

In The Matter Of:
IDA - COUNTY OF ULSTER

Re: Review of the Agency Uniform Tax Exemption Policy
March 9, 2020

COVERING ALL UPSTATE NEW YORK

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M-F Reporting, Inc.
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MFReportingNY.com

Office: 518-478-7220
Fax: 518-371-8517

Mail to: 5 Southside Dr., Suite 11
Clifton Park, NY 12065

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In the Matter of a Public Hearing
Regarding Review of the Agency
Uniform Tax Exemption Policy

HELD AT: Common Council Chambers
 City Hall
 420 Broadway
 Kingston, New York 12401
 March 9, 2020 - 7 P.M.

**NOTICE OF PUBLIC HEARING
REGARDING REVIEW OF THE
AGENCY UNIFORM TAX EXEMPTION POLICY**

Notice is hereby given that a public hearing will be held by Ulster County Industrial Development Agency (the “Agency”) on March 9, 2020 at 7:00 o’clock p.m., local time, in the Common Council Chambers, City Hall, 420 Broadway, Kingston, NY 12401, New York, in connection with the following matters:

The Agency is reviewing the policies of the Agency described below and, in connection with its review of such policies, the Agency is soliciting comments with respect to the terms and provisions of such policies. The policies to be reviewed by the Agency (collectively, the “Agency Policies”) are described below:

1. Uniform Tax Exemption Policy
2. PILOT Matrix

The Agency will at said time and place hear all persons with views on the Agency Policies. Copies of the existing Agency Policies are available for public inspection during business hours at the offices of the Agency and on the Agency’s website at <https://ulstercountyida.com>. Copies will also be made available at the public hearing.

Additional information can be obtained from, and written comments may be addressed to: Ms. Rose Woodworth, Executive Director, Ulster County Industrial Development Agency, PO Box 4265, Kingston, New York 12402; Telephone: (845) 943-4600. In order for written comments to be considered, they must be received on or before March 23, 2020 at 5:00 p.m.

Dated: February 26, 2020

ULSTER COUNTY INDUSTRIAL
DEVELOPMENT AGENCY

By: /s/ Randall Leverette

Chair

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B E F O R E :

BOARD MEMBERS :

RANDALL LEVERETTE, Chairman

PAUL ANDREASSEN, Assistant Secretary

S T A F F P R E S E N T :

JOSEPH ERIOLE, ESQ., Board Counsel

A. JOSEPH SCOTT, III, ESQ., Bond/Special Counsel

ROSE WOODWORTH

--- oOo ---

1 PUBLIC FORUM - 7:00 P.M.:

2 P R O C E E D I N G S

3 CHAIRMAN LEVERETTE: Good evening. My
4 name is Randall Leverette. I serve as
5 chairman of the Ulster County Industrial
6 Development Agency, referred to as the Agency.

7 Tonight, we are holding a Public
8 Hearing to allow citizens to make a statement
9 for the record related to the Agency's Uniform
10 Tax Exempt Policy, which he will refer to at
11 times as UTEP.

12 Legal background of UTEP. Section 858
13 of the New York General Municipal Law allows
14 the Agency to provide certain qualifying
15 projects with relief from particular types of
16 taxation in order to further the purposes of
17 the Agency. The purposes are to encourage
18 economic development as defined in the general
19 enabling statute for IDA's.

20 In order to ensure that the granting
21 of such significant financial assistance is
22 done with uniformity and in the furtherance of
23 the Agency's expressed economic development
24 goals, General Municipal Law 874(4)(A) sets
25 forth that the Agency must establish a UTEP,

1 with input from affected tax jurisdictions,
2 which will be applicable to the provisions of
3 financial assistance by the Agency. That
4 policy must also provide guidelines for the
5 claiming of real property, mortgage recording,
6 and sales tax exemptions by the projects
7 approved by the Agency.

8 The law requires that those guidelines
9 include, but need not be limited to: I, the
10 period of exemption; II, the percentage of
11 exemption; III, the types of projects for
12 which exemptions can be claimed; IV, the
13 procedures for payments in lieu of taxes; and
14 V, the instances in which real property
15 appraisals are to be performed as part of an
16 application for tax exemption.

17 The proposed action. The Agency last
18 modified its UTEP in 2016. We are now
19 considering further amending it to reflect
20 what we believe is the current and best course
21 for the policy in furtherance of its mission,
22 the people in the County of Ulster, and its
23 opportunities for economic development.

24 We made hard copies of the current
25 draft of the changes being considered

1 available at the IDA offices at 130 North
2 Front Street, Kingston, New York, and on our
3 website, as of February 28th, 2020, so people
4 would have a chance to look at them before
5 tonight's meeting. Hard copies are also
6 available tonight at the front table.

7 We have tried to make the proposed
8 changes pretty clear. The normal font is the
9 existing language of our UTEP, the underlined
10 font indicates the language we are considering
11 adding, and the stricken-through font
12 indicates language we are considering
13 deleting.

14 Changes to these proposals may result
15 from your comments tonight or from our further
16 deliberations, so your input is valuable. The
17 language you see proposed may be adopted in
18 whole or in part, or may be modified further
19 as we consider all the information available
20 to us, best practices according to our
21 research, and your comments.

22 Notice of the hearing. Although the
23 law does not require a public hearing in order
24 to gather the input of the affected tax
25 jurisdictions, the IDA is conducting this

1 hearing to insure that taxpayers' voices are
2 heard and considered in our deliberations as
3 to the amended UTEP.

4 The Notice of the Public Hearing was
5 mailed out on February 26, 2020, published in
6 the Kingston Daily Freeman on or about
7 February 28th, 2020, and posted in local
8 municipal buildings throughout the County
9 since that time. Copies of the notice of this
10 Public Hearing are available at the table.

11 Without objection, I am going to
12 suggest waiving the full reading of the Notice
13 of this Public Hearing, and instead request
14 that the full text of the notice of this
15 Public Hearing be made part of the record of
16 this Public Hearing.

17 Further consideration and open
18 meetings. The comments received today will be
19 presented to the members of the Agency at or
20 prior to any meeting at which the members of
21 the Agency will consider further revisions to
22 the UTEP.

23 All meetings of the Agency are public
24 meetings, generally held the second Wednesday
25 morning of the month at 9 a.m., at 94 Marys

1 Avenue, Kingston, New York. All regular and
2 special meetings of the Agency will be noticed
3 in advance, and the public is welcome to
4 attend. The meetings are also live-streamed
5 on the Agency's YouTube Channel, by using a
6 link from the Agency's home page. This
7 evening's meeting is being live-streamed and
8 we have also arranged for a stenographer for
9 tonight's proceedings.

10 Conduct of the Public Hearing. As for
11 protocol, if you wish to make a public
12 comment, please add your name to the sign-in
13 sheet and I will go through the list and call
14 on you in the order you signed up. Each
15 person will be allowed three minutes to offer
16 comments.

17 Once recognized, please stand and
18 state your name and your address for the
19 record.

20 When everyone has had the opportunity
21 to speak, I will conclude the Public Hearing.
22 We will accept written comments on the UTEP
23 until 5 p.m., March 23rd, 2020. Written
24 comments may be submitted to us by mail at
25 UCIDA, Post Office Box 4265, Kingston, New

1 York, 12402, or by email, at
2 info@ulstercountyida.com.

3 Before we begin, I do wish to note
4 that the purpose of this Public Hearing is to
5 solicit public comment. We are not here to
6 engage in a dialogue or debate. If your
7 comment is in the form of a question, it will
8 be duly noted, and we will be sure to include
9 consideration and responsiveness to that
10 question in our deliberations of the proposed
11 amendments.

12 I'd also like to remind those in
13 attendance that the purpose of this hearing is
14 specifically to solicit public comment on the
15 Agency's Uniform Tax Exemption Policy. The
16 purpose of this hearing is not to discuss
17 local planning or zoning issues, or to debate
18 the general concept of whether the Agency
19 should provide tax incentives in connection
20 with the promotion of economic development in
21 Ulster County. Comments should be limited to
22 the proposed changes in the UTEP.

23 I note before we begin that we have
24 received written comments, either
25 electronically or by mail, from the following

1 people or entities, and they will be made part
2 of the record: We received notice from Bill
3 McKenna, Supervisor, Town of Woodstock.

4 I now open the Public Hearing for
5 public comment at 7:07.

6 Kathy Nolan.

7 MS. NOLAN: Kathy Nolan. K-a-t-h-y,
8 N-o-l-a-n.

9 I live in the Town of Boiceville. I
10 appreciate the efforts to update the matrix
11 and that's where I will focus my comments. I
12 am a little curious and potentially concerned
13 about the expected impact of these changes and
14 wonder -- would pose the question as to
15 whether we know the number of existing
16 businesses that would qualify if all these
17 changes were enacted. That is, of businesses
18 currently receiving some form of tax
19 abatement, would any of them or all of them be
20 reduced in points or such that they would not
21 no longer qualify, or would most of them still
22 qualify but have a different point score?

23 I like the revisions that look at
24 increasing energy efficiency but I am a little
25 concerned that that may not be well enough

1 specified; and in particular, I am concerned
2 that natural gas technologies might count as
3 some form of qualification under this, as
4 currently specified, and I would not want that
5 to be the case. I think those are my comments
6 for now.

7 CHAIRMAN LEVERETTE: Great. Thank you
8 so much.

9 Leigh Ryan.

10 MS. RYAN: Do you not have microphones
11 this evening?

12 CHAIRMAN LEVERETTE: They said they
13 were going to bring them but they did not come
14 back.

15 MS. RYAN: L-e-i-g-h R-y-a-n. I,
16 obviously, am not well -- I should have known
17 better than to think that I was going to come
18 and engage in some kind of discussion about
19 what it is you fellows do. For me to speak
20 for three minutes extemporaneously about an
21 organization I haven't heard anything about
22 doesn't make any sense.

23 What and when and where is an
24 opportunity for me to figure out how you folks
25 come about the policies that, in fact, you

1 engage in; and where do I find the information
2 that I am looking for that speaks specifically
3 to how many properties are, in fact, property
4 tax abatement by virtue of your efforts, and
5 what the value of those properties are.

6 I have no idea how to access that
7 information, and if I can't just ask a
8 question -- since it's quite clear that all I
9 am supposed to do is talk for three minutes
10 and go away -- but I'd like some access to
11 some information about where I can go or what
12 meeting I can attend where I can actually get
13 some actual information.

14 Are you allowed to speak to me?

15 CHAIRMAN LEVERETTE: Yes, I'm allowed
16 to speak to you.

17 What I would suggest that you do is
18 you call our office, and Rose will work with
19 you to give you -- I mean, I think we have a
20 list of all of the projects that we have
21 induced, and they go all the way back, I
22 believe to 2008, 2009, maybe. So, as they age
23 out, they expire. So, the way that it works,
24 is, they have a particular inducement and over
25 time that inducement -- the taxes, you know,

1 they pay less taxes up front in the beginning,
2 and as the years go on, they begin to pay more
3 tax.

4 MS. RYAN: There's one more question.
5 If you can or cannot answer, tell me to come
6 to a meeting and find out. How much influence
7 does the Ulster County Development Association
8 have over the City of Kingston? Do your
9 policies basically apply in the City itself or
10 does the City --

11 CHAIRMAN LEVERETTE: We are a separate
12 and independent agency. We are not influenced
13 by any other --

14 MS. RYAN: The question is: Do you
15 supercede Kingston rule about taxing -- does
16 what you do apply to the businesses and
17 buildings in the City of Kingston or does
18 Kingston have the last word in that regard?

19 (BRIEF PAUSE.)

20 CHAIRMAN LEVERETTE: So, the answer to
21 your question is our normal UTEP supersedes
22 the City of Kingston. In the event that
23 somebody comes for a deviated project, then we
24 work with the local municipality, the school
25 district and the County Legislature, to

1 approve whatever tax exemption goes through.
2 So, it's not an automatic thing if it is
3 beyond the 15-year pilot that we are able to
4 grant.

5 MS. RYAN: I am most grateful you are
6 willing to speak to me.

7 CHAIRMAN LEVERETTE: Yes.

8 MR. ERIOLE: May I say, too -- my name
9 is Joe Eriole. I represent the board as
10 counsel, as does my colleague here, Mr. Scott.
11 And I do want to mention with respect to the
12 first couple of comments that you made, first
13 of all, as the Chairman announced in his
14 opening remarks, we are leaving this record
15 open until March 23rd for written comments so
16 please feel free to make yourself more
17 familiar with any of the matters that you are
18 interested in and submit further comments.

19 And as far as the information you are
20 looking for, on our website -- and, again, do
21 call the office, Rose will direct you to it as
22 necessary; but on our website are all the
23 projects that have been induced, the project
24 documents so you can see the nature of those
25 abatements and the policies that govern from

1 local New York State perspective, what IDAs do
2 in general, and our own policies in terms of
3 how we consider projects as they come in. And
4 I will be happy to facilitate you learning
5 more about it, and would encourage any further
6 comment.

7 MS. RYAN: Most grateful for your
8 time. Thank you very much.

9 CHAIRMAN LEVERETTE: Just one quick
10 thing. Also, we do what we do to make sure
11 that the businesses that get inducements from
12 us keep their promises made to us, so that is
13 part of our responsibility and our job. So,
14 it's not like it happens and then we go away
15 and disappear. They tell us they're going to
16 give us X number of jobs and we make sure they
17 give us X number of jobs. And if they don't,
18 we have the ability to take it back. It's
19 called a clawback. So, you know, it's not
20 just this free-for-all kind of thing. We are
21 working very, very hard --

22 MS. RYAN: I am going to do the
23 reading. It was my understanding -- the
24 percentage thing where if they double jobs or
25 something, but I am going to do the reading

1 and I am, again, most grateful for your time.

2 CHAIRMAN LEVERETTE: No problem.

3 Thank you so much. I appreciate your comment.

4 Is that Regis?

5 MR. OBIJISKI: Right.

6 CHAIRMAN LEVERETTE: Can't read your
7 last name.

8 MR. OBIJISKI: R-e-g-i-s,
9 O-b-i-j-i-s-k-i. Ledge Road, Town of Ulster.
10 And I am going to reserve my comments on the
11 work force and the expectations of companies
12 that have the privilege of tax abatement and
13 their responsibility toward the work force
14 because any economic development initiative
15 really requires a very stable and strong work
16 force.

17 I notice that in the update on page
18 one, which is 2(a)(ii) -- (iii), living wage
19 is defined to mean living wage determined by
20 the report prepared by MIT for a single
21 person. For 2018 the living wage is \$12.35.
22 That's really the lowest in a constellation of
23 family compositions of one to 12, and that's
24 one which is single person with zero children.
25 And it really is the lowest. And as you know,

1 it's one adult, zero, one, two, three
2 children; two adults, one, two, three
3 children; two adults with both working -- one
4 working and then both working. So, there's
5 quite a mix of family compositions of the work
6 force.

7 The average of those 12 domains -- and
8 this is something I'm going to ask you to
9 consider -- is \$25.95. As you know, the
10 living wage is defined by the MIT living wage
11 calculator. Really, it's not savings, it's
12 not vacations, it's not putting money away for
13 your children's schooling, much less your own.
14 It really, really has to do with bare
15 subsistence living. And so this living wage
16 is greater than the minimum wage by about
17 \$1.75 that the state provides.

18 So, I would recommend -- I didn't
19 figure out the median, just the average. And
20 if it were median, it would still be far
21 greater than \$12.85. The average, I think,
22 is, in a sense, a fairer, much more fair
23 number at \$25.95, rounded to \$26.

24 You know, I know that our County
25 Executive really has a sincere commitment to

1 not only develop the work force but to keep
2 the work force here in Ulster County so that
3 people don't look elsewhere, that they can
4 afford to live exactly where they grew up.

5 So, I think it would set a very
6 positive example to have an expectation of a
7 company who is privileged to receive a tax
8 abatement through an IDA to consider an
9 average because no one is going to advertize
10 single adult, no children. They're going to
11 look for any person, and very likely this is
12 going to be some family responsibility there.
13 So, I'd ask you to consider that.

14 CHAIRMAN LEVERETTE: So, just before
15 you go, what I would like you to do, is, I
16 would like you to take a look at the matrix
17 that we had here which has the changes to it,
18 and that is what we use for grading applicants
19 that come in.

20 So, if you look at what we've got
21 here, under projected wages, all jobs over
22 living wage --

23 MR. OBIJISKI: Now, what page is this?

24 MS. WOODWORTH: Second to last page.

25 MR. OBIJISKI: Yes, I have it.

1 CHAIRMAN LEVERETTE: So, the proposed
2 are what our changes are. If you look at what
3 it is, you know, what we tried to do is,
4 basically, bump up the wages that are being
5 paid as opposed to trying to go after just
6 minimum wage jobs. So, what we have tried to
7 do -- and not only that, we have also tried to
8 weight it so that you are getting benefits
9 too. So, we are looking at that and I -- your
10 point is well taken.

11 MR. OBIJISKI: I would just not
12 advertise this as a living wage, \$12.85. If
13 nothing else, the average in that family
14 composition of 12 different domains, I think
15 that will be a fair thing to consider.

16 MR. SCOTT: Thank you very much.

17 MR. OBIJISKI: Thank you.

18 CHAIRMAN LEVERETTE: Abigail Robins,
19 did you want to speak?

20 MS. ROBIN: No, I'm listening -- I do
21 know -- nevermind. I'm shy.

22 CHAIRMAN LEVERETTE: Tanya Garment.

23 MS. GARMENT: T-a-n-y-a,
24 G-a-r-m-e-n-t.

25 I am not informed enough to speak to

1 this, but I did want to make a quick comment
2 that I just happened to hear about this. I do
3 think that the IDA is an interesting topic and
4 I started to watch it. I started to watch it
5 recently for a specific project, but if I
6 hadn't had -- if I hadn't looked at your
7 website, I would never know that this meeting
8 was going to happen. So, I think I understand
9 that it's supposed to go on the bulletin
10 boards of each municipality but nobody looks
11 at the bulletin boards, so I hope that in the
12 future, you put some publicity out regarding
13 this so that you can get a good --

14 CHAIRMAN LEVERETTE: Well, you may
15 have come in after I did the opening. I will
16 tell you that it was in the Kingston Freeman.

17 MS. GARMENT: In the public notices?

18 CHAIRMAN LEVERETTE: Public notices.

19 MS. GARMENT: Nobody looks at that.

20 MS. ROBIN: That's not true.

21 MS. GARMENT: I'm talking about on
22 average.

23 CHAIRMAN LEVERETTE: We do the best
24 that we can.

25 MS. GARMENT: Is it the best you can

1 do?

2 CHAIRMAN LEVERETTE: The best we can,
3 is we make sure that notices are provided to,
4 what, 230 some-odd local municipalities. We
5 ask the clerks to post them on the board. We
6 get affidavits back from each one of them
7 indicating that they have actually posted
8 those documents on the board.

9 The paper of record for the Ulster
10 County government is the Freeman but I will
11 tell you that one of the things that we did
12 look at this past week was looking at a couple
13 other newspapers that weren't very expensive
14 that we will use next time when we do notices
15 so we will increase that size of newspapers
16 from one --

17 MS. GARMENT: May I ask? Did you do a
18 press release, or did you pay for it going
19 into legal notices?

20 CHAIRMAN LEVERETTE: We paid for it to
21 go into the legal notices.

22 MS. GARMENT: So, I would encourage
23 you to do a press release. It's buried in the
24 legal notices -- not many people scan the
25 legal notices on a regular basis. People who

1 are members of boards of commissions and used
2 to, you know, the way City Hall works may be
3 scanning the boards and the legal notices but
4 a press release might actually get an article.
5 I think that then people would actually catch
6 on. It would be something that you could
7 share on Facebook, see a picture to go with
8 it, it would be noticeable. I think that it,
9 sort of, speaks to how many people heard about
10 this. It's a pretty light showing here. We
11 have got pretty much inside people, people who
12 attend these sort of things, and it's still a
13 light showing.

14 CHAIRMAN LEVERETTE: It's pretty
15 normal. It's pretty normal.

16 MS. GARMENT: So, hopefully, this can
17 stop being normal.

18 CHAIRMAN LEVERETTE: This is a good
19 turnout.

20 MS. GARMENT: Right. I was told
21 before.

22 CHAIRMAN LEVERETTE: That's a good
23 point. We will talk about doing a press
24 release the next time. It's not a problem at
25 all.

1 MS. GARMENT: Thanks. It's an
2 important, very important topic. Thank you.

3 CHAIRMAN LEVERETTE: Great. Thank
4 you.

5 (BRIEF PAUSE.)

6 CHAIRMAN LEVERETTE: That's a good
7 point too. When we have a project in various
8 jurisdictions, we don't necessarily do press
9 releases but we do post in their local
10 newspaper and in their Town Hall so people are
11 fully aware when we do projects in their
12 specific area. This is, basically, a look at
13 the Agency's UTEP county-wide.

14 So that if, you know, it's -- I live
15 in New Paltz, for example. So, if there were
16 something to happen in New Paltz and a project
17 came to the Agency, what we would do is post a
18 legal notice in New Paltz and something in
19 their newspaper down there; and it would go to
20 the Supervisor, the Town Clerk and people in
21 New Paltz would show up to give their opinions
22 about whatever the project was but this is
23 county-wide -- but your point is well taken
24 with respect to doing a press release. And
25 it's not something that's hard to do, it's

1 just something that -- shoot me, I didn't
2 think about it. So, I apologize for that.

3 MS. GARMENT: That's why these public
4 comments are so great to be able to do this.
5 So thank you.

6 CHAIRMAN LEVERETTE: So, got that,
7 Rose?

8 MS. ROBIN: May I say something?

9 CHAIRMAN LEVERETTE: Yes.

10 MS. ROBIN: Abigail Robin. R-o-b-i-n,
11 like the bird.

12 First of all, I want to thank you all
13 for being here. How do you like that?

14 Anyway, I came to the area in 1962. I
15 discovered the Hudson Valley and I moved here
16 in 1965, up to Onteora. And I am still only
17 29, so -- anyway, I am very concerned about
18 the Kingstonian. I haven't been able to go to
19 meetings and talk about it; but I am very
20 concerned about it and I have been thinking a
21 lot. I am one of the commissioners -- and I
22 am just very worried that the historic
23 character of Kingston will be destroyed by the
24 building that is being proposed. I looked at
25 everything and everybody says to me: Oh,

1 don't worry about it. I do. I worry about
2 it. And that's all. Thank you.

3 CHAIRMAN LEVERETTE: Thank you.

4 Anybody else?

5 UNIDENTIFIED SPEAKER: Do you reject
6 projects that are in bad taste?

7 CHAIRMAN LEVERETTE: And I was going
8 to respond to that by saying we don't weigh in
9 on that. What we do, is, we get an
10 application, and what we focus on is the
11 number of jobs that will be created and the
12 value that will be brought to the taxpayers of
13 the county or the region that will be the
14 host, play host to the project.

15 We have not received anything from the
16 Kingstonian. We don't comment on anything
17 that we don't have an application on because
18 we are an objective body, our ability is to
19 analyze each project based on what is
20 submitted to us without politics or anything
21 like that, and it all boils down to the
22 numbers for us.

23 MS. ROBIN: Well, numbers are tricky
24 business.

25 MR. ERIOLE: Yes, they are.

1 MS. ROBIN: Numbers are tricky
2 business.

3 CHAIRMAN LEVERETTE: Yes. And we got
4 some good number people.

5 MS. ROBIN: Good.

6 CHAIRMAN LEVERETTE: Okay.

7 So, I guess no one else has anything
8 to say?

9 (NO AFFIRMATIVE RESPONSES.)

10 So, if there are no further comments,
11 I will now close this Public Hearing at 7:30.

12 Again, thank you all for attending.

13

14 (7:30 P.M. - WHEREUPON, THE ABOVE
15 PUBLIC HEARING CONCLUDED.)

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C E R T I F I C A T I O N

I, THERESA C. VINING, hereby certify and say that I am a Court Reporter and Notary Public within and for the State of New York; that I acted as the reporter at the proceedings herein, and that the transcript to which this certification is annexed, is a true, accurate and complete record of the minutes of the proceedings to the best of my knowledge and belief.



DATED: March 13, 2020

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