

**MINUTES OF THE MEETING OF THE  
VILLAGE OF PORT CHESTER  
INDUSTRIAL DEVELOPMENT AGENCY**

**HELD: October 9, 2013**

**TIME AND PLACE: 6:30 P.M., Village Hall, Conference Room, 222 Grace Church Street, Port Chester, New York**

A regular meeting of the Village of Port Chester Industrial Development Agency was convened on Wednesday October 9, 2013 at 6:30 p.m. at 222 Grace Church Street, Port Chester, New York. 10573.

**Roll Call**

On the motion of Board member Dennis Pilla, seconded by Board member Joseph Kenner the meeting was called to order by Chairman Neil Pagano with the following additional Board members being present, Richard Cuddy, Frank Ferrara John Hiensch, and James Taylor

**ROLE CALL**

<u>MEMBER</u>	<u>MOTION</u>	<u>SECOND</u>	<u>YES</u>	<u>NO</u>	<u>ABSTAIN</u>
<u>CUDDY</u>			<u>X</u>		
<u>FERRARA</u>			<u>X</u>		
<u>HIENSCH</u>			<u>X</u>		
<u>KENNER</u>		<u>X</u>	<u>X</u>		
<u>PILLA</u>	<u>X</u>		<u>X</u>		
<u>TAYLOR</u>			<u>X</u>		
<u>PAGANO</u>			<u>X</u>		

Also in attendance were Board Counsel Justin Miller, Village Manager Christopher Steers, Planning Director Christopher Gomez, Treasurer Leonie Douglas and Acting Board Secretary Constance Phillips.

Additional attendees included Lou Madigan and Kasey Chaleunsouk of Madigan Development, Eon Nichols of Cuddy & Feder LLP who were representatives for Phoenix Castle. Mike Cuccirra of National Development Corporation and Michael Scarola, Chairman of the Planning Commission.

Chairman Pagano opted to forego any remarks at the time and informed everyone that the order of the agenda would be changed slightly to accommodate our guests. Mr. Cuccirra would be making a brief presentation for National Development Corporation, who were the winners of an RFP circulated in the previous month. The representatives of Phoenix Castle would also be making a brief presentation because they have submitted an application for Sales Tax exemption.

Acting Administrative Director Christopher Steers gave a brief overview of the RFP selection process with the Board of Trustees to make National Development Corporation (NDC) the Economic Advisor for the Village and IDA. He also informed the Board that one item to be finalized with the Board of Trustees (BOT) is the finalization of cost sharing. The BOT is also finalizing the priorities that it wants NDC to address. Mr. Steers said that similarly the IDA should also create a list of priorities.

### **National Development Corporation (NDC)**

Mr. Cucchirra thanked the Board for selecting NDC and expressed his gratitude to be working with the Village and looks forward to a long lasting relationship.

NDC is a 45 year old National Non Profit organization Based out of midtown, Manhattan with a National Footprint of 160 municipalities across the country. NDC serves as an extension of local municipal staff. NDC has a core set of services – primarily economic development consulting, also services for affordable housing, business credit, facility development public and community facility development, etc.

In NY LDC has become more active in PILOT structuring and cost benefit analysis as it relates to incentivizing priority projects in municipalities.

NDC has several Divisions:

- NDC Economic Development Housing Council
- Public Facilities Finance Arm – (a local project was a joint venture with the Yonkers Public Library and the Yonkers Board of Education)
- NDC Public Private Partnership Development
- Corporate Equity Fund – Low income financing for Housing & Development projects and historic preservation projects
- New Markets Tax credit program

- Small Business Lending

The Board engaged in further discussions regarding the services provided by National Development Corporation.

Board Counsel Justin Miller informed the Board that Mr. Steers has been very instrumental in representing this RFP through the BOT approval process and has received a preliminary authorization regarding the funding aspects for NDC engagement. While the IDA is the primary contracted party with NDC the Village has a commitment to fund up to \$30, 000.00 annually.

**AUTHORIZING RESOLUTION**  
*(Engagement of National Development Council)*

A regular meeting of the Village of Port Chester Industrial Development Agency was convened on Wednesday October 9, 2013, at 6:30 p.m. at 222 Grace Church Street, Port Chester, New York, 10573.

The meeting was called to order by the Chairman, with the following members being:

PRESENT: Board Members Richard Cuddy, Frank Ferrara, John Hiensch, Joseph Kenner, Dennis Pilla, James Taylor and Neil Pagano

ABSENT:

THE FOLLOWING PERSONS WERE ALSO PRESENT:

Board Counsel Justin Miller, Village Manager Christopher Steers, Planning Director Christopher Gomez, Treasurer Leonie Douglas and Acting Board Secretary Constance Phillips.

On motion duly made by Board member Richard Cuddy and seconded by Board member John Hiensch, the following resolution was placed before the members of the Village of Port Chester Industrial Development Agency:

**RESOLUTION OF THE VILLAGE OF PORT CHESTER INDUSTRIAL DEVELOPMENT AGENCY AUTHORIZING THE ENGAGEMENT OF NATIONAL DEVELOPMENT COUNCIL TO PROVIDE ECONOMIC DEVELOPMENT SERVICES FOR THE BENEFIT OF THE AGENCY AND THE VILLAGE OF PORT CHESTER.**

WHEREAS, by Title 1 of Article 18-A of the General Municipal Law of the State of New York, as amended, and Chapter 632 of the Laws of 1972 of the State of New York, as amended (hereinafter collectively called the "Act"), the **VILLAGE OF PORT CHESTER INDUSTRIAL DEVELOPMENT AGENCY** (hereinafter called "Agency") was created with the authority and power to own, lease and sell property for the purpose of, among other things, acquiring, constructing and equipping civic, industrial, manufacturing and commercial facilities as authorized by the Act; and

WHEREAS, the Agency previously issued a Request for Proposals ("RFP") soliciting proposals from professional organizations to provide the Agency and the Village of Port Chester (the "Village") with certain defined economic development services (the "Services"); and

WHEREAS, upon review of the responses received, and upon review and consultation with the Village, the Agency desires to engage National Development Council ("NDC") to provide the Services for the benefit of the Agency and the Village.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE VILLAGE OF PORT CHESTER INDUSTRIAL DEVELOPMENT AGENCY AS FOLLOWS:

Section 1. The Agency hereby authorizes the Chairman, Vice Chairman and/or Executive Director to negotiate and execute a contract for services with NDC, such contract to be reviewed and approved as to form by counsel to the Agency. The Agency hereby authorizes the expenditure of up to \$30,000.00 toward the contract, which shall be subject to annual review and approval by the Agency. The within authorization shall be subject to co-funding authorization by the Board of Trustees of the Village.

Section 2. The members, officers, employees and agents of the Agency are hereby authorized and directed for and in the name and on behalf of the Agency to do all acts and things required and to execute and deliver all such certificates, instruments and documents, to pay all such fees, charges and expenses and to do all such further acts and things as may be necessary or, in the opinion of the officer, employee or agent acting, desirable and proper to effect the purposes of the foregoing resolutions and to cause compliance by the Agency with all of the terms, covenants and provisions of the documents executed for and on behalf of the Agency.

Section 3. These Resolutions shall take effect immediately upon adoption.

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

	<i>YEA</i>	<i>NEA</i>	<i>ABSTAIN</i>	<i>ABSENT</i>
Hon. Neil Pagano	[ x ]	[ ]	[ ]	[ ]
Frank Ferrara	[ x ]	[ ]	[ ]	[ ]
Hon. Joseph Kenner	[ x ]	[ ]	[ ]	[ ]
James Taylor	[ x ]	[ ]	[ ]	[ ]
John Hiensch	[ x ]	[ ]	[ ]	[ ]
Richard Cuddy	[ x ]	[ ]	[ ]	[ ]
Dennis Pilla	[ x ]	[ ]	[ ]	[ ]

The Resolution was thereupon duly adopted.

STATE OF NEW YORK                    )  
COUNTY OF WESTCHESTER        ) SS:

I, the undersigned Secretary of the Village of Port Chester Industrial Development Agency, DO HEREBY CERTIFY:

That I have compared the annexed extract of minutes of the meeting of the Village of Port Chester Industrial Development Agency (the “Agency”), including the resolution contained therein, held on October 9, 2013, with the original thereof on file in my office, and that the same is a true and correct copy of the proceedings of the Agency and of such resolution set forth therein and of the whole of said original insofar as the same related to the subject matters therein referred to.

I FURTHER CERTIFY, that all members of said Agency had due notice of said meeting, that the meeting was in all respects duly held and that, pursuant to Article 7 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public, and that public notice of the time and place of said meeting was duly given in accordance with such Article 7.

I FURTHER CERTIFY, that 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 modified.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Agency this 9<sup>th</sup> day of October, 2013.

Constance R. Phillips

Secretary

[SEAL]

Chairman Pagano said that several months ago Board member Richard Cuddy contacted a representative of Cuddy & Feder LLP with regard to any assistance PCIDA might be able to provide to new developments. After several months of conversation with representatives of The Castle, they have submitted an application for Sales Tax Exemption.

Board Counsel Justin Miller elaborated further on this matter stating that the project is on Willett and Abendroth Avenue, consisting of 148 market rate apartments with 1500 square ft. of commercial space on the first floor. Some preliminary construction work has been started and they have received all of the necessary approvals from the Village Boards and Commissions. The application before this Board is for sales and use tax exemptions only. There is no request for a PILOT. The general structure of these transactions is that the Board is required to hold a Public Hearing on matters over \$100,000.00 and after the Public Hearing the Board could authorize the project with an agent agreement and sales tax letter.

Mr. Madigan informed the Board that the Castle project has been ongoing since 2006. It was originally proposed as a condo project and in 2008 the market collapsed and the project received some new partners was converted to rental apartments rather than condos. This project has the same ownership as the Mariner. The goal is to build high end apartments similar to those in the Mariner with custom stained wood floors, highly efficient heating and cooling systems, custom cabinetry etc. Mr. Madigan further explained the development plan and gave an overview the Mariner's success and assured the Board that the same success is the goal for The Castle without being a burden on the Village.

Updated financial information has been provided by Mr. Madigan to Board Counsel for tax calculation purposes. Mr. Madigan estimated the costs eligible for PCIDA Financial Assistance (after November 13, 2013) to be the amount of \$6,465,000. The estimated sales tax is now \$476,794 (7.375% sales and use tax). More information will be provided at the Public Hearing.

On the motion of Board Member James Taylor, seconded by Board member Frank Ferrara, a Public Hearing for the Phoenix Castle application was set for November 13, 2013.

**ROLE CALL**

<b><u>MEMBER</u></b>	<b><u>MOTION</u></b>	<b><u>SECOND</u></b>	<b><u>YES</u></b>	<b><u>NO</u></b>	<b><u>ABSTAIN</u></b>
<b><u>CUDDY</u></b>			<b><u>X</u></b>		
<b><u>FERRARA</u></b>		<b><u>X</u></b>	<b><u>X</u></b>		
<b><u>HIENSCH</u></b>			<b><u>X</u></b>		
<b><u>KENNER</u></b>			<b><u>X</u></b>		
<b><u>PILLA</u></b>			<b><u>X</u></b>		
<b><u>TAYLOR</u></b>	<b><u>X</u></b>		<b><u>X</u></b>		
<b><u>PAGANO</u></b>			<b><u>X</u></b>		

**Planning Application Update**

Planning Director Christopher Gomez provided the Board with an overview of active applications currently in the Planning Process and recently approved applications which may or may not be eligible for IDA funding. Mr. Gomez referred the Board to page 3 of the document Project Proposal Form which has been codified in the Zoning Amendment and will identify early on in the process items that have potential for IDA funding. AA pre submission conference is held after the form is submitted and applicants know early on in the process if the application is viable or not. Mr. Gomez said he will continue to provide an update to the Board monthly and thanked Chairman Scarola for the work of the Planning Commission in helping in the formation of a better process for all involved.

Chairman Scarola echoed his sentiments on the value of having the project proposal document. He also commended Mr. Gomez and staff on their efforts to bring consistency and efficiency to the entire submission process and is assured that it will help the Boards work together whenever possible. He also talked about the role of the Planning Commission workshop and how the processes are impacted by their input. Mr. Scarola said his role tonight was to introduce himself to the IDA Board members and to assure them that the planning Commission spends ample time evaluating each application and also has a separate workshop each month in which policies, procedures and a host of associated topics are covered in great length. A lengthy discussion ensued regarding potential uses for the Planning Project Update data and how it could be used in other areas. It was also suggested by Board member James Taylor that, armed with this information IDA could host an open house once per year event for potential clients. Mr. Taylor also suggested that these practices and processes be documented in some type of handbook for the future successors of the present Planning Staff.

**Minutes**

On the motion of Board member James Taylor, which was seconded by Board member Richard Cuddy, the minutes for the July 10, 2013 meeting were approved.

**ROLE CALL**

<u>MEMBER</u>	<u>MOTION</u>	<u>SECOND</u>	<u>YES</u>	<u>NO</u>	<u>ABSTAIN</u>
<u>CUDDY</u>		<u>X</u>	<u>X</u>		
<u>FERRARA</u>			<u>X</u>		
<u>HIENSCH</u>			<u>X</u>		
<u>KENNER</u>			<u>X</u>		
<u>PILLA</u>					<u>X</u>
<u>TAYLOR</u>	<u>X</u>		<u>X</u>		
<u>PAGANO</u>			<u>X</u>		

**Treasurers Report**

**Budget**

Treasurer Leonie Douglas gave an overview of the current budget, invoices and escrow reports.

the current invoices that were submitted:

\$110,991.71 – FY2013-14 Jetro PILOT Payment

\$4,050.00 – Drescher & Malecki, LLP for audit services

\$838.50 – Harris Beach for general corporate matters (IDA)

\$1,500.00 Leonie Douglas – Treasurer Services

\$400.00 Constance Phillips – Secretarial Services

On the motion of Board member Joseph Kenner, seconded by Board member Richard Cuddy, the submitted invoices were approved.

**ROLE CALL**

<u>MEMBER</u>	<u>MOTION</u>	<u>SECOND</u>	<u>YES</u>	<u>NO</u>	<u>ABSTAIN</u>
<u>CUDDY</u>		<u>X</u>	<u>X</u>		
<u>FERRARA</u>			<u>X</u>		
<u>HIENSCH</u>					Temporarily away
<u>KENNER</u>			<u>X</u>		
<u>PILLA</u>			<u>X</u>		
<u>TAYLOR</u>	<u>X</u>		<u>X</u>		
<u>PAGANO</u>					

Ms. Douglas gave an overview of the current budget from June 01, 2013 through September 30, 2013

**Port Chester Industrial Development Agency as of 9/30/2013**

Cash on Hand	\$277,548.33
Prepaid Expenses	\$ 9,000.00
<b>Cash on Hand &amp; Net Asset @ 6/1/2013</b>	<b>\$286,548.33</b>
Total Revenue/Interest Received 6/1 – 9/30	\$172,765.98
Total Expenses 6/1 – 9/30	\$ 67,000.00
<b>Net Assets @ 9/30/2013</b>	<b>\$392,299.61</b>
Reconciliation of Bank Accounts & Net Assets	
JP Morgan Chase @ 9/30/2013	\$242,135.29
TD Bank @ 9/30/2013	\$144,164.32
<b>Total Bank Balance @ 5/31/2013</b>	<b>\$386,299.61</b>
Prepaid Expenses 2 yrs. prepaid rent)	\$ 6,000.00
<b>Total Net Assets @ 9/30/2013</b>	<b><u>\$392,299.61</u></b>
PILOT Payment due to the VOPC-FY 2013-14	\$(110,991.71)
<b>Total Net Asset after VOPC PILOT Payment</b>	<b><u>\$ 281,307.90</u></b>

Ms. Douglas also provided the Board with a copy of the 2013-14 PILOT report. Ms. Douglas also stated that it is very difficult to submit the PARIS Report on a timely basis when some of the recipients do not respond. Certified letters are sent out with no response from the recipient. It was decided that a notation would be made on the PARIS report that an effort was made to receive the information however no response was returned.

On the motion of Board member Joseph Kenner, seconded by Board member Richard Cuddy, the Treasurers report was approved.

**ROLE CALL**

<u>MEMBER</u>	<u>MOTION</u>	<u>SECOND</u>	<u>YES</u>	<u>NO</u>	<u>ABSTAIN</u>
<u>CUDDY</u>		<u>X</u>	<u>X</u>		
<u>FERRARA</u>			<u>X</u>		
<u>HIENSCH</u>			<u>X</u>		
<u>KENNER</u>	<u>X</u>		<u>X</u>		
<u>PILLA</u>			<u>X</u>		
<u>TAYLOR</u>			<u>X</u>		
<u>PAGANO</u>			<u>X</u>		

Board Counsel Justin Miller explained the supplement to our administrative fee policies for sales tax only transactions. The policy will include the following:

**Sales Tax and/or Mortgage Recording Tax only Transactions (No PILOT Agreement)**

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**Application Fee:** A non-refundable fee of \$2,500.00 and a \$500.00 processing fee are payable to the PCIDA at the time the application is submitted. The \$2500.00 fee will be credited towards the total fee at closing.

**Fee:** Minimum \$4,500.00 or 10% estimated exemption amount, whichever is greater  
Annual administrative fee of \$500.00

On the motion of Board member Richard Cuddy, seconded by Vice Chairman Frank Ferrara a resolution to be prepared by Board Counsel Justin Miller to amend the Sales Tax Application was approved.

**ROLE CALL**

<u>MEMBER</u>	<u>MOTION</u>	<u>SECOND</u>	<u>YES</u>	<u>NO</u>	<u>ABSTAIN</u>
<u>CUDDY</u>	X		X		
<u>FERRARA</u>		X	X		
<u>HIENSCH</u>			X		
<u>KENNER</u>			X		
<u>PILLA</u>			X		
<u>TAYLOR</u>			X		
<u>PAGANO</u>			X		

**Adjourn**

On the motion of Vice Chairman Frank Ferrara seconded by Board member Richard Cuddy the meeting was adjourned at 8:25 p.m.

Respectfully Submitted,  
Constance R. Phillips