

April 9, 2014

The regular meeting of the City of Port Jervis Industrial Development Agency (IDA) was held in the Council Chambers, 20 Hammond Street, Port Jervis, New York on Wednesday, April 9th at 6:10 p.m.

Regular Meeting

Mr. James Hinkley, Mr. Robert Schultz, Mr. Frank Bell, Council Liason Robert Ritchie, Counsel Michael Fox and City Clerk-Treasurer Robin Waizenegger were present.

Attendance

Absent Michael McCarthy and Michael Worden.

Mrs. Waizenegger distributed the IDA audited financials statements as of 12/31/2013 to all present. Mr. Robert Schultz questioned the timing of bond repayments by Bon Secours Hospital. Mr. Hinkley and Mrs. Waizenegger explained that the Hospital has a repayment schedule that does not necessarily have payments in each year along with a balloon payment at the end. Mrs. Waizenegger indicated that she would complete the NYS PARIS filings by the end of April now that she has the audited financials.

Mr. Fox delivered to Mrs. Waizenegger the copies of the fully executed agreements between 3312 Group, the IDA and the City of Port Jervis. It was noted that Mr. Pallidino had reached out to the Mayor regarding the zoning and Planning process for the traffic light and was referred to the City's corporation counsel. It was also noted that the Rite-aid facility is on track for a June opening.

100 Pike Street discussed

Mrs Waizenegger requested a motion to allow her to pay the attorney bill received in the amount of \$6,347.00 and to bill 3312 Group for the legal fees in excess of the \$2500 deposit. Motion made by Frank Bell seconded by James Hinkley.

AYE: 3 NAY: 0 ABSTAIN: 0 ABSENT: 2 CARRIED

Mr. Fox advised that he has received documentation releasing the mechanics lien filed by United Rentals against the IDA with respect to a debt owed by Future Homes. Therefore we are no longer involved with that issue. He should have a stamped copy from United shortly.

Future Homes Discussed

Mr. Fox then reviewed the response received from Future Homes as was forwarded to the members via e-mail. Future Homes has again requested that the City and IDA consider abating all interest and penalties as well as consider an alternative payment plan. The members discussed the fact that Future Homes did not show good faith in the last repayment plan by having made payments late and disregarding the payment of the smaller PILOT to the school as well as not paying the County pilot payments until a letter was received from the County property tax office indicating that they could take action to negate the PILOT. In addition it was noted that the penalty and interest charges are those agreed to in the PILOT contractual documents and are the same as general taxpayers are expected to adhere to. Therefore the members are in general agreement that no further consideration be given to any abatements and/or revised payment terms. It also was the consensus of the board to have counsel issue a 30-day demand notice for full payment to Future Homes indicating that we intend to exercise our rights under provision 7 of the contract. Mr. Ritchie and Mrs. Waizenegger will advise the City Council of same at their next available meeting.

Motion to take action to issue 30 day payment demand letter indicating we will proceed with our rights under section 7 for failure to pay by Frank Bell seconded by Robert Schultz.

AYE: 3 NAY: 0 ABSTAIN: 0 ABSENT: 2 CARRIED

Mr. Fox indicated that he still needs the retainer agreement regarding the representation. Mrs. Waizenegger will follow-up on that documentation.

Motion by Mr. Bell, seconded by Mr. Hinkley, to adjourn the meeting at 6:31 p.m.

AYE: 3 NAY: 0 ABSTAIN: 0 ABSENT: 2 CARRIED