

**TOWN OF MONTGOMERY INDUSTRIAL DEVELOPMENT AGENCY**  
**Town Government Center**  
**110 Bracken Road**  
**Montgomery, New York**

**Tuesday, January 12, 2021**  
**1:00 PM**

Present:

Jeffrey Crist, Chairman  
John Dickson, Second Vice Chairman  
Matthew Stoddard, Treasurer  
Robert Santo – Member  
J. Thomas Jones – Member

Present via Conference Call:

Randi Picarello, Member

Absent:

Edwin Williams, First Vice Chairman

Also Present:

Conor Eckert, Executive Director  
Richard Golden, Attorney with Burke, Miele, Golden & Naughton, LLP  
Alex Abramov, Acquisitions Marketing, Live Stream Technician  
Suzanne Hadden, Secretary

Also Present via Conference Call:

Robert McLaughlin – Attorney for the IDA

Via Live Stream:

Members of the Audience

## AGENDA

1. Call to Order and Declaration of Quorum
  2. Approval of the December 8th, 2020 Meeting Minutes
  3. Consideration of Appointment of IDA Legal Counsel: Burke, Miele, Golden & Naughton, LLP
  4. Consideration of Appointment of Bond and Conflicts Counsel: Whiteman Osterman & Hanna
  5. Public Comment on Items on the Agenda
    - a. Call in number: 844-854-8432 | Code: 2166 376 598#
  6. Presentation from Delaware Engineering: Final Corridor Study
  7. Local Labor Monthly Report
  8. Consideration of a Local Labor Waiver: Project Sailfish
  9. Resolution- Officers of the Agency – 2021
  10. Resolution – Committee Assignments – 2021
  11. Consideration of Annual Approval of Agency Policies
  12. Financial Report for December 2020
  13. Other Business
- Adjournment

**The meeting shall be live-streamed and be available for viewing at the following sites:**

<https://acquisitionsmarketing.com/>  
<https://www.facebook.com/TownofMontgomeryOfficial/>

### Call to Order and Declaration of Quorum

Chairman Crist called the meeting to order - A roll call of the board was taken. All board members were present, Member Greene was present via conference call and First Vice Chairman Williams was absent.

### Approval of the December 08, 2020 Meeting Minutes

Second Vice Chairman Dickson motioned to accept the December 08, 2020 meeting minutes as presented, seconded by Member Santo. A roll call of the members was taken, all in favor, all ayes, First Vice Chairman Williams was absent, motion carried.

### Consideration of Appointment of IDA Legal Counsel: Burke, Miele, Golden & Naughton, LLP

Chairman Crist – I would like to thank Bob McLaughlin for many years of service as our general counsel and congratulations on his new job with Whiteman, Osterman and Hanna. Due to some of our clients, Bob is not able to serve us for all of our projects. The board would like to consider appointment for general counsel of Rick Golden of the firm Burke, Miele, Golden and Naughton, LLP. Welcome Rick to be here for this consideration. The board has reviewed Rick's bio and I would open the floor to the board for any discussion or consideration of appointment of Rich Golden as IDA legal counsel.

Consideration of Appointment of IDA Legal Counsel: Burke, Miele, Golden & Naughton, LLP

Member Santo motioned to approve the appointment of Richard Golden of Burke, Miele, Golden and Naughton as legal counsel to the IDA, seconded by Member Jones. A roll call of the board was taken. All in favor, all ayes, First Vice Chairman Williams was absent, motion carried.

Attorney Golden – One clarification, when I reference my background in the bio that you all have. Within that is that I and my firm have represented the Orange County Partnership on one matter. To make it clear for everybody, we are not general counsel for the Orange County Partnership, we don't represent them generally. We were asked to come in as special litigation counsel in their dispute with the ABO, where the ABO was alleging that they should be a public authority, and not a private non-for profit corporation. It has been through the course of several years and we finally got a very lengthy and well-reasoned decision that said that the Partnership was not a public authority and therefore not subject to the ABO. The ABO has appealed that, so it is on appeal, but I wanted to clarify that that's the role that I have in representing the Partnership.

Consideration of Appointment of Bond and Conflicts Counsel: Whiteman Osterman & Hanna

Chairman Crist – Whiteman, Osterman and Hanna are who Bob McLaughlin now works for and we do have Bob on the phone.

Attorney McLaughlin - via call in – I want to thank the board for the honor and the opportunity to represent you over the last handful of years; 3-years personally and this board is accomplishing a lot and it has proceeded in a diligent manner in all of its dealings and in chatting with Rick the IDA will be well represented in going forward. I am available for any institutional knowledge and I will be transferring electronic files over to him over the next week or so. As I switch firms, I appreciate the board's faith and confidence in me in continuing to allow me to represent you. The decision to move to new counsel in light of potential conflicts makes a lot of sense and we will be available to deal with those issues as they come up.

Second Vice Chairman Dickson motioned to appoint Robert McLaughlin with Whiteman, Osterman and Hanna as bond and conflicts counsel, seconded by Member Jones. A roll call of the board was taken. All in favor, all ayes, First Vice Chairman Williams was absent, motion carried.

Public Comment on Items on the Agenda

Sylvie Kamlet Rainaldi – via call in – Voiced her disappointment in the proposed local labor waiver. When you enact the new local labor law, will that apply to the current projects or are they going to be subject to a higher standard?

Chairman Crist – That is something that we have discussed before with counsel and they are subject to the old local labor, that is part of the documents in the closing and we have no power to change that on them until that closing is done. To mitigate the future, we do have a lock on new projects until we get the new policy approved.

Public Comment on Items on the Agenda

Mrs. Rainaldi – I want to put in a request to have the Uniform Criteria for the evaluation of projects policy; that is the second part of the UTEP. I want to make sure that is on your radar to have it updated. I'd like to know if that is going to be updated and the timeline for that one. I can help you guys with the draft if that is needed.

Mr. Eckert – The Uniform Criteria Policy will be updated, yes.

Mrs. Rainaldi – Voiced her concerns on the assignment of the lawyer, Mr. Golden, because she didn't see anywhere where the position was posted, and she saw that Mr. Golden is currently providing services through Orange County Partnership, that was on his biography as an active activity that he does and I want to make sure that there is no conflict of interest. I would like to request that the presentation that Delaware Engineering gives today is on power point and could be posted to the ida website or is that something that I have to FOIL or get because when it comes through on my computer or my phone I can't read it and then it is hard to go back and click through and get the information. Mrs. Rainaldi further spoke about the corridor study concerning warehouses.

Barbara Lerner – via call in – Over the past five years the Town of Montgomery has been moving away from its character that has led to historic and modern lack of cultural manufacturing and small businesses moving toward warehousing and the related businesses which are more rudimentary and common for the town's part in this perfect storm of access to interstate and good proximity with the New York Metro area, this take has not been by choice of the tax payer residents of Montgomery, but has been dropped upon us by outside influences of developer promises and developing groups. Through all this the Town of Montgomery has sometimes been (inaudible) as given favorable treatment to a few of these projects and I question if they really even need to give the broad incentive, if we have such a prime location. These are game changing projects that are brought to the town largely by the Orange County Partnership, which is one of the most powerful and influential developing groups. I want you to know that I am a member of the Partnership and this is not meant in any way to disparity their mission or any of their works. I firmly oppose the consideration of the firm of Burke, Miele, Golden and Naughton, LLP, with also special counsel for the IDA. Ms. Lerner further expressed the reasoning for her disapproval of the proposed local labor waiver.

Donald Berger – via call in – Expressed his concerns regarding the appointment of Mr. Golden as legal counsel to the IDA, the corridor study, the proposed local labor waiver and for the agenda items being posted on the website for residents to view before the meetings.

There were no other calls received.

Presentation from Delaware Engineering: Final Corridor Study

Mary Beth Bianconi, Partner at Delaware Engineering, Kevin Schwenzfeier, Planner at Delaware Engineering and Sandy Mathes, Mathes Public Affairs, Delaware Engineering Economic Development Specialist were present.

Ms. Bianconi – Gave an overview of the study.

Mr. Schwenzfeier – Discussed the final corridor study's methodology, the existing conditions, the natural and historic resources, endangered species, the market study, infrastructure, development opportunities and the current zoning and comprehensive plan. Your town has 23 different zones, 18 are district zones with 5 overlay district zones. In that corridor itself, 22 of those 23 zones, there are 128 individual use categories associated with these zones. Rather than saying this is for retail, you say this is for a barber shop or this is for a drycleaner. You need to have industrial and retail zoning. Less zones are better, but what you put into those zones are the more important thing for protection of land use control. Here we are looking at fragmentation, strip development, split and spot zoning. Having more compatible land uses adjacent to a less intensive use associated with a residential neighborhood would be better than a highly intensive use right next to it. He also discussed streamlining the current approval process.

Mr. Mathes – Discussed the market study that included the public and stakeholder input, the New York City connection pandemic opportunities that included market sectors. Opportunists demand site readiness and that is the most important, next things are infrastructure and work force. Lack of public water and sewer infrastructure inhibits high value development and higher end jobs. He discussed competitiveness and development opportunities from businesses leaving New York City because of the location, cost, and open and recreational space. He presented the transformation sites as the 17K corridor and Orange County Airport, and these were studied to see how much square footage could fit in these sites. On those sites they eliminated any environmental restrictions, wetlands and historical. They stayed out of anything that was going to require special permitting from DEC and Army Corps. The acreage for the 17K corridor was just under 1,500 acres, out of that when you took out the environmental restrictions you got down to 371 acres that they felt were developable. On those acres you could fit just over 6-million square feet of space and that leaves open space of just under 1,200 acres, that would not have development or building on it. Then they looked at the Orange County Airport and did the same thing. That area offers a unique opportunity to do something special with agriculture and in that area, they looked at a total of 829 acres. Buildable got down to 207 once they took out the wetlands and the environmental. On those 207 acres you could fit 4.3 million square feet of space. Again, all kinds of different things and that leaves 622 acres in that area of open space. Lastly, he discussed retail and services leakage.

Executive Director Eckert – This report will be posted on our website following this meeting.

Ms. Bianconi – Discussed the recommendations and the next steps. The recommendation is for a comprehensive environmental review in the form of a generic environmental impact statement and updating of the Town's current Zoning Law. The study recommends for the RA Zones to be preserved. There are 18 zoning districts in the corridor area, and they are making a radical recommendation to go to two, that would be a simplification, but strengthening, with an Airport Commerce Integration Zone and a Route 17K Economic Enhancement District. They also suggest getting rid of the over 100 list of businesses in the Zoning Table, with a traditional use list and to reevaluate the overlay districts.

Presentation from Delaware Engineering: Final Corridor Study

Ms. Bianconi – Further discussed the geography, recommendations of the corridor study, performance zoning and logistics.

Mr. Mathes – Discussed the capacity building plan targeting outside companies through infrastructure funding.

There was a question and answer session for the board with Delaware Engineering representatives.

Chairman Crist – The sooner we can get these ideas to the public and particularly the town board and the comprehensive plan committee the better. We would like to see this available and as direct and simple of manner as possible, just to get the ideas out there. I don't know Rick, if you see an avenue to do that based on what our original study plans stated? We have indicated that the plan committee were hopefully going to get it in their hands 5-minutes after this meeting is done today.

Attorney Golden – What this board can do is go ahead and say, here is the study, we believe that it is valuable to have it in the hands of the Comprehensive Plan Committee and the Town Board. We will continue to comment on it, but we wanted to get to it to them as quickly as possible. (Inaudible).

Chairman Crist – Board would anyone care to make that motion?

Second Vice Chairman Dickson motioned to forward the Delaware Engineering Final Corridor Study to the Town Board and the Comprehensive Plan Committee, seconded by Treasurer Stoddard. A roll call of the board was taken. All in favor, all ayes, First Vice Chairman Williams was absent, motion carried.

Chairman Crist – Any other discussion? I'm not trying to push something inappropriately, but we heard from public comment today, that they are hoping to see it soon as well. Our whole intention was to throw ideas out there for the plan committee and the community.

Consideration of a Local Labor Waiver: Project Sailfish

Executive Director Eckert – Updated the board on the proposed waiver request for Project Sailfish. Around 12:55 p.m., we received a letter from Senator Skoufis's office requesting that we deny this waiver and we appreciate the input. On the phone we have Kevin Loewke, our local labor monitor and representatives from the Sailfish project to answer any questions.

Kevin Loewke, IDA Services Manager with Loewke Brill Consulting Group via conference call – Reviewed the background and reasoning for the waiver request to be granted. This will be the last request on this project, this is the last major hurdle it had to go through, but we feel that they have done their due diligence and we followed suit on that to make sure that they did.

A brief discussion was held with Mr. Loewke and the IDA members.

Consideration of a Local Labor Waiver: Project Sailfish

Member Jones – This question is for Conor, I'm curious to understand what the overall percentage of breakdown is on the project now. As I understand it with this policy and agreement, we allow 15% for non-compliance, so we want 85% compliance in place as an aggregate and I want to make sure I understand what those numbers are before we grant any deviations.

Mr. Loewke - I do believe they meet the 85% overall with the laborers that they have.

A further discussion was held on the current Local Labor Policy.

Donald Chase with Bluewater Group via conference call – For the overall compliance of the project, as we reported some specifics at the meeting last month, which looked at the overall mandated work on the project and have this again after this month through the end of 2020. The total project mandated on the project is 11,700. Of those 10,500 were local workers, so that is an 89% percentage of compliance with the policy, that doesn't look at individual subcontractors, that is overall people working on the site.

Chairman Crist – Would anyone care to make a motion?

Treasurer Stoddard motioned to accept the Local Labor Waiver for Project Sailfish, seconded by Second Vice Chairman Dickson. A roll call of the board was taken. All in favor, all ayes, First Vice Chairman Williams was absent, motion carried.

Second Vice Chairman Dickson then left the meeting – Mr. Chairman, if I am nominated for any position, I accept.

Resolution- Officers of the Agency – 2021; Resolution – Committee Assignments – 2021;  
Consideration of Annual Approval of Agency Policies

Chairman Crist – This is our reorganization meeting and officers for the agency for 2021 as well as committee assignments and approval of policies. We do have all of those in a document. This Resolution proposes the officers, Jeffrey Crist as Chairman, John Dickson, First Vice Chairman, J. Thomas Jones, Second Vice Chairman, Matthew Stoddard, Treasurer, Suzanne Hadden, Secretary and Assistant Secretary vacant. Audit Committee, Jeffrey Crist, Randi Picarello, Matthew Stoddard. Finance Committee, Matthew Stoddard, John Dickson, J. Thomas Jones. Governance, Jeffrey Crist, Robert Santo, and Edwin Williams. The counsel positions we have already voted on, but they are documented here as well as our monthly meeting dates proposed for 2021. Rick can we do this as a total package?

Attorney Golden – Yes, as long as there are no objections by any member, you can do this as a total package.

Executive Director Eckert – The policies that we are looking to readopt are the Code of Ethics, Conflict of Interest, FOIL Policy, Investment and Procurement Policies, Property Acquisition Policy, Property Disposition Policy, Retaliatory Action Policy and readopting our UTEP Policy. Our aim is to have the Local Labor Policy and the Uniform Criteria, the evaluation of projects at our next meeting, so those policies are not included in this housekeeping Resolution.

Resolution- Officers of the Agency – 2021; Resolution – Committee Assignments – 2021;  
Consideration of Annual Approval of Agency Policies

Chairman Crist – Does anyone object to adopting this Resolution as a package.

No board member objected.

Member Santo motioned to adopt the annual housekeeping Resolution for 2021, seconded by Treasurer Stoddard. A roll call of the board was taken. All in favor, all ayes, First Vice Chairman Williams and Second Vice Chairman Dickson were absent, motion carried.

Chairman Crist – For the record, John Dickson is not present, but was willing to serve as First Vice Chair.

Executive Director Eckert – Updated the agency on the local labor policy language changes.

A discussion was held on the wording and their meanings.

Financial Report for December 2020

Treasurer Stoddard reviewed the December 2020 Financial Report.

Member Jones motioned to accept the December 2020 Financial Report as presented by Treasurer Stoddard, seconded by Member Santo. A roll call of the board members was taken. All in favor, all ayes, First Vice Chairman Williams and Second Vice Chairman Dickson were absent, motion carried.

Local Labor Monthly Report

Executive Director Eckert – To date the ida's local labor monitor went on site today to the Sailfish Amazon Project and the percent of local labor on site was 92%. He reviewed the report received from Loewke Brill detailing the local labor percentages.

Executive Director Report

Executive Director Eckert – This month we undertook a view of the agency policies and met with the audit committee to start working on local labor. Been heavily involved in site selection and business attraction efforts in the development of industry, tracking and strategy for 2021. Also participating in commercial real estate events to pitch Town of Montgomery sites. We brought on new counsel, both general counsel and bond counsel. Developing the first Town of Montgomery business retention and expansion program, we are proud to deliver our first state disaster grant award to Spruce Lodge and as per our quarter study we are cultivating relationship with SUNY Orange to hold some sort of a large employer round table in the efforts to create a linkage between college and our larger employers in the community.



### Executive Director Report

Executive Director Eckert - Regarding compliance, Sue and I are already beginning to compile information for our annual audit ahead of schedule in preparation for our PARIS reporting as well. In accomplishments, we finalized the Corridor Study, we have a draft for the agency that we will share. Formalized partnership with SUNY Orange on work force development and continuing the successful business attraction and pursuing interesting leads that will enhance our community. I'd like to explore moving forward one of the recommendations from our Corridor Study, to begin marketing both quality of life and sites in the Town of Montgomery. So, moving forward I would like to find somebody to work with the firm.

### Other Business

There was no other business discussed.

Executive Director Eckert – In earlier in the presentation, I know Rick's microphone cut off when he was giving his introduction, so some people were unable to hear. So, Rick if you wouldn't mind brushing over that again, that would be great.

Attorney Golden – One of the issues I had put in my file and was noted by a couple people under comments, it is with respect to my representation of the Orange County Partnership. There is no conflict there and to clarify also, I do not represent them generally and do not have any of their internal information made public to me. I have been engaged by them for several years now, with respect to special litigation counsel to challenge the ABO's initial determination, that they were a public authority and not a not for profit corporation and that is the role that I played for them is with respect to that litigation and it deals with their structure and governance issues, it does not deal with individual project assessments that they do. So, that is the role that I have; I wanted to clarify that. I am not being defensive about it at all, but I thought it would be good for clarification purposes.

Treasurer Stoddard motioned to adjourn the meeting, seconded by Member Santo. A roll call of the board members was taken. All in favor, all ayes, First Vice Chairman Williams and Second Vice Chairman Dickson were absent, motion carried.

Respectfully Submitted,

Suzanne Hadden, Secretary