

# Economic Development, Tourism, Housing, Planning & Transit Committee

## Regular Meeting Minutes

**DATE & TIME:** January 27, 2014, 6:30 PM

**LOCATION:** Karen L. Binder Library, 6<sup>th</sup> Floor, COB, Kingston, NY

**PRESIDING OFFICER:** Chair Thomas J. Briggs

**LEGISLATIVE STAFF:** Lisa K. Mance, Legislative Employee

**PRESENT:** Legislators James F. Maloney, Chris Allen, Lynn Archer, Herbert Litts, III, Mary Beth Maio, and Hector Rodriguez and Legislative Chairman John R. Parete

**EXCUSED:** None

**QUORUM PRESENT:** Yes

**OTHER ATTENDEES:** Legislators Kenneth Wishnick, Jeanette Provenzano, David Donaldson, and Donald Gregorius, Park Point New Paltz, LLC Representatives Tom Daniels and Kevin Wilmot, Ulster Publishing Publisher Geddy Sveikauskas, League of Women Voters Observer Corp Member Vic Melville, Town of New Paltz Supervisor Susan Zimet, League of Women Voters Representative Tom Kadgen, UCAT Director Bob DiBella, Harris Beach (Counsel to the Park Point New Paltz, LLC Developer) Representative Shawn Griffin, and Deputy County Executive Ken Crannell

Chair Briggs called the meeting to order at 6:36 PM.

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### Motion No. 1

### Resolution No. 10 – January 30, 2014

**Resolution No. 10 Summary:** This Resolution states the Ulster County Legislature joins the Town of New Paltz and the New Paltz School Board in opposing the Park Point New Paltz application for a 25 year PILOT tax exemption from the UCIDA and requires a copy of this resolution to be sent to each member of the UCIDA.

### Discussion:

Legislator Maloney offered an overview of the creation of the Ulster County Industrial Development Agency; highlighting the role of the County Legislature to appoint the members and the UCIDA as an independent body with their own policies and procedures. He noted the UCIDA held a public hearing on August 1, 2012 after sending out certified notices to every taxing jurisdiction in the County. He stated there were approximately 5-6 speakers at the public hearing and no one from the Town of New Paltz attended. He

stated he requested the policy be changed that at any time where there were no children entering the school system, the local municipality would receive 60% of the pilot payment versus the tax break down. He reiterated this was related to Albany and mandated through the New York State Constitution. He reiterated once the UCIDA was created, the Ulster County Legislature no longer as consent approval nor does the other taxing authorities.

Legislator Archer noted there were other areas that the Legislature does not have authority over yet make decisions on. She felt this was an item that the Legislature should discuss and take a stand as it does impact the people of their community and the County.

Legislator Rodriguez concurred with Legislator Maloney that the resolution was memorializing. He stated the Legislature had done memorializing resolutions to the UCIDA before, such as in 2005 to ask the UCIDA to implement prevailing rate which they implemented in 2006.

Legislator Maloney stated the prevailing wage was implemented at the request of the Ulster County Legislature and felt it should be duly noted that the UCIDA did not receive an application for two years following that implementation. He noted this policy was repealed after the two years. He felt this resolution gives a message to labor and to developers that Ulster County is closed for business.

Legislator Rodriguez stated he did not receive notice regarding the August 1<sup>st</sup> public hearing on dormitories. He felt this was the first instance where a policy created by the UCIDA created a separate schedule for a 25-year pilot to which the Legislature has no input on. He felt under the old policy, this 25-year pilot would be considered a deviated pilot which would have been voted on by the Legislature. He stated he did not oppose the project but did oppose the process which was put in place that in essence ran around the Legislature.

Mr. Wilmont stated he was the Vice President of Finance for Wilmorite, the developer for Park Point. He distributed an overview of the project to the Committee members (document attached to minutes).

Legislator Provenzano felt this was a home rule request and as such would need a case-by-case review.

Legislator Litts asked Mr. Wilmont the total cost for the project and Mr. Wilmont replied they were currently at nearly \$60 million. Legislator Litts followed up with a question of the cost for the infrastructure improvement that is proposed. Mr. Wilmont replied it was about \$25 million.

Legislator Donaldson asked where the \$25 million was going as part of the infrastructure. Mr. Wilmont replied it was going for the site and the building itself. Legislator Donaldson asked for specifics regarding the improvements at the Town's waste water treatment plant. Mr. Wilmont replied initially petitioned the village to tap into village water, which was denied. He stated their only option was to establish a waste water treatment plant. He stated the land acquisition was \$1.5 million and the plant itself was \$5 million. Legislator Donaldson asked who else would be able to utilize the plant services and Mr. Daniels replied it was only being built for this project but it being built and designed so that it can be expanded and built upon without additional site work. He stated the potable water treatment is being derived from a series of wells on land that they will need to acquire near the project which will also have a treatment facility located on it which can be expanded on in time. Mr. Wilmont stated they intend to have an agreement in place with the Town to offer it in dedication and the Town can take it at any time they want. He stated this would be for both the waste and clean water facilities.

Town of New Paltz Supervisor Zimet stated the Village currently has a process by which in order to get water from the Village, one must annex the property to the Village. She noted in the past a Town facility could get water from the Village but it was not longer an option. She stated a contract with the Town, including the takeover specifications, would be needed and was currently in the works. She stated this is what the project was legally bound to do. She noted, due to the creation of the Governor's Tax Free Zone, the properties that could benefit from the sewer plant are now tax free. She noted these properties were part of the Town's industrial corridor which was intended to bring rateables to their community. She stated the UCIDA's new policy, entitled uniform tax policy matrix, was for dormitory housing and that the only community that this new policy affects in all of Ulster County is the Town of New Paltz. She felt the community deserved special consideration in terms of how it would impact them. She stated all projects had to go through the matrix and following the point system, the UCIDA would decide if the project qualifies for an IDA. She stated this project came in as a category #5 and was exempt from the point policy. She reiterated the project was receiving total exemptions, a new category, not being held to the same standards, and impacted only one town. She provided a copy of the matrix. She stated the majority of the Town did not support the project. She stated they understood the college's need for the dormitories. She stated the property tax concerns, including a freeze and a cap, to limit the Town's ability to levy taxes to provide the necessary services. She noted while the Town loved the college, the amount of property off the tax rolls put a burden on the community through the increased property taxes to ensure an appropriate level of police services. She stated the UCIDA's new tax exemption policy, called dormitory housing, established a sliding scale of \$400 to \$750 per unit and measured each unit by the kitchen, not bedrooms. She felt where the project should be giving \$1.5 million each year in taxes - \$960,000 would go to the school district, about \$360,000 would go to the Town, and about \$260,000 would go to the County. She noted based on the matrix, the Town would

receive about \$30,000-\$50,000 meanwhile the cost to the Town for the police, fire and rescue would be \$360,000. She stated there was no Town input and meetings scheduled to discuss the pilot with the UCIDA were cancelled. She indicated if the pilot is approved, the taxpayers in the Town would be picking up the cost for the project to pay for the police, fire and rescue. She stated the request was to not make a blanket statement on pilots but that it was an unusual situation, with dormitories getting an exemption and special consideration, the Town would like special consideration to understand the burden that it will have on the community. She stated the Association of Town Supervisors and Mayors united in their view that this was a home rule issue and that the Legislature should respect what the local municipalities request. She provided a copy of her statement to the Ulster County Planning Board (document attached to the minutes).

Legislator Wishnick stated the UCIDA was set up for the purpose of creating jobs, significantly stimulating the local economy, and to make a local area much more competitive when competing with industry for other locations. He stated he sat on the Economic Development Committee for two years and during that time the change was made at the UCIDA with hearings and never once did the Committee discuss this change. He questioned a dormitory project being a job creating, economic stimulating activity. He noted the estimated tax subsidy that the project is requesting. He compared it to requesting a pilot for the purchase of a vacation home.

Legislator Donaldson confirmed with the developer that the property is currently off the tax rolls. He also clarified with Supervisor Zimet that the project will cost the Town \$300,000 to provide services. She noted an analysis was done by the developer as well as an independent analyst hired by the Town Planning Board. She stated in studying the cost to the community, the fire, police and rescue would be a \$350,000 cost to the Town in today's terms. She noted the project anticipates 750 students entering the community which will put the extra burden. She noted the studies and analysis was done in conjunction with the Police Chiefs and would be adopted by the Planning Board as part of the SEQRA finding for the project.

Legislator Rodriguez noted in the past the UCIDA made an internal, unofficial policy that it would not do an "end around" a locality. He stated they would require the developer to go to the Town, work out any local concerns, and return to the UCIDA with the Town's negotiations. He noted this was exemplified with the Woodland Pond project. He asked the developer if they were willing to sit with the Town to negotiate a pilot agreement that could then be sent to the UCIDA. Mr. Griffen replied as Counsel to Wilmorite that they have a letter from the Town of New Paltz Chief of Police that states, "the police service impacts of the project can be adequately delivered with no additional additions of staff or equipment." He stated this letter was part of the SEQRA record and offered to make copies. He stated they also have a letter in their files from the school district from several years ago that indicated there would be no impact or no cost to the school district for this type of project. He stated he personally offered on numerous occasions to meet with the

Town Attorney, who is also the Planning Board attorney. He stated he was advised by the Town Attorney as of last Friday that the Town Board had met and discussed it and that they not want to meet with them personally until the completion of the UCIDA public hearing. He stated the reasonable costs to the Town would be covered. He stated they could not pay for the police department as the Police Chief indicated there would be no additional costs or equipment. He stated they would be happy to sit down and do an impact agreement with the Town. He indicated the home rule request was not needed in this instance as it was not a home rule issue. He discussed the housing stock policy and it's use for the Golden Hill Nursing Home.

Legislator Rodriguez clarified the developer was promising to not do an "end around" the Town of New Paltz and continue with the application regardless of the wishes of the Town of New Paltz. Mr. Wilmot replied the application had to go forward through the UCIDA's process. Mr. Griffen stated they could not move forward without Town involvement. He stated there were zoning approvals that they are still waiting for and they hope to have final finding shortly. Legislator Rodriguez noted that was a different process than the UCIDA application process.

Chairman Parete felt this was a home rule request. He noted the independent body was set up to independently evaluate the information and make decisions, much like the Legislature's Redistricting Commission. He felt if a building project in Shandaken was finding resistance in the local community, the project should not be looking for support in Ellenville, Plattekill, or Marlborough. He stated his constituents, in the mountain communities, have asked what the New Paltz community would want him to do. He stated he does not plan to vote on it and if he was concerned enough, he would discuss it with the members of the UCIDA Board. He noted a housing project concern in Saugerties and stated he did not recall people in Saugerties running to Gardiner or Lloyd to request support.

Supervisor Zimet stated they were seeking support from the County as it was one of the three taxing jurisdictions and should have a say over the pilot policies. She noted if the project was fully implemented the County would receive \$260,000 and if the pilot gets put into play, the County would receive less. She noted the Saugerties Legislature did in the past seek the support of the full Legislature in opposing a casino in their locality. She noted the Legislature passed a resolution supporting a casino in Ellenville. She noted while the developers have been working on the project for four years, it did not go before the Planning Board until a year ago. She stated the community only received the opportunity to speak about it within the past 8-10 months. She stated last week was the first call and request for a meeting from the developer's attorneys. She noted the scheduling of the public hearing as well as the Town's response to the developer indicating some of what the Town is requesting in the negotiation.

Legislator Maloney asked if there was a letter or resolution from the New Paltz School District opposing the pilot to which Supervisor Zimet stated there was. Legislator Maloney noted the Highland School district was having financial struggles and while they would not be picking up any students, gaining a revenue source, yet still came out against the project. Supervisor Zimet stated at this time, there was no money on the table.

Chairman Briggs highlighted the public hearing was scheduled for Tuesday, January 28<sup>th</sup> at 7:00 PM in the New Paltz High School auditorium.

Legislator Maloney felt a vote by the Legislature would be premature prior to the public hearing.

**Text of Motion:**                    **Resolved to approve Resolution No. 10** - Opposing The Granting Of A PILOT Agreement By The Ulster County Industrial Development Agency For The Park Point New Paltz Application

**Motion Made By:**                Legislator Rodriguez

**Motion Seconded By:**        Legislator Archer

Legislator Archer asked Legislator Maloney to further explain his position. Legislator Maloney replied the UCIDA has policies and procedures in place. He noted the applicant filed an application in accordance to those policies and procedures. He felt the Legislature taking a vote one day before the UCIDA's public hearing was inappropriate. Legislator Archer clarified the developer's attorney indicated they were working for four years and two years into it, the UCIDA's policy changed. Legislator Maloney indicated he did not think their application was submitted prior to the change. Mr. Griffin stated the application was submitted to the UCIDA January or February of last year. Chairman Briggs felt this was a question of the UCIDA. Legislator Archer felt the Legislature should take a stand as it was about economic development. She felt eight jobs and huge amount of pilot money coming into the scenario needed to be weighed.

Legislators Archer and Maloney discussed the messages sent through memorializing resolutions.

Legislator Litts felt this vote was "putting the cart before the horse". He felt the public hearing and the SEQRA process would help to make informed decisions. He felt the Town should be given the opportunity to sit with the developer and possibly hammer out a negotiation.

Legislator Rodriguez reiterated the new UCIDA policy which created a new 25-year pilot with the Town having no input on the pilot. He stated he preferred to move the resolution to

the floor and the vote on Thursday at Session would be based on the comments made at the public hearing on Tuesday.

Legislator Litts noted the benefit to the Town for a pilot would be a substantial increase to some value to the Town.

Chairman Briggs asked if the Committee wanted to hold the resolution in Committee and return it at the next Committee meeting.

Legislator Rodriguez felt the timeline was not working for the Legislature as the next UCIDA meeting is February 12<sup>th</sup> and the next Legislative meeting is February 18<sup>th</sup>. Chairman Briggs suggested a Special Committee meeting Thursday, January 30<sup>th</sup> or early next week. Supervisor Zimet suggested the UCIDA be requested to not take any action until the Legislature has time to review the information and make informed decisions. Chairman Briggs indicated this would give the Committee approximately a month.

Legislator Donaldson suggested the Committee pass something to indicate that the UCIDA not do anything until they hear from the County. Mr. Griffin indicated they were willing to sit with the Town on Thursday and felt it would be acceptable for the developer to return to the Committee to discuss where the negotiations have led. Legislator Archer asked if there was any way the Committee could do to communicate a request to the UCIDA that they acknowledge and recognize the Town's concerns, to encourage the dialogue between the Town and the developer, and to hold off any final decisioning. Legislative Chairman Parete suggested rather than passing something in Committee, the Committee members simply call the members of the UCIDA.

Legislator Litts noted the Committee is scheduled to meet February 4, 2014 and suggested the Committee postpone the resolution until the next Committee meeting. Legislator Provenzano suggested the Chairman send a written communication to the UCIDA Board. Legislator Donaldson felt this could be a call.

**Legislators Rodriguez and Maloney motioned jointly to postpone the resolution until the next meeting of the Economic Development, Tourism, Housing, Planning and Transit Committee, seconded by Legislator Archer.**

<b>Roll Call Vote:</b>	No
<b>Voting In Favor:</b>	Legislators Allen, Archer, Briggs, Litts, Maio, Maloney, Parete, and Rodriguez
<b>Voting Against:</b>	None
<b>No. of Votes in Favor:</b>	8
<b>No. of Votes Against:</b>	0
<b>Disposition:</b>	Postponed

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**Motion No. 2                      Resolution No. 15 – January 30, 2014**

**Text of Motion:**                      **Resolved to approve Resolution No. 15** - Approving The Execution Of A Contract In Excess Of \$50,000.00 Entered Into By The County – Continuum Systems – Department Of Information Services

**Motion Made By:**                      Legislator Rodriguez

**Motion Seconded By:**                      Legislator Archer

**Resolution No. 15 Summary:**                      This Resolution approves the contract with Continuum Systems for 100,400.00 in the form as filed with the Clerk of the Ulster County Legislature or as modified with the approval of the County Attorney and Legislative Counsel.

**Discussion:**                      None.

**Roll Call Vote:**                      No

**Voting In Favor:**                      Legislators Allen, Archer, Briggs, Litts, Maio, Maloney, Parete, and Rodriguez

**Voting Against:**                      None

**No. of Votes in Favor:**                      8

**No. of Votes Against:**                      0

**Disposition:**                      Postponed

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**Motion No. 3                      Resolution No. 16 – January 30, 2014**

**Text of Motion:**                      **Resolved to approve Resolution No. 16** - Approving The Execution Of A Contract In Excess Of \$50,000.00 Entered Into By The County – Geo-Comm, Inc. – Department Of Information Services

**Motion Made By:**                      Legislator Rodriguez

**Motion Seconded By:**                      Legislator Archer

**Resolution No. 16 Summary:**                      This Resolution approves the contract with Geo-Comm.Inc. for 130,691.00 in the form as filed with the Clerk of the Ulster County Legislature or as modified with the approval of the County Attorney and Legislative Counsel.

**Discussion:**                      Legislator Maloney noted the Eagle Mapping software is the former 911 screen that would bring up the property.

**Roll Call Vote:**                      No

**Voting In Favor:**                      Legislators Allen, Archer, Briggs, Litts, Maio, Maloney, Parete, and Rodriguez

**Voting Against:** None  
**No. of Votes in Favor:** 8  
**No. of Votes Against:** 0  
**Disposition:** Postponed

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**New Business:** None

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**Old Business:** None

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**Adjournment**

**Motion Made By:** Legislator Litts  
**Motion Seconded By:** Legislator Allen  
**No. of Votes in Favor:** 8  
**No. of Votes Against:** 0

**TIME:** 7:42 PM

**Dated the 3<sup>rd</sup> day of February, 2014**

**Krista Barringer, Deputy Clerk**

**Minutes Approved on:** February 4, 2014