

ULSTER COUNTY INDUSTRIAL DEVELOPMENT CORPORATION
-----X

PUBLIC HEARING

RE: LANDMARK PRESERVATION, LLC.

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The Kirkland Event Facility

2 Main Street

Kingston, New York

January 18, 2018

7:00 p.m.

BEFORE: JOHN R. MORROW,

The Chair

A P P E A R A N C E S :

IDA BOARD MEMBERSHIP:

John A. Morrow, Chairman, IDA, and Public Hearing
Chair

STAFF:

A. Joseph Scott, Esq., Hodgson Russ, LLP, Attorney
and Bond Counsel

Christopher C. Canada, Esq., Hodgson Russ, LLP

Evelyn Heinbach, Staff Member

The Public

The Press

Reported by:
Kari L. Reed

* * *

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2 THE CHAIR: I now call the meeting of
3 the IDA public hearing to order. It's seven
4 o'clock p.m. tonight, the 18th of January,
5 2018. I'd like to welcome everybody and thank
6 everybody for coming out on this cold night.

7 First of all, this crowd, I just wanted
8 to point out the fire exits in case the fire
9 alarm goes off. There's two exits behind you
10 here, you can go out the way we came in, and
11 there's an exit at the end of the hallway
12 there. Okay? So if the fire alarm goes off,
13 please just exit the building in an orderly
14 manner, don't run everybody over and so forth.

15 If anybody has cellphones, including
16 me, please put them on vibrate, turn them off
17 so they don't ring. It disturbs the meeting.
18 I appreciate that.

19 Now, the next thing, this facility does
20 not have -- we couldn't find an American flag
21 any place. So we are going to simulate the
22 American flag over here at the County Building,
23 which is over in this direction here. And I
24 would just ask everybody if they would please
25 rise for the Pledge of the Flag.

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2 (Pledge of Allegiance said.)

3 THE CHAIR: Thank you so much.

4 Okay, the mission statement. I'm not
5 going to use this microphone. Can everybody
6 hear me okay?

7 (Chorus of yeses.)

8 THE CHAIR: The mission statement of
9 the Agency, which is the Industrial Development
10 Agency, is to advance job opportunities,
11 general prosperity and long term economic
12 vitality of Ulster County residents by
13 targeting tax incentives, bonds and other
14 assistance to foster creation and attraction of
15 new business, and retention and expansion of
16 existing businesses.

17 Next, I'd like to just go through up
18 here and introduce the staff and so forth.

19 This is our stenographer. Please state
20 your name.

21 THE STENOGRAPHER: Kari Reed.

22 THE CHAIR: I'm John Morrow, the Chair
23 of the IDA.

24 This is our legal staff.

25 MR. SCOTT: Joe Scott. Good evening,

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2 everyone.

3 MR. CANADA: Chris Canada. Hi,
4 everybody.

5 THE CHAIR: And in a minute Evelyn will
6 be back, she's our agency staff.

7 If you don't mind, I'd just like to go
8 around the room and get an idea of who our
9 audience is, if we could just maybe start over
10 here and just go around just briefly, say your
11 name and where you're from.

12 (Whereupon, the members of the audience
13 identified themselves.)

14 THE CHAIR: I don't know where we lost
15 Evelyn to, but she'll be back I'm sure.

16 Okay, opening remarks.

17 My name is John Morrow. I'm the Chair
18 of the Ulster County Industrial Development
19 Agency. In connection with the project which
20 is the subject of this public hearing I'll be
21 chairing this meeting this evening.

22 Today we are holding a public hearing
23 to allow citizens to make a statement for the
24 record relating to the involvement of the
25 Agency with a project, the Proposed Project,

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2 for the benefit of Landmark Preservation, LP, a
3 limited partnership, known as the Company.

4 (Interruption at the door)

5 MS. ISAACS: Is there something I sign?

6 MS. HEINBACH: If you're looking to
7 speak.

8 MS. ISAACS: Sorry I'm late, but I had
9 a ghastly time coming in here.

10 THE CHAIR: There's several chairs over
11 there.

12 MS. ISAACS: Okay. Is there a thing
13 that I sign that I'm talking?

14 MS. HEINBACH: Yes, if you're speaking.

15 MS. ISAACS: Sorry to interrupt you.

16 THE CHAIR: You are forgiven. If
17 that's the worst thing that happens tonight,
18 it's been a good night.

19 The proposed project --

20 MS. ISAACS: I'm probably going to have
21 to be towed out of here.

22 MS. HEINBACH: This is the sign up so
23 far.

24 MS. ISAACS: How long do I have to
25 speak?

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2 MS. HEINBACH: Three minutes. But
3 he'll go over it.

4 THE CHAIR: The proposed project
5 consists of the following: The acquisition of
6 an interest in an approximately 2.90 acre
7 parcel of land located at 295 Broadway, tax map
8 number 56.34-9-1 in the City of Kingston,
9 Ulster County, New York (the Broadway land),
10 together with an approximately 69,000 square
11 foot building located thereon, (the Broadway
12 facility) and an approximately 2.3 acre parcel
13 of land located at 1 Albany Avenue, tax map
14 number 48.80-1-12.11, in the City of Kingston,
15 Ulster County, New York (the Albany land and
16 collectively with the Broadway land), together
17 with an approximately 107,000 square feet
18 building located thereon (the Albany facility
19 and collectively with the Broadway facility,
20 the Facility);

21 The renovation and rehabilitation of
22 the facility; and

23 The acquisition and installation
24 thereon and therein of certain machinery,
25 equipment and other personal property

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2 receive comments from all present who wish to
3 comment on either the Proposed Project or the
4 Financial Assistance contemplated by the Agency
5 with respect to the Proposed Project.

6 The amount of financial assistance
7 being considered by the Agency.

8 However, before discussing the general
9 information and opening the hearing for public
10 comments, I'd like to first describe the
11 Financial Assistance being considered by the
12 Agency. The estimated cost of the project is
13 \$35,555,157, and the benefits being considered
14 by the Agency are described briefly as follows.

15 One. Sales tax exemption, estimated to
16 be \$784,000.

17 Two. Mortgage recording tax exemption,
18 estimated to equal \$130,958.

19 Three. Real property tax exemption.
20 Currently the two properties, Governor Clinton
21 and Yosman, pay real property taxes in an
22 aggregate amount of equal to \$352,000. The
23 amount of PILOT payments to be paid by the
24 Company during the term of the proposed PILOT
25 Agreement are equal to fixed amounts, with a

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2 two percent escalation per year. In year one
3 the total amount to be paid by the Company is
4 equal to \$358,500, which is --

5 MR. SCOTT: Three sixty-eight.

6 THE CHAIR: I'm sorry, \$368,500.

7 And they used the large font too. It's
8 like, you know.

9 The actual amount to be paid by the
10 Company during the term of the proposed PILOT
11 Agreement are described in the materials
12 located on the table. There's a table attached
13 hereto. Further, the proposed PILOT Agreement
14 does not exempt the Company from paying any
15 special district charges, water and sewer.

16 Also, note also that the PILOT terms
17 constitute a deviation under the Agency's
18 Uniform Tax Exemption Policy. Under the
19 Agency's policy, the PILOT terms must be
20 approved by the City of Kingston, the Kingston
21 City School District, and Ulster County. Both
22 the City and the city school district, through
23 their elected boards, have approved the terms.
24 The County Legislature is scheduled to consider
25 the PILOT terms at its meeting scheduled for

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2 February 14th, 2018.

3 Legal authorization and Powers of the
4 Agency. The provisions of Chapter 1030 of Laws
5 of 1969 of New York, constituting Title 1 of
6 Article 18-A of the General Municipal Law,
7 Chapter 24 of the Consolidated Laws of the
8 State of New York as amended, and Chapter 787
9 of the 1976 Laws of New York as amended,
10 constituting Section 923 of the General
11 Municipal Law - there's going to be a test on
12 this when you get done -- collectively the Act,
13 authorize the Agency to promote, develop,
14 encourage and assist in acquiring,
15 constructing, reconstructing, improving,
16 maintaining and equipping and furnishing of
17 manufacturing, warehousing and research,
18 commercial and industrial facilities, among
19 others.

20 The purpose of this hearing. Pursuant
21 to Section 859 sub A 2 of the General Municipal
22 Law of the State of New York, the Act, prior to
23 the Agency providing any financial assistance
24 as defined in the Act of more than \$100,000 to
25 any project, the Agency, among other things,

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2 County, New York. In addition, as required by
3 New York State law, the notice of public
4 hearing was mailed on January 5th, 2018 to the
5 City of Kingston, the County Executive of the
6 County of Ulster, Kingston City School
7 District, and the Chairman of the Ulster County
8 Legislature. Lastly, copies of the public
9 hearing notice were posted on January 5th, 2018
10 on the bulletin board located at City Hall of
11 Kingston, New York, and were posted on January
12 5th, 2018 on the agency's website.

13 Copies of the notice of the public
14 hearing are available on the table. And
15 they've been passed out I guess.

16 And unless there's any objection by
17 anyone, I am going to suggest waiving the full
18 reading of the notice of public hearing and
19 instead request that the full text of this
20 notice of the public hearing be inserted into
21 the record of this public hearing. Is there
22 any objection to that?

23 (No response)

24 MS. HEINBACH: Does anybody need a copy
25 of either the public hearing notice or the

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2 PILOT schedule?

3 (No response)

4 THE CHAIR: Hearing no objection, we'll
5 just enter it into the record and give a copy
6 to the stenographer.

7 The comments received today at the
8 public hearing will be presented to the members
9 of the Agency at or prior to the meeting at
10 which the members of the Agency will consider
11 whether to approve the undertaking of the
12 Proposed Project by the Agency and the granting
13 by the Agency of any financial assistance in
14 excess of \$100,000 with respect to the Proposed
15 Project. The Agency currently intends to
16 consider the Proposed Project at a meeting of
17 the Agency to be held on February 14th, 2018.
18 This meeting, like all meetings of the Agency,
19 is open to the public.

20 Written comments. The notice of this
21 public hearing indicated that written comments
22 should be addressed to Suzanne Holt, H-o-l-t,
23 the Director of Economic -- Director of Office
24 of Economic Development of the Agency. We have
25 received written comments prior to this public

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2 hearing, and they will be included in the
3 public record.

4 Remarks by the Company. I will now
5 introduce Dan Cappalino, who is appearing on
6 behalf of the Company, who will describe the
7 Proposed Project in further detail.

8 MR. CAPPALINO: Thank you,
9 Mr. Chairman. Can I do it right from here?

10 THE CHAIR: Wherever you're
11 comfortable. That's fine.

12 MR. CAPPALINO: I'll try to be brief.
13 Thank you.

14 I believe, Mr. Chairman, that your
15 description of the project was very thorough,
16 and explains well what this project is about.
17 What I'd like to do is I would just like to
18 point out some of the major aspects of this.

19 Number one, this is a 35 year PILOT.
20 And the fairness of the PILOT payments I think
21 is evident of present tax payments being made
22 on the two structures are \$173,007.52 each.
23 With this PILOT payment, the first payment will
24 be for Yosman Towers, \$181,000, and for
25 Governor Clinton, \$187,500. Thereafter, there

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2 are two percent increases, but they are
3 compounded, so it's two percent of each prior
4 year. So it's significant. And understanding
5 that there is a two percent cap on most of
6 the -- on the government spending that is being
7 asked for -- you have to go through special
8 procedures to do more than that -- this is
9 consistent with that policy and we feel that
10 that is adequate.

11 The length of the schedule here is not
12 something that is the choice of Landmark but of
13 the lenders, who require that at least 35 years
14 of fixed payments be set so that they can be
15 assured of having a fixed cash flow. As you
16 know, there are a lot of subsidies and
17 financial support being provided by others as
18 part of this project. But most importantly, we
19 think this project and the focus of this
20 project is improving the lives of the seniors
21 in the City of Kingston. What this does is
22 this will allow them to have over \$10 million
23 of improvements made to the buildings that they
24 are in, along with, as required by the city,
25 another \$150,000 for ingress and egress to the

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2 these buildings are near the end of their
3 useful lives, and this is an opportunity for
4 them to now have something more modernized and
5 something more comfortable for them.

6 And so I thank you.

7 THE CHAIR: Thank you, sir.

8 Okay, I will now open the floor to
9 public comment at 7:22 p.m.

10 I think we'll go in alphabetical order.

11 I'm just going to go down the list. I
12 think we'll start with our time keeper,
13 Augusta.

14 MS. GRAF: And I will keep time.

15 I live at Governor Clinton. I've been
16 living there for fifteen years. And yes, we do
17 need improvements. I enjoy living there. It's
18 like a whole family.

19 And I personally, and I know all of the
20 people that live in Governor Clinton and Yosman
21 Towers cannot afford to live anywhere else.
22 Our income is low, that we can't afford the new
23 PILOT programs uptown that want fifteen hundred
24 and two thousand dollars a month rent. There's
25 no way. We don't even make that much. So I

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2 everybody in this building -- in this room, I
3 should say, right now, the Yosman Towers and
4 Governor Clinton people, agree with me.

5 THE CHAIR: Okay, so for the first
6 speaker I will be the time keeper.

7 MS. GRAF: Okay, it's three minutes.

8 THE CHAIR: Three minutes.

9 MS. GRAF: I can count it in my head.

10 THE CHAIR: Next up is Kathleen.

11 Kathleen Ruby.

12 MS. RUBY: Right here.

13 Okay. I live at Governor Clinton.

14 I've been there several years now. And years
15 ago, before I did that, I lived at my parents'
16 house, which was built before 1900. So over
17 the years of course I am familiar with things
18 that can go wrong with a building that need to
19 be updated, like your electric, of course your
20 roof, and of course things like plumbing.
21 Other things I am aware of.

22 Over the years at times I have worked
23 in insurance, in commercial insurance, in a
24 company, and at times in an agency. And I know
25 that for insurance purposes an underwriter will

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2 look at a piece of property, you know, and put
3 property insurance and casualty insurance, and
4 they will look to see what type of construction
5 it is, when it was built, what's been updated
6 and so forth and when was it updated. So that
7 way the company -- the underwriter can get the
8 best policy together with the best company for
9 that particular property and their -- and the
10 owners. So I have that background a little bit
11 in insurance, about fifteen years.

12 The other thing I'm aware of, and I
13 know there are things that do need to be
14 updated in our building. Roofs wear out.
15 Heating wears out, and plumbing. It's a -- you
16 know, the pipes can get really nasty. Changes
17 and all. And other thing too, I know the city
18 wants them to change out a few things having to
19 do the entrance of our building, and also with
20 us being able to get to the buses and all.

21 And another thing I am very much aware
22 of is, not knowing who these people were that
23 were coming in, I only found out in the last
24 month myself, Ms. Rose and us, and so I kind of
25 did a little research. And I found out that,

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2 don't mind my saying so, I found out Francine
3 was raised in public housing in the Bronx. So
4 she's very much aware of how tight money can be
5 and what type of things needs to be done to a
6 building and to a complex. She's very much
7 aware of that. And she has years of
8 experience, I think it was like fourteen years
9 experience in the U.S. Department of Housing
10 and Urban Development, and also I believe nine
11 years for the state Housing Finance Agency.
12 And then since then she's gone into more the
13 private sector. And I know recently I read
14 about work that she and Brian have done up in
15 Albany is for community -- for properties up
16 there that they have been working on over the
17 last year. It's like five hundred or so units.
18 And I feel very positive about these people.

19 THE CHAIR: Thank you.

20 Just before we move on, I have just a
21 couple of comments.

22 We have everybody on the list that
23 wants to speak. Is anybody not on the list
24 that wants to speak that didn't sign up, do you
25 do you know, anybody?

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2 (No response)

3 THE CHAIR: So the only other thing I
4 wanted to say was if a speaker before you has
5 mentioned the same thing you're going to say,
6 just say, you know, refer to so and so's
7 comments, so we can save some time.

8 MS. MAYER: Excuse me, sir, this is
9 about our home.

10 THE CHAIR: Yes.

11 MS. MAYER: Let them speak.

12 THE CHAIR: That's not what I'm saying,
13 dear. I'm saying let's not be repetitive --

14 MS. MAYER: That's exactly what you are
15 saying.

16 THE CHAIR: -- saying the same thing
17 over and over.

18 MS. MAYER: Because you don't want to
19 hear it again. Well, guess what. We need to
20 speak up for what we want.

21 THE CHAIR: That's not what I'm saying.
22 The next person is Mr. Hutton.

23 MR. HUTTON: First off, I don't want
24 anybody to think that I'm against senior
25 housing. But I am a taxpayer in the City of

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2 Kingston and a taxpayer of Ulster County.

3 I'm not going to use the microphone.

4 AUDIENCE MEMBER: Could you please use
5 the microphone?

6 AUDIENCE MEMBER: You have seniors
7 here. You need to use the microphone.

8 MR. HUTTON: You can hear me?

9 MS. ISAACS: I can hear you.

10 MR. HUTTON: Okay, good.

11 I'm a property owner. I have looked
12 through this PILOT application. And I'm
13 distressed by the amount of money they're
14 asking for. I'm distressed by the assessed
15 value of the properties as they exist today.
16 And I have a new sheet that I'd like to read
17 today that, what I went through this morning.
18 And this is nothing against senior housing. My
19 mother was a senior and she had to live in
20 senior housing too. And I'm close to being in
21 senior housing, whether it's my own or someone
22 else's.

23 But many times senior housing is taken
24 away from land owners because of the amount of
25 taxes they have to pay. So I want everybody to

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2 keep in consideration that taxes have a very
3 big part to do with this. It's not just about
4 being subsidized by the federal government.
5 That money comes from the taxpayers. The state
6 government. That money comes from the
7 taxpayers. And it comes from all of you in
8 your sales tax and everything else that you
9 spend money on. So when anyone speaks or I
10 speak about senior housing, I'm not against
11 senior housing. But we all have to be aware of
12 the cost of senior housing and whether people
13 are being profited by doing this, okay.

14 So let me just go down my list of what
15 I've written out today.

16 First off, the application is not
17 filled out completely. We don't have any
18 financials of how this is going to work.
19 There's nothing in detail that shows where any
20 housing regs come from or anything else to make
21 this work. And until that's done, it shouldn't
22 even be considered. That has nothing to do
23 with whether it should go forward or not, but
24 it shouldn't be even be considered until you
25 get the information as an agency.

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2 What is the net operating income of
3 this operation. That's part of the finances
4 that we need to see. What percent of the
5 development equity is covered by the maybe low
6 income housing tax credit. We don't know
7 because it's not stated.

8 The partners are being at the moment
9 sued by a previous partner over this project,
10 because they're backing -- in the suit it's
11 stated they're backing out of a previous
12 agreement with a previous partner.

13 So everything doesn't always --

14 MS. ORTOLANO: Could you speak louder,
15 please? I'm sorry, I can't hear you.

16 MR. HUTTON: I said the partners at the
17 moment are being sued by a previous partner.
18 As I have read of the suit, it has to do
19 specifically with this project. Okay, can you
20 hear me?

21 MS. ORTOLANO: Yes.

22 MR. HUTTON: Okay.

23 Then I'm going to go down just a list
24 by how the application was filled out.

25 All services for the purpose of this

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2 project are reasonably accessible and in place
3 at this time. That means you're all living in
4 housing. You're not going to be kicked out.
5 Somebody else buys this property, it doesn't
6 mean the property is going away. It's not
7 going to jump up off the ground and move
8 someplace else. It does exist. It's already
9 subsidized by housing through you're, what
10 you're paying at the moment. You're already
11 subsidizing this. So for the other taxpayers,
12 the taxpayers that are questioning this, this
13 is why we are questioning it, part of the
14 reason.

15 Neither property falls in the criteria
16 of the economic development zone. I checked it
17 on the map this morning, Kingston City Hall.
18 The required census tract and block numbers --
19 this is all technical stuff because I'm not
20 really a technical person about some of this
21 stuff -- nothing adds -- nothing fulfills the
22 requirements of this PILOT. I'm not saying
23 they shouldn't get financing from someone else
24 or any other subsidies from anyone else. I'm
25 just talking about the tax part of this, so

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2 employees after this all over with.

3 The financial assistance that they're
4 asking for -- this is important to me -- is
5 they're saying that where the county or the
6 city and the school district is not losing
7 money. But if I worked to pay on my own
8 property over the next twenty years at the rate
9 they do, the difference that they're paying
10 right now of what my increase would be each
11 year, right now anyone owning property in the
12 City of Kingston is paying every twenty years
13 on that property in taxes. So if you're living
14 in your own home right now, twenty years from
15 now you have to pay in taxes to buy that home
16 again. This new -- this proposal loses in what
17 would be if it was -- if it was based on the
18 purchase price of the property at normal full
19 assessment, there's a \$23 million difference.

20 THE CHAIR: I'm going to have to cut
21 you off and move on to the next speaker.

22 MR. HUTTON: Fine, cut me off.

23 THE CHAIR: Thank you.

24 Mr. Michael.

25 MR. MICHAEL: Yes. Can I use that?

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2 Would you like us to come up there, or
3 just I can stand right here? Thank you.

4 First of all, thank you for allowing me
5 to speak tonight.

6 I'm very disappointed, first, that the
7 members of the Agency aren't here today.
8 Because that's the ones that should have
9 listened to the rest of the people tonight.
10 Okay.

11 As Mr. Morrow said earlier about the
12 creation, the purpose and the goal of the
13 Agency is to create economic development and
14 create jobs in our community. And that's one
15 of the things this PILOT program is not doing.
16 It's the opposite. There's no creation of any
17 jobs. According to the application, they state
18 that they are going to retain the several full
19 time employees they have now for the next three
20 years, and for the next 35 years they want to
21 hire five full time employees for the first
22 year only. So I'm wondering about the next 34
23 years.

24 They state this is a \$35 million
25 project. So how you can spend \$35 million on a

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2 project and you create zero jobs? And when you
3 come to the fact that the taxpayers will be
4 subsidizing this project, and in a deal like
5 this, a \$35 million buyout of these properties,
6 where they are under six and a half million,
7 and these companies are willing to pay \$18
8 million, I don't understand. Where is the
9 common sense to that.

10 And also, this is not about the senior
11 citizens, folks. I'm 63 years old. I'll be
12 like you in a few years from now, I'll be
13 collecting. So what I'd like to say it's not
14 only a senior citizens complex, it also has
15 nine commercial spaces in front of Governor
16 Clinton. That's a very sizable income for this
17 project. So why is that not mentioned to the
18 PILOT program? I don't understand. They only
19 mention the senior citizens. With all my love,
20 my respect for you guys, it's not about senior
21 citizens. To them it's a real estate business
22 which everybody tries to pocket the money.

23 As I said, I would like it to be
24 considered by the Agency that this is not a
25 PILOT program, that we stamp it denied because

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2 it's plain and simple a real estate business.
3 They have two buildings, you have a buyer and a
4 seller, as simple as that. If they're going to
5 get creative, they can go to the bank. They
6 should not be asking the taxpayers to subsidize
7 their deal.

8 Thank you.

9 THE CHAIR: Thank you.

10 MS. WEISMAN: May I ask a question
11 before the next speaker?

12 THE CHAIR: Go ahead.

13 MS. WEISMAN: Two people have mentioned
14 the fact that no jobs are going to be created
15 through the other people buying this property.
16 But it seems to me with all the renovations and
17 everything they're going to do to the property,
18 a lot of jobs are going to be provided.

19 THE STENOGRAPHER: Could I have your
20 name, please?

21 MS. WEISMAN: Marsha Weisman.

22 THE CHAIR: You're right. During the
23 renovation there will be jobs created by the
24 people doing the construction work. And that's
25 temporary. And that's all in the application.

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2 There's going to be -- the first year is going
3 to be five, and then part time there's going to
4 be 22 construction jobs. Which will go away,
5 and you're right. And we'll let the applicant
6 address that when they have another opportunity
7 to speak toward the end to address the
8 questions, okay.

9 Next we have Clark Ennest.

10 MR. ENNEST: Good evening. I have a
11 vested interest in both buildings. My wife and
12 I live at Yosman Tower. And we spent our
13 honeymoon night in Governor Clinton when it was
14 a hotel. So both buildings are very dear to
15 me.

16 I come originally born and raised from
17 Newburgh. Newburgh, unfortunately, has a
18 strange attitude when it comes to preservation,
19 taking care of things. Their idea seems to be
20 neglect and condemnation and destruction. And
21 it would literally be a sin if that were to
22 happen here. I can't see where the proposal
23 would do anything but improve the status of
24 Kingston and Ulster County in general.
25 Improving things just is the best way to go.

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2 And sure, dollars and cents always comes into
3 it. But keep in mind, taxpayers will become
4 senior citizens. And what are they going to do
5 then.

6 THE CHAIR: Francesca.

7 MS. ORTOLANO: Yes, right here.

8 Hi, there my name is Francesca
9 Ortolano. And I have worked at the building,
10 Governor Clinton and Yosman Tower, for nine
11 years.

12 So Marti Aaron. With the help of
13 others and Marti, he built the Yosman Tower and
14 transformed the Governor Clinton Hotel into
15 Section 8 subsidies. Which he managed until
16 his death. I have never met anyone who had a
17 bad word to say about Martin. He worked hard
18 and he cared about those less fortunate than
19 him. Which is why he did what he did for those
20 seniors less fortunate than him.

21 After his death, his daughter stepped
22 in to run the building. She and her husband
23 for many decades were committed to keeping
24 these building Section 8 for seniors, for those
25 less fortunate than them. They built a legacy

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2 everyday business, just like the Winings.

3 I'm not sure if anyone who sits in this
4 Agency has done any research with regard to
5 Kellman Raddock. I have. Their portfolio is
6 impressive. In East Harlem they purchased a
7 Section 8 building with a historical value, and
8 in their neighborhood. They renovated it
9 outside and in, just as they plan to do for
10 Yosman Towers and the Governor Clinton. Now,
11 this building has brightened up that community.
12 They did the same thing in the South Bronx, and
13 up in Schenectady. Now they want to do the
14 same thing here in our fair city. They want to
15 take that torch and run with it. By hiring
16 local vendors that will be contributing to the
17 economy. They want to bring these buildings
18 into the 21st century for the future of the
19 whole city.

20 Several PILOT programs have been
21 approved in the last five to ten years in this
22 city. Why, just a few months ago RUPCO got a
23 full approval, seemingly in the blink of an
24 eye. Some who have been approved now are not
25 even owning up to their part of the agreement.

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2 Kellman Raddock has a track record of following
3 through with their part of their agreements.

4 I do believe perhaps we need to rethink
5 the question. Instead of asking why should we
6 approve this PILOT program, we should be asking
7 how can we not approve this PILOT program.

8 Thank you for your time and
9 consideration.

10 THE CHAIR: Thank you.

11 (Applause)

12 THE CHAIR: Next up is Bruce McLean.

13 MR. McLEAN: Well, I worked six hours
14 on this and you want me to get it down to three
15 minutes.

16 MS. ORTOLANO: Yes, sir.

17 MR. McLEAN: Well, first of all, Maggie
18 Mayer said in the paper the other day the
19 boilers are always acting up. We have mice
20 running through the hallway. We'll have
21 permanent electricity. We won't have on and
22 off heat. So obviously the buildings aren't
23 the best.

24 Secondly, we all know back when Marti
25 Aaron built the building, Yosman Tower did not

1 Proceedings

2 million.

3 Now, I'm jumping around here because
4 you got me on the clock.5 I think these people are actually
6 extorting the IDA in regard to senior citizen
7 housing to get these tax credits or this PILOT.
8 And it behooves me why the rest of the IDA
9 board isn't here to hear what's going on. To
10 hold this hearing and none of them are here,
11 like the gentleman said, is ludicrous.12 I know what you've given away so far
13 this year. You've given away \$1.05 million in
14 sales tax revenue, 137 million -- or \$137,000
15 in recording fees to other people, and \$4.6
16 million real estate taxes. And that doesn't
17 include this deal that's going on now. This is
18 the worst deal I have ever seen in my life. It
19 sucks.

20 MS. GRAF: Oh, my goodness.

21 MR. McLEAN: And that's all I got to
22 say.23 MS. GRAF: Well, I hope so. Be careful
24 with that.

25 MR. McLEAN: Well, it does.

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2 MS. HEINBACH: Just one quick note
3 about why you don't see the other IDA members.
4 We are actually court reporting this, so every
5 single word gets recorded and every IDA member
6 gets to see everything.

7 THE CHAIR: Bruce, can you tell us how
8 you really feel?

9 AUDIENCE MEMBER: No, but I can.

10 MR. McLEAN: I don't want to be a
11 partner in this deal, and you're making me a
12 partner.

13 MS. GRAF: So what's going to happen
14 when you're 75 years old?

15 MR. McLEAN: I'm going to die.

16 MS. GRAF: Oh, you are.

17 THE CHAIR: Listen, we have got to move
18 on. We've got to move on.

19 MS. GRAF: He is not a nice man.

20 THE CHAIR: Actually he is. But Claire
21 Bush.

22 MS. ORTOLANO: Claire could not be here
23 today, at 83 years old she was ill, so she
24 wrote something, and I would like to read it on
25 her behalf. It's a very short piece, it will

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2 not take as much time as some of the others.

3 THE CHAIR: Why don't we just put that
4 in the record. We'll have the stenographer put
5 that in the written record.

6 MS. GRAF: I'd like to hear it.

7 AUDIENCE MEMBER: We'd like to hear
8 what she says. She's one of our neighbors.

9 AUDIENCE MEMBER: Yeah.

10 THE CHAIR: All right, you can read it.

11 MS. ORTOLANO: So Claire apologizes for
12 not being able to be here, she's sick. But she
13 wants me to read this very short thing.

14 (Reading:) I remember Ms. Aaron,
15 Mrs. Lillian Aaron, who would visit from time
16 to time.

17 She lives at the Governor Clinton, by
18 the way, Claire Bush.

19 She, Lillian Aaron, who would visit
20 from time to time, and always made us feel like
21 family. We all saw Randy here redecorating,
22 pitching in to the extent of hurting himself.
23 Waiting on tables during luncheons and parties.
24 But what she has done for us now is selecting
25 HUD sponsored Landmark Preservation has been

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2 her untiring devotion to her parents' concern
3 for people like us, poor, but deserving. Can
4 you vote yes to contribute to the preservation
5 of Yosman Tower and Governor Clinton
6 apartments? Thank you.

7 THE CHAIR: Thank you.

8 MS. ORTOLANO: Thank you, sir.

9 THE CHAIR: Robert --

10 MR. GUATO: Guato.

11 THE CHAIR: You're up.

12 MR. GUATO: I live at the Governor
13 Clinton. And there are things that have to be
14 fixed. Nothing about the staff, the staff has
15 been wonderful, especially Francesca. I want
16 them to stay on.

17 Plus, we have no heat in the lobby at
18 all. The washing machines --

19 THE CHAIR: Hold the mike closer,
20 please.

21 MR. GUATO: The washing machine's in
22 the basement. Some of us can't reach down to
23 the bottom of the washing machine to get the
24 stuff out. It's very hard. We have bad backs,
25 we're old. We need front loaders.

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2 Also, with the parking, a lot of
3 tenants take up the best parking space. And we
4 have signs up that says residents. But the
5 tenants still do it, so do the aides, and so do
6 the guests. Something must be done about that.

7 What else. When I ask that something
8 could be done within a reasonable time, it's
9 always done, and the people that are doing it
10 are very pleasant. So, but we do need things
11 done.

12 And that's about it.

13 THE CHAIR: Thank you, Robert.

14 MR. GUATO: Also, I notice the people
15 that don't want this to be done are people that
16 don't live in our buildings.

17 THE CHAIR: John Cronin.

18 MR. CRONIN: I'll yield my three
19 minutes to my fellow neighbors at Governor
20 Clinton, whoever wants to speak.

21 THE CHAIR: Maggie Mayer.

22 AUDIENCE MEMBER: Give the last guy an
23 extra three minutes.

24 AUDIENCE MEMBER: Tell us your life
25 story.

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2 MS. MAYER: No, not today.

3 I have a different theme that I want to
4 talk to you about. And it's not very pleasant.

5 All the politicians that are here, we
6 talked to and spent some time with our Ulster
7 County representatives. And are you hearing
8 me?

9 (Audience participation)

10 MS. MAYER: That's okay?

11 MS. HEINBACH: That's perfect.

12 MS. MAYER: Well, here's the bright
13 light that shines on all of this negativity.
14 And that's because --

15 MR. HUTTON: This isn't negative. This
16 is all positive.

17 MS. MAYER: Wait until I finish.

18 MR. HUTTON: Don't say it's negative.

19 (Audience participation)

20 MS. MAYER: There's a man that doesn't
21 want --

22 THE CHAIR: Ladies and gentlemen, she
23 has the floor. And you're addressing me, by
24 the way, not the crowd.

25 MS. MAYER: Why?

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2 THE CHAIR: Because that's the rule.

3 MS. MAYER: Address you?

4 THE CHAIR: You address the Board, yes.

5 MS. MAYER: Let me just finish because
6 it's three minutes.

7 There's a man in Kingston that's bought
8 and paid for an Ulster County representative to
9 put a sling or a spoke and a wrench in our
10 tires. We had City Council meetings, we had
11 the school board approving all of this, and now
12 we're back to square one. I know the man's
13 name and I know the representative. Do any of
14 you know? They're stalling the purchase of
15 this property. They don't want us to have new
16 apartments. This is a family feud.

17 Oh, I'm sorry. He just keeps
18 snickering. I'm sorry.

19 MS. GRAF: Make him stop.

20 THE CHAIR: Throw something at him.
21 Talk to me. I'm just kidding. Don't really.

22 MS. MAYER: Okay, anyway.

23 (Audience participation)

24 MS. MAYER: This is more like
25 Washington, D.C. and the House of

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2 Representatives, and the Trumpism that's
3 followed.

4 This is the first time I've ever stood
5 and faced a chairman of a development agency
6 and none of you know the truth. This is a
7 stall tactic. This is a family squabble with
8 money. And it's not going to go away because
9 damn it, I'm going to fight it until I die.

10 And that's it.

11 MS. GRAF: You're good, Maggie.

12 (Applause)

13 THE CHAIR: Lei Isaacs.

14 MS. ISAACS: I'm here.

15 Is this on? Holy Jeepers.

16 Good evening, members of the Industrial
17 Development Agency that works with depressed
18 people who live in the Yosman Towers and the
19 Governor Clinton Hotel. My name is Lei Isaacs.
20 I live in Kingston, two blocks from Yosman
21 Towers. And I am speaking in opposition to the
22 proposed sale of Yosman Towers and Governor
23 Clinton Apartments, and the granting of a PILOT
24 tax exemption for their purpose.

25 I write occasionally for the Lincoln

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2 Eagle. I don't believe -- I don't believe with
3 everything that's in it, but in an article by
4 Bruce McLean, who I had no idea was going to be
5 here tonight, on page seven in the current
6 issue he expresses my opinion precisely. He
7 wrote that if the present owners of these two
8 structures have allowed them to deteriorate to
9 the point where it would require a PILOT to
10 finance the repairs, then these structures are
11 grossly overpriced.

12 There is no reason why the taxpayers,
13 like me, should have to finance the results of
14 decades of neglect. I am apprehensive that
15 Landmark Preservation has been under-informed
16 of the conditions of these two buildings. The
17 work required is not updates. It is serious
18 infrastructure replenishment, including the
19 boilers, the windows, the roofs and the
20 elevators and the mice in the halls.

21 Earlier this month a tenant of Governor
22 Clinton called me that she had no heat and was
23 having to sleep in her winter clothes.

24 Alarmed, I took materials to help her insulate
25 her windows. And I could not reach her because

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2 the elevators weren't operating.

3 I immediately reported these conditions
4 to the Kingston building inspector. I know
5 what is required for an apartment to receive
6 Section 8. If the building inspector fails to
7 do his job, at my own expense I will hire a
8 building inspector from a local municipality to
9 determine if these two structures are safe for
10 occupancy, to say nothing of Section 8.

11 I know that some tenants have been
12 intimidated by threats that if the sale of the
13 PILOT did not go through they will be put out
14 on the streets. This is an empty threat
15 because there are many Section 8 apartments in
16 the town that are illegal --

17 (Inaudible)

18 (Audience participation)

19 THE CHAIR: You have thirty seconds
20 left.

21 MS. ISAACS: Okay. I should make good
22 use of it.

23 (Inaudible)

24 (Audience participation)

25 MS. ISAACS: Just write this prediction

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2 down. I'm predicting Charles Blichman's
3 boutique hotels will be Section 8 housing.

4 Thank you very much.

5 MS. HEINBACH: Do we have anybody else?

6 THE CHAIR: Joe DeFalco.

7 MR. DeFALCO: Thank you. Thank you
8 very much for allowing me this opportunity.

9 First, everybody would like
10 improvements in their apartments and places. I
11 heard here tonight that the previous owner did
12 improvements, put rugs in and painted the
13 walls, did this, that and the other things.
14 Didn't ask for any PILOTS to do this.

15 A 35 year PILOT is unreasonable. And I
16 heard tonight perhaps they did pay too much for
17 this property. And I'm a taxpayer. And how
18 this system works is that you rent the PILOT,
19 and you bill non homestead property owners for
20 the loss of the revenue that you grant. And
21 then you know what happens? The
22 non-homesteaders come down to City Hall crying,
23 stomping their feet, oh, how come I'm paying
24 more than homestead people. And then they come
25 up with well, we have to have an equalization,

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2 and they start shifting the burden of this
3 taxpayer to the homesteader. So in reality
4 these improvements that they're saying they're
5 going to make, they're going to make them on
6 the back of the taxpayers, okay. And if they
7 made improvements and bought these buildings,
8 these upgrades are tax deductible. Okay.
9 There's -- why do we have to do -- there's a
10 lot of -- we have got to stop giving out
11 PILOTS, period.

12 MS. GRAF: Yeah.

13 MR. DeFALCO: We do.

14 THE CHAIR: Okay. So we have been
15 through the list of people who have signed up.
16 Does anybody else want to say anything?

17 MS. GRAF: Could I speak again?

18 THE CHAIR: Mr. Hutton, the rest of
19 your remarks you have in writing you'd like to
20 submit?

21 MR. HUTTON: I have some of them in
22 writing. But the only thing I'd like to state
23 is that I am not at all against senior housing,
24 and I don't think anybody in the city is. We
25 are against subsidizing it through a PILOT.

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2 Subsidizing it in other ways is fine. But
3 subsidizing through a PILOT and taxes on a tax
4 basis doesn't help seniors in the city of
5 Kingston, it doesn't help the school district,
6 it doesn't help the city.

7 Everything else is in my comments that
8 I have written out.

9 THE CHAIR: Okay, anybody else?

10 MS. ORTOLANO: I just want to make one
11 more point, sir.

12 THE CHAIR: Very briefly.

13 MS. ORTOLANO: We live in a society
14 where fear is broadcasted all the time. Fear
15 of lack of money. Fear of jobs. And it
16 oftentimes guides us, rather than the social
17 environment in which we live and the caring of
18 the social environment in which we live. The
19 people that live in these subsidized buildings,
20 who are less fortunate than others that perhaps
21 own homes, don't realize the burden of paying
22 taxes as a homeowner does. But the fear that
23 guides the tax paying homeowner sometimes
24 blinds them from wanting to help those that
25 have less than they do.

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2 Thank you.

3 THE CHAIR: Thank you.

4 MR. McLEAN: Excuse me, everyone else
5 can talk twice, can I talk twice?

6 (Audience participation)

7 MR. MICHAEL: Address yourself to
8 Mr. Morrow.

9 THE CHAIR: Just one quick comment.

10 MR. McLEAN: Well, this is not an arm's
11 length transaction. There is no appraisal on
12 the property. So we don't really know what's
13 it's worth except that we know that it's worth
14 \$17 million if that's what they're paying for
15 it. So the city and everybody else could get
16 stuck in the long run with this deal with
17 because if they default on it, then you're not
18 going to get any money on it at all.

19 THE CHAIR: I just want to address
20 that, the assessment thing. The assessment
21 thing of the building is extremely complex, and
22 it has nothing to do with the purchase price.
23 The assessment of Section 8 housing in New York
24 State falls under Section 581-a, I believe, of
25 the New York State law. And it's assessed

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2 based on the profitability and the income from
3 the residents.

4 MR. McLEAN: Apparently it's a lot more
5 profitable than we think it is.

6 MR. ENNEST: The assessment is based on
7 income capitalization approach evaluation.

8 MR. HUTTON: As it is now or as it is
9 in the future is the question on that.

10 MS. HEINBACH: New York state tax law
11 applies to any property that's more than 20
12 percent in --

13 MR. HUTTON: Because I read the law
14 today again, and what I have seen in the taxes
15 that they've paid, they have been paying the
16 taxes on the full assessment up to this point,
17 at least in the last five years. I've got the
18 tax bills, I've got the records of the
19 payments, and they're taxed at the same rate as
20 I am on my old building and on the building --
21 one of the buildings that I own that is
22 basically apartments and a storefront also. So
23 I'm asking the question there is, is that the
24 future, is that rate just now, if it is what
25 exists now, then it's not stated, that

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2 information was not given out, and it needs to
3 be shown. All's I'm asking for is show the
4 full information.

5 THE CHAIR: We will -- we'll ask the
6 purchasing people, they know the answer to that
7 question. I don't know the answer to the
8 question.

9 And just coming back to some of your
10 comments, the Ulster County IDA has made no
11 decision pro or con this particular project.
12 That's what this public hearing is -- one of
13 the things this public hearing is doing is
14 giving us information that we need so that we
15 can evaluate the project. The school district
16 and the City of Kingston have approved the
17 PILOT, that they agree with the terms of the
18 PILOT. We're still waiting for the county to
19 evaluate it. They did not have enough
20 information at the time in December or January
21 to evaluate it. It's gone back to committee so
22 they can evaluate it and meet with the
23 applicants and so forth so they can better
24 understand what this project is about. And
25 then they will make a recommendation to the IDA

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2 as to their findings, yes or no. And then it
3 will come to the IDA that we'll look at
4 everybody's thoughts from the -- and then we'll
5 make a determination. But we're not going to
6 make a determination until everybody is in
7 agreement.

8 AUDIENCE MEMBER: I want to add
9 something. Oh, okay.

10 MR. KEMBLE: All right. John, you and
11 I had the discussion yesterday about the value
12 without the PILOT but with the improvements.
13 But if I understand correctly what was said is
14 that the assessment is based on the ability to
15 pay of the Section 8 clientele. Is that the
16 real short take?

17 So my -- you know, so if I understand
18 that correctly, if the assessment is based upon
19 the ability of the people in the building to
20 pay; therefore, no matter what they -- it would
21 seem that no matter what they threw in to make
22 improvements, that the assessment wouldn't
23 change because the ability of people to pay is
24 the same. So, therefore, what they have in the
25 application, they have the two spreadsheets

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2 side by side, and in the PILOT agreement
3 they're offering two million more. But
4 theoretically if the calculations are based on
5 the ability to pay, no matter what they threw
6 in, they shouldn't be paying anymore. Or did I
7 miss something?

8 THE CHAIR: I'm going to ask the
9 applicant to address that comment, that they
10 may have a more complete answer.

11 Mr. Michael.

12 MR. MICHAEL: As I mentioned before,
13 there are nine commercial spaces on the
14 building. I understand how hard they improve
15 these senior citizen Section 8 with having nine
16 commercial spaces in the building. They get
17 all the tax breaks, they get tax incentives for
18 their hard to make improvements, that the
19 present owners, probably they've never done any
20 improvements.

21 But the other thing I'd like to say in
22 terms of the -- I'm a school board trustee.
23 But I came here tonight as a Town of Ulster
24 resident and Ulster County taxpayer. And the
25 project was shoved down the throats of the city

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2 and the Kingston school district as a last
3 minute approval because of the time is of the
4 essence. And as a board member I didn't have
5 enough time to look at all the details that
6 were not presented with the application, as
7 Mr. Hutton said. The application was delivered
8 totally incomplete. So I will hope you give
9 that consideration. And I would like to see
10 what is the yearly income of the nine
11 commercial spaces on that building.

12 THE CHAIR: Okay. Thank you.

13 At this time -- we're going to get to
14 that in a second. At this time I will, since
15 everybody has had an opportunity to speak, I
16 will conclude the public hearing. The record
17 of this public hearing will be prepared and
18 reviewed by all members of the Agency in
19 conjunction with the Agency's consideration of
20 the Proposed Project.

21 In order to ensure that the public has
22 adequate time to provide comments to the Agency
23 on this Proposed Project, the Agency will hold
24 the comment period for this Proposed Project
25 open until Friday, February 2nd, 2018. And

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2 comments can be made up until that time in
3 writing to the Agency, to Suzanne Holt, and it
4 will become part of the permanent record. All
5 comments received by the close of business on
6 February 2, '18 will be included in the
7 official record of the Agency with respect to
8 the Proposed Project.

9 Again, the purpose of this public
10 hearing is to solicit public comment. We are
11 not here to answer questions. However, we
12 will, in the course of this public hearing,
13 consider questions if we have the information
14 to answer the questions and there's sufficient
15 time to consider such questions.

16 I now will ask --

17 MS. GRAF: Could I ask the address if
18 we want to send something? Is there an address
19 here?

20 MS. HEINBACH: I'll give you my card.

21 MS. GRAF: You wouldn't let me speak
22 again but he stood right up and talked.

23 (Audience participation)

24 MS. GRAF: Thank you very much, I
25 appreciate it.

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2 MS. ORTOLANO: What was the date, sir,
3 for the public comment?

4 THE CHAIR: February 2nd.

5 MS. GRAF: And send it to you?

6 MS. HEINBACH: Yeah.

7 MS. GRAF: Thank you.

8 MR. SCOTT: We'll get you the address
9 after the closure of the hearing, the public
10 hearing.

11 THE CHAIR: Okay. The address is
12 Suzanne Holt, H-o-l-t, Post Office Box 4265 244
13 Fair Street, Kingston, New York 12402.

14 MS. GRAF: Post Office Box 2465?

15 THE CHAIR: No, 4265.

16 MS. GRAF: 4265. And that's on Fair
17 Street?

18 THE CHAIR: Yes.

19 MS. ORTOLANO: But it's a post office
20 box, so it's 02, not 01.

21 THE CHAIR: Correct.

22 MS. GRAF: Oh, 12402.

23 THE CHAIR: Okay. Before closing the
24 public hearing, I will ask Dan Cappalino for
25 final comments.

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2 MR. CAPPALINO: Thank you,
3 Mr. Chairman.

4 I'd just like to clear up a few items.
5 First of all, the total number of jobs include
6 the construction jobs. There are five full
7 time equivalent construction jobs in the first
8 year, and 22 in the second year. Those are
9 real jobs. That's certainly part of what the
10 IDA does, they help create construction jobs as
11 well.

12 Secondly, there was a -- I'll just make
13 a brief statement about the lawsuit that was
14 brought up. The lawsuit is just between
15 parties, and has nothing to do with the IDA or
16 the ability to perform. And if there are any
17 issues, as your counsel will advise you, that
18 if there ever is any kind of default, the
19 property goes back on immediately, there's
20 recapture provisions where you can get
21 everything back. And, on top of that, if the
22 property goes back on the market for whatever
23 the value is.

24 Let's just talk about value for a
25 second. You referred to 581-a of the Real

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2 Property Tax Law. What people fail to see
3 here, to understand, and I know it's rather
4 complex and rather unique to these kinds of
5 properties, but under 581-a of the Real
6 Property Tax Law, low income housing properties
7 can be based only on the actual net operating
8 income of the property and not include federal,
9 state or municipal income tax credits,
10 subsidized mortgage financing or project
11 grants, all of which are involved in this, all
12 of which go into the purchase price. And a lot
13 of people are saying well, that's the fair
14 market value and so therefore that should be
15 the assessed value. But none of that is
16 permissibly included.

17 These issues were gone over with very
18 closely with the assessor for the City of
19 Kingston, he's reviewed these, he has figures
20 on what should be the appropriate amounts for
21 per door as he says, per unit. And because
22 even though the -- the units -- there are 104
23 units in Yosman, and there are 92 units in the
24 Governor Clinton. The Governor Clinton PILOT
25 is higher because of the commercial space,

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2 which he asked to be increased because of that.
3 So those issues were negotiated and worked out
4 to increase. And it's over and above today's
5 numbers. And the \$10 million is actually
6 coming from subsidies. Those cannot be
7 included in the valuation of the property.

8 So it is for these reasons, you have to
9 understand, these people are coming in and
10 doing this and trying to make this happen.
11 Because they're trying to preserve something
12 that is here. And you're doing a good thing by
13 doing that. And I think that the people here
14 who are living at the places know that this is
15 something that is important to the future of
16 the City of Kingston. And I think the name of
17 my client says it all. It's Landmark
18 Preservation.

19 Thank you.

20 (Applause)

21 THE CHAIR: Now, I remind you all that
22 the Agency will hold the comment period for
23 this Proposed Project open until Friday,
24 February 2nd. All comments received by the
25 close of business on February 2nd will be

C E R T I F I C A T E

STATE OF NEW YORK)
) SS:
 COUNTY OF PUTNAM)

I, KARI L. REED, a Shorthand Reporter
 (Stenotype) and Notary Public with and for the
 State of New York, do hereby certify:

I reported the proceedings in the
 within-entitled matter and that the within
 transcript is a true record of such
 proceedings.

I further certify that I am not
 related, by blood or marriage, to any of the
 parties in this matter and that I am in no way
 interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set
 my hand this 30th day of January, 2018.

Kari L. Reed

KARI L. REED

	8:5,23	agreed (1) 9:20	applicant (2) 34:5;57:9	34:18
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