

CITY OF NEWBURGH
INDUSTRIAL DEVELOPMENT AGENCY
83 Broadway, Newburgh, NY 12550
(845) 569-7369 ida@cityofnewburgh-ny.gov

BOARD MEETING

6:00 p.m., Monday, March 15, 2021
83 Broadway 3rd Floor, Newburgh NY

AGENDA

1. Roll Call
2. Proof of Notice of Meeting
3. Reading and approval of minutes of the previous meeting
February 16 meeting minutes
4. Report of the Treasurer
Approval of Treasurer's Report for February 2022
Approval of payment of bills for February 2022
Recommendation of the 2021 Audit
5. Chairman's Report
6. Counsel's Report
7. Executive Director's Report
8. New Business
Resolution # 2022-03-21-01
Approval of existing policies and procedures of the Agency
Approval of the 2022 Performance Measurements
Approval of the 2021 Operations and Accomplishments A
Approval of the 2021 Certified Annual Audit of the Agency
Approval of the 2021 Investment Report of the Agency

Authorization of Executive Director to submit the 2021 Annual PARIS Report to the New York Authorities and Budget Office and the New York Office of the State Comptroller

Resolution # 2022-03-21-02

Employment Agreement for Michele Gruber

Resolution #2022-03-21-03

Amending Local Labor Policy

Resolution # 2022-03-21-04

RFP for Project Auditing Services

New 120 Grand LLC – Application for benefits and grant sponsorship

9. Old Business

10. Adjournment

1027	2/15/2022	Michele Gruber	1,245.00	Inv #2-15-22	
1028	2/15/2022	Office Depot	37.43	Inv #226022571001	X
1029	2/15/2022	Salvick Corp.	2,574.99	Inv #186	X
1030	2/23/2022	Jacobowitz & Gubits, LLP	89.00	Inv #297853	
1031	2/23/2022	Whiteman, Osterman & Hanna, LLP	812.50	Inv #1031	
1032	2/28/2022	Michele Gruber	900.00	Inv #02-28-22	
1033	2/28/2022	Salvick Corp.	2,589.20	Inv #02-28-22	
1034	2/28/2022	NYSIF - Workers Comp Ins	559.22	Inv #8547790	

TOTAL **\$18,396.74**

Closing Balance As of February 28, 2022 **\$377,567.25**
from Quickbooks

CITY OF NEWBURGH INDUSTRIAL DEVELOPMENT AGENCY
Treasurer's Report for the February 16, 2022 Meeting

APPLICATIONS FUND Account

Opening Balance As of February 1, 2022 \$14,137.50
Closing Balance As of February 28, 2022 **\$14,137.50**

LESSOR/TENANT Account

Opening Balance As of February 1, 2022 \$2,400.00
Closing Balance As of February 28, 2022 **\$2,400.00**

MONEY MARKET Account

Opening Balance As of February 1, 2022 **\$750,772.62**
Interest credit 57.59
Closing Balance As of February 28, 2022 **\$750,830.21**

CITY OF NEWBURGH
INDUSTRIAL DEVELOPMENT AGENCY

Resolution No. 2022-03-15-__

ANNUAL HOUSEKEEPING RESOLUTION 2022

A regular meeting of City of Newburgh Industrial Development Agency (the “Agency”) was convened in public session at City Hall, 83 Broadway, Newburgh, New York on March 15, 2022, at 6:00 o'clock p.m., local time.

Each of the members present participated in the meeting either in person or remotely pursuant to the provisions of Chapter 417 of the Laws of 2021, as amended on January 14, 2022. The meeting was called to order by the Chair of the Agency and, upon roll being called, the following members of the Agency were:

PRESENT:

Austin DuBois	Chairperson
Nancy Thomas	Vice Chairperson
Marlon Ramos	Treasurer
Christina Amato	Secretary
Michael Kelly	Member
Adam Pollack	Member
Gregory Nato	Member

ABSENT:

AGENCY STAFF PRESENT INCLUDED THE FOLLOWING:

Cherisse Vickers	Executive Director
Robert J. McLaughlin, Esq.	
Catherine D. Kemp, Esq.	Agency Counsel

The following resolution was offered by _____, seconded by _____, to wit:

WHEREAS, the City of Newburgh Industrial Development Agency (the “Agency”) is authorized and empowered by the provisions of Chapter 1030 of the 1969 Laws of New York, constituting Title 1 of Article 18-A of the General Municipal Law, Chapter 24 of the Consolidated Laws of New York, as amended (the “Enabling Act” or the “Act”) and Chapter 577 of the 1982 Laws of New York, as amended, constituting Section 913 of said General Municipal Law (said Chapter and the Enabling Act being hereinafter collectively referred to as the “Act”) to promote, develop, encourage and assist in the acquiring, constructing, reconstructing, improving, maintaining, equipping and furnishing of industrial, manufacturing, warehousing, commercial, and research and recreation facilities, among others, for the

purpose of promoting, attracting and developing economically sound commerce and industry to advance the job opportunities, health, general prosperity and economic welfare of the people of the State of New York, to improve their prosperity and standard of living, and to prevent unemployment and economic deterioration ; and

WHEREAS, under Section 858 of the Act, the Agency has the power to make certain appointments and approve certain administrative matters; and

WHEREAS, under Section 856 of the Act, the members of the Agency shall elect the officers of the Agency; and

WHEREAS, under the Agency's Policy Manual, the Agency shall review its policies and by-laws on an annual basis;

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE CITY OF NEWBURGH INDUSTRIAL DEVELOPMENT AGENCY, AS FOLLOWS:

Section 1. The Agency hereby takes the following actions:

(A) Approves and confirms the existing policies and procedures of the Agency described on **Exhibit A**, as the same may have been amended previously to or at this meeting;

(B) Approves and confirms the 2022 Performance Measurements of the Agency attached hereto at **Exhibit B**;

(C) Approves and confirms the 2021 Operations and Accomplishments at **Exhibit C**;

(D) Approves and confirms the 2021 Certified Annual Audit of the Agency and the 2021 Investment Report of the Agency; and

Section 2. The Agency hereby authorizes the Chairperson, the Executive Director and Agency Counsel to take all steps necessary to implement the matters described in **Exhibit A**, **Exhibit B** and **Exhibit C** attached.

Section 3. The Agency further authorizes the Chairperson and the Executive Director to certify the submission of the 2021 Annual PARIS Report to the New York Authorities and Budget Office and the New York Office of the State Comptroller.

Section 3. This Resolution shall take effect immediately.

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

Austin DuBois	VOTING	_____
Nancy Thomas	VOTING	_____
Marlon Ramos	VOTING	_____
Christina Amato	VOTING	_____
Michael Kelly	VOTING	_____
Gregory Nato	VOTING	_____
Adam Pollack	VOTING	_____

The foregoing resolution was thereupon declared duly adopted.

DRAFT

STATE OF NEW YORK)
) SS.:
COUNTY OF ORANGE)

I, the undersigned Secretary of City of Newburgh Industrial Development Agency (the “Agency”), do hereby certify that I have compared the foregoing extract of the minutes of the meeting of the members of the Agency held on October 18, 2021 with the original thereof on file in my office, and that the same is a true and correct copy of said original and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that (A) all members of the Agency had due notice of said meeting; (B) said meeting was in all respects duly held; (C) pursuant to Article 7 of the Public Officers Law (the “Open Meetings Law”), said meeting was open to the general public, and due notice of the time and place of said meeting was given in accordance with such Open Meetings Law; and (D) there was a quorum of the members of the Agency present throughout said meeting.

I FURTHER CERTIFY that, as of the date hereof, the attached Resolution is in full force and effect and has not been amended, repealed or rescinded.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Agency this ___ day of March, 2022.

Secretary

(SEAL)

EXHIBIT A

CITY OF NEWBURGH INDUSTRIAL DEVELOPMENT AGENCY

HOUSEKEEPING MATTERS

1. Approval and Confirmation of Agency Policies and Procedures for Calendar Year 2022:

By-laws
Anti-Harassment
Code of Ethics
Conflicts of Interest
Board of Directors Duties and Responsibilities
Internal Controls
FOIL Policy
Investment Policy
Policies Governing the Use of Agency Discretionary Funds
Procurement Policy
Property Acquisition Policy
Property Disposition Policy
Retaliatory Action policy (Whistleblower Policy)
Uniform Criteria for the Evaluation of Projects Policy
Recapture Policy
UTEP Policy

2. Appointment of Executive Director and Staff to the Agency

Cherisse Vickers – Executive Director
Michelle Gruber – Bookkeeper and Administrative Assistant

4. Appointment of Accounting Firm of the Agency

BST & Co. CPAs, LLP

5. Appointment of Agency Counsel and Bond Counsel to the Agency:

From Whiteman Osterman & Hanna LLP:

Robert J. McLaughlin, Esq. Bond and Agency Counsel

EXHIBIT B

2022 PERFORMANCE MEASUREMENTS

DRAFT

EXHIBIT C

2021 OPERATIONS AND ACCOMPLISHMENTS

DRAFT

CITY OF NEWBURGH
INDUSTRIAL DEVELOPMENT AGENCY

Resolution No. 2022-03-15-02

**RESOLUTION AUTHORIZING THE AGENCY
TO ENTER INTO AN EMPLOYMENT AGREEMENT**

A regular meeting of City of Newburgh Industrial Development Agency (the "Agency") was convened in public session at City Hall, 83 Broadway, Newburgh, New York on March 15, 2022, at 6:00 o'clock p.m., local time.

Each of the members present participated in the meeting either in person or remotely pursuant to the provisions of Chapter 417 of the Laws of 2021, as amended on January 14, 2022. The meeting was called to order by the Chair of the Agency and, upon roll being called, the following members of the Agency were:

PRESENT:

Austin DuBois	Chairperson
Nancy Thomas	Vice Chairperson
Marlon Ramos	Treasurer
Christina Amato	Secretary
Michael Kelly	Member
Adam Pollack	Member
Gregory Nato	Member

ABSENT:

AGENCY STAFF PRESENT INCLUDED THE FOLLOWING:

Cherisse Vickers	Executive Director
Robert J. McLaughlin, Esq.	
Catherine D. Kemp, Esq.	Agency Counsel

The following resolution was offered by _____, seconded by _____, to wit:

WHEREAS, the City of Newburgh Industrial Development Agency (the "Agency") is authorized and empowered by the provisions of Chapter 1030 of the 1969 Laws of New York, constituting Title 1 of Article 18-A of the General Municipal Law, Chapter 24 of the Consolidated Laws of New York, as amended (the "Enabling Act" or the "Act") and Chapter 577 of the 1982 Laws of New York, as amended, constituting Section 913 of said General Municipal Law (said Chapter and the Enabling Act being hereinafter collectively referred to as the "Act") to promote, develop, encourage and assist in the acquiring,

constructing, reconstructing, improving, maintaining, equipping and furnishing of industrial, manufacturing, warehousing, commercial, and research and recreation facilities, among others, for the purpose of promoting, attracting and developing economically sound commerce and industry to advance the job opportunities, health, general prosperity and economic welfare of the people of the State of New York, to improve their prosperity and standard of living, and to prevent unemployment and economic deterioration ; and

WHEREAS, under Section 858(7) of the Act, the Agency is authorized and empowered to appoint officers, agents and employees, to prescribe their qualifications and to fix their compensation and to pay the same out of funds of the Agency; and

WHEREAS, the members of the Agency have determined that the position of Bookkeeper and Administrative Assistant (the “Bookkeeper”) will promote the efficient day-to-day operations of the Agency; and

WHEREAS, the Agency now desires to employ Michele Gruber for the position of Bookkeeper; and

WHEREAS, the Agency and the Bookkeeper have discussed the provision of wages and benefits to the Bookkeeper.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE CITY OF NEWBURGH INDUSTRIAL DEVELOPMENT AGENCY, AS FOLLOWS:

Section 1. The Agency hereby approves the employment of Michele Gruber for the position of Bookkeeper under the terms discussed.

Section 2. The Chairperson is hereby authorized to take all reasonable actions necessary to implement the provisions thereof.

Section 3. This Resolution shall take effect immediately.

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

Austin DuBois	VOTING	_____
Nancy Thomas	VOTING	_____
Marlon Ramos	VOTING	_____
Christina Amato	VOTING	_____
Michael Kelly	VOTING	_____
Gregory Nato	VOTING	_____
Adam Pollack	VOTING	_____

The foregoing resolution was thereupon declared duly adopted.

DRAFT

STATE OF NEW YORK)
) SS.:
COUNTY OF ORANGE)

I, the undersigned Secretary of City of Newburgh Industrial Development Agency (the “Agency”), do hereby certify that I have compared the foregoing extract of the minutes of the meeting of the members of the Agency held on October 18, 2021 with the original thereof on file in my office, and that the same is a true and correct copy of said original and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that (A) all members of the Agency had due notice of said meeting; (B) said meeting was in all respects duly held; (C) pursuant to Article 7 of the Public Officers Law (the “Open Meetings Law”), said meeting was open to the general public, and due notice of the time and place of said meeting was given in accordance with such Open Meetings Law; and (D) there was a quorum of the members of the Agency present throughout said meeting.

I FURTHER CERTIFY that, as of the date hereof, the attached Resolution is in full force and effect and has not been amended, repealed or rescinded.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Agency this __ day of March, 2022.

Secretary

(SEAL)

CITY OF NEWBURGH INDUSTRIAL DEVELOPMENT AGENCY

Resolution No. 2022-3-15-03

RESOLUTION AMENDING A LOCAL LABOR POLICY

A regular meeting of City of Newburgh Industrial Development Agency (the “Agency”) was convened in public session at City Hall, 83 Broadway, Newburgh, New York on March 15, 2022, at 6:00 o'clock p.m., local time.

Each of the members present participated in the meeting either in person or remotely pursuant to the provisions of Chapter 417 of the Laws of 2021, as amended on January 14, 2022. The meeting was called to order by the Chair of the Agency and, upon roll being called, the following members of the Agency were:

Austin DuBois	Chairperson
Nancy Thomas	Vice Chairperson
Marlon Ramos	Treasurer
Christina Amato	Secretary
Michael Kelly	Member
Adam Pollick	Member
Gregory Nato	Member

AGENCY STAFF PRESENT INCLUDED THE FOLLOWING:

Cherisse Vickers	Executive Director
Robert J. McLaughlin, Esq.	
Catherine D. Kemp, Esq.	Agency Counsel

The following resolution was offered by _____, seconded by _____, to wit:

RESOLUTION AMENDING A LOCAL LABOR POLICY.

WHEREAS, the City of Newburgh Industrial Development Agency (the “Agency”) is authorized and empowered by the provisions of Chapter 1030 of the 1969 Laws of New York, constituting Title 1 of Article 18-A of the General Municipal Law, Chapter 24 of the Consolidated Laws of New York, as amended (the “Enabling Act”) and Chapter 577 of the 1982 Laws of New York, as amended, constituting Section 913 of said General Municipal Law (said Chapter and the Enabling Act being hereinafter collectively referred to as the “Act”) to promote, develop, encourage and assist in the acquiring, constructing, reconstructing, improving, maintaining, equipping and furnishing of commercial, manufacturing and industrial facilities, among others, for the purpose of promoting, attracting and developing economically sound commerce and industry to advance the job opportunities, health, general

prosperity and economic welfare of the people of the City of Newburgh, to improve their prosperity and standard of living, and to prevent unemployment and economic deterioration; and

WHEREAS, construction jobs, though limited in time duration, are vital to the overall employment opportunities and economic growth in the City of Newburgh specifically and in Orange County generally; and

WHEREAS, the Agency desires that companies benefiting from its financial assistance programs should employ local laborers, mechanics, craft persons, journey workers, equipment operators, truck drivers and apprentices, including those who have returned from military service, during the construction phase of projects in order to further the Agency's purpose to advance the general prosperity of the City of Newburgh; and

WHEREAS, the Agency also desires that companies benefiting from its financial assistance programs should engage Minority and Women-Owned Business Enterprises to promote business opportunities for minorities and women; and

WHEREAS, the Agency now desires to amend its Local Labor Policy to provide additional guidelines for the use of Minority and Women-Owned Business Enterprises by companies benefiting from Agency financial assistance; and

WHEREAS, the members of the Agency have reviewed and discussed the Local Labor Policy attached hereto as Exhibit A.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE CITY OF NEWBURGH INDUSTRIAL DEVELOPMENT AGENCY AS FOLLOWS:

Section 1. The Agency hereby adopts the Local Labor Policy in the form attached hereto as Exhibit A, with such additions and changes as approved at this meeting.

Section 2. The Chair and the Executive Director are authorized to publish and post the Local Labor Policy adopted by this Resolution.

Section 3. This Resolution shall take effect immediately.

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

Austin DuBois	VOTING
Nancy Thomas	VOTING
Marlon Ramos	VOTING
Christina Amato	VOTING
Michael Kelly	VOTING
Gregory Nato	VOTING
Adam Pollack	VOTING

The foregoing Resolution was thereupon declared duly adopted.

DRAFT

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

I, the undersigned Secretary of the City of Newburgh Industrial Development Agency (the “Agency”), DO HEREBY CERTIFY that I have compared the foregoing annexed extract of the minutes of the meeting of the members of the Agency, including the Resolution contained therein, held on March 22, 2021 with the original thereof on file in my office, and that the same is a true and correct copy of said original and of such Resolution contained therein and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that (A) all members of the Agency had due notice of said meeting; (B) said meeting was in all respects duly held; (C) pursuant to Article 7 of the Public Officers Law (the “Open Meetings Law”), said meeting was open to the general public, and due notice of the time and place of said meeting was duly given in accordance with such Open Meetings Law; and (D) there was a quorum of the members of the Agency present throughout said meeting.

I FURTHER CERTIFY that, as of the date hereof, the attached Resolution is in full force and effect and has not been amended, repealed or rescinded.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Agency this ___ day of March 2022.

Secretary

EXHIBIT A

LOCAL LABOR POLICY

OF THE

CITY OF NEWBURGH INDUSTRIAL DEVELOPMENT AGENCY

AMENDED MARCH 15, 2022

DRAFT

LOCAL LABOR POLICY

CITY OF NEWBURGH INDUSTRIAL DEVELOPMENT AGENCY

ADOPTED FEBRUARY 16, 2022

REVISED MARCH 15, 2022

Section 1: Purpose and Authority

The City of Newburgh Industrial Development Agency (the “Agency”) was created for the purpose of creating employment opportunities for, and to promote the general prosperity and economic welfare of, the residents of the City of Newburgh, Orange County, New York. The Agency offers economic incentives and benefits to qualified applicants who wish to locate or expand their businesses or facilities in the City of Newburgh. When the Agency approves a project, it enters into agreements to extend these incentives and benefits to the applicant.

Construction jobs, though limited in time duration, are vital to the overall employment opportunities and economic growth in the City of Newburgh specifically and in Orange County generally. The Agency believes that companies benefiting from its financial assistance programs should employ local laborers, mechanics, craft persons, journey workers, equipment operators, truck drivers and apprentices (hereinafter “construction workers”), including those who have returned from military service, during the construction phase of projects. In this way, the Agency can generate significant benefits to advance the City of Newburgh's general prosperity. It is also the goal of the Agency to promote the use of local veterans on projects receiving Agency benefits. By partnering with local contractors, local contractor groups, local trade unions and contractors awarded work on Agency projects, there are opportunities for veterans to gain both short-term and long-term careers in the construction industry.

Section 2: General Provisions

It is, therefore, the policy of the Agency that firms benefiting from its programs shall employ workers from the City of Newburgh and the “local labor” market for (i) the site preparation and construction phases of the project, (ii) the installation of the internal furnishings and equipment outfitting if, and to the extent, that the Agency granted benefits regarding such internal furnishings and equipment outfitting of the constructed facility (*e.g.*, sales tax benefits on such furnishings and/or equipment), and (iii) all renovations and additions if, and to the extent, that the Agency granted benefits for such renovations and additions.

For the purpose of this policy (“Policy”), the “local labor” market for construction workers shall be defined as those individuals living in City of Newburgh or in the following Counties: Orange, Ulster, Sullivan, Dutchess, Putnam, Rockland and Westchester. The Agency encourages each applicant receiving financial assistance to utilize labor from the City of Newburgh and/or

Orange County to the extent possible. Each applicant (“Applicant”) receiving Agency financial assistance (collectively, “Agency Benefits”) shall ensure that contractor(s) and developer(s) engage or hire at least 85% from the “local labor” market for their approved projects. The 85% shall be borne by each primary contractor including their subcontractors and in total at the time of completion of the project. The contractor/developer is mandated to keep daily log sheets of all field workers, commencing on the date of application. Any work performed after application shall be included in the determination of overall compliance with the 85% hiring requirements of this Policy. A third-party auditing firm (the “Agency Project Monitor” or the “Monitor”) will be engaged to monitor construction work commencing on the date Agency Benefits are granted by resolution of the Agency. Monitoring on site by the third-party auditing firm may be performed with or without prior notice to the Applicant to ensure accuracy of the monitoring information and reporting. Each Applicant will be responsible for the payment of such auditing firm.

Section 3: Exemptions

The Agency recognizes, however, that the use of local labor may not be possible for several reasons, and the Applicant may request an exemption on a particular contract or trade scope for the following reasons:

1. Warranty issues
 - a. In the case a specialized manufacturing warranty is required by the applicant in which no local labor can manufacture an “all equal” product
 - b. In the case an installation warranty is required by the applicant in which no local labor can install an “all equal” product
2. Specialized construction is required and no local contractors or local construction workers have the required skills, certifications or training to perform the work;
3. Cost Differentials:
 - a. For projects whose project cost are equal to or in excess \$15,000,000, significant cost differentials in bid prices whereby the use of local labor and materials significantly increases the subcontract or contract of a particular trade or work scope by 30%. Every reasonable effort should be made by the Applicant and or the Applicants' contractor to get below the 30% cost differential including, but not limited to, communicating and meeting with local construction trade organizations, such as the local Contractor Associations. If the applicant or applicants' contractors cannot get below the 30% cost differential, the applicant must give the otherwise preferred local bidder one final chance to get below the 30% cost differential. This effort must be documented and presented to the Agency’s third-party local labor monitoring firm.
 - b. For projects whose project cost is less than \$15,000,000, significant cost differentials in bid prices whereby the use of local labor and materials significantly increases the subcontract or contract of a particular trade or work scope by 15% or more. Every reasonable effort should be made by the Applicant and or the Applicants' contractor to get below the 15% cost differential including, but not limited to, communicating and meeting with local construction trade organizations, such as the local Contractor Associations. If the applicant or applicants' contractors

cannot get below the 15% cost differential, the applicant must give the otherwise preferred local bidder one final chance to get below the 15% cost differential. This effort must be documented and presented to the Agency's third-party local labor monitoring firm.

4. No local labor is available for the project; and
5. The contractor requires key or core persons such as supervisors, foreman or "construction workers" having special skills that are not available in the "local labor" market.

The request to secure an exemption for the use of non-local labor must be received from the Applicant on the exemption form provided by the Agency or the Monitor and received in advance of work commencing. The request will be reviewed by the Monitor and forwarded to the Agency, at which time the Agency's Audit Committee shall have the authority to approve or disapprove the exemption. The Monitor shall report each authorized exemption to the Board of Directors at its' bi-monthly meeting.

Section 4: Certified Payroll Records and Monitoring Requirement

A certified payroll requirement improves record keeping and accountability about job descriptions, hours worked and wages earned on an IDA Project site. Accordingly, the designated construction manager for the IDA Project, acting as agent for the applicant, on the IDA Project shall: (i) provide to the duly designated Monitor within 30 days of the end of the month being reported a certified monthly payroll report of all construction workers working on the IDA Project site, which include names, days/hours worked, and rate of pay, and worker classification, and (ii) annually certify to the Agency that the IDA Project is in compliance with state laws related to environmental quality, worker safety and protection, and wages and hours.

The Monitor shall issue a report to the Executive Director relative to compliance with this policy who shall share such information with the IDA Board of Directors. All applicants have a duty to cooperate with the Monitor. All costs of the Monitor shall be the obligation of the applicant. If a violation of the policy has occurred, the Executive Director shall notify the applicant in writing and give such applicant a warning of such violation. In the event there is a subsequent violation of the policy, the Executive Director shall bring such information to the IDA Board of Directors which may, in its discretion, take action to revoke or recapture IDA benefits

Section 5: Project Information

Applicants receiving Agency financial assistance, as well as contractor(s)/developer(s) on the project, shall make every effort to utilize vendors, material suppliers, subcontractors and professional services from the City of Newburgh and the surrounding counties identified above. Applicant(s), contractor(s) and developer(s) shall be required to keep records of those local vendor(s), material supplier(s), contractor(s) and professional services whom they have solicited and with whom they have contracted with or made awards to. This shall be stored in a binder on

the project site during construction and shall be easily available for review by an authorized representative of the Agency, such as the Agency's Monitor. Such binder shall also include any documents for solicitation and the final contracts. Once approved for Agency Benefits, all Applicants will be required to provide to the Agency's staff the following information:

1. Contact information for the Applicant's representative who will be responsible and accountable for providing information about the bidding and awarding of construction contracts relative to the Applicant's project;
2. Description of the nature of construction jobs created by the project, including in as much detail as possible, the number, type and duration of construction positions;
3. The names, contact information, certificate of authorization to do business in the State of New York and copies of current Certificates of NYS Workers' Compensation Insurance, NYS Disability Insurance, General Liability Insurance and proof of current OSHA training certification from all contractors' employees performing work on the site; and
4. A Construction Completion Report listing the names and business locations of prime contractors, subcontractors and vendors who have been engaged in the construction phase of the project.

All Agency projects are subject to local monitoring by the Agency and the Monitor. The Applicant and/or construction manager or general contractor acting as agent for the Applicant on the project, shall keep a log book on site detailing the number of workers, hours worked and counties and states in which they reside. Proof of residency or copy of drivers' license shall be included in the log book, along with evidence of necessary OSHA Certifications. Reports will be on forms provided by the Agency or weekly payroll reports which contain the same information as required on the Agency issued form. The Applicant(s), contractor(s) and developer(s) are subject to periodic inspection or monitoring by the Agency or the Monitor.

Section 6: Bulletin Board

The Agency will use a third-party firm(s) to monitor and audit compliance with this Policy, the cost of which shall be paid for by the Applicant at closing in advance of future audits and held in a non-interest bearing escrow account by the Agency until all such audits are completed. The Applicant of an Agency approved project, unless otherwise agreed by the Agency, shall be required to maintain a 4' X 8' bulletin board on the project site. The bulletin board shall be located in an area that is accessible to onsite workers and visitor, which should be clear and legible at least 10 feet from said bulletin board, and contain the following information:

1. Contact information for the Applicant;
2. Summary of the Agency Benefits received;
3. Contractor's name(s) and contact information;

4. Copies of proof of exemption (if any) from this Policy;
5. Copies of any warnings or violations (if any) of this Policy; and
6. Copy of this Policy executed by the Applicant.

Section 7: Compliance

The Monitor shall issue a report to the Agency immediately when an Applicant or Applicants' contractor (or developer) is not in compliance of this Policy. Agency staff shall advise the Audit Committee and/or Agency Board on non-compliance by email or at the next scheduled meeting. If a violation of this Policy has occurred, Agency staff shall notify the Applicant and contractor in writing of noncompliance and give Applicant a warning of violation and 72 hours in which to correct such violation. Upon evidence of continued non-compliance or additional violations, the Agency and/or the Monitor shall notify the Applicant that the project is in violation of this Policy and is subject to Agency Board action which may result in the revocation, termination and/or recapture of any or all Agency Benefits conferred by the Agency as provided in the project closing documents.

ATTACHMENTS

- | | |
|-----------|---|
| Exhibit A | Certificates of Authorization and Insurance Requirements Policy |
| Exhibit B | Mandated safety Training and Drug Screening Policy |
| Exhibit C | Certified payroll Records and Monitoring Requirements Policy |
| Exhibit D | Apprenticeship Program Policy |

Exhibit A

CERTIFICATES OF AUTHORIZATION AND INSURANCE REQUIREMENTS POLICY CITY OF NEWBURGH INDUSTRIAL DEVELOPMENT AGENCY

The City of Newburgh Industrial Development Agency (IDA) was created for the purpose of creating employment opportunities for, and to promote the general prosperity and economic welfare of the residents of the City of Newburgh. The IDA offers economic incentives and benefits to qualified applicants who wish to locate or expand their businesses or facilities in the City of Newburgh. When the IDA approves a project, it enters into agreements to extend these incentives and benefits to the applicant. In order to adequately protect the IDA from claims, all applicants are required to provide to the IDA's Executive Director or a duly appointed IDA monitor ("Monitor") with the names, contact information, certificate of authorization to do business in the State of New York and copies of current Certificates of State of New York Workers' Compensation Insurance, State of New York Disability Insurance, and General Liability Insurance of all contractors working on the Project. All applicants have a continuing obligation to provide this information to the IDA during the course of Project construction. The Monitor shall issue a report to the Executive Director relative to compliance with this policy who shall share such information with the IDA Board of Directors. All applicants have a duty to cooperate with the Monitor. All costs of the Monitor shall be the obligation of the applicant. If a violation of the policy has occurred, the Executive Director shall notify the applicant in writing and give such applicant a warning of such violation. In the event there is a subsequent violation of the policy, the Executive Director shall bring such information to the IDA Board of Directors which may, in its discretion, take action to revoke or recapture IDA benefits.

Exhibit B

MANDATED SAFETY TRAINING AND DRUG SCREENING POLICY

CITY OF NEWBURGH INDUSTRIAL DEVELOPMENT AGENCY

The City of Newburgh Industrial Development Agency (IDA) was created for the purpose of creating employment opportunities for, and to promote the general prosperity and economic welfare of the residents of the City of Newburgh. The IDA offers economic incentives and benefits to qualified applicants who wish to locate or expand their businesses or facilities in the City of Newburgh. When the IDA approves a project, it enters into agreements to extend these incentives and benefits to the applicant. Promoting safe and healthful working conditions on IDA Project sites is always in the best interest of the residents of the City of Newburgh. To foster a culture of safety on all IDA Project sites, all applicants are required to provide the following to the IDA's Executive Director or a duly appointed IDA monitor ("Monitor"):

- Proof of current OSHA 30 training certification (completed within the last five years and renewed every 5 years) for all construction workers performing work on the Project site.
- Proof of a four (4) hour scaffold course for all construction workers utilizing a scaffold on the IDA Project site.
- Proof that all construction workers working on the IDA Project site passed a drug screening test prior to their hiring.

The Monitor shall issue a report to the Executive Director relative to compliance with this policy who shall share such information with the IDA Board of Directors. All applicants have a duty to cooperate with the Monitor. All costs of the Monitor shall be the obligation of the applicant. If a violation of the policy has occurred, the Executive Director shall notify the applicant in writing and give such applicant a warning of such violation. In the event there is a subsequent violation of the policy, the Executive Director shall bring such information to the IDA Board of Directors which may, in its discretion, take action to revoke or recapture IDA benefits.

Exhibit C

CERTIFIED PAYROLL RECORDS AND MONITORING REQUIREMENTS POLICY CITY OF NEWBURGH INDUSTRIAL DEVELOPMENT AGENCY

The City of Newburgh Industrial Development Agency (IDA) was created for the purpose of creating employment opportunities for, and to promote the general prosperity and economic welfare of the residents of the City of Newburgh. The IDA offers economic incentives and benefits to qualified applicants who wish to locate or expand their businesses or facilities in the City of Newburgh. When the IDA approves a project, it enters into agreements to extend these incentives and benefits to the applicant. A certified payroll requirement improves record keeping and accountability about job descriptions, hours worked and wages earned on an IDA Project site. Accordingly, the designated construction manager for the IDA Project, acting as agent for the applicant, on the IDA Project shall: (i) provide a duly designated IDA Project monitor (“monitor”) with a certified, monthly payroll of all construction workers working on the IDA Project site, which include names, days/hours worked, and rate of pay, and worker classification and (ii) annually certify that the IDA Project is in material compliance with state laws related to environmental quality, worker safety and protection, and wages and hours. The Monitor shall issue a report to the Executive Director relative to compliance with this policy who shall share such information with the IDA Board of Directors. All applicants have a duty to cooperate with the Monitor. All costs of the Monitor shall be the obligation of the applicant. If a violation of the policy has occurred, the Executive Director shall notify the applicant in writing and give such applicant a warning of such violation. In the event there is a subsequent violation of the policy, the Executive Director shall bring such information to the IDA Board of Directors which may, in its discretion, take action to revoke or recapture IDA benefits.

Exhibit D

APPRENTICESHIP PROGRAM POLICY

CITY OF NEWBURGH INDUSTRIAL DEVELOPMENT AGENCY

The City of Newburgh Industrial Development Agency (IDA) was created for the purpose of creating employment opportunities for, and to promote the general prosperity and economic welfare of the residents of the City of Newburgh. The IDA offers economic incentives and benefits to qualified applicants who wish to locate or expand their businesses or facilities in. When the IDA approves a project, it enters into agreements to extend these incentives and benefits to the applicant. The IDA believes in promoting a skilled workforce by way of encouraging apprenticeship programs. To that end, all IDA project sub-contractors (expressly excepting the prime or general contractor) must be enrolled in a New York State certified apprenticeship program (“Certified Contractor”). Further to that end, each subcontractor will have a graduation success rate between 60-75%. However, the IDA recognizes that the use of a Certified Contractor may not be possible for the following reasons:

- 1) Warranty issues related to installation of specialized equipment whereby the manufacturer requires installation by only approved installers; unless local labor cannot be trained or certified in a timely manner;
- 2) Specialized construction is required and no Certified Contractor in the Orange County/Mid-Hudson Region has the required skills, certifications or training to perform the work;
- 3) Cost Differential: a. For projects whose project cost exceeds \$15 million, significant cost differentials in bid prices whereby the use of a Certified Contractor significantly increases the sub contract or contract of a particular trade or work scope by at least 20%. Every reasonable effort should be made by the applicant and or the applicant’s contractor to get below the 20% cost differential including, but not limited to, communicating and meeting with local construction trade organizations, such as the Laborers Local 17, Ironworkers Local No. 417 and other local Contractor Associations; b. For projects whose project cost is less than \$15 million significant cost differentials in bid prices whereby the use of the Certified Contractor significantly increases the sub contract or contract of a particular trade or work scope by 10% or more. Every reasonable effort should be made by the applicant and or the applicant’s contractor to get below the 10% cost differential including, but not limited to, communicating and meeting with local construction trade organizations, such as Laborers Local 17, Ironworkers Local No. 417 and other local Contractor Associations;
- 4) No Certified Contractor is available for the project;
- 5) Compliance with the policy hinders the applicant’s ability to comply with the Agency’s local labor policy; and
- 6) Any reason which the Board of Directors of the IDA determines, in its sole and absolute discretion, is in the best interest of the City of Newburgh and its residents.

The request to secure an exemption for use of a Certified Contractor must be received in writing from the applicant detailing one or more of the reasons referenced above. The request will be reviewed by the Executive Director who shall refer the request to the IDA Board of Directors, which will approve or disapprove the request. A duly designated IDA monitor (“Monitor”) shall issue a report to the Executive Director relative to compliance with this policy who shall share such information with the IDA Board of Directors. All applicants have a duty to cooperate with the Monitor. All costs of the Monitor shall be the obligation of the applicant. To foster pre-apprenticeship programs, the IDA shall also dedicate \$50,000 to fund pre-apprenticeship programs operating in the City of Newburgh and Orange County which provide disadvantaged individuals training and exposure to various trades (“pre-apprenticeship programs”). Beginning on the effective date of this policy, the IDA shall also set aside 10% of each Agency fee received for such designated pre-apprenticeship programs (“pre-apprenticeship fund”). The IDA shall remit the pre-apprenticeship fund proceeds to its designated pre-apprenticeship programs in its discretion. The pre-apprenticeship programs receiving such funds shall be designated annually by the IDA Board of Directors. If a violation of the policy has occurred, the Executive Director shall notify the applicant in writing and give such applicant a warning of such violation. In the event there is a subsequent violation of the policy, the Executive Director shall bring such information to the IDA Board of Directors which may, in its discretion, take action to revoke or recapture IDA benefits.

CITY OF NEWBURGH
INDUSTRIAL DEVELOPMENT AGENCY

Resolution No. 2022-03-15-04

RESOLUTION AUTHORIZING THE AGENCY TO ISSUE A REQUEST FOR PROPOSALS

A regular meeting of the City of Newburgh Industrial Development Agency (the “Agency”) was convened in public session at City Hall, 83 Broadway, Newburgh, New York on March 15, 2022, at 6:00 o'clock p.m., local time.

Each of the members present participated in the meeting either in person or remotely pursuant to the provisions of Chapter 417 of the Laws of 2021, as amended on January 14, 2022. The meeting was called to order by the Chair of the Agency and, upon roll being called, the following members of the Agency were:

PRESENT:

Austin DuBois	Chairperson
Nancy Thomas	Vice Chairperson
Marlon Ramos	Treasurer
Christina Amato	Secretary
Michael Kelly	Member
Adam Pollack	Member
Gregory Nato	Member

ABSENT:

AGENCY STAFF PRESENT INCLUDED THE FOLLOWING:

Cherisse Vickers	Executive Director
Robert J. McLaughlin, Esq.	
Catherine D. Kemp, Esq.	Agency Counsel

The following resolution was offered by _____, seconded by _____, to wit:

WHEREAS, the City of Newburgh Industrial Development Agency (the “Agency”) is authorized and empowered by the provisions of Chapter 1030 of the 1969 Laws of New York, constituting Title 1 of Article 18-A of the General Municipal Law, Chapter 24 of the Consolidated Laws of New York, as amended (the “Enabling Act” or the “Act”) and Chapter 577 of the 1982 Laws of New York, as amended, constituting Section 913 of said General Municipal Law (said Chapter and the Enabling Act being hereinafter collectively referred to as the “Act”) to promote, develop, encourage and assist in the acquiring,

constructing, reconstructing, improving, maintaining, equipping and furnishing of industrial, manufacturing, warehousing, commercial, and research and recreation facilities, among others, for the purpose of promoting, attracting and developing economically sound commerce and industry to advance the job opportunities, health, general prosperity and economic welfare of the people of the State of New York, to improve their prosperity and standard of living, and to prevent unemployment and economic deterioration ; and

WHEREAS, under Section 858(7) of the Act, the Agency is authorized and empowered to appoint officers, agents and employees, to prescribe their qualifications and to fix their compensation and to pay the same out of funds of the Agency; and

WHEREAS, the Local Labor Policy of the Agency (the “Policy”) directs the Agency to appoint a third-party auditing firm (the “Monitor”) to monitor the compliance of each Applicant receiving Agency financial assistance (the “Applicant”) with the Policy; and

WHEREAS, the Monitor shall act as an Agent of the Agency with respect to the Policy; and

WHEREAS, under the Policy each Applicant is responsible for the payment of the Monitor; and

WHEREAS, the Agency now desires to issue a Request for Proposal (the “RFP”) seeking proposals from qualified firms to act as the Monitor; and

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE CITY OF NEWBURGH INDUSTRIAL DEVELOPMENT AGENCY, AS FOLLOWS:

Section 1. The Agency hereby approves and issues the Request for Proposals for Project Labor Monitoring Services in the form attached hereto as **Exhibit A**.

Section 2. The Chairperson is hereby authorized to take all reasonable actions necessary to implement the provisions thereof.

Section 3. This Resolution shall take effect immediately.

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

Austin DuBois	VOTING	_____
Nancy Thomas	VOTING	_____
Marlon Ramos	VOTING	_____
Christina Amato	VOTING	_____
Michael Kelly	VOTING	_____
Gregory Nato	VOTING	_____
Adam Pollack	VOTING	_____

The foregoing resolution was thereupon declared duly adopted.

DRAFT

STATE OF NEW YORK)
) SS.:
COUNTY OF ORANGE)

I, the undersigned Secretary of City of Newburgh Industrial Development Agency (the “Agency”), do hereby certify that I have compared the foregoing extract of the minutes of the meeting of the members of the Agency held on October 18, 2021 with the original thereof on file in my office, and that the same is a true and correct copy of said original and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that (A) all members of the Agency had due notice of said meeting; (B) said meeting was in all respects duly held; (C) pursuant to Article 7 of the Public Officers Law (the “Open Meetings Law”), said meeting was open to the general public, and due notice of the time and place of said meeting was given in accordance with such Open Meetings Law; and (D) there was a quorum of the members of the Agency present throughout said meeting.

I FURTHER CERTIFY that, as of the date hereof, the attached Resolution is in full force and effect and has not been amended, repealed or rescinded.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Agency this __ day of March, 2022.

Secretary

(SEAL)

EXHIBIT A

**THE CITY OF NEWBURGH INDUSTRIAL DEVELOPMENT AGENCY
REQUEST FOR PROPOSALS
FOR PROJECT LABOR MONITORING SERVICES**

The mission of the City of Newburgh Industrial Development Agency is to encourage and invest in economic development in the City of Newburgh by providing financial assistance to qualified companies that will create and/or retain high-paying jobs for the benefit of City of Newburgh residents.

Purpose of RFP:

The City of Newburgh Industrial Development Agency (IDA) is issuing this Request for Proposals (RFP) from qualified firms to provide labor monitoring services on construction projects receiving financial assistance through or from the IDA. The firm will be expected to make periodic visits to construction sites in City of Newburgh in order to monitor compliance with the IDA's local labor policy, a copy of which is posted on the IDA's website: <https://www.cityofnewburgh-ny.gov/505/Industrial-Development-Agency-IDA>.

Scope of Requested Services:

The Scope of Services for this includes the following:

- 1) Quarterly site visits (or monthly site visits on certain projects, if warranted) to all ongoing IDA projects;
- 2) Verification of the presence and accessibility to the public of any required bulletin board at each site together with the accuracy and completeness of the information contained thereon;
- 3) Verification of Contractors' and subcontractors' certificates of authorization to do business in the State of New York;
- 4) Verification of current insurances, including general liability insurance, workers' compensation insurance and New York State Disability insurance;
- 5) Verification of workers' OSHA training and New York State safety laws and immediately report any observation of unsafe labor practices or conditions to the IDA Executive Director;
- 6) Review of all employee logs to periodically track whether the project is meeting its goal that 85 % of the workers for the total job are from the area designated in the IDA's Local Labor Policy adopted February 16, 2022, and provide a report of total man-hours worked;
- 7) Review records of local vendors, material suppliers, subcontractors and professional services solicited or awarded work on each project;
- 8) Provide detailed reports to the IDA within two weeks after site visits with copies of supporting documentation from construction sites that will be made available for public review;
- 9) Where exemptions to the policy are requested, review of bid documents to verify the proper cost differentials to justify the exemption;
- 10) Obtain a Construction Completion Report listing the names and business locations of prime contractors, subcontractors and vendors who have been engaged in the construction phase of each project.
- 11) Availability to meet with the IDA Board of Directors at its monthly meeting, if needed, to address specific projects or issues.

Compensation:

Compensation will be defined in a contract which will be entered into between the IDA and the firm.

Proposal Requirements:

The firm should demonstrate in its proposal, its experience and qualifications in performing all aspects of the scope of work and shall include project names, addresses and contact information of at least 3 references.

The firm should list in its proposal the staff of the firm that would represent the Agency as well as their individual qualifications. In addition, the proposal submitted should include a description of the size and organization of the firm and the location of the office from which personnel will be assigned to the IDA.

Selection of Consultant:

The IDA Board of Directors, in its consideration of the firm to be retained, shall consider the qualifications of the firm, the cost of services and information obtained from its references.

Cot Schedule:

A complete fee schedule describing compensation rates of the various staff members to be assigned and their organizational position should be attached to the proposal for consideration by the IDA.

Due Date and Miscellaneous:

Proposals should be submitted in sealed envelopes marked "Proposal for Project Labor Monitoring Services" on or before 2pm on April 20, 2022 and addressed to the City of Newburgh Industrial Development Agency Board of Directors c/o Cherisse Vickers, Executive Director, 83 Broadway, Newburgh, NY 12550. Contact Number: 845-2569-7369.

The IDA reserves the right to reject any and all proposals.

Approved contact for this RFP:

Cherisse Vickers, Executive Director
83 Broadway
Newburgh, NY 12550
Contact Number: 845-2569-7369
Email: IDADirector@cityofnewburgh-ny.gov

MWBE Goal for this Procurement:

15% Woman Owned Business; 15% Minority Owned Business;
2% Service Disabled Veteran Owned Business

Dated: Newburgh, New York
March 16, 2022