went to the Farmer's Market today and I was very happy to see City Winery there displaying. It is a good sign of community involvement and I agree with Don on that town seal. When Carl Helstrom was working on it, I objected to it. I said it should be, we are famous for the Mastodon, that should replace the locomotive and the first female scientist in the new world, Jane Colden, for being a botanist, world renowned, she should be on that seal. Maybe we could attract something other than warehouses. Maybe we can use this study to attract science parks. When I read it and spoke to Conor, I think this is important that we say yes to this study.

Consideration of an Approving Resolution – Corridor Study Conducted by Delaware Engineering

Chairman Crist – Thank you Bob. Any other discussion before I call for the vote? Hearing from no one he asked any questions Ed? We are going to call for the vote.

First Vice Chairman Williams – No questions.

Chairman Crist – While I have you, let's start with your vote. For or against the study?

First Vice Chairman Williams – For.

Chairman Crist – Ed has said the record; he is for the study. Bob?

Member Santo – Yes.

Chairman Crist – Don?

Member Berger – No.

Chairman Crist – Randi?

Member Greene – Yes.

Chairman Crist – John?

Member Dickson – Yes.

Chairman Crist – Matt?

Treasurer Stoddard – Yes.

Chairman Crist – I am in favor. We have a six to one vote in favor of the resolution to move forward with the economic development corridor study.

Member Greene – I want to say to what we heard tonight that we have no ethics on this board. I have reported people on this and other boards in the last two-years to the ethic board myself. I came here as a concerned resident and this year we have two new members on board, Don, and myself. To say that there are no ethics on this board means you do not have any faith still in this board and such faith in Don and me. If you do not trust anybody on this board, put your name in for an application. I am here trying to take care of and make sure that we are going in the right direction and you are not going to agree with every decision that we make, but that doesn't mean that we have no ethics. I am up here to do the right thing and I am trying my best and you might not agree with it, but that is offensive to me.

Consideration of an Approving Resolution – Corridor Study Conducted by Delaware Engineering

Member Santo – The chairman of the ethics board was here, he just walked out, he resigned from the ethics board. There are only three members and I remaining on the ethics board. The ethics board did report several times, nothing was done under the old administration and we need to reform the Town of Montgomery Ethics Board.

Member Greene – Agreed.

Consideration of an Approving Resolution – Authorization of the MIDA State Disaster Grant Program

Exec. Director Eckert – I was proud to be part of this committee with Don Berger, Bob Santo, and Matt Stoddard. We put together a comprehensive plan program to help our small businesses and non-for profits that have been hindered by COVID 19. The recommendation from the small business disaster grant committee to allocate 200,000 dollars through grants to small businesses and non for profits, with less than 50 employees, for the purposes of PPE, new fixtures, to stop the spread of COVID 19. It is a means to help our businesses and non for profits to open safely. I worked with Volum8 to make sure our application would be functional on the website. Matt, Don, Bob, anything to add?

Member Berger – There are some things we did decide for this program. So, the board is aware, we are going to strictly stick with the grant applications, we are not going to be going into the loan applications at all. The reason is the loan application is very cumbersome and debited and all of that, we don't have the personnel or the ability to do that at this time; the grant is much simpler and we all agreed we should move forward on that. We have 200,000 dollars we will be offering as grants. Conor put together an application and our intentions are is to put that application on the town and ida websites?

Exec. Director Eckert – Yes, it should be on the website tomorrow morning.

Member Berger – We suggested it could perhaps get on the three village websites. In addition to that, Matt, we agreed perhaps we could put weekly notices in the Wallkill Valley Times, at our expense and to enter into an agreement with Acquisitions Marketing to help us out. I think that would be a good idea because we do have to get this information out to small businesses. If we did not do that, we would be walking the streets again as we did on that first segment we had and that was kind of rough. I think getting this information out would be a benefit. We decided we want to go with town businesses first as far as purchasing of PPE and sanitizing equipment. We broke it down from town, county, region, state, and the U.S. We will be purchasing nothing outside the U.S.

Member Greene – As far as who is supplying the PPE to businesses, it will have to be Montgomery, Orange County.

Treasurer Stoddard – In that order, yes.

Consideration of an Approving Resolution – Authorization of the MIDA State Disaster Grant Program

Member Berger - We are hoping that the Town of Montgomery businesses will be able to supply this stuff, we are asking businesses to deal with Town of Montgomery businesses first and if they can't supply or don't have the product here in the town, we will move on to county and as we go along. Matt?

Treasurer Stoddard – Speaking to counsel tonight, before we had a motion for 200,000 dollars for grant funds, now we are not doing that, this is a different one. This is from the executive order from the governor for the PPE. We had 200,000 and 15,000 that we were approved on for the last grant application that we were doing. What I am understanding is that we have to do a new motion and get that passed because it is a little bit different. Am I correct Bob?

Attorney McLaughlin – What we talked about before the meeting; you are correct. The only thing I would correct you on is that it is not an executive order, this is a statute passed by the legislature, signed by governor, arguably this is better than an executive order. The board will recall, back in April there was a discussion that 215,000 dollars would be made available for loans and businesses, in anticipation of a program. The agency did not move forward on that for a variety of reasons. The suggestion is to amend that resolution as part of this resolution and determine that 200,000 be made available for this state emergency disaster program and up to 15,000 dollars, if I understand the discussion correct, for the costs of administration of that program, which will include marketing and the accounting firm that may help the executive director out in determining financial liability, which is a requirement of the statute. Also, to make clear, this grant program is established only for the purchase of personal protective equipment (PPE), as defined by the CDC and fixtures that are required for businesses that have to do something to sanitize their location. The only item Member Berger did not mention, is the fact that, I think the committee agreed that the effective date would be the date that the governor signed the legislation, which is June 17th.

Member Greene – The effective date of when we can reimburse them is that date?

Treasurer Stoddard – Yes.

Member Greene – We cannot go back prior to the beginning of COVID, some of these people invested in all this plexiglass and stuff prior. Who makes that decision?

Attorney McLaughlin - When the pandemic hit, when the disaster was declared, there was no statutory authority to do this type of program. The statutory authority began as of June 17th. It has taken almost a month to ramp up and the board can make a decision with very little risk, to say if you purchase equipment from June 17th forward you can get reimbursed for that amount. It is hard to argue, credibly, that you can reimburse the businesses for equipment that they purchase prior to June 17th, when there was no program.

Treasurer Stoddard – Randi, the board and the town, the sub-committee, we did want to go back, but on advice from counsel, we felt that we could get challenged, we picked the 17th.

Consideration of an Approving Resolution – Authorization of the MIDA State Disaster Grant Program

Attorney McLaughlin – I think you look at it in stages from June 17th forward. I think there is extraordinarily little risk to be successfully challenged on a reimbursing from the 17th to the date that it was introduced, or passed the legislature, which was June 5th, there is a greater risk. If you go beyond June 5th, there is a huge risk because there was no program and if you go beyond that into March, when the emergency was declared, there is almost a guarantee of criticism and a request from the ABO or the state to return personally from the board members any monies provided for the reimbursement.

Member Greene – I understand, but I do not like that.

Chairman Crist – I do not either.

Member Greene – I do not like it, but fine.

Member Berger – We talked about this a great deal; we did want to go back all the way to March 11th. I do have the dates here, Bob. From March 11th to June 5th, we deemed that to be a very high risk, then from June 5th to June 17th, medium risk, and then June 17th, we established as the date to go with.

Chairman Crist – I would ask for a motion to approve the resolution authorizing the agency to establish the state disaster emergency grant program for small businesses with the Montgomery IDA?

Second Vice Chairman Dickson – I make that motion.

Attorney McLaughlin – With the clarification, that I will include the 200,000 dollars to be made available amending the April 14th resolution and up to 15,000 dollars for the cost of administration and marketing of the program.

Chairman Crist – We have a motion by John.

Second Vice Chairman Dickson – I still make that motion.

Chairman Crist – Okay, second to that motion, by Don. Any other discussion? Hearing from no one, he took a roll call of the board members for the motion. All board members were in favor, all ayes, motion carried.

Sailfish Closing Update

Attorney McLaughlin – Unfortunately, there is no update. Nothing has moved. I thought that we were close for June 30th, but there were still additional changes. Counsel was concerned about the recapture events referenced in what is called a uniform project benefit agreement as well as some provisions of the lease agreement. The lease agreement is the agreement that is from the town back to Sailfish. The first agreement is called an underline lease. Sailfish leases it to the town and the second lease agreement, the town leases it back to Sailfish.

Sailfish Closing Update

Attorney McLaughlin - The lease agreement contains the terms of how Sailfish is going to act during the terms of the lease agreement. The statute was amended in 2012, 2013 to require a form of uniform project benefit agreement, there are two ways to do the form. Create a form document that never changes, and you have exhibits, most like a bank loan document, or you have an agreement that changes all the time and every agreement says something different. I am of a school where the statute says form of, it should be a form. The form of uniform project benefit agreement that I use, every project gets the same document. The exhibits change, project description changes, recapture events change, conditions going forward, the commitment to jobs and construction jobs, everything changes in exhibits, but the basic 5 or 6 pages are not prone, that does not change. Because of changes in the lease agreement, primarily because of notice provisions. Sailfish wanted 60-days-notice before a default could be declared and that is acceptable, other agencies have done that. There was a disconnect between the form of the agreement and the lease agreement. What we did was attach an extra exhibit, which I am happy to circulate to the board members, that states that if there is a conflict with respect to those types of things, the lease agreement would forego it, but it also clearly provides to the extent there is a conflict between recapture events, uniform project benefit agreement covers and that is important because the two exhibits that talk about the benefits of the project to the town, as well as the recapture events are the exact exhibits that were part of the approving resolution for this project back on February 14th. Even though they have aggressively tried to change those exhibits, my response has been if you want to change those exhibits you have to go back to the board, and they have not wanted to do that. I think we are closer, but I also have told them unless we have a definitive movement by tomorrow, I am not working on this anymore until everything is finished. I have been through getting signature papers from the chair, May and in June and there is no reason to do this again unless they are going to move forward. I think we are close; I think it will happen this month, but I cannot count on it.

Member Berger – What do you mean you are not going to work on it anymore? Is there any problem with Sailfish jumping around a little hoop here or what?

Attorney McLaughlin – I do not think that is the case. I think that there are too many lawyers involved. Lawyers do what lawyers do and everyone has their comments and that is what we get paid for. I am getting paid on this by the project, by Sailfish, I am not getting paid by the ida agency. I have not been paid in sometime, my response is unless I get paid going forward, but obviously I am not going to stop working. I have a fiduciary obligation to the agency to get this done, I am doing everything I can to get it done. I think we are closer than we were. I am disappointed there always seems to be another comment and we have to stop at some point, and I think we are getting to that point.

Member Berger – What is our recourse if they continue to move in this manner?

Attorney McLaughlin – To the extent that they asked for something that is inconsistent with the approving resolution, you can always deny moving forward on the project, none of that has occurred. I would always counsel that they have some more time to get this done. It is their benefit, not yours. There is no PILOT, then again, a PILOT is not effective until the next state tax date, which is March 1st of next year.

Sailfish Closing Update

Attorney McLaughlin - There is no sales tax exemption, everything they have done on the project from February to date is subject to full freight sales tax, because the exemption has not been granted yet, they have not closed.

Member Greene – Dragging their feet is to their detriment?

Attorney McLaughlin – Absolutely.

Treasurer Stoddard – There is no construction being done now?

Attorney McLaughlin – There may, I do not know. I drove by on my way in, it looks like they cleared some land and the house is getting ready to be moved, there is some bracing on it. All that cost is subject to sales tax, to the extent if it qualifies.

Member Santo – If they do any construction, they could hire non-union people to do the construction at this point?

Attorney McLaughlin – In theory, but the approving resolution would come into play and then it would require local labor and they are working with the monitor. Even though the monitor has not been paid yet either and there is a report, they are substantially in compliance, not fully in compliance at this point. They have not done a lot yet, but to Don's point and your point, if they were to try to use this as a way to try to circumvent the local labor policy, then I think the agency has an obligation to act. I do not see any indication of that.

Second Vice Chairman Dickson – I would like to make a note about what Bob Santo said. Our labor policy does not require them to be union, just requires them to be local.

June Financial Report

Treasurer Stoddard reviewed the June 2020 financial report.

Second Vice Chairman Dickson motioned to accept the June 2020 financial report has presented by Treasurer Stoddard, seconded by Member Santo. All in favor, all ayes, motion carried.

Other Business

Chairman Crist - The UTEP, you were going to keep us online Conor?

Exec. Director Eckert – Yes, I have been doing in depth research on UTEP's in the region and updating our UTEP. I would like to go to the committee structure, the same way we admitted the small business committee, I think that was efficient.

Other Business

Exec. Director Eckert - Moving forward I would like to mobilize a committee to analyze and deliberate upon the taking of the UTEP change information being forwarded to the board, as we did with the small business committee.

Attorney McLaughlin – The executive director, the chair and members of the agency are available to talk about the changes and attend with the members, you may ask to review that policy.

Chairman Crist – Local labor update, Conor?

Exec. Director Eckert – Yes, we were brought back labor numbers. Stewart Holdings Group is 100% local labor compliant and Sailfish is at the 85% mark. The 85% is compliant with the local labor policy.

Attorney McLaughlin- There was a question that came up on Sailfish during the negotiation of that exhibit, which I am happy to circulate. One of the questions that came up was whether or not with the 300 construction jobs and I am looking at Matt as a member of the audit committee, that is responsible for interpretation and of the labor policy.

Treasurer Stoddard – Yes, myself, Randi, and Ed Williams.

Attorney McLaughlin – The statement has been made and is part of the approving resolution to fill out 300 construction jobs and one of the questions came up, that I had not clarified in the document. The question is does that mean 300 in total over the life of the project or 300 at any given time? One of the concerns they have had, whatever the number is, 20 to 30 people there clearing property and then they may have 20 or 30 people working on the house that is being braced to be moved. Let's say they have 50 people that they employed to date and most 85% are local. Some of those 50 may come back to the project to do different things and others that are also local. The question is, is the 50 included once or multiple times? I have interpreted it to mean, each person, but it could be each job position.

Treasurer Stoddard – Are we talking different contracts?

Attorney McLaughlin – Yes.

Treasurer Stoddard – Different contracts, the local labor policy as it is written is per contract. If it is the concrete contract and then somebody who is working on the concrete comes back and I am just going to use structural steel, comes back on the structural steel, that is under a different contract.

Attorney McLaughlin – Then is that person counted twice?

Treasurer Stoddard – He is counted under the concrete because he is under a different company and then comes back under a different company, he is counted under that.

Attorney McLaughlin – In theory, if I was on clearing the land, bracing the house, pouring the concrete, and doing electrical work, I could be counted four times.

Other Business

Treasurer Stoddard – If it is under four different contracts.

Chairman Crist – Randi, you had an announcement, a public address?

Member Greene – I do. As Bob Santo mentioned earlier, we had our first Town of Montgomery Farmer’s Market today at town hall. We are going to continue to have them every Tuesday between 9:00 a.m. and 2:00 p.m. We are also going to be having one on the last Sunday of the month, one in each village, so we can highlight each village. When I sit here, it is my job to invest in job retention and economic development. In my regular life, I am a small business owner. I think we were very well supported today by the residents and by the employees of the building and I was very happy to see that and I hope that is an example of more to come. Although this is very important, I think that these small businesses are the backbone of our economy and we need to support them. We all worked together very well today; it went off without a hitch. I think everybody was happy, everybody made some money and the residents had access to an open-air market that was safe. I hope to see a lot of support going forward.

Treasurer Stoddard – I think that is a fantastic thing, what these guys are doing.

Next Meeting Scheduled for August 11, 2020

Treasurer Stoddard – We spoke for the last couple of meetings about changing our time.

Chairman Crist – Conor has a report for us. After his report and conversations with several board members, I would like to discuss the meeting time. Randi had suggested we see what other ida’s around the areas are doing.

Exec. Director Eckert – The meeting times are very diverse. For example, Rockland County has their meetings at 8:00 a.m., the Orange County IDA has their regular meeting at 2:00 p.m. Town of Wallkill has their regular meeting at 3:30 p.m. Port Jervis has it at 5:00 p.m. and the Ulster County IDA, has it in the morning, 11:00 a.m. There is a broad range of meetings across the region that other ida’s are currently doing. There are two, the Newburgh IDA and the City of Middletown IDA that have their meetings at 5:00 p.m. I see everything from 8 am to 5:30.

A discussion of the board was held, the board members agreed to hold the regular ida meetings on the 2nd Tuesday of the month at 1:00 p.m.

Treasurer Stoddard motioned for moving the ida regular scheduled meetings held the 2nd Tuesday of every month to 1:00 p.m., seconded by Second Vice Dickson. All in favor, all ayes, motion carried.

The next regular scheduled ida meeting is Tuesday, August 11, 2020 at 1:00 p.m.

Next Meeting Scheduled for August 11, 2020

Attorney McLaughlin – I would note that the current executive order expires on either August 7th or 8th, so you may not be able to call in, unless it is extended.

Member Berger – Conor, have you moved forward on this card that you talked about last month?

Exec. Director Eckert – I have not, we have been looking for places that will do direct invoicing for the transcription service. The credit card may complicate PARIS reporting.

Treasurer Stoddard – The sub-committee that we had with the disaster grant program, I know our executive director is new, but the work that he did with counsel, we wouldn't be able to get it done without them.

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

Respectfully Submitted,

Suzanne Hadden, Secretary

Public Correspondence Received before July 14, 2020 IDA Meeting held at 5:30 p.m.

Regarding Corridor Study – Approval Resolution

16 - Emails Received – 3 with letters attached

Beverly Mertz – 7/12/2020 – email

Nina Snyder – 2/12/2020 - email

Beverly Mertz – 7/13/2020 - email

Fred Mertz – 7/13/2020 – email

John Lown – 7/13/2020 – email

Beth Hoeffner – 7/13/2020 – email

Barbara Lerner – 7/13/2020 – email with letter attached

Susan Cockburn – 7/13/2020 – email with letter attached

Joe Keenan – 7/13/2020 - email

Ursula Leitner – 7/14/2020 – email

Karina Tipton – 7/14/2020 – email with exhibit

Lynn Thompson – 7/14/2020 – email

Cheri Zahakos – 7/14/2020 – email

Mary Ellen Matise – 7/14/2020 – email with letter & exhibits attached

Cory Zahakos – 7/14/2020 – email

Patricia Henighan – 7/14/2020 - email