

**Economic Development, Tourism, Housing, Planning & Transit Committee  
Committee Meeting Minutes**

**DATE & TIME:** March 2, 2021 – 6:00 PM or (or immediately following Legislative Programs, Education & Community Services Committee)  
**LOCATION:** Powered by Zoom Meeting by Dialing (646) 558-8656, Meeting ID: 993 4269 5079  
**PRESIDING OFFICER:** Chairman Brian Cahill  
**LEGISLATIVE STAFF:** Fawn Tantillo, Laurie Lichtenstein  
**PRESENT:** Legislators Lynn Archer, Thomas Corcoran, James Delaune, Mary Beth Maio (logged on at 6:21), Abe Uchitelle and Legislative Chairman David Donaldson  
**ABSENT:** Legislator Herb Litts, III  
**QUORUM PRESENT:** Yes

**OTHER ATTENDEES:** Legislator Tracey Bartels, Deputy Executives Marc Rider, Evelyn Wright and John Milgrim; Dennis Doyle, Ulster County Planning; Timothy Weidemann, Ulster County Economic Development; Alan Macaluso, Ulster County Information Services; James Malcolm, Richard Jones, Mike Ham, Faye Storms, Diane Eynon, Orlando Reece, Rick Jones, Rose Woodworth and A. Joseph Scott, Esq., Ulster County Industrial Development Agency (UCIDA); Kevin Smith; Joe Concora; Molly Sterns, Sarah Wenk, Patrick Logan; Rebecca Martin; Tanya Garmin; Patricia Doxsey

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Chairman Cahill called the meeting to order at 6:14 PM, lead the Pledge of Allegiance and laid out some ground rules for speaker

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**Motion No. 1:** **Motion to Approve the Minutes of February 2, 2020**

**Motion Made By:** Chairman Donaldson  
**Motion Seconded By:** Legislator Uchitelle

**Discussion:** None.

**Voting In Favor:** Legislators Cahill, Archer, Corcoran, Delaune, Uchitelle and Donaldson  
**Voting Against:** None  
**Votes in Favor:** 6  
**Votes Against:** 0  
**Disposition:** **Minutes Approved**

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UCIDA Chairman James Malcolm, Chief Executive Officer Rose Woodworth and Attorney A. Joseph Scott made a presentation regarding their work to establish priorities and ensure their policies were consistent. The committee had a lengthy discussion regarding recent policy changes and their impacts on projects like the Kingstonian Project. (See transcript)

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**Resolution No. 96 - Appointing Member To Fill Vacancy On The Ulster County Trails Advisory Committee**

**Resolution Summary:** This resolution would appoint Chuck Reid of Wallkill, NY to the Trails Advisory Committee to fill the vacancy caused by the resignation of David Toman.

**Motion No. 2**                      **Motion to approve Resolution No. 96**  
**Motion By:**                      Chairman Donaldson  
**Motion Seconded By:**        Legislator Corcoran

**Discussion:**                      None

**Voting In Favor:**                Legislators Cahill, Archer, Corcoran, Delaune, Maio, Uchitelle and Donaldson  
**Voting Against:**                None  
**Votes in Favor:**                7  
**Votes Against:**                0  
**Disposition:**                    **Resolution approved.**

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[Note: this resolution was moved and voted on last]

**Resolution No. 112 - Authorizing The Required Steps For The Transfer Of Real Property Owned By Ulster County And Located At Enterprise West, Town Of Ulster To The Ulster County Economic Development Alliance – Department Of Economic Development**

**Resolution Summary:** This resolution would authorize several steps for the transfer of Real Property.

**Motion No. 12**                      **Motion to approve Resolution No. 112**  
**Motion By:**                      Chairman Donaldson  
**Motion Seconded By:**        Legislator Uchitelle

**Discussion:**                      See transcript.

**Voting In Favor:**                Legislators Cahill, Archer, Corcoran, Delaune, Maio, Uchitelle and Donaldson  
**Voting Against:**                None  
**Votes in Favor:**                7  
**Votes Against:**                0  
**Disposition:**                    **Resolution approved.**









**Resolution No. 122** - Approving The Execution Of A Contract Amendment For \$14,362.00, Causing The Aggregate Contract Plus Amendment Amount To Be In Excess Of \$50,000.00 Entered Into By The County – Tracker Software Corporation Inc D/B/A PubWorks – Information Services

**Resolution Summary:** This resolution approves the execution of a contract amendment with Tracker Software Corporation Inc D/B/A PubWorks for work order software support and maintenance.

**Motion No. 11** Motion to approve Resolution No. 122  
**Motion By:** Chairman Donaldson  
**Motion Seconded By:** Legislator Uchitelle

**Discussion:** See transcript.

**Voting In Favor:** Legislators Cahill, Archer, Corcoran, Delaune, Maio, Uchitelle and Donaldson  
**Voting Against:** None  
**Votes in Favor:** 7  
**Votes Against:** 0  
**Disposition:** **Resolution approved.**

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**Old Business:**

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**New Business:**

**Future Home Rule Request**

Mr. Doyle discussed the need for a Home Rule request to update the Community Development Fund (formally the Shovel Ready Fund). He explained that “economic development” is not an “approved” county purpose for bonding. The County will be seeking the authority for develop infrastructure for the development of housing.

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Chairman Cahill asked if there was any other business, hearing none;

**Motion to Adjourn**

**Motion Made By:** Legislator Uchitelle  
**Motion Seconded By:** Legislator Corcoran  
**No. of Votes in Favor:** 7  
**No. of Votes Against:** 0  
**Time:** 8:14

**Respectfully submitted by:** Fawn Tantillo & Laurie Lichtenstein (transcript)  
**Minutes Approved:** April 6, 2021

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**Chairman Cahill 00:14**

So, can everybody hear me okay?

**Committee Members 00:17**

Yes.

**Chairman Cahill 00:20**

All right. So ,what we'll do—so, we'll call the meeting to order. And we'll start the evening with a pledge to the flag. Herb is not going to be in attendance, but it looks like Fawn has one, so, we'll just start right now. Thank you very much.

**Committee Members 00:39**

I pledge allegiance, allegiance to the flag of the United States of America and to the Republic, for which it stands, one nation, under God, indivisible, with liberty and justice for all.

**Chairman Cahill 01:00**

Thank you, everyone. I'll accept a motion to approve the minutes from our previous meeting.

**Chairman Donaldson 01:15**

So moved.



**Chairman Cahill** 01:17

And a second?

**Legislator Uchitelle** 01:19

Second.

**Chairman Cahill** 01:21

Okay, thank you. Prior to starting the meeting, I just wanted—I see we have a lot of folks who aren't normally here. And I just wanted to set a few ground rules for tonight's meeting. So, everyone is aware, there will be no public comment, and no interaction between the legislators and the speakers unless they come through the Chair. And the public has, if they have any questions or any comments, please feel free to send them to the clerk for this committee, Deputy Clerk Fawn Tantillo. And she will make sure that they get entered into the record for any comments preceding or following this meeting. Okay, thank you very much.

So, to start tonight's meeting, I just wanted to remind folks that when we selected our new IDA Board that we would request that they would come in and speak with us once every quarter, give us a little bit of an update of what's going on, and how things are going.

And in particular, this meeting, as some of you are aware, and I'm sure some of the IDA Board members are also aware, there's been some concern about the process from which the Kingstonian PILOT (Payment in Lieu of Taxes) was awarded, and some of the changes that took place just preceding that approval. And so, I thought it would be a good idea to invite the IDA president, CEO, and attorney in to explain exactly what their process was and what the reasoning and intent was for changing that process just prior to approving that PILOT.

So, with that, I'll turn it over to Jim Malcolm. And Jim, you can let whoever you'd like to speak on behalf of the IDA go ahead. And thank you very much for attending, by the way, thank you.

**Jim Malcolm** 03:13

Thank you, Chairman Cahill, board members and legislative members, as well as members of the public. First of all, I appreciate an opportunity to always interact with the legislature and the committees. My position has never changed as long as I've been a board member willing to sit, listen and at the end of the day, disseminate the information, bring it back to our board, and have healthy discussion on the topic.

And this is one of those situations where this board went above and beyond to try to make sure people were educated on the whole process. What it entailed. The upside. The pitfalls—everything that could be, you know, everything it could be explained. We exhausted it. More than any project that I've seen in, you know, in 10 plus, 12 plus years.

So, I've had discussions with the Chair, I've had discussions with other legislators. And it was a difficult process. It was nothing spur of the moment decisions that were made. We came through the process, and

again, a brand-new type deal here where housing was a part of it again. And I asked our CEO and our counsel, Joe Scott, to look into where it put us at the end of the process.

So, what I'll do is I will turn it over first to Rose Woodruff, our CEO, and she can—she interacted with Joe through it, and then Joe Scott can explain the process. If that's okay, Chair?

**Chairman Cahill** 05:02

That's fine. Thank you very much.

**Rose Woodworth** 05:07

Thank you, Chairman Cahill and members of the committee for having us here. So, I've prepared a list of some of the things that we've done over the last year since—well, since we were last here.

So, since last summer, and some of that did include the policy changes for the Kingstonian. And I think what we were working on ahead of those changes is very relevant to explaining how we arrived at the changes we arrived at the time of the Kingstonian, as well.

So, since we last appeared before the committee, the IDA has been working diligently 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.

Since last summer, we've been going through each of our policies trying to update them. We repealed our audio policy, we no longer felt it was necessary to make audio recordings of all board and committee meetings. Because we're now required to livestream and keep video recordings of all of our meetings.

We amended our housing policy in an effort to open up the possibility of helping with the housing crisis in many places and Ulster County. And the board felt it was unnecessary to have a policy that prohibited us from housing projects since New York State allows it.

We amended the travel and discretionary funds policy to help staff work more seamlessly without having to use personal funds to pay for IDA necessities.

We amended our fee schedule guidelines twice over the last year to better match our current practices and to make fees more fair for applicants.

We began crafting a foil policy.

We created a policy for retain jobs to ensure that applicants were getting credit for jobs retained in Ulster County and ensuring they weren't just simply saying they were taking the jobs elsewhere. But instead, they have to prove it.

We amended our organizational chart to better match our new structure.

We amended our property disposition policy because there was a minor discrepancy with our bylaws. After it was called to our attention of the amendment, we had made to our housing policy was not in line with our uniform tax exemption policy. We amended it again.

We amended our background check policy to lessen the burden on small businesses instead of requiring three years of independently audited financial statements from existing businesses. We will allow the board to use its discretion for projects with assets less than \$5 million and potentially only require three years of tax returns.

We amended our procurement policy to better protect the agency against vendors that do not perform the task promised in their agreement with the IDA.

And we amended our enforcement of agency project policy to better reflect our practices and to better protect the taxpayers of Ulster County. Instead of allowing a 20% decline from a promised full time equivalent jobs, we have lowered the amount to 10% before the agency will review the project for possible enforcement action.

And we're not done making changes. We're working on a community benefit agreement to essentially replace our local labor policy. We highly value local labor. But we realized that there's a lot more that we can achieve for the economy in the county by incentivizing the support of all types of local businesses, not just local labor. And we hope this important change will then pave the way to begin updating our UTEP matrix once again, so that we can continue to further our mission.

So, we've done more than just make important policy changes. We've also worked hard with projects and potential projects. We approved the transfer of a PILOT to the new owners of Golden Hill Nursing Home. The IDA worked hard to modify the terms of the PILOT in a way that has never been done before here in Ulster County. The PILOT nearly doubled, increasing revenue to all taxing jurisdictions and the IDA required the project to increase the number of promised employees by nearly 50 full time equivalents so the level of care would not decrease from what was currently in place at the nursing home. The board went as far as to ensure certain Medicare ratings, and the hours of certain nursing professionals were maintained. Even though those things aren't required by New York State for nursing homes just yet.

We examined in depth and spoke with all non-compliant projects after finalizing the 2019 year-end reporting. We unfortunately determined that the PILOTS and bond incentives given to three projects are not in line with their actual performance, all prior to COVID. The board felt it was important to hold these projects to the employment levels that were promised when they are applied for and obtained IDA benefits. The board took great care and amending these incentives in a way that was fair to the projects and the taxpayers of Ulster County.

We approved, as you know, one of the largest IDA projects in the county after months and months of deliberation, negotiation and very serious analysis. We started using our own internal cost benefit analysis software again. And then we've—since acting swiftly after New York State Legislature changes that temporarily allowed IDA's to provide grants for PPE. We have issued over \$245,000 of the funds originally allocated and approved grants to over 100 local businesses and nonprofits. The board extended the program until March 31. So, if you know any local businesses that we can help, please don't hesitate to send them our way.

Agency staff is meeting with the depart Department of Economic Development every other Friday to keep in touch on various projects, as well as trying to work together on common goals.

After meeting with Director Wiedemann he saw to it that I was put on the health care consortium to help increase health care jobs and to help fill the needs of health care agencies in the county.

We started working on a mentor program for new applicants to make sure that all of our projects are successful.

And last, but not least, I've been working over the last couple of months of bringing awareness to the issue that school districts faced with PILOTS and the tax cap. I've had a few conversations with New York State Economic Development Council's executive director Ryan Silva about the issue. He provided more insight about the subject for me, and it was my understanding, that at the time the bill was passed through the Assembly and the Senate, but it did not make it off the Governor's desk. And there's a belief that because the tax cap formula is now permanent, there is a chance that Governor Cuomo could sign the bill if it were brought back before him.

So, I personally made phone calls to Republican senator, Senator Oberacker, a Democratic senator, James Skoufis, and sent them both a copy of the bill. And obviously both of them agree that this is a great issue to be a bipartisan issue. I've also been in touch with Michelle Hinchey and looking forward to a meeting with her. And then I wanted to respectfully ask the County Legislature that they try to push this issue as well. And I'm grateful to the board of the Kingston Consolidated School District for bringing the issue to our attention when discussing them to go to Kingstonian PILOT. And I look forward to the agency doing everything we can to help the issues so we can continue doing our part to help the economic development Ulster County and assist school districts and IDAs throughout New York State.

**Jim Malcolm** 13:10

Chair, if you wouldn't mind, I'd like to give Joe Scott, our counsel, an opportunity to bring you through the process of when he found the discrepancy in the housing policy and the UTEP (Uniform Tax Exemption Policy). And the steps he took.

**Chairman Cahill** 13:28

Thank you very much. Look forward to hearing it. Thank you.

**Joe Scott, Esq.** 13:33

Thank you chair. As Mr. Malcolm indicated, my name is Joe Scott. I'm counsel to the agency and very pleased to be here with Rose and the Chair this evening, along with the other IDA board members.

I think in terms of looking at the housing policy and the changes that were made at the January meeting, I think we need to go back in history a little bit just to get this all in perspective. I have had the opportunity to work with the IDA for many years. I think I did my first project with the IDA back in 1992. And so, I've had a long—and we appreciate the opportunity to work with IDA. I've had a long history with IDA.

Where I would like to start with is the IDA Uniform Tax Exemption Policy because that's really the key to this discussion, chair. Back in the early 90s the IDA had a Uniform Tax Exemption Policy, it was it was not as involved as the policy that it has now, but it had a policy that it followed with respect to projects.

Then subsequently, the New York State Legislature enacted legislation, which among other things, required all IDAs in New York State to have a Uniform Tax Exemption Policy. And the purpose of that policy, or the purpose of that requirement, was to ensure that the IDA treated all projects uniformly. So, if it was a commercial project, it would get a certain PILOT structure, if it was an industrial project got a certain PILOT structure. And happily, this IDA, prior to that legislation had a policy that already required the IDA to do that.

In connection with the adoption of the Uniform Tax Exemption Policy, formerly required under the statute, though, what the IDA then did was, among other things, impose on itself a requirement that if it was to ever deviate from its policy, with respect to the granting of PILOT agreements, that it would do so only after it got the approvals of the local taxing jurisdictions that were affected by that PILOT agreement.

And that was a very unusual provision. I will say we represent approximately 20 IDAs throughout the state. And I would say, maybe 20% of the IDAs that we work with provide that level of power to the local governments by way of having an impact on the structuring of a PILOT agreement.

And the reason why the Ulster County IDA did that was that it was concerned about making sure that local governments, in cases where the IDA deviated from its normal policy, that the local governments had the ability to weigh in on that structure.

Subsequently, and I'd have to go back to give to actually give you the time, I want to say five years later, eight years later, the IDA amended its policy to provide a mechanism that if the IDA went to the local governments to get those approvals, but was not able to do so, the IDA, on good cause, based on its determination, based on its review of the project, would be able to move forward with that PILOT deviation, even without the approvals of those local taxing jurisdictions. So, that's the historical context.

The IDA, then I want to say, a year ago, two years ago, adopted a housing policy. And in connection with our review of that housing policy, toward the end of last year, in preparation for our January meeting, we noted that the local consent provisions in that housing policy did not mirror the local consent provisions that were contained in the in the Uniform Tax Exemption Policy.

And we had discussions with the staff. We had discussions with the IDA chair. And it certainly made sense. And we recommended from a from a consistency, and a logic and a rationality standpoint, that we amend the housing policy to make sure, or to make it consistent, with the provisions, the exception provisions contained in the IDA's Uniform Tax Exemption Policy.

With respect to the January meeting date, if you look back in history, and again, using history to kind of provide some perspective to how the IDA dealt with all this—historically, the IDA has adopted at their January meeting resolutions regarding policies. This was one of the several policies at work and that was considered at the January meeting. Again, it's a fairly typical, fairly routine activity by the IDA with respect to considering policies and other administrative matters at the January meeting. And this amendment to the housing policy was just one of those matters that was that was addressed. And, and approved, and a resolution adopted at that meeting.

So, that's the background. If you look back in history, there's the UTEP (Uniform Tax Exemption Policy) policy that kind of started all of this. There were some changes to it. Subsequently, there was a resolution adopting and approving a housing policy. In connection with our normal review of policies, we noted that there was inconsistency between those two policies. And again, at our January meeting, we routinely look at policies, adopt changes to those policies, confirmed policies, make other, take other administrative actions, approval of professionals, approval banks, etc., etc. So, that's the history. And with that, I'll open it up for any comments or questions.

**Chairman Cahill 20:16**

So, I just want to remind everyone that the comments and questions will come from the legislators on this committee first, then any other additional legislators, and then if the County Executive staff has any questions. So, we're going to start tonight with Legislator Archer.

**Legislator Archer 20:35**

Thank you, Chairman. And thank you IDA board members for coming tonight. I do appreciate all the efforts that you have put in over the last year. This board has taken some of the work that was done previously and has enhanced it—has done quite a bit of work and I do appreciate all of that.

I do have a couple of questions, though, as it relates to changes in the housing, changes to the process of when it goes—when a plan goes to taxing jurisdictions. And one specific question right off the bat, and I will have follow-up questions, if I may, Chairman, is I know that the prior board had talked about housing for quite some time, but it did never come to the board for a vote, as I recall.

The changes to include housing as a part of the work that you're doing happened with this board. And could you tell me specifically the date that it did get put into effect? As I know you, you talk about January as being your housekeeping organizational update meeting, but I do believe you pass policies throughout the year, when was this housing policy passed to allow the board to consider housing projects?

**Rose Woodworth** 22:03

I believe that was our August meeting.

**Legislator Archer** 22:06

Of this past year?

**Rose Woodworth** 22:08

August of 2020. Yes, as I—what I was saying we've done it all year.

**Legislator Archer** 22:14

Right. So, you approved that. And I understand—so, this disconnect from the UTEP was never identified through that process? You guys have been going through a lot of these. And I hear what you're saying. But I think you have to understand that the timing of the change raises huge questions about—and all the hard work that you've already done—it puts all of that into question.

Because in the past, as taxing jurisdictions, any deviated PILOT that came to the Legislature had already been negotiated and approved by the IDA. That was not the case with this one. There were preliminary numbers, but it was not the case. And this went to all the taxing jurisdictions because of the change that you made with the housing condition.

So, I'm trying to understand, I get if you find a mistake down the road, but the timing of this, along with the decision on the Kingstonian, is really somewhat suspect. And I'm saying this, recognizing all your hard work, and for this one thing, because of the size and scope of this project, it has created major credibility about the process and how things played out.

So, if you could help me understand from you made this housing approval in August, so that—because prior to that, the Kingstonian really didn't have a shot—now they have a shot because you've now put a policy in place. And then we come to January and we change a policy because one of the taxing jurisdictions did not approve it. Which you still could have done anyway, you didn't really need to change the UTEP. The authority you have, you can, you know, you put a policy in place that said if the taxing jurisdictions weren't agreeing across the board, you wouldn't do the project. So, this is really where kind of you got stuck and people are looking for an understanding of how this happened. And what's the explanation for it.

**Rose Woodworth** 24:27

The policy was already in place from a number of years ago. And the amendment was in an effort to allow us to do any housing of any kind. The project would have gone to all of the taxing jurisdictions either way,

housing or not, because it's a deviated PILOT. So, we still would have looked to the Legislature, the school district, and the city for their approval. And then, as we've said, with our UTEP, although we look for their approval, it's not something that is required. So, we were looking to put that in line.

And taking out when the Kingstonian was approved. Taking that out of the matter, like I said, we did amend other projects that were not in line with our bylaws. And we also amended other policies. I'm sorry, we amended other policies more than once last year as well, when finding issues. I think the one I specifically was talking about earlier was the fee schedule guidelines. We ended up changing that twice in just a matter of months, when finding more issues.

And then when it came to the January meeting, this was something that was brought to our attention. The Kingstonian had been on hold for months before that. It wasn't, you know, just slated to be put in right when we were dealing with this change.

We did go back and forth about putting them in the same meeting. It did, you know, we can understand the optics here. However, it didn't really make sense to penalize an applicant because of a mistake that was made, on our part, putting a policy out of line with our UTEP.

**Legislator Archer** 26:09

Except that you just... If I may, Chairman. Just as a follow up...

**Chairman Cahill** 26:14

So, okay. Well, I was just going to let the, that was Mr. Scott wanted to respond. Is that correct? If that's all right with you, Lynn, because I think he wanted to respond.

**Legislator Archer** 26:21

That's fine. That's fine. I did say I had a follow-up. But that's alright.

**Chairman Cahill** 26:24

But I think he wanted to respond to your initial question, right?

**Joe Scott, Esq.** 26:27

Thank you. And thank you, Chair. And just to underscore what Rose indicated, if you go back 10 years, you'll see during our January meeting, where we adopt, as a regular course, either amendments to policies or confirmations of policies. So, the, you know, the issue was identified. We had it on for January, because that's when we do these things. We identified it in November, December. Again, the January meeting schedule is something that we typically devote toward this kind of activity. And frankly, this kind of activity is consistent with the points that Rose was making in her in her original remarks where the IDA is acting very deliberately, very professionally, with good practices in terms of considering it policies, considering the various professionals, considering its various operations, you know, bank accounts, accounts, etc. And so,



they have a very organized program of, of doing these taking these administrative actions early in the year, at their January meeting. And again, this housing policy consideration was just part of that mix.

**Legislator Archer** 27:50

May I, Chairman?

**Chairman Cahill** 27:51

Yes, you may, go ahead. And then I think before, if you do have another follow-up, I think Legislator Uchitelle has a question. I'd like to mix it up a little bit.

**Legislator Archer** 27:58

I totally get it. I just like to finish the thread conversation.

**Chairman Cahill** 28:02

Yep. Go right ahead.

**Legislator Archer** 28:04

As it relates to the housing policy, you did have a housing policy in place, but it was affordable housing, and not market rate housing, if I'm not mistaken.

No. All housing was excluded. But there had never been a project that had been approved. Is that correct?

**Rose Woodworth** 28:25

I mean...

**Legislator Archer** 28:26

Oh, no, no, that's not true that we have the senior housing. We had senior housing, we had senior housing.

**Rose Woodworth** 28:32

Yeah, we did. Right. And then the housing policy was put into place after that. So, this would have—if there was senior housing that needed to come in after this policy was put in place, that wouldn't be in line with it either, unless all taxing jurisdictions were on board. Again, not aligned with our UTEP.

**Legislator Archer** 28:49

So, can you explain to me then, what changed with the way in which deviated PILOTS go to the taxing jurisdictions? In the past, deviated PILOTS were already agreed to and basically solidified by the IDA before they were sent to the taxing jurisdictions. That was not the case. And it's been quoted in many meetings that, you know, we're waiting for feedback from the taxing jurisdiction, which is a totally different way than what had transpired in the past with these deviated PILOTS. So, when did that policy change? And—go ahead.

**Rose Woodworth** 29:28

Yeah, there's no policy about that, specifically. We did actually approve a preliminary PILOT for the Kingstonian. I believe it had a 4% escalator. There wasn't a difference between what the different taxing jurisdictions were getting. It was just a more standard, for a better word, even though it's deviated, a more standard deviated PILOT. And then we, knowing the size of the project, we really did value the input from the taxing jurisdictions and we wanted their opinions after another cost benefit analysis was done, and after more negotiations, and we really heard the school districts issue.

We worked with the applicant to amend what we had already preliminarily approved. And that's when we broke out the PILOT so that it would be three different escalators reflecting what every taxing jurisdiction was getting, so to speak, right?

So, the city is, quote, sort of getting a parking garage, and they're the ones that really wanted this. So, their escalator was then going to be 3%.

The county was getting some sales tax, but they weren't getting as much as the city was getting. So, their escalator was 4%.

And the school district wasn't getting anything extra, so then their escalator would be 5%, which really increase the taxes a lot, because they have 60 plus percent of the taxes that are being paid in total.

We also then went ahead and changed the 5% net profit sharing to be a 10% of gross revenue over the pro forma figures that the applicant had already come up with. And then we showed what the difference would be if they hit what NDC was saying they would hit for revenue, because the real issue sounded to us, after listening to everybody's feedback, like there was real potential for the project to make a lot more money than they were maybe disclosing, or maybe they were realizing. And if that was going to happen. And we wanted to make sure that we were protecting the taxing jurisdictions and getting them more tax revenue. Because clearly, if a project is making more than anticipated, then they can pay more tax.

**Chairman Cahill** 31:50

Legislator Uchitelle.

**Legislator Uchitelle** 31:51

Thank you, Chairman Cahill, and thank you to the members of the IDA for being here tonight. And for the work that you've done, you know, in your capacity on, you know, in serving our county.

Mr. Scott, you mentioned the change here, as one that was based on to update the rules to make them consistent with the UTEP, as a change that was based on consistency, logic and reality. So, I represent the district that the Kingstonian is going to be built in. And I—these are my constituents that are cheering for it to be built and also incredibly concerned about the changes to our community. And the changes that a large market rate housing development is going to do both for the rents of low-income people. And also, which

are already on affordable in many cases, and also for the character of the neighborhood that I happen to also live in. This is a, you know, significant concern.

And so, when the rules were changed, it's a bit confusing because you mentioned the rule change being something that typically happens in January. But we see that that wasn't the case when a rule needed to be changed in August in order for this to be considered in the first place.

When the rules are then changed, it makes it very hard for me to look at my constituents and tell them about the board that we appoint, that we confirm members to, which have spelled out a process about how this is going to unfold for a huge development that's going to change our community, and about the democratic process that we all participate in, everyone here on this call, which is going to determine the outcome here. And then the rules are changed at really the 11th hour there.

And I have a big problem with that. I have a really hard time looking at my constituents in the eye and explaining to them how consistency, logic, and rationality are the underpinning of this decision. And so, I asked if you can please tell me how consistency, logic, and rationale can be explained to the residents in my district on this change in rules?

**Joe Scott, Esq.** 34:16

Well, I'll take a stab at that. I mean, the fact that there was a change made in August, indicated and that and this was in fact the case that we saw an issue with that policy in June in July and decided to take action with it. You all need to take into account that this was a new, a relatively new policy of the IDA. And to be honest, we were all struggling with the definitions, the impact, the goals, the purposes.

We were also in transition. I mean, this IDA has had a significant amount of transition over the past several years with our staff with respect to staff, and members. And to be to be blunt, housing is a very—is not an easy issue to discuss with people. Some of our IDA clients, I had mentioned that, that we represent approximately 20 ideas throughout the state. Some IDAs, use housing as, or housing is their major purpose, their major number of projects. Some IDAs don't want to do housing. And some ideas, given membership changes, change their position on housing. So, it's a controversial issue with some jurisdictions.

It's not an easy issue. It's a relatively new development. I want to say the last 10 years has you've seen a rapid, and steep, and significant increase in the number of housing projects that IDAs have done. Because there were some discussions early on with respect to whether it was a legitimate legal authorized project for IDAs. So, it's not an easy issue, both from a from a political philosophy standpoint, or a legal standpoint.

With respect to addressing your specific question, we made a change in August, because we saw an issue. We made a change in in January, because we saw an issue in November and December. We react to issues that we see. We don't sit back. The IDA, and I think Rose has indicated this both at this meeting and in the press, you know, we make rule changes and policy changes throughout the year, to react to issues. And I only made note of the January date, because it's something that's very typical and very routine with the IDA.

And candidly, the fact that the IDA is looking at their policies, thinking about their policies, they have a very active governance committee with Mr. Hamm as the chair. So, there's a significant amount of internal review and internal analysis as to what the IDA is doing.

And in terms of logic and consistency, if you compare the language and the housing policy to the language in the Uniform Tax Exemption Policy, you'll see that they're essentially the same. And candidly, it makes sense from a logic and a consistency standpoint, if you're going to defer to the locals on Uniform Tax Exemption matters. And you're going to defer to the locals for housing policy matters—if there's an out, if you will, or an exception in the Uniform Tax Exemption Policy, you would think that there'd be a similar provision in the housing policy. And the fact that it wasn't in there in the first place was, frankly, not explainable. As counsel, I'm not going to take responsibility for that. It's really an issue of the evolution of the policy and the evolution of the views of the members as they've looked at the policy.

**Chairman Cahill** 38:23

Any other questions? Yeah. Any other legislators prior to going back to Legislator, on the committee, that is okay. Go ahead, Lynn. Thank you.

**Legislator Archer** 38:33

Thank you, Chairman. Can you explain to me how these policies come to the board for decisioning? What's the process?

**Rose Woodworth** 38:43

Absolutely, Lynn. So, what we started doing, I think it was back in August, it might have been July, what we started doing in August was literally going through our policies alphabetically in the governance meeting. Which as, I don't know if you remember, that was first one that I noted that we changed was the audio policy, because it starts with the letter A. So, we started going through them alphabetically, as Governance went through them, some of them were better suited to go to the Audit Committee. So, some of them were deferred to Audit. And some of them just where recommendations were made from Governance, and they went straight to the board.

We're not done going through all of the policies because there were some that proved to be a little bit more cumbersome and a little bit more involved, that we needed to take a harder look at. Like I was saying, the local labor policy, although there were some things that we want to change in there, and we've had on the list for probably six months, we realized there's a bigger issue of a community benefit agreement rather than just local labor.

**Legislator Archer** 39:44

So, the change for the housing came out of the Governance Committee?

**Rose Woodworth** 39:52

The first change came in the first Governance Committee meeting. Yes, it changed a bunch of other policies as well.

**Legislator Archer** 39:58

So, that was the August meeting? And in the January meeting, that change for the housing again came out of Governance?

**Rose Woodworth** 40:08

That one did not.

**Legislator Archer** 40:10

Where did that one come from?

**Rose Woodworth** 40:12

That came from our counsel looking at it and realizing there was an issue. And we had the next meeting, in line, was a Board Meeting and not a Governance Meeting, we haven't had a Governance Meeting in a few months.

**Legislator Archer** 40:27

And you also mentioned, you have an internal tool for assessing these projects. And I would assume that given the complexity of this one, it wasn't just a straight parking garage, it was not just a straight boutique hotel, it was not just a straight housing, it would have multiple facets, and size and scope. And, you know, with the complexity of a project this size, was your internal tool, really the best tool to assess numbers? Because you're putting in numbers that you're getting from, from the developer. And so, you know, how is that really a true assessment of a project, from an objective standpoint, to ensure on behalf of the taxpayers, that we're really looking at all aspects of a project?

**Rose Woodworth** 41:22

I think that's a good question. At first, I did not think that our cost benefit analysis software was good enough. And then I was honestly shocked after putting everything in that it was very in line with the other cost benefit analyses is that we're done, and we're a lot more expensive. And in defense of what numbers you're using, we're using the same numbers that every other cost benefit analysis would have used, and every other number that we would have used for any other project, Kingstonian or not. All we can do is use the information that the project gives us, and then make the best determination from that. And if they don't meet the criteria that they're saying they're going to meet, then we'll claw back, and the board showed this year that they're willing to and going to do that.

**Legislator Archer** 42:13

No, you have, and I do appreciate that. I know you guys have spent a considerable amount of time looking at projects already on the books that have not delivered what contractually they should have. So, I do applaud those.

I again, I just go back to the point here, that for all the hard work that you have put in, this one issue, and the way this was handled, really kind of had a negative impact, I would say. And you know, you're trying to help people understand what it what a PILOT is why we can benefit a community. And I think you've set yourself back with this one in the way it was handled. And I thought it was important for you to come here. And I so appreciate that the Chairman did that. Because you know, this is a this is an ongoing problem. And I know it is for you all as well.

**Rose Woodworth** 43:05

So, Legislator Archer, I want to tell you also, I know you and I had specifically talked about the cost benefit analysis in regard to projects several months ago. Out of that discussion, I've talked with Diane Enyon, who's our Audit Committee chair, and another one of the policies that we're looking to put in place would be something to ensure that projects have X amount of size, we'll have another independent, third party cost benefit analysis. In this case, the County Executive's Office took that on, so we didn't have to deal with it and make a policy change right then in the middle of this project in regard to this project. And we were able to kind of, you know, pop the ball and then start and really make changes that we wouldn't have to amend again. But it is something that we're looking at, as well.

**Legislator Archer** 43:59

I and I appreciate that. I the only thing is that I'm not sure the scope of the review by the county, did it include all taxing jurisdictions, which I don't believe it did. And to me, you're taking this on and putting that in as a policy for a project of this size and scope would be very helpful, because then I think that all taxing jurisdictions would get an analysis of the impact of the project to them, which would make for better decisioning as we go forward. So, I appreciate that. Thank you. Thank you, Chairman, I appreciate it.

**Chairman Cahill** 44:35

So, yeah, you're welcome. Thank you. So, Legislator Uchitelle, then I'm going to ask that if anyone has—we could kind of make it a little bit briefer in that we respect everyone else's time. We have another a full agenda tonight aside from this, and we also want to save some stuff for the IDA report back to us in June. So, Legislator Uchitelle, you had a question.

**Legislator Uchitelle** 44:37

Thank you, Chairman Cahill. I'll be brief. And this is, you know, full disclosure, this is a statement, not a question that I'm about to make. Because we are in this together, we are, you know, on the same team in regard to making this county a better place. And, you know, with all due respect, I do find that we have as a team, on this project, missed the target on consistency with regard to our relationship with the public. And that is something that is going to take work to recover from. It's work that we need to do together. And it's

very important that that we're committed to doing that and figuring out what, how we need to change. Because quite frankly, this has been a reset on the trust with a public.

**Jim Malcolm** 45:56

Chairman Cahill.

**Chairman Cahill** 45:58

Yes, sir. Mr. Malcolm.

**Jim Malcolm** 45:59

I just, I just like to say something. And I certainly can appreciate both Legislator Archer and Legislator Uchitelle's position on these things. I mean, it's very difficult. But unless you're there, through the entire process. And I'll be honest, I've sat on these boards for a long time. And from our CEO on down, through Counsel, and you know, what, I guess it'll fall on my lap. I set this board up in a way, where we have governance chairs, and audit chairs, and these people act independent and bring back, and it's made for a much stronger board. I can, you know, if things don't look good, but sometimes, they're not going look good. But I stand behind the decisions that each and every one of these board members have made. I think we extended ourselves above and beyond.

When the county got involved in using an independent third-party administrator, we sat at the table with them. And my only concern at that time was, look, let's sit down and find some common ground. And I think we did. And you know, Tim Wiedemann was there, and other people, and something was crafted at that point that everybody could live with.

And I think there's a misconception out there that we're handing somebody \$50 million. It's not the case at all. But I don't think we get anywhere unless we have this good discussion and opinions from all sides. And again, I stand behind the decisions that were made by this board. I think that Ulster County is on the precipice of some important development. And everything that we've done since this board came together is a steppingstone and a block to move forward.

We have a couple of more significant size projects coming down the pike. Whether it's the housing a Golden Hill, or Enterprise Drive, and you know, it's been our goal to expedite the process, but get it right. And when we get it wrong, we live up to it. So, I can appreciate the sentiments that have been put out there. And we'll do everything we can to regain your trust. So, thank you for your time. Thank you, Chair.

**Chairman Cahill** 48:21

Thank you, Mr. Malcolm. Yes, Mr. Rider, and then we're going to wrap up the IDA portion of our meeting. Thank you.

**Deputy Executive Rider** 48:28

Yeah. The only thing I wanted to add is I just wanted to clarify that the cost benefit analysis that was done by the county did include all three taxing jurisdictions, they looked at all three, when it was done. So, just putting that on.

**Chairman Cahill** 48:44

Thank you for that bit of information. Appreciate it.

If there's no other questions from the committee, I will take the opportunity to thank the three members from the IDA who spoke and those who also attended. And again, extend the gratitude of the Legislature to you folks for the work that you do. It's very difficult. It's very time consuming. And a lot of times it's thankless, as we all know, anybody in public service knows that. And I do want to take the opportunity to thank you for your service. And I really, truly appreciate you taking the time to come and explain and answer the questions that were presented to you tonight. It's much appreciated. And I look forward to hearing from you guys again in June. All right, so thank you very much. I appreciate it.

So, with that, we're going to—if you folks want to leave or anyone who wants to hang around for the rest of the agenda, feel free. Anyone who wants to drop off, feel free to do that as well.

So, we're going head on to the resolutions tonight, folks. Are all the legislators ready to go with that? All right, we're going to start with the Resolution. No. 96, which is: appointing a member to fill a vacancy on the Ulster County Trails Advisory Committee. I'll accept a motion for discussion.

**Chairman Donaldson**

Motion to discuss.

**Chairman Cahill** 50:00

And a second.

**Legislator Corcoran** 50:03

Second.

**Chairman Cahill** 50:03

Okay. Any discussion?

**Chairman Donaldson** 50:07

I mean, I move it.

**Chairman Cahill** 50:09

okay. A second?



**Legislator Corcoran** 50:12

Second.

**Chairman Cahill** 50:13

All in favor?

**Committee Members** 50:15

Aye.

**Chairman Cahill** 50:17

Thank you. Resolution Number 112. Would you guys want to do some of the other ones that come back to this one in case there's folks here who don't want to hang around for this? Would you guys mind if I move this out of order? Anybody? Okay

**Chairman Donaldson**

I'm good.

**Legislator Uchitelle**

It's fine with me.

**Chairman Cahill** 50:35

We're going to skip to a Resolution No, 113, which is: Authorizing The Chair Of The Ulster County Legislature To Execute An Inter-Municipal Shared Services Agreement With The City Of Kingston For Economic Development Services for the Department Of Economic Development.

**Chairman Donaldson** 50:50

I'll move it.

**Chairman Cahill** 50:51

Second?

**Legislator Uchitelle** 50:52

Second.

**Chairman Cahill** 50:53

Any discussion? Legislator Archer.

**Legislator Archer** 50:58

Yeah. I'm just wondering, are we going to be adding resources to economic development? They're going to be supplying services to the city, correct?

**Chairman Cahill 51:12**

Yes, yes.

**Legislator Archer 51:14**

Okay. And you know, when we've got major projects going on, we've got a very small team. Are we getting paid for these services? I didn't notice that in the...

**Chairman Cahill 51:27**

I'll let, I'm sorry. I don't even know if your director, what's your title? I don't even know.

**Director Tim Wiedemann 51:33**

That's alright. You got it. Tim is my short title.

**Chairman Cahill 51:37**

Let Tim answer the specifics on this agreement. Okay?

**Director Tim Wiedemann 51:40**

Yeah, so, I appreciate the question. This is really a formality as we provide these services for all municipalities in the county. It opens this up for the potential for some shared services grant funding. And so, it's really intended to provide a platform for that grant funding. As you'll notice, there's a provision in there that allows that the city would forego some grant funding if they're able to receive it. And that would allow the county to collect that grant revenue.

**Legislator Archer 52:07**

And you just had to do this separately for the city? Because if you do it from your municipalities, but for the city, it had to be a formalized agreement. Is that correct?

**Director Tim Wiedemann 52:16**

For the purposes of the grant, it would have to be a formal agreement.

**Legislator Archer 52:20**

Thank you.

**Chairman Cahill 52:22**

Any other discussion on this? All right, I'll accept the motion to move it.

**Chairman Donaldson 52:28**

I'll move it.

**Legislator Corcoran 52:30**

Second.

**Chairman Cahill** 52:31

All those in favor?

**Committee Members** 52:33

Aye.

**Chairman Cahill** 52:34

Any opposed? Okay, thank you.

So, we're going to go on to Resolution Number 114 which is: Authorizing The Ulster County Executive To Execute A Contract With The New York State Housing Trust Fund Corporation Represented By The Office Of Community Renewal, For Federal Funding For The Implementation Of Community Development Block Grants (CDBG) And Amending The 2021 Ulster County Budget for the Department Of Economic Development.

**Chairman Donaldson** 53:02

I'll move it.

**Chairman Cahill** 53:05

Second?

**Legislator Corcoran** 53:06

Second.

**Chairman Cahill** 53:08

Any discussion? Okay, all those in favor?

**Committee Members** 53:13

Aye.

**Chairman Cahill** 53:15

Opposed?

Okay, Resolution Number 115, which is: Appointing Alternate Member To The Ulster County Planning Board – Village Of Ellenville.

**Chairman Donaldson** 53:26

I'll move it.

**Chairman Cahill** 53:28

Second, okay. Legislator Archer raised her hand.

All those in favor?

**Committee Members** 53:32

Aye.

**Chairman Cahill** 53:34

Opposed? Okay. Thank you.

Resolution Number 116, which is Reappointing Member And Alternate Member To The Ulster County Planning Board – Town Of New Paltz. Mr. Delaune, would you like to move this one?

**Chairman Donaldson** 53:45

I can move that.

**Chairman Cahill** 53:47

Thank you. All right. And a second.

**Legislator Uchitelle** 53:50

Second.

**Chairman Cahill** 53:50

Okay, all in favor?

**Committee Members** 53:52

Aye.

**Chairman Cahill** 53:53

Aye. Opposed.

**Chairman Cahill** 53:56

Okay. Resolution Number 117, which is: Amending Capital Project No. 479 - Ulster County Midtown Linear Park (PIN 8761.21) - Authorizing The Chair Of The Ulster County Legislature To Execute Agreements, Certifications And Reimbursement Requests For Federal Aid On Behalf Of Ulster County With The New York State Department Of Transportation For Funding Construction And Construction Inspection Phase And – Amending The 2021 Capital Fund Budget - Department Of Planning.

**Chairman Donaldson** 54:23

I'll move it.

**Chairman Cahill** 54:25

Second?

**Legislator Uchitelle** 54:25

Second.

**Chairman Cahill** 54:27

Any discussion? Okay, all those in favor?

**Committee Members** 54:32

Aye.

**Chairman Cahill** 54:33

Any opposed? Okay.

**Chairman Cahill** 54:36

Resolution Number 119, which is: Approving The Execution Of A Contract Amendment For \$249,273.00 Entered Into By The County – Hudson Valley Engineering Associates, P.C. D/B/A HVEA Engineers for the Department of Planning.

**Chairman Cahill** 54:56

Anyone want to move that?

**Chairman Donaldson** 54:57

I'll move it.

**Chairman Cahill** 54:59

Do we have a second?

**Legislator Uchitelle** 54:59

Second.

**Chairman Cahill** 55:00

Okay, any discussion? Okay. Can Dennis explain it?

**Dennis Doyle** 55:14

Sure. Is that okay, Chairman Cahill.

**Chairman Cahill** 55:18

Yeah, that's fine. Thank you very much. Yeah.

**Dennis Doyle** 55:20

Sure. So, it's—this is a construction inspection. HVEA did the preliminary designs. So, this follows up on that for construction inspection and your next resolution is for the actual construction. We do have an award package in front of NYS DOT. For this, we need to make sure that that award package is approved before we sign these contracts. Just be aware of that.

**Chairman Donaldson** 55:43

Alrighty, thank you.

**Chairman Cahill** 55:46

Any other discussion? Okay, all those in favor?

**Committee Members** 55:51

Aye.

**Chairman Cahill** 55:52

All those opposed? Okay, it moves. All right, so we're on to Resolution Number 120, which is: Approving The Execution Of A Contract For \$1,411,940.75 Entered Into By The County – A. Colarusso & Son, Inc. for the Department of Planning. That's a big contract.

**Chairman Donaldson** 56:15

Move it.

**Legislator Corcoran** 56:17

Second.

**Chairman Cahill** 56:20

Any discussion or questions? Go ahead, Mr. Doyle. Thanks.

**Dennis Doyle** 56:24

Thank you, I just want to point out that the fact that this contract came in about \$400,000 less than the engineer's estimate. So, there's—so, we'll be able to have a savings with respect to this. And when you look at the source of fundings here, between the federal funding under from NYS DOT from a New York State transportation alternatives program, enhancements program that we have, and local community to community funding, there's no cost to the county for this project.

**Chairman Cahill** 56:56

Well, that's great. That's good news. And especially since we have reduced costs, saves money all around, right. Okay. All those in favor?

**Committee Members** 57:04

Aye.

**Chairman Cahill** 57:05

All those opposed? Okay, thank you, that moves. And we're going to move on to Resolution Number 121, which is: Approving The Execution Of A Contract Amendment For \$22,500.00, Causing The Aggregate Contract Plus Amendment Amount To Be In Excess Of \$50,000.00 Entered Into By The County – Environmental Systems Research Institute, Inc. for Information Services.

**Chairman Cahill** 57:33

And I thought I saw a...

**Chairman Donaldson** 57:35

I'll move it.

**Chairman Cahill** 57:36

Alright, second?

**Legislator Corcoran** 57:38

Second.

**Chairman Donaldson** 57:39

Do we still have IS (Information Services) here?

**Director Alan Macaluso** 57:41

Right here. Yeah.

**Chairman Cahill** 57:42

I'm sorry. I missed seeing you, Alan, thank you. Yeah. Would you mind just giving us a brief overview what this one's about?

**Director Alan Macaluso** 57:47

Sure. So, this is the annual support and maintenance for ArcGIS, which is the mapping and analytics software that we use for a variety of different purposes around the county—the parcel viewer, the public safety system, various mapping needs. And most recently, with a lot of the COVID analytics where we did dashboards and stuff like that was that's the software that drives all that mapping and the interfacing with that, and the various systems that we that use that.

**Chairman Cahill** 58:16

And so, is this an anticipated increase? Because it's, you know, significant \$22,000 over for software, right?

**Director Alan Macaluso** 58:25

This is, really, it's just the annual software support and maintenance for the product.

**Chairman Cahill** 58:29

Okay. So, that's what it is. Okay, got it. But the overall contract is over \$50,000. Yeah. So again, Marc, sorry

**Deputy Executive Rider** 58:37

It's extending it for a year.

**Chairman Cahill** 58:38

Okay. Got it. All right. Any other discussion? Okay, all those in favor?

**Committee Members** 58:45

Aye.

**Fawn Tantillo** 58:47

Mr. Chairman. I don't see Chairman Donaldson at this vote. Oh, there he is.

**Chairman Cahill** 58:51

All those in favor? Just make sure we got that right.

**Committee Members** 58:54

Aye.

**Chairman Cahill** 58:55

Anyone opposed? Okay, thank you. And then Resolution Number 122 is: Approving The Execution Of A Contract Amendment For \$14,362.00, Causing The Aggregate Contract Plus Amendment Amount To Be In Excess Of \$50,000.00 Entered Into By The County – I just read—why didn't somebody stopped me. All right. Approving The Execution of a contract—I wrote that— just went to the wrong line—amount of \$50,000 by – Tracker Software Corporation Inc D/B/A PubWorks – Information Services.

**Chairman Donaldson** 59:31

You want me to move that?

**Chairman Cahill** 59:33

Yeah, I don't know, do you want it?

**Chairman Donaldson** 59:35

Or do you want me to move the other one?



**Chairman Cahill** 59:38

All right.

**Legislator Uchitelle** 59:39

Whichever one you move, I'm seconding it.

**Chairman Cahill** 59:43

Yeah. All right. So, any questions on that one? If you want me to read it again? For the record? Is everybody okay with 122? I will read it again if you want.

**Chairman Donaldson** 59:53

One for practice maybe?

**Chairman Cahill** 59:55

Oh, I got another one coming right behind it. All right. We good with that then. All those in favor?

**Committee Members** 1:00:02

Aye.

**Chairman Cahill** 1:00:03

Those opposed? Okay, so we have one more on here before we move on to old business, new business and the other just discussion that we're we want to have with the planner Doyle tonight. It's Resolution Number 112, which is: Authorizing The Required Steps For The Transfer Of Real Property Owned By Ulster County And Located At Enterprise West, Town Of Ulster To The Ulster County Economic Development Alliance – Department Of Economic Development. Anyone want to move that?

**Chairman Donaldson** 1:00:38

I'll move it.

**Chairman Cahill** 1:00:39

And is there a second? Okay.

**Legislator Uchitelle** 1:00:41

Second.

**Chairman Cahill** 1:00:42

Is there any discussion or we just want to vote? Just kidding. Yeah. So, prior to the meeting, I just want to fill in the folks, if you weren't aware, and you haven't been seeing, reading all the emails that have been going back and forth, I think I talked to the UPS man about this today. That's how many conversations I've had about it.

But Legislator Archer had sent out a list of questions that Mr. Wiedemann said he was going to try and answer them tonight. So, I think prior to going into any detail discussion on the transfer, I'm going to ask if you know if that's okay with you, Tim, that you try and address some of the questions that Legislator Archer brought up. That would be great. Okay, thank you. I'm not sure how you want to do this, Lynn, you just want to ask some of the questions on the list? Or would you just like Tim to go down and answer what he can, or?

**Legislator Archer** 1:01:38

Sorry, I was on mute. Yeah, I really, I mean, I can ask them if he wants to answer them. But, you know, these have been sitting out there. And it really would have been great to have had them answered before tonight. But I recognize everybody's running around trying to get things done. And I appreciate that. But you know, I also hope that we are thoughtful about these questions in their responses, because I do think they're important. So, if you want to read them, or I can read them, however you want to do it, but I, if you could read the question, and then the respond to it.

**Director Tim Wiedemann** 1:02:11

Yeah, I have your questions here in front of me. So, I'll go through them and feel free to correct me if I get the wrong gist of any of these. But I'll go through them in order.

So, I think the first one kind of suggests that the County Executive and the Legislature neither party wants to be perpetually managing this site. And you suggest that UCEDA (Ulster County Economic Development Alliance) currently depends on county employees to perform administrative duties in support of the organization.

So, before I get to the actual question, just to be clear, that the resolution here is about a transfer of Enterprise West, these two parcels, to the county's existing Local Development Corporation. And just to reiterate, I think you all know this, but this step is a necessary precursor to any change of ownership of the site. Which means that if the property isn't transferred, the county retains all responsibilities and costs for the property's upkeep. Really, with no clear path forward towards creating jobs, or generating tax revenue, or otherwise supporting our economic development goals. So, I just want to frame it that way.

But then the question I think you asked Lynn, was if we move it there, won't there be significant additional duties for UCEDA? And how would UCEDA pay for these resources?

So, first thing I would say is that the act of transferring the properties to UCEDA to doesn't entail new duties for the Department of Economic Development. There're further decisions to make there about how we wish to see this property used that may have those implications. But right now, I think the question before you are to transfer the property to the Local Development Corporation as a necessary first step. So, if I might just continue a little further, and maybe I'll answer your question, or if you want to interject.

**Legislator Archer 1:03:41**

Well, I'd like the context set, because you took liberty with that. And I'd like to just clear it as well. And, you know, I appreciate—this is more than just transferring. And I don't think it's fair to minimize that this is just a transfer. With a transfer comes a whole host of responsibilities that we've been trying to get to the bottom of. That we have put questions out there, repeatedly, over months. This is not just my questions from a week ago, a lot of these questions are questions that we've been talking about for months.

And so, you know, it is not just a simple transfer. It has with it, a host of things that are attached to this, like resources work. And I don't know, you're not going to have all of the answers. And I recognize that because it's going to depend on the disposition of the property.

But we also had some concerns about the structure of UCEDA, the balance. The whole thing was said that we're all giving up control of this project. And that, in fact, fundamentally is not true. And so, let's be clear about that.

UCEDA is solely managed by the County Exec. He assigns the board. He assigns five of the seven board members. So, let's be really clear that, you know, anything thing that happens here it's happening without, you know, getting some of our questions answered. So, I just think it, we need to be fair about what we're positioning here.

And yes, these are some details, we're getting in the weeds a little bit on some of this. But the bigger issue is the overall structure of UCEDA, the LDC that you're looking at transfer it to, and the applications to resources that are currently paid by the county that are here to help us through pandemic and helping businesses get back on board. And while we know we don't want to be a landlord. You know, just transferring it there doesn't release us from having to ensure the success of whatever happens there. So, I think let's be clear about that, as we go through some of these questions. Thanks for allowing me to do that.

**Director Tim Wiedemann 1:05:54**

Sure. And I if I might just continue here and I think respond partly to that and, you know, understand and respect that Legislator Archer. But I would add that you're right. There are there are parts of this responsibility that UCEDA will undertake to maintain and manage the property for however long UCEDA is the is the owner of that property.

We have shared before some estimates of those costs. We continue to work with our DPW (Department of Public Works) that has the clearest understanding now of what those costs will be as it is held these properties for a while. And have prepared cost estimates for those maintenance costs that we are working through in conversation with UCEDA. And I think we've shared a past version of that with you all. And I can share that, again. These are estimates, you know, we have to acknowledge that there's a building that we haven't known for very long. And so, some of these things are likely to change over time.

But we understand and appreciate that UCEDA's responsibility will include that. And that's in fact, part of what I think was the indication that a surplus or transferred to UCEDA was desirable to the Legislature too. That those are costs that we would like to shield county taxpayers from. It's not the county taxpayer's responsibility. So, to the extent we can do that UCEDA provides a platform.

And I would also just respond, I think you kind of referred to some part of your question, number eight, I think or a later question, that a County Executive Ryan stated, we're all ceding control once it moves to UCEDA, that that's not entirely true. Three of the voting members are paid employees of the county, under his control. He's a sole member. Is there a willingness to expand the UCEDA board?

I think it's worth pointing out that this is a partnership board, five members appointed by the Executive, two ex officio legislators, the Chair and Vice Chair of Economic Development. I think that that represents a really good opportunity to have both Legislative and Executive input into this discussion.

Unfortunately, there are other tools in our toolbox, the IDA that we were speaking to today, that is exclusively under the purview of the Legislature. And so, I think obviously, this makes more sense than having something that's exclusively under one of the two branches, it's really going to take cooperation between the two branches to pull this off.

**Legislator Archer** 1:07:58

And not when it comes to decisioning. So, I mean, really, that that is not representative. Once we assign the IDA board members, they're off doing their business. At the end of the day, the board still reports into the County Executive as a sole member of UCEDA. So, to say it's the same, it's not the same. Let's just be clear. Thanks.

**Director Tim Wiedemann** 1:08:24

Yeah. So, I think John Milgrim will speak a little bit more to this question later. So, I'll skip ahead and respond to some of your other questions.

So, the next question was using county employees, will additional staff be required, if not, what duties will be completed for the county to offset that additional work?

It is not expected that the transfer of Enterprise West would directly require the need for additional county employees. Again, to the point here, there are maintenance responsibilities. The intent is that for whatever period UCEDA holds these properties, there will need to be other revenues for UCEDA to cover those maintenance costs.

We've explored one option that we've discussed together about leasing portions of the property or selling portions of the property to help cover those costs. As we've indicated before, there are also some resources in UCEDA, which makes it a better option than an organization without any existing resources. And also, UCEDA has the opportunity to pursue grants that can help with some of these costs.

So, I think it's a good question, but I think this is the tool that provides the most access to the kinds of revenue that can allow us to cover those costs without using taxpayer dollars.

The next question, unless you want to add anything to that one, Legislator Archer.

**Legislator Archer** 1:09:42

Yeah, just no—so, no county employees will be utilized to continue maintenance in the building, etc.? It will be the sole responsibility of the LDC to engage and hire resources to maintain the building? Is that what you're saying?

**Director Tim Wiedemann** 1:09:59

It will be the sole responsibility of the UCEDA organization to take care of those. How it does that, as I mentioned, there are a range of options available UCEDA to cover those costs.

**Legislator Archer** 1:10:10

But no county employees?

**Director Tim Wiedemann** 1:10:13

No county employees directly employed or involved in that work. I will say that there is past precedent for county employees, for a leaseback provision. And so, there are possibilities. Right now, the county uses that space for storage. So, there may be a need for that to continue. And in that case, there's some portion of this that may involve county staff to oversee that, or to move stuff, or whatever might be needed. So, I just want to make sure it's clear that there are some indirect possibilities of that involvement but not as a direct mechanism for supportive this.

Your next question, what are the real indirect costs and direct costs to the county taxpayer once moved?

So, again, I think this gets to some of the same responses that I've provided before. The purpose of surplusing the properties to UCEDA is really to try, as best as possible, to avoid those direct or indirect costs to county taxpayers. And any—if there is a future decision to allocate county funds to support it—that would involve a contract, which would require approval by the Legislature.

The next question you have, will the school tax continue to be paid by the county and what does that cost per year?

This is something that, you know, I think if Dennis Doyle's on, he may add to this, but I can say that based on conversations internally, the county is obligated to make the school district whole for property taxes, to all the taxing jurisdictions, based on the current assessment for a period of at least three years following the foreclosure. And the estimated annual transfer from the county to the school district specifically, is about \$500,000. If UCEDA...

**Legislator Archer** 1:11:54

Per year?

**Director Tim Wiedemann** 1:11:55

Yep.

**Legislator Archer** 1:12:03

I'm sorry, you were going to say something.

**Director Tim Wiedemann** 1:12:05

So, UCEDA, as a tax-exempt entity, certain portions of the property—when it's owned by UCEDA, if it's owned by UCEDA after a transfer—could be subject to the ability for tax exemption on portions of that property. Obviously, if there were a tenant in there, that's a taxable entity that that changes that equation, that tenant would be required to pay taxes. But the property itself may be subject to a tax exemption for the duration of time that it's not used by taxable entities. Which provides an added benefit to the county in the form of not having that ongoing school tax liability.

**Legislator Archer** 1:12:46

Why would it not have the school tax liability? I thought it's still—that's the one they're required to make whole.

**Director Tim Wiedemann** 1:12:48

Only when the county owns it. If the county transfers that property, the county is no longer obligated for that tax payment.

**Legislator Archer** 1:13:01

So, once it goes to the LDC, we no longer make the school's whole. We no longer make the town whole. And we no longer make ourselves whole in this process. Right?

**Director Tim Wiedemann** 1:13:12

That's correct. The making we whole is kind of a moot point. That's a circular transaction.

**Legislator Archer** 1:13:18

It's one of the taxing jurisdictions.

**Director Tim Wiedemann** 1:13:20

It is one of the taxing jurisdictions.

**Legislator Archer** 1:13:22

But the bulk of the taxes go to the school and they will no longer be made whole. Or they will be made whole for the three years since the foreclosure?

**Director Tim Wiedemann** 1:13:32

They would no longer automatically be—they would no longer be made whole; they would be subject to receive any taxes due based on the uses of the building if it was sold to a private developer, or if it was developed with private uses. Those uses would pay all applicable taxes.

**Legislator Archer** 1:13:51

So, the statement you made that the three years following a foreclosure, that the county would be responsible for making them whole? Or is it three years prior to the foreclosure, when they were in arrears?

**Director Tim Wiedemann** 1:14:08

It's the three years following the foreclosure, so long as the county is the owner.

**Legislator Archer** 1:14:14

Okay. So, by moving it there, we no longer will pay school tax on this property.

**Director Tim Wiedemann** 1:14:21

The county will no longer be obligated to make the school district whole, starting in the in the assessment year following a transfer.

**Legislator Archer** 1:14:30

Thank you.

**Director Tim Wiedemann** 1:14:33

Your next question is: structuring deals of this type requires a level of expertise not found in government or up to today, how will this be resolved?

You know, I would say actually, currently, many of the skills that are required to effectively accomplish the transfer and the eventual redevelopment of the site are skills that are currently available for existing county staff. UCEDA board members, future advisory board members, or other partners. And where it would be necessary to add to that bench, UCEDA would contract for additional specialized assistance and support in order to meet those needs.

Your next question: what is the source of capital that supports this move to UCEDA. If funds from UCEDA will be used, could we get a full accounting?

I believe there's some restrictions on the use of some funds in UCEDA. UCEDA is going through its preparation for annual audit right now. So, I can't give you an audited version of this. But I can say, that on

a review of the current balance of the funds UCEDA, there's about \$491,000 of unrestricted funds. In addition, about \$1.2 million of restricted funds. That's mainly for the revolving loan fund, those restricted funds. So, we can give you a full accounting of that as the audit is completed.

And then I think I covered the question about, you know, we're all ceding control, and is there a willingness to expand you see the board or accommodate some of the Legislature's concerns and create a better balance?

I know John will speak to this in a second. But I can say that the spirit of that I think is one that I appreciate. I think, you know, making a good faith effort towards partnership on this is part of why I'm here to work with you all, and I think is an important step that I think John will speak a little more to.

And then your final one, I think is a little bit of a moot point. At this point, all legislators received full copies of the submissions to the RFI. We did provide that as quickly as we were able and provided access to the full submissions as well.

**Chairman Cahill 1:16:44**

So, do you have any other questions, Legislator Archer, that you'd like to ask him after that list?

**Legislator Archer 1:16:54**

The couple of questions that I have, Chairman, have to do with the resolution and the way it's structured as well. And maybe it could be part of this. The way in which the resolution is structured, it leaves open, whether it is just a title transfer property, or not. Or leasehold or sale. And it's kind of left open for the decisioning at the County Attorney. And so, we're being asked to move without understanding what the parameters of the deal to move it to the LDC are. The way I read the resolution, so I'm just I'd like some clarity around that.

**Chairman Cahill 1:17:39**

Tim, thanks.

**Director Tim Wiedemann 1:17:40**

So, I would just say, I can't speak for the County Attorney on this. But I can say that this is standard language that's been used, in as far as I'm aware, all past transfers of surplus property. It allows the County Attorney the flexibility to make sure that the arrangement is the appropriate legal arrangement, given title and other issues that might be present on the property.

**Legislator Archer 1:18:00**

Well, and I recognize that this is probably one of the most appealing properties for redevelopment that we have seen in a long time at the county level. It has all of the infrastructure required to really attract, if we're looking for a sale, to attract a developer to the property. So, I totally understand that. Then what I would hope we can do is ensure that the chairman is able to review and sign off so that it's not just the County



Exec., but the Chairman of the Legislature, jointly, that they approve all documents and sale transactions, etc. And because the way it's written now it's "and/or." And I would prefer it "and." That both of them would review. This is a significant property. It's very large. And I would hope that the Chairman of the Legislature has the ability to review these as well.

**Director Tim Wiedemann 1:19:07**

I've noted that and I will make sure that it's something that is makes its way back for consideration. I can't speak to it, though.

**Legislator Archer 1:19:14**

Okay. And then we had also asked for an update and a breakdown of the rest of the complex—just to have a sense of that. We still haven't seen that. We've asked a couple of times. I think Legislator Bartels asked several times. To just to get an assessment of what the current status is and where we're at. So, you know, we have not seen.

**Director Tim Wiedemann 1:19:38**

Sorry, if I might just get clarification there. You're saying for the other parts of the Tech City complex.

**Legislator Archer 1:19:45**

Right. So, we have a sense of where we sit with the whole piece.

**Chairman Cahill 1:19:49**

Right. So, I think, Legislator Archer, all due respect. I mean, the conversation tonight is about Enterprise West. And we all agree that we want to get that information, but I think it's kind of clouds the issue of Enterprise West and what's before us a little bit. And, you know, maybe we can talk about that afterward. And I do agree, I have personally requested it myself. So, I agree with you, 100%. And I know that Tim is aware that. You know, we would like to see that breakdown as soon as possible. And, you know, I will, I think I actually did put it in a formal request, but I'll do it again, just to make sure that it's on the record that we're requesting that information, because it isn't...

**Legislator Archer 1:20:30**

I put my questions in as formal request. And so, like I said, I appreciate how busy they are. But you know, this, this happens, and then we get, we are then accused of holding things up when we don't get sufficient time to review responses. So, I that's why I keep bringing it up.

**Chairman Cahill 1:20:52**

Okay. So, we'll move then. Any other discussion on 112. And I know that, you know, the Legislator Delaune has his hand up, and then Legislator Uchitelle, I know that you have your hand up as well. Okay, so we'll go Jim and then Abe, and then I think any other committee members want to speak. And then Legislator Bartels. Okay.

**Chairman Delaune 1:21:16**

So, thank you, Chair. Actually, I'd like to hear John speak first before I get into my points. If you don't mind.

**Chairman Cahill 1:21:27**

You cede your time to Deputy Executive Milgrim. All right, I like it.

**Legislator Delaune 1:21:32**

Yes.

**Deputy Executive Milgrim 1:21:32**

How much time do I get here? No, quickly, thank you very much, Legislator Delaune. Thank you, Chairman Cahill. Obviously, over the past several weeks, we've had some dramatic movement and potential with the Enterprise West property. I know, everyone's been getting a fairly short period of time, somewhat familiar with the proposals that have been put out before us under the RFI. And, obviously, the coverage of it.

Also, at the same time, as those have been presented, we've had a chance to have some early discussions with several members of this committee, as well as some others, about the best process, or the best way to move forward with the county's plan so that we can all achieve the same goal of bringing this property back to a you know, successful revenue generating, taxpaying, you know, productive piece of property in the county.

Among those discussions have been, what can we do in terms of the makeup of just the economic development tools at our disposal, one of them being UCEDA. And I think the most recent discussions I've had, I know with Legislator Delaune, and I think this is why he ceded control, was the usage of county employees on the UCEDA board. Part of that has been just a, you know, frankly, it's an inherited structure with them there. And much of UCEDA's program at programmatic activities are actually conducted by administrative functions of the government, i.e., the legal staff of the county, Burt and the finance team supporting all the financial activities of UCEDA so for.

I'm going to, I won't speak for, you know, prior structure, but there was some sense. There's also a sense that they'll have to continue on in an administrative role. And to do that, and to do that cleanly does make sense that they're not part of the actual board itself. And, you know, Legislator Delaune had a concern about that, and I think rightfully so. So that's, you know, frankly, that's something we have agreed to. And UCEDA it will be revamped to have the staff members in just an administrative position with their own departments providing the support services

Separate from that, you know, obviously, there are further discussions to have in good faith. And we want to have them with members of this committee about economic development tools at our disposal. And I believe that with the numbers that we've had conversations with recently, we are prepared to, in the next

very short period of time, try to have some productive discourse moving forward so that we can continue this process productively. That's it. Does that...

**Chairman Cahill** 1:24:54

Great.

**Deputy Executive Milgrim** 1:24:55

So, I cede it back to Legislator Delaune.

**Legislator Delaune** 1:24:58

Well, thank you, John. And I want to, you know, I really do appreciate the work that Exec. Office did, and staff, and I look forward to this new relationship and I'm very encouraged by some of the responses that you received.

So, I guess next on my list is, I'd like to consider a prenu. And because, you know, we are transferring a considerable asset that's going to impact our balance sheet, right? And so, I'd like to see a value established via an appraisal, so that when all of this wraps up, that whatever the proceeds are from that sale, whether that be next year, two years from now, 10 years from now, and we unwind this relationship with this particular building, that we're all on the same page, it's all been spelled out.

And, you know, in the business world, that would be a mortgage. I don't know that the county can enter into a mortgage situation but perhaps there's some other instrument, and that's to be figured out by folks a lot smarter than me. But, you know, again, the reason why is, I think we need to establish this baseline of value. So that when, at the end, we, the taxpayers get repaid, the value of this building that we're transferring to this entity, that is standalone. Right, it's really not part of Ulster County. So, I think, you know, that's basically my thoughts on this. Again, I'm encouraged by what we've received. And I do appreciate your taking my concerns and working with me on this. So, thank you.

**Chairman Cahill** 1:27:17

Legislator Uchitelle.

**Legislator Uchitelle** 1:27:19

Yeah, I just, you know, first want to say I really appreciate the work that, you know, Director Wiedemann and everyone on Exec's team has done in getting us the expressions of interest so quickly and for the conversations that we've had.

So, you know, John, I want to acknowledge that, you know, you've made a commitment to take the staff out of, you know, board seat capacity rolls. And I want to acknowledge, you know, that that is that is something that makes me comfortable moving forward with this.

You know, the tools that we're using on an economic development side, and this is a, you know, this is an apt night to have this conversation, you know, discussing both the EDA and the IDA. You know, UCEDA, the EDA, needs to be able to work well with the Legislature. And I look forward to having a conversation about the board seats that we have there. And the way that we can, the way that we can do that. We have two seats on UCEDA, they're de facto seats. The way that the committee structures are set up, we have the ranking, you know, we have the, you know, the chairman and the ranking minority member on the on our committees that are filling those seats, so they're filled in a partisan way, which, while we do happen to all agree, more often than not, you know, those are partisan appointments. That's achieving a certain type of balance, but not exactly balanced with the legislature. So. as a body, you know, at large. So, I would like to, you know, I look forward to having those conversations. I hope that by the time we're talking about this at session this month, we'll be a little farther along in those conversations. But tonight, I hear that you're open to that. I hear the commitment to move executive staff out of board capacity seats, and you know, I'm comfortable moving forward with this.

**Chairman Cahill 1:29:20**

Okay, anyone on the committee or I know Legislator Bartels. Legislator Archer, then Legislator Bartels, we're going to let you go next, promise.

**Legislator Archer 1:29:29**

I just one point of clarification, because there's been obviously some sidebar conversations. So, I want to just make sure that we're all clear with regards to what is going to change in the UCEDA Board. Is it up for discussion, maybe agreement? I just want clarity. So, as we go to vote on something like this—and part of the makeup of the board has been a concern amongst a number of us—that were very clear that it is currently a seven-member board, looking to be moved to a nine-member board. Is that correct? Is that what I'm hearing? With a two ex officio from Economic Development plus two more potential Legislative or Chairman additions, and the three currently employs sitting on the board will be moved to an advisory role? And they'll be different individuals named by the Executive to replace them? Is that— that my understanding? Is that what we've agreed to here?

**Chairman Cahill 1:30:44**

I just want to chime in a little here, because I don't think that there's been a defined makeup of the board established. I think, what we're agreeing to is discussing what the optimum makeup of that board will be. Because let's face it, you know, that board was created at a point in time, and it was really specific for the operation that they were going to do at that time. Right? So, things change, right? And we have a different set of circumstances in front of us now.

So, I would not feel comfortable sitting here right now saying that we now have a defined group of people who we think should be on there without discussing it, I think it's important that we get all sides to weigh in and to hear, you know, what we think are our best ideas. And then hear, you know, what other folks might think are the best. So, I would be uncomfortable with a fixed makeup of that board going forward tonight with that. What I am very comfortable with is the idea that there's going to be discussion on how that board

will be made up going forward. And we will take into account all opinions. Right? Not just a handful of people, you know, who are, you know, in tune right now, quite honestly, right?

**Legislator Archer** 1:31:53

I'm not sure what that means. I'm just trying to gauge, based on tonight's conversation, what has been agreed to and what hasn't.

**Chairman Cahill** 1:31:59

Nothing as far as I know.

**Legislator Archer** 1:32:01

Okay.

**Chairman Cahill** 1:32:02

One thing, one thing, hold on, hold on. One thing has, if I may, Chairman Cahill. We, I think the vast majority of us, if not all of us, agree that staff, the executive staff should not be on UCEDA. That commitment that John has made. And that Pat, I believe is making? Is that correct, John? That is, that is a real commitment.

**Deputy Executive Milgrim** 1:32:28

Staff just does the administrative work of the board and having the staff on the board doesn't, doesn't—So, no, it's—the plan is to move forward with membership. And mind you, there still has to be a contract or an MOU (Memorandum Of Understanding) put in place to ensure the administrative work is done properly between the county and UCEDA. But yes, that staff members of the county should not be on the Board.

**Legislator Archer** 1:32:59

Okay, so then we still have a board that is predominantly five individuals designated by the County Exec with two by the Legislature who are yourself Chairman and the Deputy Chair.

**Chairman Cahill** 1:33:14

That I don't know. And that's what I was talking about. I don't think...

**Legislator Archer** 1:33:17

We're being asked to vote on something when...when the issue we have on this resolution of moving, is moving to an organization that is balanced to making really important decisions about a critical piece of property from Ulster County per se.

**Chairman Cahill** 1:33:19

Well, no...And so, I don't think anybody disagrees with that. I think we all agree with that. And I just think that, to sit here, right now and say this is what it's going to be without having the discussion is just, you know, I won't do that. I don't think it's right. I think we have to...

**Legislator Archer** 1:33:49

I totally hear you. But we're being asked to move on this resolution without that conversation. That's all I'm trying to clarify on.

**Chairman Cahill** 1:33:55

That's partially correct, because I think there's also been a commitment, as Legislator, Uchitelle talked about, about having this before we actually vote on this, you know, in the in the legislature and having that meeting and having discussions. So, we will have a much better idea of what the board and the proposed advisory board will look like going forward. Right? I mean, you know, this is a this is fluid, in my opinion, you know, And I think that we will, we will have a really good idea of what this is going to look like when we vote on it. Right? I mean, we have a commitment and at some point, here, right, we have to have a level of trust in what the multiple people are telling us tonight.

Yeah, I know, some people have had bad experiences. And yeah, I know, we've been disappointed in not getting things that we requested in the past. There's no argument about that. And I don't think that we're talking about that. I think I'm thinking I'm talking more in terms of, you know, for this project, moving it forward, and having a, building a trust relationship with the folks that we're working with here. Right? And so, you know, when we, when we have commitment from multiple people that they're going to be a change that we have requested. Right? then I think that we can take that to the bank. Right? And I feel very comfortable moving forward knowing that we're going to have those discussions. Right? That's just my opinion. And I don't think I will wait until we absolutely 100% have it, you know, carved in stone, what it's going to be to make the decision. I'm not going to do that. I think we have to build trust. And this is a really, really good place to start. Legislator, Chairman Donaldson. Sorry.

**Legislator Bartels** 1:35:37

Yes, I'm comfortable with moving on. But I'm also, with the understanding that we are still working on this, you know, the UCEDA Board at the EDA. I mean, I've had conversations with Time, John, along with Jim Delaune. And I think we have an agreement that we're going to increase the legislative influence on that board. How much, we're discussing that. I think the main thing for most of us was the idea that—I mean, I had less problem with adding a member on there, that was on the payroll, but I didn't want more than one. But having none on there would be better. I think that's an important concept that we have to hold on to. And I mean, we all know that, you know, the reasoning behind that. So, I mean, I'm comfortable with moving forward on this. And I think we'll get a better understanding when we go to vote on it. You know, what exactly it will be, or at least closely, what it'll be. Understand what we can do we can undo. So, as a result, I mean, I'm comfortable and moving forward on it I didn't I think that, you know, we do have some faith that the process is going to work.

**Chairman Cahill** 1:37:12

And I'm sorry, Legislator Bartels. I overlooked you. And I apologize for that. I promise you should go two times. So, please go ahead. I'm sorry about that.

**Legislator Bartels 1:37:22**

Oh, that's quite all right. No, no problem. The chairman is a de facto member of the committee. So, I understand. You know, I want to first say thank you for all the hard work that's been done. And thank you for sharing the RFI responses. I'm starting to go through them, and I see that there's some exciting proposals in there. And I think that's great.

As far as the makeup of UCEDA I do think it's critical that we see this change happens, certainly before we vote on it on the floor, because we're voting on transferring it to that board. So, and even within the last 20 minutes in this meeting, I've heard multiple different understandings of what that board is going to look like. It seems that there's consensus that paid employees are going to come off the board, which I think is it is an excellent, an excellent thing, not just for this project. But for UCEDA in their relationship to the county moving forward. I think it's a really important change. But in terms of the increase potentially, in the membership, to include additional legislative appointments, I'd like to know exactly what the makeup of the board is going to be prior to actually transferring it to the board. And I'd like to have that clarified before we do that. It seems only to make sense versus to wait.

Because unlike what the, I'm going to beg to differ with the Chair, what can be done, we can undo is not the case once we transfer it. I mean, once we transfer it, it's transferred UCEDA. And that's and that's by design. I think the county wants to step away from this and have a different organization shepherd it to its eventual success. So, I just want to have the comfort of knowing what that board is going to look like and that these negotiations, whatever they are, and these conversations are fully resolved prior to any final vote on this.

I also have a question. I think it was Deputy Executive Milgrim was referring to the administrative work that employees are going to do for UCEDA. My understanding in the discussion was, in an earlier discussion, was that the paid employees, because of their expertise and importance in terms of the vision and the connection to the county would be operating in an advisory role, in the advisory board. But when you speak about administrative duties, I think of, I think of work. I mean, that's work. So, when we talk about the connection to the county, are you saying that paid county employees are going to be doing administrative work for UCEDA, those members that are currently on the board?

**Deputy Executive Milgrim 1:40:11**

They always have. Yes, not necessarily those numbers currently on the board, but the finances have been managed through the Finance Department. There have been contracts and previously, various iterations of them. Legal services conducted by the Attorney's Office. They created the LDC, they do the leasing. Yes, there are absolutely administrative functions that are carried on by the county.

**Legislator Bartels 1:40:35**

But in terms of the paid employees who currently sit on the board, are they going to be doing administrative work for UCEDA? Or are they going to be acting in an advisory capacity to UCEDA?



**Chairman Cahill** 1:40:45

Oh, can I just can I just chime in a little bit, because we had a UCEDA meeting prior to this meeting tonight. And one of the things that was brought up in that meeting is that there is an MOU, between UCEDA and the county to provide those services. And that is going to be either left as it is, which is there's no end term date on it. Or renewed to reflect, you know, today's situation. But there is an MOU in place from UCEDA and the county to provide those services with county employees already. Regardless of who's sitting on the board. Is that correct, Director Wiedemann?

**Director Tim Wiedemann** 1:41:22

Yes. Yes, that's correct.

**Legislator Bartels** 1:41:25

But can I just ask for clarification? Or maybe I can ask to see the MOU. Is that for the legal services? Currently, the members who are sitting at, the paid employees are sitting on the board, there's not a legal paid employee sitting on the board. So, I'm saying, is Amanda LaValle is on the board, correct? Is or, or Deputy Executive Wright, is on the board? Are they going to be providing administrative services to the board?

**Chairman Cahill** 1:41:52

Well, I'm going to let Marc has his hand up, I think he might want to add something to this. So, we'll let him go.

**Deputy Executive Rider** 1:41:59

That contract covers other employees that aren't necessarily on the board. So, Ed Jordan, and the purchasing department might be used to do procurement for UCEDA. The County Attorney's Office might, as John said, provide contracts or other agreements, legal obligations. Dennis, and his group might provide some services. That allows for administrative work to be done. I think while you're talking—I think we got to separate out like the members who are currently on UCEDA, they may do work under that agreement, but it won't necessarily be those members.

**Legislator Bartels** 1:42:39

Okay. And Chairman, I just make one other point? I just want to echo and support what Legislator Delaune said earlier about the importance of an appraisal, just to set the value of the property. The resolution includes a whereas it says the net proceeds will go back to the county, I think we need to have a sense of what the value of the property is at the outset, in order to really understand what that might mean at the—in the eventual outcome.

**Chairman Cahill** 1:43:13

I think that, you know, Legislator Delaune would probably be able to best answer this. But I don't know that that's something that we would get in three or four or five or six months is it? I don't I don't know. How long does it take?



**Legislator Delaune** 1:43:26

Even if it does take some time, I don't think it hinders the process of transfer. It's just, I think, important to establish that value of going in so that when we go out, we know what's due us. And the delta between that, and all those improvements that are done, as I see it, remains with UCEDA so that they can do future development projects.

**Chairman Cahill** 1:43:56

Okay, thanks. So, does that answer your question okay, Tracey, that it, you know, you know, something that we could do, but doesn't necessarily have to be done prior to the transfer?

**Legislator Bartels** 1:44:05

I agree with that. I'm just I'm just supporting that idea and asking that the commitment be considered to do that.

**Chairman Cahill** 1:44:11

Great. Got it. Any other discussion on this tonight? Legislator Uchitelle.

**Legislator Uchitelle** 1:44:21

Yeah, I just wanted to say really quick before we vote on this in the I don't think this probably isn't a problem. But in the in the packet that we have, there's this section that says short environmental assessment form part one. And right in part one, we misspell our own name. It says County of Ulscar.

**Dennis Doyle** 1:44:43

I'll take full responsibility for that and make the change, my apologies.

**Legislator Uchitelle** 1:44:48

Okay, I just wanted to I'm sure it wouldn't cause a problem but...

**Chairman Cahill** 1:44:52

I think we should change the name I kind of like that better. All right.

**Legislator Uchitelle** 1:44:56

I actually thought it was like a something specific and then I was like, well, what is this? I thought it was something clever. And then—I'm sorry.

**Chairman Cahill** 1:45:06

Yeah. Any other questions or comments before I call the vote? Yeah. legislator Archer.

**Legislator Archer** 1:45:15

Thank you. In one of the whereas is it talks about the disposition of this because we have no use and yet we had in the past talked about potentially moving, Office of Economic Development, IDA, a number of different—maybe even board of elections. This would not preclude us from being able to utilize that property as a as a renter, if we choose, by moving it over there, does it? I'm just—I don't know if the LDC Act has an impact on that.

**Chairman Cahill** 1:45:49

I think that's an excellent question. I mean, does this preclude us from being renters of this property if UCEDA is the owner?

**Legislator Archer** 1:45:56

If we're surplused.

**Dennis Doyle** 1:45:57

The resolution actually includes the lease back language for that. Okay. So it abides for...

**Legislator Archer** 1:46:03

It does? Where? I might have missed that.

**Chairman Cahill** 1:46:06

Page 79? (laughter) No, I'm just kidding.

**Legislator Archer** 1:46:11

It's always five pages, six pages. If you could show me where at because I may have missed that.

**Deputy Executive Rider** 1:46:19

I just quickly want to point to South Manor, where we have that same situation. That's the IS building where we surplused it to UCEDA, but we currently lease space for IS.

**Legislator Archer** 1:46:32

And was that—and that may have been in the resolution, I don't know. I'm just saying, do we have to define that? I don't know.

**Director Tim Wiedemann** 1:46:38

No, I'll clarify that. I think Dennis, there may be language in there about leases, but I don't think it specifically calls attention to this. But this is the same language that's been used in past transfers to the LDC that have allowed for a lease back provision. So, there is nothing here or in the state statute for LDCs that would prevent that.

**Legislator Archer** 1:47:00

Okay, and one more thing, Chairman, I mean, I, I would really like to see if we could if we could get agreement, I'd like to propose changing number four, under the resolve, and, and taking up the "/or", and just have the Chairman of the Ulster County Legislature "and" the County Executive, to sign off on documents and everything as it relates to this.

And I appreciate all the hard work. I'm excited about this property. I have been from the get-go. What I'm frustrated by is the lack of response to questions that have been posed on a repeated basis. And, you know, to come to a meeting like this, after having submitted the questions, everybody else seems to have information and have had dialogues, but not having the very questions that I put out there weeks ago. It's a bit discouraging. So, I'm being asked to have faith that the administration really wants to work. And I hope that's the case. But I've not experienced that. And it's very frustrating. And I hope that it changes going forward. Because the only way that we can all work together is ensuring people's questions are asked and answered. And that has not been the case. And then it appears that we're asking too many questions. But we have sent out questions, we have given them to you in advance, you know, some of these, you know, you're prepared for. You couldn't be given the courtesy of a follow up to the email. And that to me, when you're asking for trust, and asking to move something forward in a committee where this is our decision to bring it to the floor, right? We're being bringing it to the floor with remaining questions out there, but we're supposed to trust. I find it very hard sometimes. So, I'm, I'm going to in good faith, I will do this, I hope I'm not disappointed that all of these concerns and issues get resolved prior to going to the floor.

**Chairman Cahill** 1:49:17

I just want to point out I think the lease holders is in the 13th whereas.

**Legislator Archer** 1:49:21

Lease or sold. Yeah, I mean, it's its multiple perspectives.

**Chairman Cahill** 1:49:28

So, go ahead, Tracey.

**Legislator Bartels** 1:49:30

Thank you. I just wanted to—it's kind of not exactly on your agenda, but it's related. There was a there's another resolution in the packet which isn't on this agenda, but relates to the property, that has to do with connecting waistlines from the second floor to the first floor. Is that now going to be off our table if we're moving this? If this if this is on the table to transfer the property to UCEDA that come off our agenda. Because I don't see why we would be spending county funds on doing that at this point if it's being transferred to UCEDA this month? And I never got a final answer on that.

**Deputy Executive Rider** 1:50:14

Sorry, Chairman.

**Chairman Cahill** 1:50:15

Go ahead. No, you're fine. Thank you.

**Deputy Executive Rider** 1:50:18

This was approved last year in the Capital Project in order to get the property up to basically the code for us to get the temporary CFO. It needs to be done. And it's the only contract through that capital project that was over \$50,000. So, they're working on it quickly. And as soon as it's signed off on, you know, almost, by the time the transfer occurs, this work will be finished. You know, assuming that the contract gets approved at this session.

**Chairman Cahill** 1:50:57

Yeah. So, Legislator Bartels.

**Legislator Bartels** 1:51:01

Thank you, Thank you, Chair. I mean, I just, I got to say on that front, I have an issue with it. Because we talked about the difference between occupancy and just allowing for walkthroughs, in order to have people come. I mean, there was, we heard these different narratives about getting the building so that people could come in and see it in terms of transferring the property, etc. And now, here we are in the same, in the same month, we're being asked to transfer the property UCEDA we're being asked to do repairs in second floor bathrooms and waistlines. It just seems like a disconnect to me. I'm sorry, but I really, and I, and I know it's not exactly on the subject. But I feel it's important to talk about here because they are connected.

**Deputy Executive Rider** 1:51:50

It's not as much as it's the waste lines that are required by safety. Again, to get the temporary certificate of occupancy so we can bring people through the building. It's the internal waste lines that are going from the second floor to the bottom floor. If those aren't replaced, then, you know...

**Director Tim Wiedemann** 1:52:13

There is sewage on the floor.

**Deputy Executive Rider** 1:52:14

You have sewage on the floor, exactly.

**Chairman Cahill** 1:52:18

Legislator Bartels, and then I think we'll, you know...

**Legislator Bartels** 1:52:21

I'm sorry. It's just it's very challenging for my brain, because I can't imagine those bathrooms are being used and waste is being created at this point. And there's a big difference between a certificate of occupancy and a safety issue. I mean, again, it's like we're, I don't know, I just have a real I have real concern about this. And

again, it makes—it just is a disconnect for me in terms of transferring the property surplus in the property to UCEDA at this point.

**Chairman Cahill** 1:52:56

Okay, is there any other discussion on Resolution Number 112. Going once, going twice, going three times, just want to make sure everybody has an opportunity to talk.

I just want to let the committee know that I had a nice long conversation with Legislator Litts prior to the meeting tonight. And I won't speak for him, I'll let you guys reach out to him independently, but it was a very positive conversation. And he's comfortable with where we are and what's taking place. And he voiced a very similar concern that we all do. We all want to see this place succeed. We all want to see this place move forward. We all want to see jobs created, right? And looking at those 23 potential tenants, or whatever you want to call them, purchasers, or whatever, they're going to end up being. I'm just very encouraged that there's, you know, that is something that is possible. This place can be brought back to life and create jobs and help everybody across the county. Right? So, with that, I'll call the vote. All those in favor?

**Committee Members** 1:54:03

Aye.

**Chairman Cahill** 1:54:05

All those opposed? Okay, seeing none opposed. It passes and I think...

**Legislator Uchitelle** 1:54:14

I think there was one. Was one vote opposed?

**Chairman Cahill** 1:54:18

Did you vote no?

**Legislator Archer** 1:54:19

I said I would do it, but in the spirit, and I want to reiterate that we are going to get resolved the makeup of UCEDA and that we have better balance going forward because I think it would help not just UCEDA, but the county, with what we're trying to accomplish here. So, I am going to—my vote is tentative, I will say, but I will vote yes, in hopes that we can get this resolved.

**Chairman Cahill** 1:54:46

Okay. Thank you. Is there any old business? We just covered it; I think.

So, I do have some new business. I asked the County Planner Dennis Doyle to attend tonight. Because there's been some conversation about it, this has to do with housing, and the ability of the county to extend, I believe it's Dennis, you can help me anytime here. We're going to we're going to need a home rule request from the state government in order to change the existing rules. Is that right, Dennis?

**Dennis Doyle** 1:55:23

Yeah, if I, if I may, Mr. Chair? Thank you. Just quickly, and I'll come back to the committee with additional information next month. But this relates to a topic that we've discussed in the past couple of years, as it relates to the county Shovel Ready Fund. And you can remember that this year, we amended that fund, and it's now called a Community Development Fund. And it in it seeks to expand the types of things that the county can fund.

Unfortunately, believe it or not, a county purpose is not is not economic development. So, bonding for economic development is not a county purpose. So, what we did many years ago is we got home rule legislation from the State that essentially allowed us to take on certain kinds of things for economic development purposes and bond for them. And they were typically done for infrastructure. We did roads, we did sewer, we did water.

Unfortunately, the way that legislation is written, it's written around the idea that it can only fund "industrial uses." And so, the thought being is, is that we should go back, and this just came out in a in a report that we did in 2009, we should go back and start to think about expanding the number of things that we can fund in terms of those types of infrastructure. It'd be basically that we can take a bondable interest in and then we can fund this accounting purpose. And the thought being is we'd actually tie that to the 2040 recommendation in terms of those big buckets that are in the 2040. And make the legislation flexible so that it could be, as the county amended its economic development goals, the legislation would follow along with those goals. So, it'd be tied to the county's amendments of its economic development goals.

So, that's the that's the thought behind this. It's been around—as I said, it's been discussed, I probably beginning in 2011. We've had discussion, we just never had the traction to have that conversation with the Legislature. And now that we have this program, in the Capital Program for community development, it seems to make more sense to think about it that way. And to do at this particular point in time.

We may or may not need the legislation as respect to housing. There are some disagreements as to whether or not housing is a county purpose. But we found a decision of the controller that may support us doing housing without doing this should we want to do infrastructure work for housing. So, it really is to start to take a look at what that Shovel Ready Fund will become under a Community Development Program. And I'll be more than—granted, this is this is a this is a cursory look at this. But I'll come back to the committee and have a discussion about it to see whether their support to do this.

**Chairman Cahill** 1:58:22

Yep. And thank you, and I wanted to bring that up now. So, if anyone wanted to take some time and contact Dennis on the side or look it up yourselves and take a look at it. So, we when we do have that discussion at probably our next meeting, Dennis, would that be okay?

**Dennis Doyle** 1:58:39

And I'll try to provide the committee a copy of the legislation as it's currently written. And the recommendation that's in that, I think it's a 2009 report, in terms of what we do. And then I'll take a look and give you that Comptroller's opinion, as well. So, you understand how this relates to housing.

**Chairman Cahill** 1:58:56

Right. And I think that that's the goal, right? Is to give us the ability to help with housing. We're going to get the housing report from Deputy Executive Wright, and her team, I think, before the end of this month, if I understand it correctly. And we'll have the full housing study. And then we're going to be, you know, recommissioning the committee that that created that. And then this will just be another tool in our arsenal, hopefully to help us work on the housing problem in the county, which is getting worse by the day. It's getting worse, and worse, and worse, by the day. So, anything that we can do as a county, because we are pretty limited, to help solve that problem, I think would be a good idea. And this, in my opinion, is something that we could do to expedite that a little bit.

All right. Any other discussion tonight or anything anyone else wants to bring up? All right, folks, I just want to first of all apologize for being late tonight. I do apologize for being a few minutes late. And I want to thank you all for sitting through two very difficult conversations tonight. We had, you know, two pretty, pretty high profile, you know, discussions that I'm glad we were able to get this stuff out on the table and talk about it and move forward.

And hopefully it sets the tone for going forward with the IDA that we need them to be a little bit more transparent and what they're doing and, and why they're doing it, quite honestly. And also, setting the tone for our relationship with the Executive's Office going forward when it comes to economic development and housing. I think we're on a good path here. And I just want to keep the forward motion going. Anybody have anything else you want to add? Or I'll accept the motion to adjourn at this time?

**Legislator Uchitelle** 2:00:49

Motion to adjourn.

**Chairman Donaldson** 2:00:51

Second.

**Chairman Cahill** 2:00:52

All right. Thank you, guys, very much. I appreciate it.