

COUNTY OF SULLIVAN INDUSTRIAL DEVELOPMENT AGENCY

548 Broadway

Monticello, New York 12701

Tel: (845) 428-7575

Fax: (845) 428-7577

TTY 711

www.sullivanida.com

MEETING MINUTES

Monday, April 13, 2020

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 via teleconference.

II. ROLL CALL

Members Present-

Ira Steingart
Howard Siegel
Edward Sykes
Paul Guenther
Carol Roig

Members Absent-

Suzanne Loughlin (Entered at approximately 11:23AM)
Joseph Perrello (Entered at approximately 11:13AM)
Scott Smith

Staff Present-

Jennifer Flad, Executive Director
Julio Garaicoechea, Project Manager

Staff Absent-

Others Present-

Walter Garigliano, Agency Counsel
Linda Hannigan, RBT CPAs LLC
Vibhavari Kondapuram, RBT CPAs LLC
Robert Doherty, Sullivan County Legislature
Patricio Robayo, *Sullivan County Democrat*
Ken Walter
Deborah Nola

III. APPROVAL OF MEETING MINUTES

On motion by Mr. Guenther and seconded by Mr. Siegel, the Board voted and the minutes of the March 9, 2020 Meeting minutes were unanimously approved.

IV. BILLS AND COMMUNICATIONS

On a motion by Mr. Siegel and seconded by Mr. Guenther the schedule of payments was unanimously approved.

V. STAFF REPORT

There were no questions on the staff report

Mr. Perrello entered the meeting at approximately 11:13AM.

VI. PRESENTATION

Ms. Linda Hannigan of RBT CPAs LLC presented a summary of a draft **2019 Internal Agency Audit**. Ms. Hannigan reviewed the Financial Statement, Board Letter, and Management Representation Letter. Ms. Flad noted that there will be changes to the Schedule of Supplemental Information of the Financial Statement due to ongoing efforts to collect data from certain projects due to the COVID-19 pandemic. RBT CPAs will be asked to modify the Supplemental Schedule, which is part of the unaudited portion of the Financial Statement, once the Agency has received and reconciled the information.

VII. RECESS

On a motion made by Mr. Guenther and seconded by Mr. Sykes the meeting was recessed at approximately 11:17AM to be reconvened following meetings of the Sullivan County Funding Corporation and The Sullivan County Infrastructure Local Development Corporation.

Ms. Loughlin entered the meeting at approximately 11:23AM.

VIII. RECONVENE

On a motion made by Ms. Loughlin and seconded by Mr. Siegel the meeting was reconvened at approximately 11:48AM via teleconference.

IX. OLD BUSINESS

On a motion made by Mr. Guenther and seconded by Mr. Siegel, the Board voted and unanimously adopted a resolution to extend the Sales Tax Abatement period for the **Veria Lifestyle, Inc.** project *nunc pro tunc* from April 1, 2020 through and including September 30, 2020.

X. NEW BUSINESS

Chairman Steingart informed the Board that the Agency is not ready to review the **FY 2019 Reports to the New York State Authorities Budget Office ("ABO")**. Ms. Flad indicated that due to the COVID-19 pandemic the Agency is still collecting information from ongoing projects required to be reported to the ABO and recommended the Board table the discussion until the information is received.

On a motion made by Mr. Sykes and seconded by Mr. Siegel, the Board voted and unanimously adopted three resolutions extending the Sales Tax Abatement period for the following:

- **Amytra Development LLC, Eldred Entertainment LLC, and Eldred Hospitality LLC** project from May 1, 2020 through and including October 31, 2020.
- **NY Tusten I LLC** project from May 1, 2020 through and including October 31, 2020
- **NY Thompson I LLC** project from May 1, 2020 through and including October 31, 2020.

Ms. Flad noted that the **NY Thompson I LLC** project is required to file New York State Form ST-340, a report to the New York State Dept. of Taxation and Finance and provide a copy to the Agency.

On a motion made by Ms. Loughlin and seconded by Mr. Guenther, the Board voted and unanimously adopted a resolution directing the recapture of Sales and Use Tax Benefits exceeding the amount authorized from **Empire Resorts Real Estate I LLC** related to the Resorts World Golf project. Attorney Garigliano stated that the project is halfway completed. The project will restart construction in 2021 for a tentative opening in 2022. Due to groundwater conditions the project construction costs exceeded the budget initially contemplated and therefore exceeded the authorized amount approved by the Agency. This resolution authorizes the Executive Director to recapture the exceeded amount.

On a motion made by Mr. Siegel and seconded by Mr. Guenther the Board voted and unanimously approved a resolution to authorize the amendment of the **Adelaar Developer LLC Payment in Lieu of Taxation Agreement** to authorize acceptance of a guaranty from EPR Properties as Financial Security for the 2021 PILOT payment.

On a motion made by Mr. Siegel and seconded by Ms. Guenther the Board voted and adopted a resolution to authorize the execution of **Mortgage Deferment Agreements** and **Mortgage Modification Agreements** as follows:

Ira Steingart	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Absent	<input type="checkbox"/> Abstain
Suzanne Loughlin	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Absent	<input checked="" type="checkbox"/> Abstain
Edward T. Sykes	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Absent	<input checked="" type="checkbox"/> Abstain
Howard Siegel	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Absent	<input type="checkbox"/> Abstain
Scott Smith	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Absent	<input type="checkbox"/> Abstain
Paul Guenther	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Absent	<input type="checkbox"/> Abstain
Joseph Perrello	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Absent	<input type="checkbox"/> Abstain
Carol Roig	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Absent	<input type="checkbox"/> Abstain

Ms. Loughlin recused herself because her husband is the owner of law firm Bilig & Loughlin LLP which is an IDA project. Mr. Sykes recused himself because he is a Director of The First National Bank of Jeffersonville. Ms. Loughlin and Mr. Sykes abstained from voting for these reasons.

On a motion made by Ms. Roig and seconded by Mr. Sykes, the Board entered Executive Session at approximately 12:06PM regarding the following:

- Matters leading to the appointment of a particular person (Authorizing the Executive Director to hire an additional employee)
- The financial history of a particular corporation, (Request for Amendment of Payment in Lieu of Tax Agreement related to the **Veria Lifestyle Inc.** Wellness Center Project)
- Matters made confidential by federal or state law (Annual Board Self-Evaluation)

On a motion made by Ms. Roig and seconded by Mr. Siegel, the Board exited Executive Session at approximately 12:26PM.

On a motion made by Ms. Loughlin and seconded by Ms. Roig, the Board voted to authorize the Executive Director to hire an additional employee as follows:

Ira Steingart	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Absent	<input type="checkbox"/> Abstain
Suzanne Loughlin	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Absent	<input type="checkbox"/> Abstain
Edward T. Sykes	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Absent	<input type="checkbox"/> Abstain
Howard Siegel	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Absent	<input checked="" type="checkbox"/> Abstain
Scott Smith	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Absent	<input type="checkbox"/> Abstain
Paul Guenther	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Absent	<input type="checkbox"/> Abstain
Joseph Perrello	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Absent	<input type="checkbox"/> Abstain

Carol Roig

Yes No Absent Abstain

Mr. Siegel recused himself and abstained from voting because he is an employer of the individual authorized to be hired.

On a motion made by Mr. Perrello and seconded by Mr. Guenther, the Board voted and unanimously adopted a resolution authorizing an amendment to the Payment in Lieu of Tax Agreement related to the **Veria Lifestyle Inc. Wellness Center** project.

XI. PUBLIC COMMENT

The Board recognized the comments of Ken Walter.

XII. ADJOURN

On a motion made by Mr. Sykes and seconded by Mr. Siegel, the Board voted and the meeting was adjourned at approximately 12:35PM.

Respectfully submitted:

Julio Garaicoechea, Project Manager

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