

**COUNTY OF SULLIVAN INDUSTRIAL DEVELOPMENT AGENCY**

548 Broadway  
Monticello, New York 12701  
(845) 428-7575 - Voice  
(845) 428-7577 - Fax  
[www.sullivanida.com](http://www.sullivanida.com)  
TTY 711

**MEETING NOTICE**

**TO:** Ira Steingart, IDA Chairman  
Suzanne Loughlin, IDA Vice Chair  
Edward Sykes, IDA Secretary & Chief Executive Officer  
Howard Siegel, IDA Treasurer & Chief Financial Officer  
Carol Roig, IDA Assistant Secretary  
Scott Smith, IDA Assistant Treasurer  
Paul Guenther, IDA Member  
Joseph Perrello, IDA Member  
Chairman and Members of the Sullivan County Legislature  
Josh Potossek, Sullivan County Manager  
Walter Garigliano, Esq., IDA Counsel  
**FROM:** Jennifer Flad, Executive Director  
**DATE:** February 3, 2021

---

**PLEASE TAKE NOTICE** that there will be a Regular Meeting of the County of Sullivan Industrial Development Agency scheduled as follows:

**Date:** Monday, February 8, 2021  
**Time:** 11:00 AM  
**Location:** Via Conference Call

Because of the Novel Coronavirus (COVID-19) Emergency and State and federal bans on large meetings or gatherings and pursuant to Governor Cuomo's Executive Order 202.1 issued on March 12, 2020 suspending the Open Meetings Law, which has been extended by various Executive Orders including Executive Order 202.92 on January 27, 2021, this meeting will be held via conference call instead of a public meeting open for the public to attend in person.

**Members of the public may attend the meeting by dialing 929-205-6099 and entering Meeting ID 678-518-8985.**

**SEE REVERSE FOR AGENDA**

**COUNTY OF SULLIVAN INDUSTRIAL DEVELOPMENT AGENCY**

548 Broadway  
Monticello, New York 12701  
(845) 428-7575 - Voice  
(845) 428-7577 - Fax  
[www.sullivanida.com](http://www.sullivanida.com)  
TTY 711

**MEETING AGENDA**

**Monday, February 8, 2021**

**To be held via conference call: dial 929-205-6099 and enter Meeting ID 678-518-8985**

**I. CALL TO ORDER**

**II. ROLL CALL**

**III. APPROVAL OF MEETING MINUTES**

January 11, 2021 Regular Meeting

**IV. BILLS AND COMMUNICATIONS**

**V. STAFF ACTIVITY REPORT**

**VI. NEW BUSINESS**

Resolution: Extending the Sales Tax Abatement Period for the NY Bethel I, LLC Project from March 1, 2021 Through and Including August 31, 2021

Resolution: Authorizing (I) a Third Amendment to the Payment in Lieu of Tax Agreement Relating to the Catskill Hospitality Holding LLC and Catskill Hospitality Operating LLC Project, and (II) the Chairman, Chief Executive Officer or Executive Director to Execute and Deliver Any and All Documents Necessary to Effectuate the Foregoing

Resolution: Directing the Recapture of Unauthorized Sales and Use Tax Benefits from Empire Resorts Real Estate I, LLC Related to the Resorts World Golf Project

Discussion: Proposed Industrial Park Uniform Tax Exemption Policy

Discussion: Application for Benefits from 234 Main Street, LLC

Review and Approval: Agency Procurement Policy, Investment Policy, and Property Disposal Policy

Review and Approval: Agency Mission Statement and Performance Measurements

Discussion: Board Self-Evaluation (in Closed Session if Desired)

Any and All Other Business Before the Board

**VII. ADJOURN**

**##**

**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](http://www.sullivanida.com)**

**MEETING MINUTES  
Monday, January 11, 2021**

**I. CALL TO ORDER**

Chairman Steingart called to order the regular meeting of the County of Sullivan Industrial Development Agency at approximately 11:01 AM via teleconference.

**II. ROLL CALL**

***Members Present-***

Ira Steingart  
Suzanne Loughlin  
Howard Siegel  
Edward Sykes  
Carol Roig  
Paul Guenther  
Joseph Perrello  
Scott Smith

***Members Absent-***

***Staff Present-***

Jennifer Flad, Executive Director  
Julio Garaicoechea, Project Manager  
Deborah Nola, Accounting and Financial Analyst

***Staff Absent-***

None

***Others Present-***

Walter Garigliano, Agency Counsel  
Mark McLewin, Sullivan Catskills Regional Food Hub, Inc.

**III. APPROVAL OF MEETING MINUTES**

On a motion made by Ms. Loughlin, seconded by Ms. Roig, the Board voted and unanimously adopted the minutes of the December 14, 2020 regular meeting.

**IV. BILLS AND COMMUNICATIONS**

On a motion made by Mr. Siegel, seconded by Mr. Perrello, the Board approved the schedule of payments unanimously.

**V. STAFF REPORT**

There were no questions on the staff report.

## VI. NEW BUSINESS

Mark McLewin, representing the Board of Directors of the **Sullivan Catskills Regional Food Hub, Inc.**, gave an update to the Board on the status and viability of the Food Hub with 1) a request to defer all lease payments for one year and 2) reimbursement of certain expenses. On a motion made by Mr. Perrello, and seconded by Ms. Roig, the Board voted and unanimously approved the deferment of all lease payments from February 2, 2021 to January 1, 2022. The Board declined to consider the reimbursement of certain expenses without prejudice.

On a motion made by Mr. Guenther, and seconded by Mr. Siegel, the Board discussed a resolution extending the Sales Tax Abatement Period for the **Catskill Hospitality Holding LLC** and **Catskill Hospitality Operating LLC** project from February 1, 2021 through and including July 31, 2021. Ms. Roig made a motion to amend the resolution to include receipt of sales tax abatement fees as a condition to releasing the sales tax abatement letter. Ms. Loughlin seconded the motion. Ms. Roig made a motion to approve as amended, Ms. Loughlin seconded the motion, the Board voted, and unanimously approved the resolution.

On a motion made by Mr. Guenther, and seconded by Mr. Siegel, the Board discussed a resolution authorizing an amendment to Resolution 64-20, a resolution authorizing an amendment to the Amended and Restatement Payment in Lieu of Taxation Agreement relating to the **Montreign Operating Company, LLC.** project. Chairman Steingart disclosed his company has done work with the project. Vice-Chair Loughlin called the resolution to question. The Board voted, and the resolution was approved with Ms. Loughlin, Mr. Siegel, Mr. Sykes, Ms. Roig, Mr. Smith, Mr. Perrello, and Mr. Guenther in favor, and Chairman Steingart abstaining for the before-mentioned reason.

On a motion made by Mr. Siegel, and seconded by Mr. Sykes, the Board discussed an amendment to the Agency's **Governance Committee Policy**. Chairman Steingart called the motion to question, the Board voted, and the amendment to the Governance Committee Policy was unanimously approved.

On a motion made by Mr. Guenther, seconded by Ms. Roig, the Board discussed the **2021-2023 Agency Agreement with the Partnership for Economic Development in Sullivan County, Inc.** Chairman Steingart called the motion to question, the Board voted, and the Agreement was unanimously approved.

On a motion made by Ms. Roig, and seconded by Mr. Guenther, the Board discussed the proposed amendment to the Agency's **Management and Services Agreement with the Sullivan County Funding Corporation**. Ms. Roig made a motion to approve the Agreement. Mr. Guenther seconded the motion, the Board voted, and the Amended Agreement was unanimously approved.

Chairman Steingart asked those present for Public Comment. There was none.

## VII. RECESS

Ms. Loughlin made a motion to recess the meeting to immediately following the Sullivan County Funding Corp meeting on this same conference line. Mr. Sykes seconded the motion, and the meeting was recessed at approximately 11:34AM.

## VIII. RECONVENE

Chairman Steingart reconvened the meeting at approximately 11:41AM. All Board members remain present.

The Board discussed an **Industrial Park Uniform Tax Exemption Policy** to be added to the Agency's **Uniform Tax Exempt Policy**. Chairman Steingart appointed a committee comprised of Mr. Guenther, Ms. Loughlin, and Mr. Siegel to work with staff to develop a proposed policy. Chairman Steingart also appointed the same members to propose a deviation from the Uniform Tax Exempt Policy for the 234 Main Street LLC project.

Ms. Roig made a motion to enter Executive Session to discuss **Chapter 11 Bankruptcy with Catskill Distilling Company**. Mr. Sykes seconded the motion, and Board entered into Executive Session at approximately 11:45 AM.

Ms. Loughlin made a motion to exit Executive Session. Chairman Steingart seconded the motion and the Board exited Executive Session at approximately 11:52 AM.

Ms. Loughlin made a motion to enter Closed Session to seek legal advice regarding **Nonni's Acquisition Company PILOT**. Mr. Siegel seconded the motion, and the Board entered Closed Session at approximately 11:54 AM.

Mr. Siegel made a motion to exit closed session. Ms. Roig seconded the motion, and the Board exited at approximately 12:03 PM.

#### **IX. ADJOURN**

Mr. Sykes made a motion to adjourn the meeting. Mr. Sykes seconded the motion, and the meeting was adjourned at approximately 12:03 PM.

Respectfully submitted:  
Julio Garaicoechea, Project Manager

##

**COUNTY OF SULLIVAN INDUSTRIAL DEVELOPMENT AGENCY****548 Broadway, Monticello, NY 12701****845-428-7575**

<b>SCHEDULE OF PAYMENTS: FEBRUARY 8, 2021</b>		
<b>Vendor</b>	<b>Description</b>	<b>Amount</b>
<b>AT&amp;T Mobility</b>	IDA Cell Phone Service 1/21/21 - 2/20/21	\$ 91.65
<b>Cardmember Service</b>	Zoom, Adobe Acrobat Pro, Stamps.com, AT&T Mobility	\$ 142.22
<b>Francotyp Postalia</b>	Postage Meter Rental 1/1/21 - 3/31/21	\$ 86.85
<b>Garigiano Law Offices</b>	Retainer February 2021	\$ 250.00
	NY Bethel I, LLC Sales Tax Exemption Extension Legal Fee	\$ 250.00
	<b>Total Garigiano Law Offices</b>	<b>\$ 500.00</b>
<b>Kristt Company</b>	Copier Service Contracts	\$ 558.00
<b>New Southern Tier Title Agency LLC</b>	Office Rent March 2021	\$ 2,700.00
<b>Time Warner Cable</b>	Telephone and Internet Service 2/1/21 - 2/28/21	\$ 219.95
<b>USDA Rural Development</b>	RMAP Loan Repayment - February 2021	\$ 2,370.41
<b>Wilson, Elser, Moskowitz, Edelman &amp; Dicker LLP</b>	Legal Services re: Catskill Distilling Co. Ltd. Chapter 11 Bankruptcy, December 2020	\$ 240.00
<b>TOTAL</b>		<b>\$ 6,909.08</b>
I certify that the payments listed above were audited by the Board of the IDA on February 8, 2021 and allowed in the amounts shown. You are hereby authorized and directed to pay each of the claimants in the amount opposite its name.		
		<u>2/8/2021</u>
<b>Signature</b>	<b>Date</b>	

<b>Expenses Approved and Paid Since Last Regular Meeting (1/11/21)</b>		
<b>Vendor</b>	<b>Description</b>	<b>Amount</b>
<b>Selective Security Life Insurance</b>	Disability & Paid Family Leave Premium 1/1/21 - 12/31/21	\$ 1,401.40
<b>TOTAL</b>		<b>\$ 1,401.40</b>

<b>Other Expenses and Items Paid Since Last Regular Meeting (1/11/21)—no approval required</b>		
<b>Vendor</b>	<b>Description</b>	<b>Amount</b>
<b>Francotyp Postalia</b>	Postage for Postage Meter 1/8/21	\$ 300.00
<b>Payroll Expenses</b>	Payroll Check Dates: 1/15/21, 1/29/21	\$ 18,243.67
<b>TOTAL</b>		<b>\$ 18,543.67</b>

CONTINUED

02082021v1

<b>PILOT Dist. #3, 1/27/21</b>	<b>457 Equities Monticello Corp</b>	<b>Beaverkill Studios</b>	<b>Bethel Performing Arts Center</b>	<b>Dimifini-Fallsburg LLC</b>	<b>Doetsch Family II</b>
<b>Sullivan County</b>	\$ 6,919.01	\$ 1,839.74	\$ 14,346.82	\$ 4,516.42	\$ 1,657.04
<b>Town Bethel</b>			\$ 13,025.22		
<b>Town Callicoon</b>					
<b>Village Jeffersonville</b>					
<b>Town Cochection</b>					
<b>Town Delaware</b>					\$ 1,185.33
<b>Town Fallsburg</b>				\$ 5,447.88	
<b>Town Forestburgh</b>					
<b>Town Fremont</b>					
<b>Town Highland</b>					
<b>Town Liberty</b>		\$ 1,920.71			
<b>Village Liberty</b>					
<b>Town Lumberland</b>					
<b>Town Mamakating</b>					
<b>Town Rockland</b>					
<b>Town Tusten</b>					
<b>Town Thompson</b>	\$ 1,531.42				
<b>Village Monticello</b>	\$ 16,397.56				
<b>Eldred School</b>					
<b>Eldred Library</b>					
<b>Ellenville School</b>					
<b>Ellenville Library</b>					
<b>Fallsburg School</b>				\$ 13,346.19	
<b>Fallsburg Library</b>				\$ 284.77	
<b>Liberty School</b>		\$ 5,971.96			
<b>Liberty Library</b>		\$ 158.17			
<b>Livingston Manor School</b>					
<b>Livingston Manor Library</b>					
<b>Monticello School</b>	\$ 14,361.57		\$ 31,703.35		
<b>Port Jervis School</b>					
<b>Port Jervis Library</b>					
<b>Sullivan West School</b>			\$ 10,601.14		\$ 2,660.98
<b>Sullivan West Library</b>					\$ 136.87
<b>Totals</b>	\$ 39,209.56	\$ 9,890.58	\$ 69,676.53	\$ 23,595.26	\$ 5,640.22

<b>PILOT Dist. #3, 1/27/21</b>	<b>Ella Ruffo LLC</b>	<b>Jam Two/ ICC</b>	<b>Kohl's Dept. Stores</b>	<b>Millennium Pipeline Company</b>	<b>Peck's Market of Jeffersonville</b>
<b>Sullivan County</b>	\$ 837.14	\$ 2,135.54	\$ 128,616.12	\$ 295,738.08	\$ 5,334.02
<b>Town Bethel</b>		\$ 1,554.86		\$ 7,968.80	
<b>Town Callicoon</b>					\$ 2,958.61
<b>Village Jeff.</b>					\$ 2,917.69
<b>Town Cocheton</b>				\$ 51,855.81	
<b>Town Delaware</b>				\$ 33,441.14	
<b>Town Fallsburg</b>					
<b>Town Forestburgh</b>				\$ 16,257.73	
<b>Town Fremont</b>				\$ 24,038.83	
<b>Town Highland</b>				\$ 22,901.23	
<b>Town Liberty</b>	\$ 560.53				
<b>Village Liberty</b>	\$ 1,808.38				
<b>Town Lumberland</b>				\$ 36,248.28	
<b>Town Mamakating</b>			\$ 71,818.37		
<b>Town Rockland</b>					
<b>Town Tusten</b>				\$ 5,176.92	
<b>Town Thompson</b>					
<b>Village Monticello</b>					
<b>Eldred School</b>				\$ 152,217.68	
<b>Eldred Library</b>				\$ 193.94	
<b>Ellenville School</b>			\$ 341,439.43		
<b>Ellenville Library</b>			\$ 13,141.18		
<b>Fallsburg School</b>					
<b>Fallsburg Library</b>					
<b>Liberty School</b>	\$ 2,717.43	\$ 7,033.36			
<b>Liberty Library</b>	\$ 71.97	\$ 186.28			
<b>Livingston Manor School</b>					
<b>Livingston Manor Library</b>					
<b>Monticello School</b>				\$ 12,896.07	
<b>Port Jervis School</b>				\$ 56,075.79	
<b>Port Jervis Library</b>				\$ 2,092.94	
<b>Sullivan West School</b>				\$ 323,448.75	\$ 9,124.08
<b>Sullivan West Library</b>				\$ 16,636.51	\$ 469.29
<b>Totals</b>	\$ 5,995.45	\$ 10,910.04	\$ 555,015.10	\$ 1,057,188.50	\$ 20,803.69



<b>PILOT Dist. #3, 1/27/21</b>	<b>Regency Manor Senior Housing</b>	<b>Theowins LLC</b>	<b>Veteran NY 55 Sturgis</b>	<b>(Prior Overpayment re: RHH Land LLC)</b>	<b>Total Distribution</b>
Sullivan County	\$ 3,007.41	\$ 3,452.67	\$ 4,570.08	\$ (1,300.10)	\$ 471,669.99
Town Bethel					\$ 22,548.88
Town Callicoon					\$ 2,958.61
Village Jeff.					\$ 2,917.69
Town Cocheton					\$ 51,855.81
Town Delaware					\$ 34,626.47
Town Fallsburg					\$ 5,447.88
Town Forestburgh					\$ 16,257.73
Town Fremont					\$ 24,038.83
Town Highland					\$ 22,901.23
Town Liberty					\$ 2,481.24
Village Liberty					\$ 1,808.38
Town Lumberland					\$ 36,248.28
Town Mamakating					\$ 71,818.37
Town Rockland		\$ 2,989.56			\$ 2,989.56
Town Tusten					\$ 5,176.92
Town Thompson	\$ 665.65		\$ 1,011.52	\$ (603.28)	\$ 2,605.31
Village Monticello	\$ 7,127.35		\$ 10,830.77		\$ 34,355.68
Eldred School					\$ 152,217.68
Eldred Library					\$ 193.94
Ellenville School					\$ 341,439.43
Ellenville Library					\$ 13,141.18
Fallsburg School					\$ 13,346.19
Fallsburg Library					\$ 284.77
Liberty School					\$ 15,722.75
Liberty Library					\$ 416.42
Livingston Manor School		\$ 7,187.98			\$ 7,187.98
Livingston Manor Library		\$ 115.72			\$ 115.72
Monticello School	\$ 6,242.39		\$ 9,485.98	\$ (2,834.28)	\$ 71,855.08
Port Jervis School					\$ 56,075.79
Port Jervis Library					\$ 2,092.94
Sullivan West School					\$ 345,834.95
Sullivan West Library					\$ 17,242.67
<b>Totals</b>	<b>\$ 17,042.80</b>	<b>\$ 13,745.93</b>	<b>\$ 25,898.35</b>	<b>\$ (4,737.66)</b>	<b>\$ 1,849,874.35</b>

**ACTIVITY REPORT – JANUARY 2021**  
**COUNTY OF SULLIVAN INDUSTRIAL DEVELOPMENT AGENCY, SULLIVAN**  
**COUNTY FUNDING CORPORATION, THE SULLIVAN COUNTY INFRASTRUCTURE**  
**LOCAL DEVELOPMENT CORPORATION**

January 29, 2021

At its regular Board meeting on January 11, conducted via teleconference, the County of Sullivan Industrial Development Agency (IDA) received an update on the **Catskills Food Hub** from Mark McLewin, who serves on the Hub's Board of Directors. The IDA facilitated the development of the Hub through the construction of the facility in Liberty, and through the procurement of equipment now leased to the Hub. The Hub has become an important resource for buyers, especially since the onset of the COVID pandemic, and an important market for local growers and food producers. To help the Hub in its effort to become self-sustaining, the Board granted its request for a one-year deferment on building lease and equipment lease obligations.

The Board also approved an extension of the sales tax exemption period for the **Catskill Hospitality Holding LLC and Catskill Hospitality Operating LLC** project, for the ongoing construction of a Hampton Inn in the Town of Thompson. The Board adopted an amended **Governance Committee Policy**, to remove some outdated language; an amended Management and Administrative Services Agreement with the **Sullivan County Funding Corporation**, to reduce the annual administrative fee due from the SCFC to the IDA; and a 2021-2023 Agreement with the **Partnership for Economic Development in Sullivan County, Inc.**

The Board began a discussion of a proposed **Uniform Tax Exemption Policy (UTEP) for Industrial Parks**, to facilitate the development of the landfill expansion parcel near the Apollo Plaza and address the potential development of other industrial parks in Sullivan County. Chairman Steingart appointed three Board members to work on the development of the UTEP, and staff will notify all affected taxing jurisdictions of the proposed UTEP as required by the General Municipal Law.

Related to the above, the Sullivan County Funding Corporation (SCFC) Board met on January 11, and adopted a resolution **authorizing the acceptance of the conveyance of the landfill expansion parcel** from the County of Sullivan to SCFC.

During January IDA staff continued its work on project PILOT billing, collections, and distributions. As of this writing the IDA has collected and distributed approximately \$3,180,000 to the County, towns, villages, and schools, and the collection and distribution of PILOT payments will continue in February.

Staff is also working with our internal auditors, RBT CPAs LLP, as they begin the annual audit process for the IDA, SCFC, and The Sullivan County Infrastructure Local Development Corporation (TSCILDC).

Finally, we are working to prepare the annual Public Authorities Reporting Information System (PARIS) reports to the New York State Authorities Budget Office (ABO), for the IDA, SCFC, and TSCILDC.

The ABO continues its review of economic development in Sullivan County, and staff is making every effort to provide documents and information as requested.

##

**From:** [Peter Dolgos](#)  
**To:** [Jennifer Flad](#)  
**Subject:** NY Bethel I LLC - Sales Tax Exemption Extension Request  
**Date:** Friday, January 22, 2021 2:44:27 PM

---

Jennifer

NY Bethel I, LLC would like to request a 6-month Sales Tax Exemption with regards to their solar project. Please let me know if anything else is needed for this request.

PEte

--

[Peter Dolgos](#)

Delaware River Solar  
140 E 45th St, Ste 32B-1  
New York, NY 10017  
(O) 646-998-6495  
(C) 914-661-1175

## RESOLUTION

A regular meeting of the County of Sullivan Industrial Development Agency (“Agency”) was convened on February 8, 2021, at 11:00 a.m. local time via teleconference as authorized by New York Governor Andrew Cuomo’s Executive Order No. 202.92.

The meeting was called to order by Chairman Ira Steingart, and, upon roll being called, the following members of the Agency were:

	<u>PRESENT</u>	<u>ABSENT</u>
Ira Steingart	[     ]	[     ]
Suzanne Loughlin	[     ]	[     ]
Edward T. Sykes	[     ]	[     ]
Howard Siegel	[     ]	[     ]
Scott Smith	[     ]	[     ]
Paul Guenther	[     ]	[     ]
Joseph Perrello	[     ]	[     ]
Carol Roig	[     ]	[     ]

The following persons were also present:

Jennifer M. Flad, Executive Director  
Julio Garaicoechea, Project Manager  
Deborah Nola, Accounting and Financial Analyst  
Walter F. Garigliano, Agency General Counsel

The following resolution was duly offered by \_\_\_\_\_, and seconded by \_\_\_\_\_, to wit:

Resolution No. \_\_\_\_ - 21

***RESOLUTION EXTENDING THE SALES TAX ABATEMENT PERIOD FOR  
THE NY BETHEL I, LLC (“COMPANY”) PROJECT FROM MARCH 1, 2021  
THROUGH AND INCLUDING AUGUST 31, 2021***

***WHEREAS***, by Title 1 of Article 18-A of the General Municipal Law of the State of New York ("State"), as amended, and Chapter 560 of the Laws of 1970 of the State, as amended and codified as Section 960 of the General Municipal Law (collectively, the “Act”), the Agency was created with the authority and power to own, lease and sell property as authorized by the Act; and

***WHEREAS***, on July 23, 2020, the Company presented an application to the Agency, a copy of which is on file with the Agency, requesting the Agency’s assistance with respect to a certain project consisting of the construction of an approximately 4.4MW solar photovoltaic electricity generating facility that will be interconnected to the New York State Electric and Gas (“NYSEG”) electrical grid (“Project”) whereby NYSEG customers in NYSEG Load Zone E that are part of the Company’s Community Solar Program will receive such electricity at a discounted price to the then current NYSEG price. The Project is new construction and will be comprised of (a) racking to mount

the solar modules (such racking generally to be pile driven into the ground); (b) solar modules; (c) inverters and transformers to sit on a concrete inverter pad and (d) assorted electrical components and wiring. The solar array will be constructed on a portion of one (1) parcel of real estate, consisting of an approximately 59.09-acre parcel comprising Lot 2 as shown on the Subdivision Plat of Land Prepared For Delaware River Solar, dated February 14, 2020, prepared by Gary Packer, PLS. The parent parcel from which Lot 2 has been subdivided is depicted on the Town of Bethel tax map as Section 26, Block 1, Lot 4, located at 2017 State Highway 17B, Town of Bethel ("Town"), County of Sullivan ("County"), State; and

**WHEREAS**, on or about August 11, 2020, the Agency and the Company entered into an Agent and Project Agreement pursuant to which the Agency designated the Company as agent of the Agency; and

**WHEREAS**, contemporaneously with the execution of the Agent and Project Agreement, the Agency delivered to the Company a Sales Tax Exemption Letter, which letter will expire; and

**WHEREAS**, by letter from the Company, dated January 22, 2021, the Company requested that the sales tax abatement period be extended for another six (6) months to continue the Project.

**NOW, THEREFORE, BE IT RESOLVED**, that the sales tax abatement period for the Project be, and hereby is, extended from March 1, 2021 through and including August 31, 2021.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

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

The resolution was thereupon duly adopted.

Catskill Hospitality LLC  
DBA- Hampton Inn  
16, RACEWAY ROAD,  
MONTICELLO, NY 12701

January 8th, 2021

Board of Directors  
County of Sullivan Industrial Development Agency  
548 Broadway  
Monticello, NY 12701

RE: Catskill Hospitality

Ladies and Gentlemen of the Board of Directors,

Please allow this letter to serve as a formal request for starting the pilot payments from 2022. As you are aware that economically it has been really hard on businesses and we have tried our best to keep going on this project going and we are very close now to open this. Our planned opening date on this hotel is July of 2021. We have been through lot of hardship to keep this project running. Last year, our lot of delays happened due to short of supplies and delay in getting the material to the site. We really appreciate board of director's help so far and asking to help us further in this hard time. With this pandemic, we are assuming to have slower start but we know it is right thing that is coming to this community and eventually we will pickup and serve the county.

Should you require any additional information, please do not hesitate to contact us.

Thank You  
Brijesh Patel  
Catskill Hospitality LLC

A handwritten signature in black ink, appearing to read 'Brijesh Patel', enclosed within a large, loopy oval shape.

## RESOLUTION

A regular meeting of the County of Sullivan Industrial Development Agency ("Agency") was convened on February 8, 2021, at 11:00 a.m. local time via teleconference as authorized by New York Governor Andrew Cuomo's Executive Order No. 202.92.

The meeting was called to order by Chairman Ira Steingart, and, upon roll being called, the following members of the Agency were:

	<u>PRESENT</u>	<u>ABSENT</u>
Ira Steingart	[     ]	[     ]
Suzanne Loughlin	[     ]	[     ]
Edward T. Sykes	[     ]	[     ]
Howard Siegel	[     ]	[     ]
Scott Smith	[     ]	[     ]
Paul Guenther	[     ]	[     ]
Joseph Perrello	[     ]	[     ]
Carol Roig	[     ]	[     ]

The following persons were also present:

Jennifer M. Flad, Executive Director  
Julio Garaicoechea, Project Manager  
Deborah Nola, Accounting and Financial Analyst  
Walter F. Garigliano, Agency General Counsel

The following resolution was duly offered by \_\_\_\_\_, and seconded by \_\_\_\_\_, to wit:

Resolution No. \_\_ - 21

***RESOLUTION AUTHORIZING (I) A THIRD AMENDMENT TO THE PAYMENT IN LIEU OF TAX AGREEMENT RELATING TO THE CATSKILL HOSPITALITY HOLDING LLC ("CHH") AND CATSKILL HOSPITALITY OPERATING LLC ("CHO" AND TOGETHER WITH CHH, COLLECTIVELY, THE "COMPANY") PROJECT; AND (II) THE CHAIRMAN, CHIEF EXECUTIVE OFFICER OR EXECUTIVE DIRECTOR TO EXECUTE AND DELIVER ANY AND ALL DOCUMENTS NECESSARY TO EFFECUATE THE FOREGOING***

***WHEREAS***, the Agency was created by Chapter 560 of the Laws of 1970 of the State of New York, as amended, pursuant to Title I of Article 18-A of the General Municipal Law of the State of New York (collectively, the "Act") as a body corporate and politic and as a public benefit corporation of the State of New York; and



**WHEREAS**, on April 5, 2016, the Company presented an application (“Application”) to the Agency, a copy of which is on file with the Agency, requesting the Agency’s assistance with respect to a certain project consisting of the: (i) acquisition, construction, installation and equipping of an approximately 56,000 square foot building intended to be used as a limited service hotel (“Building”) situate on one (1) parcel of real estate consisting of approximately 6.59± acres located along Golden Ridge Road, Town of Thompson (“Town”), County of Sullivan (“County”), State of New York and identified on the Town tax map as a portion of Section 13, Block 3, Lot 38.1 (“Land”); (ii) acquisition, construction and equipping of the Building; (iii) acquisition, construction and installation thereon and therein of certain furniture, fixtures, machinery, equipment and tools (“Equipment”); (iv) construction of improvements to the Building, the Land and the Equipment (collectively, the Building, the Land and the Equipment are referred to as the “Facility” or the “Project”); and (v) lease of the Project from the Agency to the Company; and

**WHEREAS**, on June 20, 2016, by Resolution #22-16, the Agency authorized the Company to act as its agent for the purposes of acquiring, constructing, installing and equipping the Facility and conferred on the Company certain financial assistance consisting of: (a) an exemption from all New York State and local sales and use tax for the purchases and rentals related to the Project with respect to the qualifying personal property included in or incorporated into the Facility or used in the acquisition, construction, installation or equipping of the Facility, (b) an exemption from mortgage recording tax, and (c) a partial abatement from real property taxes conferred through a certain payment in lieu of tax agreement requiring the Company to make payments in lieu of taxes (“PILOT”) for the benefit of each municipality and school district having taxing jurisdiction over the Project, (collectively, the sales and use tax exemption, the mortgage recording tax exemption, and the partial abatement from real property taxes, are hereinafter collectively referred to as the “Financial Assistance”). Provision of Financial Assistance is subject to the Company entering into the Agent and Project Agreement; and

**WHEREAS**, on September 12, 2016, by Resolution #32-16, the Agency approved the execution and delivery of one or more mortgages in favor of Jeff Bank in an aggregate amount not to exceed \$8,223,500; and

**WHEREAS**, the Company was unable to close on the anticipated straight lease transaction with the Agency due to issues associated with Project financing; and

**WHEREAS**, on February 27, 2017, by Resolution #09-17, the Agency authorized taking title to the Land from the present owner as nominee of the Company; and

**WHEREAS**, the Agency took title to the Land by Bargain & Sale Deed, dated March 13, 2017 which Deed was recorded on March 22, 2017 in the Sullivan County Clerk’s Office as Instrument Number 2017-2254; and

**WHEREAS**, on or about March 17, 2017, the Company and the Agency entered into the following:

1. Agent and Project Agreement; and
2. Environmental Compliance and Indemnification Agreement; and

**WHEREAS**, on August 23, 2017, by Resolution #42-17, the Agency approved the execution and delivery of three (3) or more mortgages in favor of Bancorp Bank in an aggregate amount not to exceed \$12,000,000; and

**WHEREAS**, in order to obtain Project financing, the Company requested that title to the Land be re-conveyed by the Agency to the Company; and

**WHEREAS**, by Quitclaim Deed, dated August 10, 2018 the Agency conveyed legal title to the Land to the Company, which Deed was recorded on August 16, 2018 in the Sullivan County Clerk's Office as Instrument Number 2018-5714; and

**WHEREAS**, on August 1, 2018, the Agency and the Company entered into the following documents:

1. Amended and Rested Agent and Project Agreement, dated August 1, 2018;
2. Environmental Compliance and Indemnification Agreement, dated August 1, 2018;
3. Bill of Sale to Agency, dated August 1, 2018;
4. Bill of Sale to Company, dated August 1, 2018;
5. Lease to Agency and memorandum thereto, dated August 1, 2018;
6. Leaseback to Company and memorandum thereto, dated August 1, 2018; and
7. Payment in Lieu of Tax Agreement, dated August 1, 2018 ("PILOT Agreement");

(Items 1-7 collectively referred to as the "2018 Transaction Documents")  
; and

**WHEREAS**, at the time of the Application, adoption of Resolution #22-16 and execution of the PILOT Agreement, it was anticipated that the Project would be completed and open for business by the end of 2018; and

**WHEREAS**, the development of the Project is ongoing, and it is now anticipated that the Project will not be completed any earlier than July 2021; and

**WHEREAS**, it is the Agency's intent to provide the benefits contemplated by the Agency's Tourism Destination Uniform Tax Exemption Policy over the operating life of the Project; and

**WHEREAS**, the Agency entered into an Omnibus Amendment to Project Documents ("Omnibus Amendment") to delay each applicable year of the exemption contemplated by the PILOT Agreement by one year and to provide for a PILOT payment equal to what taxes would have been if the Agency was not involved in the Project for the payment due February 1, 2020; and

**WHEREAS**, the Agency entered into a Second Omnibus Amendment to Project Documents ("Second Omnibus Amendment") to delay each applicable year of the exemption contemplated by the Omnibus Amendment by an additional one-year period and to provide for a PILOT payment equal to what taxes would have been if the Agency was not involved in the Project for the payment due February 1, 2021; and

**WHEREAS**, by letter from Brijesh Patel, dated January 8, 2021, it is now contemplated that the Project will not be completed until July 2021, which is after the 2021 taxable status day of March 1, 2021 and that an additional one-year delay of each applicable year of the exemption contemplated by the Second Omnibus Amendment has been requested; and

**WHEREAS**, the Agency contemplates (i) entering into a Third Omnibus Amendment to Project Documents (“Third Omnibus Amendment”) to delay each applicable year of the exemption contemplated by the PILOT Agreement by an additional one-year period and to provide for a PILOT payment computed on a base value of Nine Hundred Thousand and 00/100 (\$900,000.00) Dollars for the payment due February 1, 2022; and (ii) authorizing its Chairman, Chief Executive Officer or Executive Director to execute and deliver the same.

**NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE AGENCY AS FOLLOWS:**

Section 1. The Chairman, Chief Executive Officer or Executive Director of the Agency, each acting individually, are hereby authorized, on behalf of the Agency, to execute and deliver the Third Omnibus Amendment to delay each applicable year of the exemption contemplated by the PILOT Agreement by an additional one-year period and to provide for a PILOT payment computed on a base value of Nine Hundred Thousand and 00/100 (\$900,000.00) Dollars for the payment due February 1, 2022.

Section 2. The officers, employees and agents of the Agency are hereby authorized and directed for and in the name and on behalf of the Agency to do all acts and things required and to execute and deliver all such certificates, instruments and documents, to pay all such fees, charges and expenses and to do all such further acts and things as may be necessary or, in the opinion of the officer, employee or agent acting, desirable and proper to effect the purposes of the foregoing resolutions and to cause compliance by the Agency with all of the terms, covenants and provisions of the documents executed for and on behalf of the Agency.

Section 3. These Resolutions shall take effect immediately

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

Ira Steingart	[ ] Yes	[ ] No	[ ] Absent	[ ] Abstain
Suzanne Loughlin	[ ] Yes	[ ] No	[ ] Absent	[ ] Abstain
Edward T. Sykes	[ ] Yes	[ ] No	[ ] Absent	[ ] Abstain
Howard Siegel	[ ] Yes	[ ] No	[ ] Absent	[ ] Abstain
Scott Smith	[ ] Yes	[ ] No	[ ] Absent	[ ] Abstain
Paul Guenther	[ ] Yes	[ ] No	[ ] Absent	[ ] Abstain
Joseph Perrello	[ ] Yes	[ ] No	[ ] Absent	[ ] Abstain
Carol Roig	[ ] Yes	[ ] No	[ ] Absent	[ ] Abstain

and therefore, the resolution was declared duly adopted.

STATE OF NEW YORK :  
:SS  
COUNTY OF SULLIVAN :

I, the undersigned (Assistant) Secretary of the Agency DO HEREBY CERTIFY THAT:

1. I have compared the foregoing copy of a resolution of the Agency with the original thereof on file in the office of the Agency, and that the same is a true and correct copy of such resolution and of the proceedings of the Agency in connection with such matter.
2. Such resolution was passed at a meeting of the Agency duly convened via teleconference on February 8, 2021 at 11:00 a.m., at which the following members were present:

	<u>PRESENT</u>	<u>ABSENT</u>
Ira Steingart	[ ]	[ ]
Suzanne Loughlin	[ ]	[ ]
Edward T. Sykes	[ ]	[ ]
Howard Siegel	[ ]	[ ]
Scott Smith	[ ]	[ ]
Paul Guenther	[ ]	[ ]
Joseph Perrello	[ ]	[ ]
Carol Roig	[ ]	[ ]

3. The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

Ira Steingart	[ ] Yes	[ ] No	[ ] Absent	[ ] Abstain
Suzanne Loughlin	[ ] Yes	[ ] No	[ ] Absent	[ ] Abstain
Edward T. Sykes	[ ] Yes	[ ] No	[ ] Absent	[ ] Abstain
Howard Siegel	[ ] Yes	[ ] No	[ ] Absent	[ ] Abstain
Scott Smith	[ ] Yes	[ ] No	[ ] Absent	[ ] Abstain
Paul Guenther	[ ] Yes	[ ] No	[ ] Absent	[ ] Abstain
Joseph Perrello	[ ] Yes	[ ] No	[ ] Absent	[ ] Abstain
Carol Roig	[ ] Yes	[ ] No	[ ] Absent	[ ] Abstain

and therefore, the resolution was declared duly adopted.

I FURTHER CERTIFY that (i) all members of the Agency had due notice of said meeting, (ii) pursuant to Sections 103(a) and (c) and 104 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public via videoconferencing and public notice of the time and place of said meeting was duly given in accordance with such Sections 103(a) and (c) and 104, (iii) the meeting in all respects was duly held via teleconference as authorized by New York Governor Andrew Cuomo's Executive Order No. 202.92, and (iv) there was a quorum present throughout.

***IN WITNESS WHEREOF***, I have hereunto set my hand and seal on the 8<sup>th</sup> day of February, 2021.

---

Secretary

## RESOLUTION

A regular meeting of the County of Sullivan Industrial Development Agency ("Agency") was convened on February 8, 2021, at 11:00 a.m. local time via teleconference as authorized by New York Governor Andrew Cuomo's Executive Order No. 202.92.

The meeting was called to order by Chairman Ira Steingart, and, upon roll being called, the following members of the Agency were:

	<u>PRESENT</u>	<u>ABSENT</u>
Ira Steingart	[      ]	[      ]
Suzanne Loughlin	[      ]	[      ]
Edward T. Sykes	[      ]	[      ]
Howard Siegel	[      ]	[      ]
Scott Smith	[      ]	[      ]
Paul Guenther	[      ]	[      ]
Joseph Perrello	[      ]	[      ]
Carol Roig	[      ]	[      ]

The following persons were also present:

Jennifer M. Flad, Executive Director  
Julio Garaicoechea, Project Manager  
Deborah Nola, Accounting and Financial Analyst  
Walter F. Garigliano, Agency General Counsel

The following resolution was duly offered by \_\_\_\_\_, and seconded by \_\_\_\_\_, to wit:

Resolution No. \_\_\_\_ - 21

### ***RESOLUTION DIRECTING THE RECAPTURE OF UNAUTHORIZED SALES AND USE TAX BENEFITS FROM EMPIRE RESORTS REAL ESTATE I, LLC ("COMPANY")***

*WHEREAS*, by Title 1 of Article 18-A of the General Municipal Law of the State of New York ("State"), as amended, and Chapter 560 of the Laws of 1970 of the State, as amended and codified as Section 960 of the General Municipal Law (collectively, the "Act"), the Agency was created with the authority and power to own, lease and sell property as authorized by the Act; and

*WHEREAS*, on or about March 25, 2016, the Company presented an application ("Application") to the Agency, a copy of which is on file with the Agency, requesting the Agency's assistance with respect to a certain project consisting of the: (i) acquisition, construction, installation and equipping of a new eighteen (18) hole golf course ("Golf Course"), an approximately 14,000± square foot clubhouse, an approximately 12,800± square foot maintenance

building and related structures (“Buildings”) situate on one (1) parcel of real estate consisting of approximately 216.75± acres located along Thompsonville Road and Chalet Road, Town of Thompson (“Town”), County of Sullivan (“County”), State and identified on the Town tax map as 15.-1-15 (“Land”); (ii) acquisition, construction and equipping of the Golf Course and Buildings; (iii) acquisition, construction and installation thereon and therein of certain furniture, fixtures, machinery, equipment and tools (“Equipment”); (iv) construction of improvements to the Golf Course, the Buildings, the Land and the Equipment (collectively, the Golf Course, the Buildings, the Land and the Equipment are referred to as the “Facility” or the “Project”); and (v) lease of the Project from the Agency to the Company; and

*WHEREAS*, by resolution, dated June 20, 2016 (“Resolution”), the Agency authorized the Company to act as its agent for the purposes of acquiring, constructing, installing and equipping the Facility and conferred on the Company certain financial assistance consisting of: (a) an exemption from all State and local sales and use tax for the purchases and rentals related to the Project with respect to the qualifying personal property included in or incorporated into the Facility or used in the acquisition, construction or equipping of the Facility, (b) an exemption from mortgage recording tax, and (c) a partial abatement from real property taxes conferred through a certain payment in lieu of tax agreement requiring the Company to make payments in lieu of taxes (“PILOT”) for the benefit of each municipality and school district having taxing jurisdiction over the Project, (collectively, the sales and use tax exemption, the mortgage recording tax exemption, and the partial abatement from real property taxes, are hereinafter collectively referred to as the “Financial Assistance”). Provision of Financial Assistance is subject to the Company entering into this Agreement; and

*WHEREAS*, on or about December 22, 2016, the Agency and Company entered into an Agent and Project Agreement; and

*WHEREAS*, the Company has submitted Monthly Purchase Reports to the Agency indicating the taxable purchases made without payment of sales tax, and has submitted annual ST-340 Forms to the New York State Department of Taxation and Finance, indicating the total sales and use tax exemptions claimed; and

*WHEREAS*, during a review of these documents, the Agency became aware that the Company made purchases during the months of January through May 2020, after the sales tax exemption period had ended on December 31, 2019; and

*WHEREAS*, as contemplated by Section 874 (10)-(12) of the General Municipal Law (“GML”), the Agency established a Project Recapture and Termination Policy which requires the recapture of financial assistance including sales and use tax exemption amounts not authorized by the Agency; and

*WHEREAS*, in accordance with Section 875(3) of the GML, if the Agency determines sales and use tax exemptions claimed by the Company were not authorized by the Agency, then the Agency shall recapture such sales and use tax benefits from the Company; and

*WHEREAS*, Tax Bulletin ST-385 (TB-ST-385) sets forth the procedure to be followed in

the event the Agency must recapture unauthorized sales and use tax exemption benefits claimed.

*NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE AGENCY AS FOLLOWS:*

Section 1. The Agency hereby makes the following findings:

- A. The company made purchases during the months of January through May 2020, after the sales tax exemption period had ended on December 31, 2019; and
- B. The total value of the sales and use tax exemption benefits claimed by the Company during the months of January through May 2020 was in the amount of \$9,301.07.

Section 2. The Executive Director of the Agency is hereby authorized and directed to recapture the amount of sales and use tax exemption benefits claimed by the Company and not authorized by the Agency, which amount is \$9,301.07.

Section 3. The officers, employees and agents of the Agency are hereby authorized and directed for and in the name and on behalf of the Agency to do all acts and things required and to execute and deliver all such certificates, instruments and documents, to pay all such fees, charges and expenses and to do all such further acts and things as may be necessary or, in the opinion of the officer, employee or agent acting, desirable and proper to effect the purposes of the foregoing resolutions and to cause compliance by the Agency with all of the terms, covenants and provisions of the documents executed for and on behalf of the Agency.

Section 4. These Resolutions shall take effect immediately

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

Ira Steingart	[ ] Yes	[ ] No	[ ] Absent	[ ] Abstain
Suzanne Loughlin	[ ] Yes	[ ] No	[ ] Absent	[ ] Abstain
Edward T. Sykes	[ ] Yes	[ ] No	[ ] Absent	[ ] Abstain
Howard Siegel	[ ] Yes	[ ] No	[ ] Absent	[ ] Abstain
Scott Smith	[ ] Yes	[ ] No	[ ] Absent	[ ] Abstain
Paul Guenther	[ ] Yes	[ ] No	[ ] Absent	[ ] Abstain
Joseph Perrello	[ ] Yes	[ ] No	[ ] Absent	[ ] Abstain
Carol Roig	[ ] Yes	[ ] No	[ ] Absent	[ ] Abstain

The resolution was thereupon duly adopted.



STATE OF NEW YORK :  
:SS  
COUNTY OF SULLIVAN :

I, the undersigned (Assistant) Secretary of the Agency DO HEREBY CERTIFY THAT:

1. I have compared the foregoing copy of a resolution of the Agency with the original thereof on file in the office of the Agency, and that the same is a true and correct copy of such resolution and of the proceedings of the Agency in connection with such matter.
2. Such resolution was passed at a meeting of the Agency duly convened via conference call on February 8, 2021 at 11:00 a.m. at which the following members were present:

	<u>PRESENT</u>	<u>ABSENT</u>
Ira Steingart	[ ]	[ ]
Suzanne Loughlin	[ ]	[ ]
Edward T. Sykes	[ ]	[ ]
Howard Siegel	[ ]	[ ]
Scott Smith	[ ]	[ ]
Paul Guenther	[ ]	[ ]
Joseph Perrello	[ ]	[ ]
Carol Roig	[ ]	[ ]

3. The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

Ira Steingart	[ ] Yes	[ ] No	[ ] Absent	[ ] Abstain
Suzanne Loughlin	[ ] Yes	[ ] No	[ ] Absent	[ ] Abstain
Edward T. Sykes	[ ] Yes	[ ] No	[ ] Absent	[ ] Abstain
Howard Siegel	[ ] Yes	[ ] No	[ ] Absent	[ ] Abstain
Scott Smith	[ ] Yes	[ ] No	[ ] Absent	[ ] Abstain
Paul Guenther	[ ] Yes	[ ] No	[ ] Absent	[ ] Abstain
Joseph Perrello	[ ] Yes	[ ] No	[ ] Absent	[ ] Abstain
Carol Roig	[ ] Yes	[ ] No	[ ] Absent	[ ] Abstain

and therefore, the resolution was declared duly adopted.

I FURTHER CERTIFY that (i) all members of the Agency had due notice of said meeting, (ii) pursuant to Sections 103(a) and (c) and 104 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public via videoconferencing and public notice of the time and place of said meeting was duly given in accordance with such Sections 103(a) and (c) and 104, (iii) the meeting in all respects was duly held via teleconference as authorized by New York Governor Andrew Cuomo's Executive Order No. 202.92, and (iv) there was a quorum present throughout.

*IN WITNESS WHEREOF*, I have hereunto set my hand and seal on the 8<sup>th</sup> day of February, 2020.

---

Secretary

## Commercial/Industrial Park Abatement Program

### Purpose.

This program is designed to encourage owners of land zoned for commercial or industrial uses to invest in roads and infrastructure without a concern about additional real estate taxes becoming a burdensome carrying cost while the commercial or industrial park land or lots are being marketed to end users.

### Tax Abatements.

#### Sales.

Sales tax abatements are provided in connection with all taxable items purchased or leased in connection with the development of the qualifying commercial or industrial park. The Agency's sales tax reporting protocols shall apply to all such expenditures. The abatement is subject to the Agency's one (1%) percent sales tax abatement fee.

#### Mortgage:

All mortgage recording taxes ("MRT") on real estate mortgages securing loans for development of qualifying industrial parks shall be abated. The abatement is subject to the Agency's MRT abatement fee of the greater of one-tenth (1/10%) percent of the original principal amount of the debt secured or Five Thousand and 00/100 (\$5,000.00) Dollars.

#### Real Estate:

Real estate taxes on the increased value of the land following installation of roads and infrastructure shall be abated at one hundred (100%) percent for a period not to exceed ten (10) years. All projects relying on this program shall enter into a Master Development and Agency Agreement ("MDAA"). The MDAA shall provide that when a part of the commercial or industrial park is sold, leased or a building permit related thereto is issued, the land or lot subject to the sale, lease or permit shall no longer qualify for real estate tax abatement under this program.

### Employment Goals.

There are no minimum employment goals associated with this program.

### Location Restriction.

This program is limited to projects undertaken on land with zoning that allows commercial or industrial uses and shall be applicable to only the Towns of Rockland, Liberty, Thompson and Mamakating, along Interstate Route 86 and the Towns of Fallsburg and Bethel, where commercial or industrial parks are located.

### Benefits to Future User of Commercial/Industrial Park Land or Lots.

It is anticipated that persons or entities purchasing or leasing land (or the owner constructing improvements) will apply for tax abatements on projects to be constructed on the improved commercial or industrial park land. At the time of adoption of this policy, such future abatements shall receive financial assistance under the Agency's General Abatement Program unless 1) the proposed use qualifies for abatements under the Agency's Manufacturing or other

applicable Abatement Program or 2) the proposed project seeks and is granted a deviation from the Agency's General Abatement Program.

70310-014v2

## Commercial/Industrial Park Abatement Program

### Purpose.

This program is designed to encourage owners of land zoned for commercial or industrial uses to invest in roads and infrastructure without a concern about additional real estate taxes becoming a burdensome carrying cost while the commercial or industrial park land or lots are being marketed to end users.

### Tax Abatements.

#### Sales.

Sales tax abatements are provided in connection with all taxable items purchased or leased in connection with the development of the qualifying commercial or industrial park. The Agency's sales tax reporting protocols shall apply to all such expenditures. The abatement is subject to the Agency's one (1%) percent sales tax abatement fee.

#### Mortgage:

All mortgage recording taxes ("MRT") on real estate mortgages securing loans for development of qualifying industrial parks shall be abated. The abatement is subject to the Agency's MRT abatement fee of the greater of one-tenth (1/10%) percent of the original principal amount of the debt secured or Five Thousand and 00/100 (\$5,000.00) Dollars.

#### Real Estate:

Real estate taxes on the increased value of the land following installation of roads and infrastructure shall be abated at one hundred (100%) percent for a period not to exceed ten (10) years. All projects relying on this program shall enter into a Master Development and Agency Agreement ("MDAA"). The MDAA shall provide that when a part of the commercial or industrial park is sold, leased or a building permit related thereto is issued, the land or lot subject to the sale, lease or permit shall no longer qualify for real estate tax abatement under this program.

### Employment Goals.

There are no minimum employment goals associated with this program.

### Location Restriction.

This program is limited to projects undertaken on land with zoning that allows commercial or industrial uses and shall be applicable to only the Towns of Rockland, Liberty, Thompson and Mamakating, along Interstate Route 86 and the Towns of Fallsburg and Bethel, where existing commercial or industrial parks are located.

### Benefits to Future User of Commercial/Industrial Park Land or Lots.

It is anticipated that persons or entities purchasing or leasing land (or the industrial park owner constructing improvements) will apply for tax abatements on projects to be constructed on the improved commercial or industrial park land. At the time of adoption of this policy, such future abatements shall receive financial assistance under the Agency's General Abatement Program unless 1) the proposed use qualifies for abatements under the Agency's Manufacturing

| or other applicable Abatement Program or 2) the proposed project seeks and is granted a deviation from the Agency's General Abatement Program.

70310-014v2

**COUNTY OF SULLIVAN INDUSTRIAL DEVELOPMENT AGENCY**  
**One Cablevision Center**  
**Ferndale, New York 12734**  
**845-295-2603**  
**APPLICATION FOR FINANCIAL ASSISTANCE**

I. A. APPLICANT INFORMATION:

Company Name: **234 Main Street, LLC**

Address: **390 Park Avenue, New York, NY 10022**

Phone No.: **212-935-4990**

Telefax No.: **c/o Steven Vegliante 845-436-7788**

Email Address: **c/o Steven Vegliante [svegliante@bdflegal.com](mailto:svegliante@bdflegal.com)**

Fed Id. No.: \_\_\_\_\_

Contact Person: **Jeffrey Stevenson**

Principal Owners/Officers/Directors (list owners with 15% or more in equity holdings with percentage ownership):

Principal Owners (Shareholders/Members/Owners): **Jeffrey Stevenson**

Manager: **Jeffrey Stevenson**

Officers: \_\_\_\_\_

*Corporate Structure (attach schematic if Applicant is a subsidiary or otherwise affiliated with another entity)*

---

Form of Entity:

\_\_\_\_\_ Corporation (Sub-s)

Date of incorporation: \_\_\_\_\_

State of incorporation: \_\_\_\_\_

\_\_\_\_\_ Partnership

General \_\_\_\_\_ or Limited \_\_\_\_\_

Number of general partners \_\_\_\_\_

If applicable, number of limited partners \_\_\_\_\_

Date of formation: \_\_\_\_\_

Jurisdiction formation: \_\_\_\_\_

☒ Limited Liability Company/Partnership (number of members 1)

Date of organization: **January 9, 2019**

State of organization: **New York**

\_\_\_\_ Sole Proprietorship

If a foreign organization, is the Applicant authorized to do business in the State of New York? Yes No ☒ N/A \_\_\_\_\_ (If so, please append Certificate of Authority.)

#### APPLICANT'S COUNSEL

Name: **Brown Duke & Fogel, LLP / Steven Vegliante, Of Counsel**

Address: **449 Broadway, Monticello, NY 12701**

Phone No.: **845-434-6688 / 845-798-2288 Cell**

Telefax No.: **845-436-7788**

Email Address: **svegliante@bdflegal.com**

#### II. REQUESTED FINANCIAL ASSISTANCE

##### Estimated Value

Real Property Tax Abatement (estimated)	<u>\$TBD</u>
Mortgage Tax Exemption	<b>\$ 20,000.00</b>
Sales and Use Tax Exemption	<b>\$ 150,000.00</b>
Issuance by the Agency of Tax Exempt Bonds	N/A



III. PROJECT INFORMATION

A.) Project Location:

Project Address: **234 Main Street, Hurleyville, NY 12747**

Tax Map Number(s): **34.-9-12 (Portion of)**

Located in the Village of: \_\_\_\_\_

Located in Town of **Fallsburg**

Located in the School District of **Fallsburg**

Located in Hamlet of **Hurleyville**

(i) Are Utilities on Site?

Water/Sewer Y

Electric Y

Gas N

Storm Sewer Y

(ii) Present legal owner of the site: **The Center for Discovery, Inc.**

If other than Applicant, by what means will the site be acquired for this Project:

**Executed 99 year lease**

(iii) Zoning of Project Site: Current: **HR**

Proposed: **HR**

(iv) Are any variances needed: **NO**

(v) Principal Use of Project upon completion **Mixed use Building with Retail shops on ground floor and two additional floors of residential apartments.**

B.) Will the Project result in the removal of a plant or facility of the Applicant or a proposed Project occupant from one area of the State of New York to another area of the State of New York? **No**; If yes, please explain:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

C.) Will the Project result in the abandonment of one or more Plants or facilities of the Applicant or a proposed Project occupant located in the State of New York? **No**; If yes, please explain:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

D.) If the answer to either question B or C above is yes, you are required to indicate whether any of the following apply to the Project:

1. Is the Project reasonably necessary to preserve the competitive position of the Applicant or such Project Occupant in its industry? Yes X; No \_\_\_\_\_. If yes, please explain:

**Based upon market rental rates, building cost cannot be repaid without Agency assistance. Absent real property, sales and potentially mortgage tax abatement, project cannot reasonably be completed.**

2. Is the Project reasonably necessary to discourage the Applicant or such Project Occupant from removing such other plant or facility to a location outside the State of New York? Yes X; No \_\_\_\_\_. If yes, please explain:

- E.) Will the Project include facilities or property that will be primarily used in making retail sales of goods or provide services to customers who personally visit such facilities? Y; If yes, please contact the Agency for additional information.
- F.) Please provide a narrative of the Project and the purpose of the Project (new build, renovations, and/or all equipment purchases). Identify specific uses occurring within the Project. Describe any and all tenants and any/all end users. Describe the proposed acquisitions, construction or reconstruction and a description of the costs and expenditures expected. Attach additional sheets, if necessary.

**Applicant has begun construction of multi-use retail and residential building within the hamlet of Hurleyville. The building will feature 4 retail storefronts totaling 2500 sq.ft. with an additional 8 2 bedroom and 1 bath residential apartments. The project is specifically designed to complement and support the re-development of the hamlet of Hurleyville and to provide competitively priced retail and residential rentals to the community.**

- G.) COSTS AND BENEFITS OF THE PROJECT

Costs = Financial Assistance

Estimated Sales Tax Exemption	<u>\$150,000.00</u>
Estimated Mortgage Tax Exemption	<u>\$20,000.00</u>
Estimated Property Tax Abatement	<u>\$TBD</u>
Estimated Interest Savings IRB Issue	N/A

Benefits= Economic Development

Jobs created	<u>10</u>
Jobs retained	<u>0</u>
Private funds invested	\$ <u>2,717,210.25</u>
Other Benefits	_____

Estimate how many construction/permanent jobs will be created or retained as a

result of this Project:	
Construction:	<u>20</u>
Permanent:	<u>10</u>
Retained (at current facility):	N/A

Project Costs (Estimates)	
Land and Existing Buildings	\$ <u>99.00</u>
Soft Costs (5%)	\$ <u>129,386.25</u>
Other	\$ <u>2,587,725.00</u>
Total	\$ <u>2,717,210.25</u>

In addition to the above estimated capital costs of the project, which must include all costs of real property and equipment acquisition and building construction or reconstruction, you must include details on the amounts to be financed from private sector sources, an estimate of the percentage of project costs financed from public sector sources and an estimate of both the amount to be invested by the Applicant and the amount to be borrowed to finance the Project.

**Applicant has financed project costs to date. No other public sector sources are contemplated at this point. At completion of construction, Applicant will pursue a refinancing of the completed project. Applicant has decided to make a long term investment in the Hurleyville community to support ongoing re-development efforts and to improve the Main Street business community and aesthetic.**

In addition to the job figures provided above, please indicate the following:

- 1) The projected number of full time equivalent jobs that would be retained and that would be created if the request for financial assistance is granted.

**10**

---



---

- 2) The projected timeframe for the creation of new jobs.

**18 months**

---

- 3) The estimated salary and fringe benefit averages or ranges for categories of the jobs that would be retained or created if the request for financial assistance is granted.

**Mix of Retail Associate and Management positions from within the retail tenants, expected to be averaged at \$40,000.00.**

- 4) An estimate of the number of residents of the economic development region as established pursuant to section two hundred thirty of the Economic Development

Law, in which the project is located that would fill such jobs. The labor market area defined by the agency (Mid-Hudson Economic Development Region)

1,433,386

---

H.) State whether there is a likelihood that the project would not be undertaken but for the financial assistance provided by the Agency, or, if the project could be undertaken without financial assistance provided by the Agency, a statement indicating why the project should be undertaken by the Agency

**The project faces unseen hurdles with the current economic crisis. Due to the economic downturn, without the provision of benefits, the prospect of completing this project and having it be sustainable is simply untenable.**

#### IV. REPRESENTATIONS BY THE APPLICANT

The Applicant understands and agrees with the Agency as follows:

- A) Job Listings. In accordance with Section 858-b (2) of the New York General Municipal Law, the Applicant understands and agrees that, if the Project receives any Financial Assistance from the Agency, except as otherwise provided by collective bargaining agreements, new employment opportunities created as a result of the Project will be listed with the New York State Department of Labor Community Services Division (the "DOL") and with the administrative entity (collectively with the DOL, the "JTPA Entities") of the service delivery area created by the federal job training partnership act (Public Law 97-300) ("JTPA") in which the Project is located.
- B) First Consideration for Employment. In accordance with Section 858-b (2) of the New York General Municipal Law, the Applicant understands and agrees that, if the Project receives any Financial Assistance from the Agency, except as otherwise provided by collective bargaining agreements, where practicable, the Applicant will first consider persons eligible to participate in JTPA programs who shall be referred by the JTPA Entities for new employment opportunities created as a result of the Project.
- C) Annual Sales Tax Filings. In accordance with Section 874(8) of the New York General Municipal Law, the Applicant understands and agrees that, if the Project receives any sales tax exemptions as part of the Financial Assistance from the Agency, in accordance with Section 874(8) of the General Municipal Law, the Applicant agrees to file, or cause to be filed, with the New York State Department of Taxation and Finance, the annual form prescribed by the Department of Taxation and Finance, describing the value of all sales tax exemptions claimed by the Applicant and all consultants or subcontractors retained by the Applicant.
- D) Annual Employment Reports. The Applicant understands and agrees that, if the Project receives any Financial Assistance from the Agency, the Applicant agrees

to file, or cause to be filed, with the Agency, on an annual basis, reports regarding the number of people employed at the project site.

E) Absence of Conflicts of Interest. The Applicant has received from the Agency a list of the members, officers, and employees of the Agency. No member, officers or employee of the Agency has an interest, whether direct or indirect, in any transaction contemplated by this Application, except as hereinafter described.

F.) The Applicant represents that the provisions of Section 862(1) of the New York General Municipal Law, as provided below, will not be violated if Financial Assistance is provided for the proposed Project:

§ 862. Restrictions on funds of the agency. (1) No funds of the agency shall be used in respect of any project if the completion thereof would result in the removal of an industrial or manufacturing plant of the project occupant from one area of the state to another area of the state or in the abandonment of one or more plants or facilities of the project occupant located within the state, provided, however, that neither restriction shall apply if the agency shall determine on the basis of the application before it that the project is reasonably necessary to discourage the project occupant from removing such other plant or facility to a location outside the state or is reasonably necessary to preserve the competitive position of the project occupant in its respective industry.

G.) The Applicant confirms and acknowledges that the owner, occupant, or operator receiving Financial Assistance for the proposed Project is in substantial compliance with applicable local, state and federal tax, worker protection and environmental laws, rules and regulations.

H.) The Applicant confirms and acknowledges that the submission of any knowingly false or knowingly misleading information may lead to the immediate termination of any Financial Assistance and the reimbursement of an amount equal to all or part of any tax exemption claimed by reason of the Agency's involvement the Project.

I.) The Applicant confirms and hereby acknowledges that as of the date of this Application, the Applicant is in substantial compliance with all provisions of Article 18-A of the New York General Municipal Law, including, but not limited to, the provision of Section 859-a and Section 862(1) of the New York General Municipal Law.

/Users/stevenvegliante/Library/Group Containers/2E337YPCZY.airmail/Library/Application Support/it.bloop.airmail2/Airmail/General/Tmp/Draft Application.4.docx

The Applicant and the individual executing this Application on behalf of the Applicant acknowledge that the Agency will rely on the representations made herein when acting on this Application and hereby represent that the statements made herein do not contain any untrue statement of a material fact and do not omit to state a material fact necessary to make the statements contained herein not misleading.

(APPLICANT)

234 Main Street, LLC

By: Jeffrey Stevenson, Manager

Date: \_\_\_\_\_

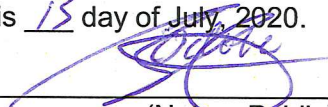
STATE OF NEW YORK     )  
COUNTY OF SULLIVAN   ) ss.:

Jeffrey Stevenson, being first duly sworn, deposes and says:

1. That I am the Manager of 234 Main Street, LLC (collectively, the, "Applicant") and that I am duly authorized on behalf of the Applicant to bind the Applicant.
2. That I have read the attached Application, I know the contents thereof, and that to the best of my knowledge and belief, this Application and the contents of this Application are true, accurate and complete.

  
Jeffrey Stevenson

Subscribed and affirmed to me under penalties of perjury  
this 13 day of July, 2020.

  
\_\_\_\_\_  
(Notary Public)

**STEVEN VEGLIANTE**  
*Notary Public-State of New York*  
Sullivan County Clerk #2307  
My Commission Expires 7/5/20 22

**THIS APPLICATION SHALL BE SUBMITTED WITH (I) TWO CHECKS: ONE COVERING A \$250.00 APPLICATION FEE AND THE SECOND COVERING A \$5,000.00 UP-FRONT ESCROW DEPOSIT; AND (II) APPLICANT'S FORMATION DOCUMENTS (IE: IF A CORPORATION: ITS CERTIFICATE OF INCORPORATION AND BYLAWS; IF A LIMITED LIABILITY COMPANY: ITS ARTICLES OF ORGANIZATION AND OPERATING AGREEMENT; IF A LIMITED PARTNERSHIP: ITS CERTIFICATE OF LIMITED PARTNERSHIP AND LIMITED PARTNERSHIP AGREEMENT; OR IF A PARTNERSHIP: ITS PARTNERSHIP AGREEMENT TO:**

**COUNTY OF SULLIVAN INDUSTRIAL DEVELOPMENT AGENCY  
Executive Director  
ONE CABLEVISION CENTER  
FERNDAL, NEW YORK 12734**

## HOLD HARMLESS AGREEMENT

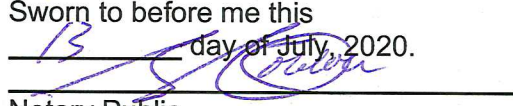
Applicant hereby releases the COUNTY OF SULLIVAN INDUSTRIAL DEVELOPMENT AGENCY and the members, officers, servants, agents and employees thereof ("Agency") from, agrees that the Agency shall not be liable for and agrees to indemnify, defend and hold the Agency harmless from and against any and all liability arising from or expense incurred by (A) the Agency's examination and processing of, and action pursuant to or upon, the attached Application, regardless of whether or not the Application or the Project described therein or the tax exemptions and other assistance requested therein are favorably acted upon by the Agency, (B) the Agency's acquisition, construction and/or installation of the Project described therein and (C) any further action taken by the Agency with respect to the Project; including without limiting the generality of the foregoing, all causes of action and attorneys' fees and any other expenses incurred in defending any suits or actions which may arise as a result of any of the foregoing. If, for any reason, the Applicant fails to conclude or consummate necessary negotiations, or fails, within a reasonable or specified period of time, to take reasonable, proper or requested action, or withdraws, abandons, cancels or neglects the Application, or if the Agency or the Applicant are unable to reach final agreement with the respect to the Project, then, and in the event, upon presentation of an invoice itemizing the same, the Applicant shall pay to the Agency, its agents or assigns, all costs incurred by the Agency in the processing of the Application, including attorneys' fees, if any.

234 Main Street, LLC

By:   
Jeffrey Stevenson, Manager

Date: 10/13/2020

Sworn to before me this  
13 day of July, 2020.

  
Notary Public

**STEVEN VEGLIANTE**  
*Notary Public-State of New York*  
Sullivan County Clerk #2307  
My Commission Expires 7/5/20 22



# **COUNTY OF SULLIVAN INDUSTRIAL DEVELOPMENT AGENCY**

## **PROCUREMENT POLICY**

### **A. Introduction**

1. Scope – In accordance with Article 18-A of the General Municipal Law (the “IDA Act”), Section 104-b of the General Municipal Law, and the Public Authorities Accountability Act of 2005, the County of Sullivan Industrial Development Agency is required adopt procurement policies which will apply to the procurement of goods and services not subject to the competitive bidding requirements of Section 103 of the GML and paid for by an IDA for its own use and account.
2. Purpose – Pursuant to Section 104-b of the GML, the primary objectives of this policy are to assure the prudent and economical use of public monies in the best interests of the taxpayers of a political subdivision or district, to facilitate the acquisition of goods and services of maximum quality at the lowest possible cost under the circumstances and to guard against favoritism, improvidence, extravagance, fraud and corruption.

### **B. Procurement Policy**

1. Determination Required – Prior to commencing any procurement of goods and services, the Executive Director or an authorized designee shall prepare a written statement setting forth the basis for (1) the determination that competitive bidding is not required for such procurement, and if applicable (2) the determination that such procurement is not subject to any requirements set forth in this policy. Such written statements shall be maintained by the Executive Director or such authorized designee in a specially designated procurement file.
2. Procedure for determining whether Procurements are subject to Competitive Bidding – The procedure for determining whether a procurement of goods and services is subject to competitive bidding shall be as follows:
  - a. The Executive Director or an authorized designee shall make the initial determination as to whether competitive bidding is required. This determination will be based on Section 103 of the GML which requires competitive bidding for expenditures of (1) more than \$35,000 for the performance of any public works contract (services, labor or construction), and (2) more than \$20,000 for any purchase contract (acquisition of commodities, materials, supplies or equipment).

- b. The Executive Director or such authorized designee shall review the purchase request against prior years' expenditures and a good faith effort will be made to determine whether it is known or can reasonably be expected that the aggregate purchases of a similar nature will exceed the above competitive bidding procedures shall be followed for said expenditure.
  - c. The Executive Director or such authorized designee shall present any legal issues regarding the applicability of the competitive bidding requirements stated herein to the Agency's Counsel.
- 3. Methods of Competition to be used for Non-Bid Procurements and Procurements Exempt by Statute – Alternative proposals or quotations for goods and services shall be secured by use of written requests for proposals or written quotations, verbal quotations or any other method of procurement which furthers the purposes of this Section except for items excepted herein (see 9 below) or procurements made pursuant to:
  - a. GML, Section 103 (3) (through county contracts), or
  - b. GML, Section 104 (through state contracts), or
  - c. State Finance Law, Section 175-b (from agencies for the blind or severely handicapped), or
  - d. Correction Law, Section 186 (articles manufactured in correctional institutions).
- 4. Procedures for the Purchase of Commodities, Equipment or Goods under \$20,000.
  - a. Up to \$3,000 The discretion of the Executive Director or authorized designee.
  - b. \$3,001 - \$10,000 Documented verbal quotations from at least three vendors.
  - c. \$10,001 - \$20,000 Written/fax quotations from at least three vendors.
- 5. Procedures for the Purchase of Public Works or Services under \$35,000.
  - a. Up to \$6,000 The discretion of the Executive Director or authorized designee.

b. \$6,001 - \$20,000 Documented verbal quotations from at least three vendors.

c. \$20,001 - \$35,000 Written/fax quotations from at least three vendors.

6. Basis for the Award of Contracts – Contracts will be awarded to the lowest responsible vendor who meets the specifications.

7. Circumstances justifying an Award to other than the Lowest Cost quoted.

- a. Delivery requirements
- b. Quality requirements
- c. Quality
- d. Past vendor performance
- e. The unavailability of three or more vendors who are able to quote on a procurement.
- f. It may be in the best interests of the Agency to consider only one vendor who has previous expertise with respect to a particular procurement.

8. Documentation

a. For each purchase made the Executive Director or authorized designee shall set forth in writing the category of procurement that is being made and what method of procurement is specified.

b. The basis for any determination that competitive bidding is not required shall be documented, in writing, by the Executive Director or such authorized designee, and filed with the purchase order or contract therefore.

c. For those items not subject to competitive bidding such as professional services, emergencies, purchased under city contracts or procurements from sole sources, documentation should include a memo to the files which details why the procurement is not subject to competitive bidding and include, as applicable:

- (1) a description of the facts giving rise to the emergency and that they meet the statutory criteria; or
- (2) a description of the professional services; or
- (3) written verification of city contracts; or
- (4) opinions of Counsel, if any; or
- (5) a description of sole source items and how such determinations were made.

d. Whenever an award is made to other than the lowest quote the reasons for doing so shall be set forth in writing and maintained in the procurement file.

e. Whenever the specified number of quotations cannot or will not be secured, the reasons for this shall be indicated in writing and maintained in the procurement file.

9. Exceptions to Bidding

a. Emergency Situation – An emergency exists if the delay caused by soliciting quotes would endanger the health, welfare or property of the County or of the citizens. With approval by the Executive Director such emergency shall not be subject to competitive bidding or the procedures stated above.

b. Resolution Waiving Bidding Requirements – The Agency may adopt a resolution waiving the competitive bidding requirements whenever it is determined to be impracticable.

c. Sole Source – Defined as a situation when there is only one possible source from which to procure goods and/or services and it is shown that the item needed has unique benefits, the cost is reasonable for the product offered and there is no competition available. In this situation, a request for a resolution waiving bidding requirements, as described above, is required.

d. True Lease – Prices will be obtained through quotations whenever possible. The award shall be made on the basis of goods and/or services to be provided, ability to meet the specifications desired and price.

e. Insurance – All insurance policies shall be procured in accordance with the following procedures:

- (1) Premium less than \$10,000 – documented telephone quotations from at least three agents (if available).
  - (2) Premium over \$10,001 – written quotations/fax or proposals from at least three agents (if available)
- f. Professional Services – This category includes services which require special education and/or training, license to practice or are creative in nature. Examples of professional services are: lawyers, doctors, accountants, engineers, artists, etc. For the procurement of professional services, the procedures set forth in Exhibit B shall apply.
- 10. Minority and Women Business Enterprises – The Agency shall comply with all applicable legal requirements relating to the hiring of such businesses.
- 11. Input from members of the Agency – Comments concerning the procurement policy shall be solicited from the members of the Agency from time to time.
- 12. Annual Review – the Agency shall annually review its policies and procedures.
- 13. Unintentional Failure to Comply – The unintentional failure to comply with the provisions of Section 104-b of the GML shall not be grounds to void action taken or give rise to a cause of action against the Agency or any officer thereof.

Approved and adopted this 18<sup>th</sup> day of May, 2006.  
Modified and readopted this 9<sup>th</sup> day of February, 2015.

**COUNTY OF SULLIVAN INDUSTRIAL DEVELOPMENT**  
**AGENCY AMENDED AND RESTATED INVESTMENT POLICY**

**I. INVESTMENT AND DEPOSIT POLICY**

**A. Introduction**

1. Scope – This investment and deposit policy applies to all monies and other financial resources available for investment and deposit on its own behalf or on behalf of any other entity or individual.
2. Objectives – The primary objectives of the local government’s investment activities are, in priority order:
  - a. to conform with all applicable federal, state and other legal requirements (legal);
  - b. to adequately safeguard principal (safety);
  - c. to provide sufficient liquidity to meet all operating requirements (liquidity); and
  - d. to obtain a reasonable rate of return (yield).
3. Prudence – All participants in the investment process and all participants responsible for depositing the Agency’s funds shall seek to act responsibly as custodians of the public trust and shall avoid any transaction that might impair confidence in the Agency to govern effectively.

Investments and deposits shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the safety of the principal as well as the probable income to be derived.

All participants involved in the investment process and all participants responsible for depositing the Agency’s funds shall refrain from personal business activity that could conflict with proper execution of the investment program or the deposit of the Agency’s funds or which could impair their ability to make impartial investment decisions.
4. Diversification – It is the policy of the Agency to diversify its deposits and investments by financial institution, by investment instrument, and by maturity scheduling.
5. Internal Controls

- a. All money's collected by an officer or employee of the Agency shall be immediately deposited in such depositories and designated by the Agency for the receipt of such funds.
- b. The Agency shall maintain or cause to be maintained a proper record of all book, notes, securities or other evidences of indebtedness held by the Agency for investment and deposit purposes.
- c. The Agency is responsible for establishing and maintaining an internal control structure to provide reasonable, but not absolute, assurance that deposits and investments are safeguarded against loss from unauthorized use or disposition, that transactions are executed in accordance with management's authorization and recorded properly, and are managed in compliance with applicable laws and regulations.

#### 6. Designation of Depositories

In accordance with the IDA Act, the Agency shall designate as depositories of its money those banks and trust companies authorized to serve as such pursuant to said law.

### B. Investment Policy

#### 1. Permitted Investments

Pursuant to GML Section 11, the Agency is authorized to invest moneys not required for immediate expenditure for terms not to exceed its projected cash flow needs in the following types of investments:

- a. Special time deposit accounts;\*
- b. Certificates of deposit;\*
- c. Obligations of the United States of America;\*\*
- d. Obligations guaranteed by agencies of the United States of America where payment of principal and interest are guaranteed by the United States of America;\*\*
- e. Obligations of the State of New York;\*

\* Special time deposit accounts and certificates of deposit are permitted investments provided that (1) they shall be payable within such time as the proceeds shall be needed to meet expenditures for which the moneys were

obtained and (2) they are collateralized in the same manner as set forth in Section VII (C) below for deposits of public funds.

**\*\*** All investment obligations shall be payable or redeemable at the option of the Agency within such times as the proceeds will be needed to meet expenditures for purposes for which the moneys were provided and, in the case of obligations purchased with the proceeds of bonds or notes, shall be payable or redeemable at the option of the Agency within two years of the date of purchase.

## 2. Authorized Financial Institutions and Dealers

The Agency shall maintain a list of financial institutions and dealers, approved for investment purposes and establish appropriate limits to the amount of investments which can be made with each financial institution or dealer. All financial institutions with which the local government conducts business must be credit worthy. Banks shall provide their most recent Consolidated Report of Condition (Call Report) at the request of the Agency. Security dealers not affiliated with a bank shall be required to be classified as reporting dealers affiliated with the New York Federal Reserve Bank, as primary dealers. The Executive Director or Chairman is responsible for evaluating the financial position and maintaining a listing of proposed depositaries, trading partners and custodians. Such listing shall be evaluated at least annually.

## 3. Purchase of Investments

The Agency may contract for the purchase of investments:

- a. Directly, including through a repurchase agreement, from an authorized trading partner.
- b. By participation in a cooperative investment program with another authorized governmental entity pursuant to Article 5G of the GML where such program meets all the requirements set forth in the Office of the State Comptroller Opinion No. 88-46, and the specific program has been authorized by the governing board
- c. By utilizing an ongoing investment program with an authorized trading partner pursuant to a contract authorized by the governing board.

All purchased obligations, unless registered or inscribed in the name of the local government, shall be purchased through, delivered to and held in the custody of a bank or trust company. Such obligations shall be purchased, sold or presented for redemption or payment by such bank or trust company only in accordance with prior written authorization from the officer authorized to make the investment. All such transactions shall be



confirmed in writing to the Agency by the bank or trust company shall be held pursuant to a written custodial agreement as described in GML Section 10.

The custodial agreement shall provide that securities held by the bank or trust company, as agent of and custodian for, the local government, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or become part of the backing for any other deposit or other liabilities. The agreement shall describe how the custodian shall confirm the receipt and release of the securities. Such agreement shall include all provisions necessary to provide the Agency a perfected interest in the securities.

4. Repurchase Agreements

Repurchase agreements are authorized subject to the following restrictions:

- a. All repurchase agreements must be entered into subject to a Master Repurchase Agreement.
- b. Trading partners are limited to banks or trust companies authorized to do business in New York State and primary reporting dealers.
- c. Obligations shall be limited to obligations of the United States of America and obligations guaranteed by agencies of the United States of America.
- d. No substitution of securities will be allowed.
- e. The custodian shall be a party other than the trading partner.

C. Deposit Policy

1. Collateralization of Deposits

In accordance with the provisions of GML Section 10, all deposits of the Agency, including certificates of deposit and special time deposits, in excess of the amount insured under the provisions of the Federal Deposit Insurance Act shall be secured:

- a. By pledge of “eligible securities” with an aggregate “market value” as provided by GML Section 10, equal to the aggregate amount of deposits from the categories designated in Exhibit A attached hereto.
- b. By an eligible “irrevocable letter of credit” issued by a qualified bank other than the bank with the deposits in favor of the government for a term not to exceed 90 days with an aggregate value equal to 140% of the aggregate amount of deposits and the agreed upon interest, if any. A qualified bank is one whose commercial paper and other unsecured short-term debt obligations are rated in one of the three highest rating categories by at least on nationally recognized statistical rating organization or by a bank that is in compliance with applicable federal minimum risk-based capital requirements.
- c. By an eligible surety bond payable to the government for an amount at least equal to 100% of the aggregate amount of deposits and the agreed upon interest, if any, executed by an insurance company authorized to do business in New York State, whose claims-paying ability is rated in the highest rating category by at least two nationally recognized statistical rating organizations. The terms and conditions of any eligible surety shall be approved by the governing board.

## 2. Safekeeping and Collateralization

Eligible securities used for collateralizing deposits shall be held by the depository bank or trust company subject to security and custodial agreements.

The security agreement shall provide that eligible securities are being pledged to secure local government deposits together with agreed upon interest, if any and any costs or expenses arising out of the collection of such deposits upon default. It shall also provide the conditions under which the securities may be sold, presented for payment, substituted or released and the events, which will enable the local government to exercise its rights against the pledged securities. In the event that the securities are not registered or inscribed in the name of the local government, such securities shall be delivered in a form suitable for transfer or with an assignment in blank to the Agency or its custodial bank.

The custodial agreement shall provide that securities held by the bank or trust company, or agent of and custodian for, the local government, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or become part of backing for any other deposit or other liabilities. The agreement should also describe that the custodian shall confirm the receipt, substitution or release of the securities. The agreement shall provide for the frequency of revaluation of eligible securities and for the substitution of securities when a change in the rating of a security may cause ineligibility. Such agreement shall include all provisions necessary to provide the Agency a perfected interest in the securities.

Approved and adopted this 12<sup>th</sup> day of August, 2019.

60394-006

## **EXHIBIT A**

### **SCHEDULE OF ELIGIBLE SECURITIES**

- 1) Obligations issued by the United States of America, an agency thereof or a United States government sponsored corporation or obligations fully insured or guaranteed as to the payment of principal and interest by the United States of America, an agency thereof or a United States government sponsored corporation.
- 2) Obligations issued or fully guaranteed by the International Bank for Reconstruction and Development, the Inter-American Development Bank, the Asian Development Bank and the African Development Bank.
- 3) Obligations partially insured or guaranteed by any agency of the United States of America, at a proportion of the market value of the obligation that represents the amount of the insurance or guaranty.
- 4) Obligations issued or fully insured or guaranteed by the State of New York, obligations issued by a municipal corporation, school district or district corporation of the State of New York or obligations of any public benefit corporation which under a specific state statute may be accepted as security for deposit of public moneys
- 5) Obligations issued by states (other than the State of New York) of the United States rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization.
- 6) Obligations of Puerto Rico rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization.
- 7) Obligations of counties, cities and other governmental entities of another state other than the State of New York having the power to levy taxes that are backed by the full faith and credit of such governmental entity and rated in one of the three highest categories by at least one nationally recognized statistical rating organization.
- 8) Obligations of domestic corporations rated one of the four highest rating categories by at least one nationally recognized statistical rating organization.
- 9) Any mortgage related securities, as defined in the Securities Exchange Act of 1934, as amended, which may be purchased by banks under the limitations established by federal bank regulatory agencies.
- 10) Commercial paper and bankers' acceptances issued by a bank (other than the bank with which the money is being deposited or invested) rated in the highest-short term category by at least one nationally recognized statistical rating organization and having maturities of not longer than sixty days from the date they are pledged.

11) Zero-coupon obligations of the United States government marketed as “Treasury STRIPS”.

**COUNTY OF SULLIVAN INDUSTRIAL DEVELOPMENT AGENCY**  
**DISPOSITION OF REAL PROPERTY GUIDELINES**  
**ADOPTED PURSUANT TO SECTION 2896 OF THE PUBLIC AUTHORITIES LAW**

**SECTION 1. DEFINITIONS**

A. “Contracting officer” shall mean the officer or employee of the County of Sullivan Industrial Development Agency (hereinafter, the “Agency”) who shall be appointed by resolution to be responsible for the disposition of property.

B. “Dispose” or “disposal” shall mean transfer of title or any other beneficial interest in personal or real property in accordance with section 2897 of the Public Authorities Law.

C. “Property” shall mean personal property in excess of five thousand dollars (\$5,000) in value, and real property, and any inchoate or other interest in such property, to the extent that such interest may be conveyed to another person for any purpose, excluding an interest securing a loan or other financial obligation of another party.

**SECTION 2. DUTIES**

A. The Agency shall:

(i) maintain adequate inventory controls and accountability systems for all property owned by the Agency and under its control;

(ii) periodically inventory such property to determine which property shall be disposed of;

(iii) produce a written report of such property in accordance with subsection B herewith; and

(iv) transfer or dispose of such property as promptly and practicably as possible in accordance with Section 2 below.

B. The Agency shall

(i) publish, not less frequently than annually, a report listing all real property owned in fee by the Agency. Such report shall consist of a list and full description of all real and personal property disposed of during such period. The report shall contain the price received by the Agency and the name of the purchaser for all such property sold by the Agency during such period; and

(ii) shall deliver copies of such report to the Comptroller of the State of New York, the Director of the Budget of State of New York, the Commissioner of the New

York State Office of General Services, and the New York State Legislature (via distribution to the majority leader of the senate and the speaker of the assembly).

## **SECTION 2. TRANSFER OR DISPOSITION OF PROPERTY**

A. Supervision and Direction. Except as otherwise provided herein, the duly appointed contracting officer (the "Contracting Officer") shall have supervision and direction over the disposition and sale of property of the Agency. The Agency shall have the right to dispose of its property for any valid corporate purpose.

B. Custody and Control. The custody and control of Agency property, pending its disposition, and the disposal of such property, shall be performed by the Agency or by the Commissioner of General Services when so authorized under this section.

C. Method of Disposition. Unless otherwise permitted, the Agency shall dispose of property for not less than its fair market value by sale, exchange, or transfer, for cash, credit, or other property, with or without warranty, and upon such other terms and conditions as the Agency and/or contracting officer deems proper. The Agency may execute such documents for the transfer of title or other interest in property and take such other action as it deems necessary or proper to dispose of such property under the provisions of this section. Provided, however, except in compliance with all applicable law, no disposition of real property, any interest in real property, or any other property which because of its unique nature is not subject to fair market pricing shall be made unless an appraisal of the value of such property has been made by an independent appraiser and included in the record of the transaction.

D. Sales by the Commissioner of General Services (the "Commissioner"). When the Agency shall have deemed that transfer of property by the Commissioner will be advantageous to the State of New York, the Agency may enter into an agreement with the Commissioner of General Services pursuant to which the Commissioner may dispose of property of the Agency under terms and conditions agreed to by the Agency and the Commissioner. In disposing of any such property, the Commissioner shall be bound by the terms hereof and references to the contracting officer shall be deemed to refer to such Commissioner.

E. Validity of Deed, Bill of Sale, Lease, or Other Instrument. A deed, bill of sale, lease, or other instrument executed by or on behalf of the Agency, purporting to transfer title or any other interest in property of the Agency in accordance herewith shall be conclusive evidence of compliance with the provisions of these guidelines and all applicable law insofar as concerns title or other interest of any bona fide grantee or transferee who has given valuable consideration for such title or other interest and has not received actual or constructive notice of lack of such compliance prior to the closing.

F. Bids for Disposal; Advertising; Procedure; Disposal by Negotiation; Explanatory Statement.

(i) Except as permitted by all applicable law, all disposals or contracts for disposal of property made or authorized by the Agency shall be made after publicly advertising for bids except as provided in subsection (iii) of this Section F.

(ii) Whenever public advertising for bids is required under subsection (i) of this Section F:

(A) the advertisement for bids shall be made at such time prior to the disposal or contract, through such methods, and on such terms and conditions as shall permit full and free competition consistent with the value and nature of the property proposed for disposition;

(B) all bids shall be publicly disclosed at the time and place stated in the advertisement; and

(C) the award shall be made with reasonable promptness by notice to the responsible bidder whose bid, conforming to the invitation for bids, will be most advantageous to the Agency, price and other factors considered; provided, that all bids may be rejected at the Agency's discretion.

(iii) Disposals and contracts for disposal of property may be negotiated or made by public auction without regard to subsections (i) and (ii) of this Section F but subject to obtaining such competition as is feasible under the circumstances, if:

(A) the personal property involved is of a nature and quantity which, if disposed of under subsections (i) and (ii) of this Section F, would adversely affect the state or local market for such property, and the estimated fair market value of such property and other satisfactory terms of disposal can be obtained by negotiation;

(B) the fair market value of the property does not exceed fifteen thousand dollars;

(C) bid prices after advertising therefore are not reasonable, either as to all or some part of the property, or have not been independently arrived at in open competition;

(D) the disposal will be to the state or any political subdivision, and the estimated fair market value of the property and other satisfactory terms of disposal are obtained by negotiation;

(E) the disposal is for an amount less than the estimated fair market value of the property, the terms of such disposal are obtained by public auction or negotiation, the disposal of the property is intended to further the public health, safety or welfare or an economic development interest of the Agency, the state or a political subdivision (to include but not limited to, the prevention or remediation



of a substantial threat to public health or safety, the creation or retention of a substantial number of job opportunities, or the creation or retention of a substantial source of revenues, or where the authority's enabling legislation permits or other economic development initiatives), the purpose and the terms of such disposal are documented in writing and approved by resolution of the board of the Agency; or

(F) such action is otherwise authorized by law.

(iv) (a) An explanatory statement shall be prepared of the circumstances of each disposal by negotiation of:

(1) any personal property which has an estimated fair market value in excess of fifteen thousand dollars;

(2) any real property that has an estimated fair market value in excess of one hundred thousand dollars, except that any real property disposed of by lease or exchange shall only be subject to clauses (3) through (5) of this subparagraph;

(3) any real property disposed of by lease for a term of five years or less, if the estimated fair annual rent is in excess of one hundred thousand dollars for any of such years;

(4) any real property disposed of by lease for a term of more than five years, if the total estimated rent over the term of the lease is in excess of one hundred thousand dollars; or

(5) any real property or real and related personal property disposed of by exchange, regardless of value, or any property any part of the consideration for which is real property.

(B) Each such statement shall be transmitted to the persons entitled to receive copies of the report required under all applicable law not less than ninety (90) days in advance of such disposal, and a copy thereof shall be preserved in the files of the Agency making such disposal.

The Guidelines are subject to modification and amendment at the discretion of the Agency board and shall be filed annually with all local and state agencies as required under all applicable law.

The designated Contracting Officer for the Agency is Jennifer Flad, Executive Director.

548 Broadway  
Monticello, New York 12701  
(845) 428-7575  
(845) 428-7577 FAX



## **Authority Mission Statement and Performance Measurements-- FY 2020**

**Name of Public Authority: County of Sullivan Industrial Development Agency**

### **Public Authority's Mission Statement:**

The County of Sullivan Industrial Development Agency (IDA) was created by an act of the New York State Legislature in 1970, as a public benefit corporation of the State of New York, under Section 906 of the General Municipal Law, to grant tax abatements and to help advance such projects.

Industrial development agencies were created in New York State to attract and enhance industrial and economic development, help create jobs and maintain economic stability within municipal or regional boundaries. Because New York's Constitution prohibits municipalities from making gifts or loans to private companies or individuals, the creation of IDAs provided a viable mechanism to accomplish commercial, recreational, and industrial development goals. Support of a healthy economy, the creation and retention of jobs, on a local, regional and State level is an important policy objective.

The County of Sullivan Industrial Development Agency's primary goal is to promote economic welfare, recreation opportunities, prevent unemployment and economic deterioration, ensure the prosperity of Sullivan County's inhabitants, and promote tourism and trade.

**Date Adopted: 1970.**

### **List of Performance Goals:**

- To meet all legal requirements of the Agency.
- To review project employment goals and the achievement of those goals.
- To make decisions consistent with the Agency's mission statement.
- To make decisions that will promote and ensure the prosperity of the inhabitants of Sullivan County.

**Performance Measurement Questions:**

1. Have the board members acknowledged that they have read and understood the mission of the public authority?
2. Do the board members affirm its membership, board, committee, and management structure?
3. Has the agency complied with the Public Authorities Accountability Act of 2005 and the Public Authorities Reform Act of 2009?
4. Does the agency conduct business in an environment that fosters transparency?
5. Does the agency install and uphold high ethical conduct within the entire organization?

**Discussed, reviewed, and approved by County of Sullivan Industrial Development Agency Board of Directors— (date).**

##

Authorities must complete this form and submit the entire document on or before March 31 to the State Authority Budget Office via email to: [info@abo.state.ny.us](mailto:info@abo.state.ny.us)

Authorities are also required to post and maintain their mission statement and performance report on their website.

# **COUNTY OF SULLIVAN INDUSTRIAL DEVELOPMENT AGENCY CONFIDENTIAL FY 2020 EVALUATION OF BOARD PERFORMANCE**

Please check (√) the most appropriate box.

CRITERIA	AGREE	SOMEWHAT AGREE	SOMEWHAT DISAGREE	DISAGREE
Board members have a shared understanding of the mission and purpose of the Agency.				
The policies, practices and decisions of the Board are always consistent with this mission.				
The Board has adopted policies, by-laws, and practices for the effective governance, management and operations of the Agency and reviews these annually.				
The Board sets clear and measurable performance goals for the Agency that contribute to accomplishing its mission.				
The decisions of the Board members are arrived at through independent judgment and deliberation, free of political influence, pressure or self-interest.				
Individual Board members communicate effectively with executive staff so as to be well informed on the status of all important issues.				
Board members are knowledgeable about the Agency's programs, financial statements, reporting requirements, and other transactions.				
The Board meets to review and approve all documents and reports prior to public release and is confident that the information being presented is accurate and complete.				

The Board knows the statutory obligations of the Agency and if the Agency is in compliance with State law.				
Board and committee meetings facilitate open, deliberate and thorough discussion, and the active participation of members.				
Board members have sufficient opportunity to research, discuss, question, and prepare before decisions are made and votes taken.				
Individual Board members feel empowered to delay votes, defer agenda items, or table actions if they feel additional information or discussion is required.				
The Board exercises appropriate oversight of the CEO and other executive staff, including setting performance expectations and reviewing performance annually.				
The Board has identified the areas of most risk to the Agency and works with management to implement risk mitigation strategies before problems occur.				
Board members demonstrate leadership and vision and work respectfully with each other.				

Date Completed: \_\_\_\_\_