

**COUNTY OF SULLIVAN INDUSTRIAL DEVELOPMENT AGENCY**

**One Cablevision Center  
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**REGULAR MEETING MINUTES**

**Monday, January 9, 2017**

**I. CALL TO ORDER**

Chairman Steingart called to order the regular meeting of the County of Sullivan Industrial Development Agency at approximately 11:05 AM, in the Legislative Committee Room at the Sullivan County Government Center, Monticello, New York.

**II. ROLL CALL**

***Members Present-***

Ira Steingart  
Joseph Perrello  
Sean Rieber  
Charles Barbuti, Jr.  
Howard Siegel  
Scott Smith  
Carol Roig

***Members Absent-***

Paul Guenther\*  
Suzanne Loughlin  
*\*Mr. Guenther phoned in for discussion purposes only*

***Staff Present-***

Ed Sykes, Executive Director  
Jen Flad, VP Govt. Affairs & Bus. Devt.  
Julio Garaicoechea, Project Manager

***Staff Absent-***

None

***Others Present-***

Steve White, Agency CEO  
Walter Garigliano, Agency Counsel  
Tara Lewis, Garigliano Law Offices  
Andrew Ford, Sullivan County Attorney  
Charles Degliomini, Empire Resorts  
George Duke, Esq.- Brown, Sharlow, Duke & Fogel, LLP.  
Dan Hust, *Sullivan County Democrat*  
Star Hesse  
Ken Walter

**III. APPROVAL OF MEETING MINUTES**

On a motion made by Ms. Roig and seconded by Mr. Smith, the Board voted and the minutes of the December 12<sup>th</sup>, 2016 regular meeting were unanimously approved.

**IV. BILLS AND COMMUNICATIONS**

Mr. Garaicoechea handed out a revised schedule of payments. Mr. Siegel made a motion to approve the revised schedule of payments. Mr. Perrello seconded the motion to approve revised schedule of payments, the Board voted, and the revised schedule of payments was unanimously approved.

**V. NEW BUSINESS**

The Board reviewed and discussed a resolution to appoint **Jennifer M. Flad** as Agency Executive Director. Mr. Siegel made a motion to approve the resolution. Mr. Smith seconded, the Board voted, and the resolution was unanimously adopted.

**VI. STAFF REPORT**

Chairman Steingart asked the Board if there were any questions about the December staff report. There were none. Ms. Flad added that the next Board meeting scheduled for February 13, 2017 is a scheduled holiday at the Sullivan County Government Building; therefore the Board must schedule a new meeting date or location. Mr. Siegel offered a Conference Room at the Irwin Siegel Agency on Monday, February 13, 2017 at 11:00AM located at 25 Lake Louise Marie Road, Rock Hill, New York 12775. The Board instructed Ms. Flad to send out a Meeting Notice in compliance with State Law for a date/location change.

**VII. NEW BUSINESS**

The Board reviewed and discussed a resolution appointing **Be Neet, LLC. and Jeff. Sanitation, Inc.** as Agents of the Agency, Making Certain Findings and Determinations, and Authorizing the Execution and Delivery of Project and Agreement and Related Project Documents with Respect to the Construction, Installation, and Equipping of the Project. Mr. Reiber made a motion to approve the resolution. Mr. Steingart seconded, the Board voted, and the resolution was unanimously adopted.

The Board reviewed and discussed a resolution to approve an application for a \$50,000.00 **Revolving Loan Fund** loan to **Be Neet, LLC.** Mr. Garigliano noted that the Sullivan County Partnership for Economic Development approved a loan to Be Neet, LLC. He stated there is a limited amount of collateral available to secure the loan. Dime Bank has taken a mortgage and blanket security interest subject only to a security interest that the IDA and Partnership can share. Mr. Rieber questioned the amount of underlying security available to secure the loan and instructed staff to obtain a current appraisal. Mr. Rieber made a motion to table the resolution. Mr. Perello seconded the motion, and the Board voted to table the resolution, and the resolution was unanimously tabled until the next Board meeting on February 13, 2017.

The Board reviewed and discussed a resolution to authorize and approve one more mortgages relating to **Montreign Operating Company, LLC. and Empire Resorts Real Estate I, LLC.** Mr. George Duke of Brown, Sharlow, Duke & Fogel stated that this authorization will complete the financing for the project that will occur within the next 10 days. Charles Degliomini of Empire Resorts added that this \$500,000,000.00 financing is in addition to the \$450,000,000.00 equity invested in the project so far. Mr. Siegel commended the project for its resilience in the capital markets, where projects often fail to meet the rigor of

institutional investors. Mr. Siegel made a motion to approve the resolution. Mr. Perrello seconded the motion, the Board voted, and the resolution was unanimously adopted.

The Board reviewed and discussed a resolution authorizing the execution of an Amendment to the **Public Infrastructure Easement Agreement** for the Benefit of the **Town of Thompson** and **The Sullivan County Infrastructure Local Development Corporation**. Mr. Garigliano noted that the purpose of the easement was to move the location of the water line. The project was met with difficult underground conditions and this amendment corrects IDA documents to correctly identify the location of the waterlines. Mr. Perrello made a motion to approve the resolution. Mr. Smith seconded the motion, the Board voted, and the resolution was unanimously approved.

The Board reviewed and discussed a resolution modifying Resolution #39-16 relating to the Assignment of the **MG Catskill** Project to **Veteran NY Equity Holdings, LLC**. and authorizing one or more mortgages in favor of the Thompkins Bank of Castile in an aggregate amount not to exceed \$1,340,000.00. Mr. Garigliano noted the complexity of this modification between the lenders and holding companies. He added that there is no mortgage tax exemption being approved. As per IDA policy, the project will be paying Mortgage Recording Tax on the full value of the mortgage. Mr. Perrello made a motion to approve the resolution. Mr. Reiber seconded the motion, the Board voted, and the resolution was unanimously approved.

The Board reviewed and discussed a resolution authorizing execution of a second amendment and extension to the **Agency's Consulting Agreement with Steve White** as Agency Chief Executive Officer. The compensation is established at \$70,000.00 per year. Mr. Siegel made a motion to approve the resolution. Ms. Roig seconded the motion, the Board voted, and the resolution was unanimously adopted. Ms. Flad added that in order to be in compliance with this resolution, another check is to be issued to Mr. White to reconcile the increase in salary for the months of January and February. Mr. Smith made a motion to approve this payment. Mr. Steingart seconded the motion, the Board voted and the additional check to Mr. White was approved unanimously.

#### **VIII. PUBLIC COMMENT AND ADJOURNMENT**

Chairman Steingart asked the Board and others present for comment. The Board recognized the comments of Ken Walter. On a motion made by Mr. Perrello and seconded by Mr. Rieber the meeting was adjourned at approximately 11:38 AM.

Respectfully submitted:

Jen Flad, Executive Director

Julio Garaicoechea, Project Manager

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