

**COUNTY OF SULLIVAN INDUSTRIAL DEVELOPMENT AGENCY**

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**MEETING MINUTES**

**Monday, February 8, 2021, recessed to Thursday, February 25, 2021**

**I. CALL TO ORDER**

Chairman Steingart called to order the regular meeting of the County of Sullivan Industrial Development Agency at approximately 11:02 AM via teleconference.

**II. ROLL CALL**

***Members Present-***

Ira Steingart  
Suzanne Loughlin  
Howard Siegel  
Carol Roig  
Paul Guenther  
Joseph Perrello

***Members Absent-***

Edward Sykes  
Scott Smith

***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  
Joseph Abraham, *SC Democrat*  
Ken Walter

**III. APPROVAL OF MEETING MINUTES**

Referring to the draft minutes of the January 11, 2021 meeting, Ms. Flad noted that there was a typographical error related to the start date of deferral of all lease payments for the Sullivan Catskills Regional Food Hub project. The draft minutes should change from February 2, 2021 to February 1, 2021. On a motion made by Ms. Loughlin, and seconded by Ms. Roig, the Board amended the draft meeting minutes unanimously. On a motion made by Mr. Guenther, seconded by Mr. Siegel, the Board voted and unanimously adopted the minutes as amended of the January 11, 2021 regular meeting.

**IV. BILLS AND COMMUNICATIONS**

Ms. Flad noted that the Agency disbursed an additional \$3,644,441.30 since the payment schedule was written and this will appear in next month's payment schedule. The current total of disbursements to date is \$5,982,636.83. On a motion made by Ms. Roig, seconded by Mr. Guenther, the Board approved the schedule of payments unanimously.

Attorney Garigliano asked if 100% of all PILOT payments have been made. Mr. Garaicoechea stated that there were 7 projects that have not made timely payments. Ms. Flad noted that the Agency is working with projects making late payments and that there are a few more PILOT payments coming due from several projects on February 15, 2021. Attorney Garigliano recommended that the meeting be recessed to attend to PILOT delinquencies.

## VI. **NEW BUSINESS**

On a motion made by Ms. Roig, and seconded by Mr. Siegel, the Board discussed extending the Sales Tax Abatement period for the **NY Bethel I, LLC** project from March 1, 2021 through and including August 31, 2021. Chairman Steingart asked if the project was current with respect to fees and filings. Attorney Garigliano replied that the solar projects are not required to submit reports and all fees are paid upfront. Chairman Steingart called the motion to question, and the Board voted, and unanimously approved the resolution.

On a motion made by Ms. Loughlin, and seconded by Mr. Steingart, the Board discussed a resolution authorizing (1) 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 (2) the Chairman, Chief Executive Officer or Executive Director to Execute and Deliver any and all documents necessary to effectuate the foregoing. The Board voted and unanimously approved the resolution.

On a motion made by Mr. Perrello, and seconded by Mr. Siegel, the Board discussed a resolution directing the Recapture of Unauthorized Sales and Use Tax Benefits from **Empire Resorts Real Estate I, LLC** relating to the Resorts World Golf Project. Chairman Steingart disclosed he has done work with the Casino project, however, affirms that he has no financial interest in this resolution. Attorney Garigliano agreed. Chairman Steingart called the motion to question, the Board voted, and unanimously approved the resolution.

The Board discussed a proposed **Industrial Park Uniform Tax Exemption Policy**.

The Board discussed an Application for Benefits from **234 Main Street, LLC**.

On a motion made by Ms. Loughlin, and seconded by Ms. Roig, the Board voted to amend the Agency's **Procurement Policy** to remove the last sentence in Section 9(f) from the Policy. Ms. Loughlin made a motion to approve the proposed Procurement Policy as amended. Ms. Roig seconded the motion, the Board voted, and the amended Policy was unanimously approved.

On a motion made by Mr. Siegel, and seconded by Mr. Guenther, the Board discussed the Agency's **Investment Policy**. There were no changes made. The Board voted, and unanimously approved the Policy.

On a motion made by Chairman Steingart, and seconded by Mr. Guenther, the Board discussed the Agency's **Property Disposal Policy**. There were no changes made. The Board voted, and unanimously approved the Policy.

On a motion made by Ms. Loughlin, and seconded by Ms. Roig, the Board discussed the Agency's **Mission Statement and Performance Measurements**. Ms. Flad read the Performance Measurement questions aloud. The Board affirmed the answers to all questions were yes. The Board was voted, and unanimously approved the Mission Statement.

Chairman Steingart asked all members of the Board to submit the Board Self-Evaluation Forms for discussion at the next meeting.

**VII. PUBLIC COMMENT**

Chairman Steingart asked those present for Public Comment. The Board recognized the comments of Ken Walter.

**VIII. NEW BUSINESS**

Ms. Flad informed the Board that **Amytra Development, LLC, Eldred Hospitality, LLC, and Eldred Hospitality Operating, LLC** has requested an increase in the sales tax abatement limit of \$1,440,000.00 to \$1,680,000.00. Attorney Garigliano noted that the project itself has not changed but that the investment increased due to an increase in costs of materials and construction. Ms. Loughlin made a motion to approve the increase in sales tax abatement to \$1,680,000.00. Mr. Siegel seconded the motion, the Board voted, and unanimously approved the request.

**IX. RECESS**

Mr. Guenther made a motion to recess the meeting to February 25, 2021 at 11:00AM via conference line. Ms. Roig seconded the motion, the Board voted, and the meeting was unanimously recessed at approximately 11:32AM.

**X. RECONVENE**

Chairman Steingart reconvened the meeting on February 25, 2021 at approximately 11:03AM via teleconference.

**XI. ROLL CALL**

***Members Present-***

Ira Steingart  
Suzanne Loughlin  
Carol Roig  
Paul Guenther  
Joseph Perrello

***Members Absent-***

Edward Sykes  
Howard Siegel (Arrived at 11:05AM)  
Scott Smith (Arrived at 11:07AM)

***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  
Joseph Abraham, *SC Democrat*

**XII. NEW BUSINESS**

Mr. Siegel arrived approximately 11:05 AM.

The Board discussed various PILOT Projects in Default.

Ms. Flad informed the Board of the **Nonni's Acquisition Co., Inc.** PILOT payment regarding late fees. The Board directed staff to accept the Nonni's PILOT payment without penalty, based on the facts and the advice of outside counsel with specific expertise on the General Municipal Law.

Mr. Smith arrived approximately at 11:07AM.

Ms. Flad and Attorney Garigliano informed the Board of **Catskill Distilling Company** and **Veria Lifestyle** projects owing special district taxes. The Board directed staff to send default notices to any projects owing special district taxes.

Ms. Flad informed the Board of **Yasgur Road Productions** and **Kohl's Department Stores** failure to make annual lease payments. The Board directed staff to send a default notice to Yasgur Road Productions. The Board directed staff not to send notice to Kohl's at this time, as the project indicated payment was mailed prior to the due date.

The Board also discussed the financial security requirement for the **Adelaar Developer, LLC** project. Board members agreed to accept EPR's parent guaranty as financial security for the 2022 Adelaar Developer LLC PILOT payment, but asked Attorney Garigliano to draft a resolution for consideration at the March IDA meeting, to formalize this authorization.

### **XIII. PUBLIC COMMENT AND ADJOURNMENT**

Chairman Steingart asked those present for comment. There was none.

Mr. Perrello discussed his resignation from the Board of Directors effective March 1, 2021. Members of the Board expressed gratitude for his service.

Mr. Perrello made a motion to adjourn the meeting. Ms. Loughlin seconded the motion, the Board voted, and the meeting was adjourned at approximately 11:22AM.

Respectfully submitted:  
Julio Garaicoechea, Project Manager  
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