

November 15, 2023 - 9:00 AM

Legislative Chambers
County Office Building, 6th Floor,
244 Fair Street, Kingston, NY 12401

REGULAR
MEETING AGENDA

OFFICERS

CHAIR
Michael J. Ham

VICE CHAIR
Lynn Archer

TREASURER
Steven L. Kelley, FACHE

SECRETARY
Dr. Diane Eynon

ASST. SECRETARY
Rashida Tyler

ASST. TREASURER
Rachel Silverman, Esq.

BOARD MEMBERS

Lynn Archer
Dr. Diane Eynon
Michael J. Ham
Steven L. Kelley, FACHE
Rachel Silverman, Esq.
Rashida Tyler
Kaustubh Wahal

1. Call to Order
2. Pledge of Allegiance
3. Roll Call **(Page 2)**
4. Mission Statement
5. Approval of the Minutes – October 25, 2023 Meeting **(Page 3)**
6. Public Comment (Agenda Items Only)
7. Executive Session (if necessary)
8. Chair’s Report
9. Executive Director’s Report
10. Financial Report
11. Committee Reports
 - Audit
 - i. Loewke Brill Reports **(Page 9)**
 - Finance
 - Governance
12. Old Business
 - Zinc8 Energy Solutions Project Update
 - Status of Pending Projects **(Page 11)**
 - Status of Pending Enforcement Matters **(Page 12)**
13. New Business
14. Adjournment

The next meeting of the Ulster County Industrial Development Agency is scheduled for 9:00 a.m., December 20, 2023.

The mission of the Ulster County Industrial Development Agency is to advance the job opportunities, general prosperity and long-term economic vitality of Ulster County residents by targeting tax incentives, bonding and other assistance to foster creation and attraction of new business and the retention and expansion of existing business.

Item 2.

Roll Call

| | <u>Present</u> | <u>Absent</u> |
|---|----------------|---------------|
| Michael J. Ham, Chair | _____ | _____ |
| Lynn Archer, Vice Chair | _____ | _____ |
| Dr. Diane Eynon, Secretary | _____ | _____ |
| Steven L. Kelley, FACHE, Treasurer | _____ | _____ |
| Rashida Tyler, Asst. Secretary | _____ | _____ |
| Rachel Silverman, Esq., Asst. Treasurer | _____ | _____ |
| Kaustubh Wahal, Member | _____ | _____ |

UCIDA

Ulster County Industrial Development Agency

ULSTER COUNTY INDUSTRIAL DEVELOPMENT AGENCY BOARD MEETING MINUTES October 25, 2023

The Monthly Board Member Meeting of the Ulster County Industrial Development Agency was held Wednesday, October 25, 2023 at 9:00 A.M.

The following committee members were present:

| | |
|------------------------|--------------------|
| Michael J. Ham | Committee Chairman |
| Rashida Tyler | Asst. Secretary |
| Rachel Silverman, Esq. | Asst. Treasurer |
| Kaustubh Wahal | Member |

The following Agency members were absent with notice:

Lynn Archer
Diane Eynon, Ed.D
Steven Kelley, FACHE

The following additional Agency members were present:

None

Additional Attendees:

| | |
|----------------------------|--------------------|
| A. Joseph Scott, III, Esq. | Agency Counsel |
| Hillary Nichols | Executive Director |
| Lisa Purcell | Agency Staff |
| William Kemble | Daily Freeman |

The meeting was called to order at 9:02 A.M. by Chair Ham.

PLEGDE OF ALLEGIANCE

Roll was called, and it was noted that a quorum was present.

MINUTES

Motion: Rachel Silverman, seconded by Kaustubh Wahal, moved to approve the minutes of the September 20, 2023 monthly meeting, as presented.

Vote: The motion was adopted (4-0).

EXECUTIVE SESSION

Motion: Rachel Silverman, seconded by Kaustubh Wahal, moved to enter into Executive Session to discuss staffing matters and personnel history.

Vote: The motion was adopted (4-0).

The Board entered Executive Session at 9:04 A.M.

Motion: Kaustubh Wahal, seconded by Rashida Tyler, moved to come out of Executive Session.

Vote: The motion was adopted (4-0).

The Board came out of Executive Session at 9:33 A.M.

No action was taken during Executive Session.

PUBLIC COMMENT

None to be reported.

CHAIRS REPORT

Chair Ham reported they he and the administrative team have been talking to potential clients and looking forward to some applications coming in. Chair Ham acknowledged all the hard work and efforts shown by the Board and the Agency Executive Director.

EXECUTIVE DIRECTOR'S REPORT

Executive Director Nichols followed up on Chair Ham's report noting they she and the Chair have heard from many potential projects from a wide range of industries and she looks forward to bringing some of these projects before the Board. The Executive Directed also noted, that although IDA benefits may not be right for all projects but the Agency is trying hard to be a resource to the community. Executive Director Nichols updated the Board on the search for Agency office space and is very excited about the possibility of finalizing the details and taking possession of a space beginning the first of November. Chair Ham asked for a motion to approve a lease agreement for Agency office space.

Motion: Kaustubh Wahal, seconded by Rachel Silverman, moved to approve a lease agreement for Agency office space, subject to attorney review.

Vote: The motion was adopted. (4-0)

Executive Director Nichols continued her report and updated the Board on the 2023 Annual Project Reporting process and her hopes to have that information out to projects on November 1, 2023. Director Nichols informed the Board of the upcoming Project Site Visits, looking to start in the month of December, 2023. Chair Ham addressed the Board and encouraged the members to consider doing the site visits in-person. Director Nichols also informed the Board that she will be working closely with the Agency CFO-For-Hire, BST Accounting, to collaborate on the end-of-the-year fiscal reporting. The Director also noted that the audit firm used last year, PFK O'Connor Davies, will be used again for the upcoming 2023 Audit. With regard to Community Outreach, the Director noted that she has attended the most recent Chamber of Commerce mixer and latest Chamber breakfast, at which she was able to get up and introduce the Agency as a new member of the Chamber of Commerce, as well as two events hosted by Ulster Strong. The Director also noted that she continues to meet with local leaders and neighboring IDAs and Economic Development Agencies. Member Rashida Tyler suggested to the Executive Director look for events hosted by the local minority and women-owned business (MWBE) chapter as well as the local chapter of the NAACP. The Director touched upon the Technology Request for Proposal that is will be addressed in the Governance Committee report, noting that she is looking forward to getting that approved and out to the public.

FINANCIAL REPORT

None to be reported.

COMMITTEE REPORTS

Audit

Executive Director, Hillary Nichols, addressed the Board and presented the Loewke Brill Reports, on behalf of Audit Committee Chair, Steven Kelley. Director Nichols reported that a letter was sent by Agency Counsel to Apherea, Inc. notifying them that their overall local labor compliance was below the 75% threshold of the project terms. Apherea, Inc. acknowledged the letter and are working to bring that number up to meet compliance.

Motion: Kaustubh Wahal, seconded by Rashida Tyler, moved to approve the Loewke Brill Audit Report, as presented by the Executive Director.

Vote: The motion was adopted (4-0).

Finance

Finance Committee Chair, Rachel Silverman, informed the Board about the renewal of the New York State Economic Development Council annual membership in the amount of \$850.00.

Motion: Rachel Silverman, seconded by Rashida Tyler, moved to approve the renewal of the New York State Economic Development Council annual membership, as presented.

Vote: The motion was approved (4-0).

Committee Chair, Rachel Silverman, introduced the proposed 2024 Budget to the Board and asked Executive Director, Hillary Nichols, to present it to the Board. Director Nichols presented the proposed 2024 Budget to the Board and noted that the budget is required to be adopted and certified by October 31, 2023. Member Kaustubh Wahal noted that it is important to that the numbers tie together, overall.

Motion: Rachel Silverman, seconded by Rashida Tyler, moved to approve the 2024 Budget, pending the addition of money held in escrow on projects for audits, be indicated as such and not as an expense to the IDA.

Vote: The motion was approved (4-0).

Governance

Committee Chair, Kaustubh Wahal, updated the Board that the Committee received the UTEP draft from counsel and will hold a meeting in the next week or two, subject to the Committee members availability. Committee Chair also noted that he is okay with the Technology Request for Proposal, as presented.

OLD BUSINESS

Zinc8 Energy Solutions Project Update

Agency Counsel Scott addressed the Board regarding the Zinc8 Energy Solutions Project. Counsel Scott reminded the Board that shortly before the October meeting there was some media coverage about the status of that matter and that he reached out to the project applicant. The project applicant confirmed that there is a lot going on with the project and company, in general, and offered to join a Board meeting, in-person, to provide an update. Counsel noted that the representative has been very responsive to his emails.

Pending Projects

Agency Counsel Scott thanked the Executive Director for forwarding an article pertaining to some preliminary financing with the Cresco Labs project. Counsel has had email communications with the project counsel and will redouble his efforts and report back to the Board on his discussions with them.

Pending Enforcement Matters

None to be reported at this time.

NEW BUSINESS

Resolution Authorizing the Termination of Basic Documents – UPAC Project

Chair Ham addressed the Board and presented the Resolution Authorizing the Termination of Basic Documents from the UPAC project. Chair Ham asked Counsel Scott to explain this in further detail. Counsel Scott provided details and the background of the project and explained that UPAC has completed the facility upgrades and are looking to end the PILOT agreement.

Motion: Rachel Silverman, seconded by Kaustubh Wahal, moved to approve the Resolution to Terminate the Basic Documents of the UPAC Project, as discussed.

Vote: The motion was adopted (4-0)

PHONE SERVICES

Executive Director Nichols addressed the Board and noted that the current Agency phone service plan, through Zoom, is limited in its abilities and is looking for more consistent service as well as service options in the Agency office space. Member, Rashida Tyler, suggested looking at the coverage maps to avoid service gaps. It was agreed upon that the decision is best made on the needs of the administrative team.

Motion: Kaustubh Wahal, seconded by Rashida Tyler, moved to approve the transfer of phone service accounts to a new provider.

Vote: The motion was adopted (4-0).

ADJOURNMENT

Motion: Rachel Silverman, seconded by Rashida Tyler, moved to adjourn the meeting.

Vote: The motion was adopted (4-0).

The meeting was adjourned at 10:46 A.M.

Respectfully submitted,

Lisa Purcell, Staff

October 2023 Monthly UCIDA Report

November 13th, 2023

Inness New York, LLC – A total monthly head count of 89 workers were reported

A. Of the 77 workers 45 were compliant and no exemptions

B. Of the 77 workers 32 were non compliant

a. **Total monthly compliance average was 58%**

b. **Project overall compliance is 83.49%**

Apherea Inc – A total monthly head count of **122** workers were reported

A. Of the 122 workers 101 were compliant and no exemptions

B. Of the 122 workers 21 were non compliant

a. **Total monthly compliance average was 83%**

b. **Project overall compliance is 70.48%**



ULSTER COUNTY IDA MONTHLY LOCAL LABOR STATUS REPORT

For the Month of October 2023

| Sites | Monitored | Date(s) of Visits | % Local Labor |
|--------|----------------------|-------------------|---------------|
| 23-001 | Apherea Inc | October 3, 2023 | 50% |
| 1 | | | |
| 20-002 | Inness New York, LLC | October 3, 2023 | 100% |
| 2 | | | |

1) Apherea, Inc Site Visit on October 3rd, 2023

| Contractor: | # of Workers | # of Exceptions | # of Non-Compliant | % of Local labor | Comment |
|----------------------|--------------|-----------------|--------------------|------------------|---------------|
| AMERICAN HEATING | 2 | 0 | 0 | 100% | 2 OUT OF AREA |
| ELEVATION BUILDERS | 2 | 0 | 2 | 0% | |
| TOTAL WORKERS | 4 | 0 | 2 | 50% | |

2) Inness New York, LLC Site Visit on October 3rd, 2023

| Contractor: | # of Workers | # of Exceptions | # of Non-Compliant | % of Local labor | Comment |
|----------------------|--------------|-----------------|--------------------|------------------|---------|
| NP CREATIVE | 2 | 0 | 0 | 100% | |
| TOTAL WORKERS | 2 | 0 | 0 | 100% | |

Pending Transaction List

| | <u>Deal Name</u> | <u>Agency Action</u> | <u>Status</u> | <u>Estimated IDA Admin Fee</u> |
|----|---------------------|--|--|--|
| 1. | Cresco Labs Project | Agency adopted SEQR and Approving resolutions at the 5.18.22 meeting | NO CHANGE Waiting on direction from project applicant to begin drafting IDA documents | Estimated Project Cost: \$209,008,535 Estimated Admin Fee: \$2,090,085.35 (\$209,008,535 * 1%) |
| 2. | Zinc8 Project | Agency adopted an Inducement Resolution at the 12.21.22 meeting Public Hearing scheduled and held on January 31, 2023 Agency considered public comments at the February meeting Agency has adopted a bond resolution at March meeting re tax-exemp financing Second Public Hearing held on May 23 Agency considered public comments at the May meeting Agency has adopted a bond resolution at June meeting re taxable financing | NO CHANGE Waiting on direction to begin drafting IDA documents Expected closing date 1st Q 2024 | Estimated Project Cost: \$15,000,000 Estimated Admin Fee (for IDA and CRC): \$150,000 (\$15,000,000 * 1%) |

Dated: November 14, 2023

Pending Enforcement Matters List

| | <u>Deal Name</u> | <u>Agency Action</u> | <u>Status</u> |
|----------|------------------|----------------------|---------------|
| - NONE - | | | |

Dated: November 14, 2023