

TOWN OF WALLKILL INDUSTRIAL DEVELOPMENT AGENCY  
REGULAR MEETING MINUTES  
February 9, 2021

Members in Attendance:

Mark Coyne, Chairman  
Paul Erickson  
Joe Stuart  
Kevin Mulqueen

Members Absent:

James Townsend

Also in Attendance:

Rudy Charles, Secretary  
William A. Frank, Esq., Counsel

Mark Coyne – We'll get started, we have 2 topics to discuss today, I'll start with number one, Concrete Properties PILOT extension request. Has everyone had an opportunity to read it over? It's Tetz Asphalt and Concrete Properties, they are discussing a PILOT, they had a 10 year PILOT that ended in 2020.

Will Frank – No it's going to end Mr. Chairman I believe. The PILOT goes to the 2020 tax year.

Mark Coyne – Yes it says 2020 on this sheet. Okay.

Will Frank – the 2020, it's a 2020-2021 school tax year and the 2021, county tax year. State, county, town tax year. This is the last year of the PILOT agreement.

Mark Coyne – Will can you give a little history on this. I believe that there was something that they were supposed to move. Have I got that correct?

Will Frank – They're relocating and we have with us just so we're clear the PD on the screen, Patrick Donnelly he's an attorney for Tetz and Concrete Properties. Do you want to address anything Patrick or do you want me to.

Patrick Donnelly – I will address some of that if you want. I believe we're moving a concrete plant to the location where the asphalt plant is. That's the reason for coming to you guys. I'm not actually entirely sure, I believe the PILOT expires at the end of this year but I think we pay the regular taxes for the coming year under the PILOT but perhaps I'm wrong about that.

Paul Erickson – Moving the concrete plant was part of the original agreement plan why wasn't it done?

Patrick Donnelly – I'm not sure about that, part of the PILOT agreement; I don't think it was part of the PILOT agreement. The PILOT agreement was for the asphalt plant.

Paul Erickson – and one of the conditions was that because that was sitting right on the edge of the health zone that it would move over to the asphalt plant within the time of the PILOT.

Patrick Donnelly – okay, I'm not familiar with that but I can look into that. My understanding is that the concrete plant and the asphalt plant, the concrete plant is a more recent thing about deciding to move it.

Will Frank – Okay, if you can I know this isn't your matter. If you could just articulate, if you can to the board, anything you want to add on why the PILOT should be extended.

Patrick Donnelly – I guess the idea is we would like to build this with the help of the IDA for the same reasons and purposes that the PILOT was created for the asphalt plant. We'd like to do that with the concrete plant.

Mark Coyne – so okay a separate project, so you're really not looking for an extension, you're looking for relief on a separate project.

Patrick Donnelly – I suppose it could be both, we're trying to figure out what the board would like to do with this and whether it should be included as part of this PILOT or not.

Will Frank – okay the letter from Mr. Fogle says the PILOT provides for extension and amendments and future additions of the property. So I guess his concept is for an amendment to the existing PILOT agreement. An amendment, an extension based on his letter anyway. I don't know if that's.

Patrick Donnelly – Yes and that would make sense and it does seem to provide for that if the IDA is willing to do that.

Mark Coyne – okay, we'll go around the board, Kevin?

Kevin Mulqueen – well that's moving a concrete plant from one place to another place, right?

Patrick Donnelly – there is a concrete plant in a different location yes and we are building a concrete plant in this new location.

Kevin Mulqueen – okay but why would the application for the extension incorporate both the asphalt plant and the concrete plant? That doesn't make any sense to me. I'm just scratching my head here.

Mark Coyne – I think just looking at this, you had a 10 year agreement, the agreement is done but you're looking to add on to the project. I could see you putting in a pre-application for the addition. That's a no brainer, it doesn't cost you any money to fill out a pre-application this way we get to see all the numbers and the jobs and everything else that's involved. That's just how I feel, what do you say Joe?

Joe Stuart – I would concur I'm looking at it as a totally separate application, project. Whether we can do it or not, I'm not sure but I think we need an application to review before we make a decision.

Mark Coyne – Paul?

Paul Erickson – Yes I guess I don't understand what they're asking us for at this point. They already have a concrete plant, They've already got the asphalt plant. They want to move them together but are we going to see more jobs? What are we going to see and what's going to happen to the old land that the concrete plant currently sits on? We need to understand all of that.

Mark Coyne – okay, good point. I think the board is in agreement that we'd like you to do a pre-application so that we can know a little bit more about it and what direction we'll go with it. I think it's positive for you, I do. We're not saying no, you know what I mean? Yes, I think that's the next step.

Patrick Donnelly – Okay I will report that.

Kevin Mulqueen – Patrick I feel bad for you, it's almost like you're thrown into a new pot of kettles here but.

Will Frank – yes and the pre application is available on the, Rudy is it available on the website.

Rudy Charles – yes I can double check, it should be.

Will Frank – okay, if not if you want to send it to me I can forward it to Patrick and like because I have his email address.

Rudy Charles – Sure.

Mark Coyne – Alright.

Will Frank – Patrick do you have any other questions at the moment?

Patrick Donnelly – No that's it for now. Thanks for your help.

Will Frank – okay, alright, if it's not on the website shoot me an email and I'll send it to you.

Patrick Donnelly – okay.

Will Frank – Alright thank you.

Mark Coyne – Alright our next topic is, we have a pre-ap for Sonny Patel Brewing Company. Everybody get a chance to look at this?

Joe Stuart – I guess my first question is, is he buying the building or just a portion of the building, in fact, what building?

Mark Coyne – I think it's in the mall. Is that how this reads?

Will Frank – well he's got it on page three and I was a little thrown by this myself, value of property to be acquired 5 million two hundred and fifty thousand dollars.

Joe Stuart – I looked online and I thought it was either; it's by the entrance to the Galleria. The old Pier one could be it or underneath.

Paul Erickson – the lower level there someplace.

Joe Stuart – that’s what I’m thinking, I don’t know how you buy that.

Mark Coyne – by OTB.

Will Frank – 400 N. Galleria mall I guess he means north Galleria Drive.

Mark Coyne - Rudy thinks it where the OTB is.

Joe Stuart – Yes, I believe it’s in that building.

Paul Erickson – who owns that building? Petco is upstairs at the top level right? And then you had OTB and something else down on the lower level, who owns that?

Will Frank – I’m searching it now.

Joe Stuart – It says present owner Sky Limit Realty.

Will Frank – Sky Limit Realty

Mark Coyne – they will be manufacturing beer, I found that amusing.

Joe Stuart – never a bad thing.

Will Frank – the pictures are of Pier I Imports. So I guess he’s next to the Olive Garden.

Joe Stuart – Actually his beer store is right next door to that. I believe.

Mark Coyne – Yes.

Joe Stuart – next to town hall.

Mark Coyne – correct. We got the location. They are looking for the trifecta, sales, mortgage, and real property agreement so PILOT. Fourteen jobs. Not a lot of jobs.

Will Frank – fourteen jobs

Mark Coyne – not crazy but that building is vacant for the most part, OTB is there but.

Joe Stuart – no if it’s Pier I it’s a separate building Mark.

Mark Coyne – does Pier I have a lower level?

Will Frank – I think Joe if he’s saying lower level he’s got to be thinking about where the OTB is.

Joe Stuart – okay

Mark Coyne – yes that’s all empty except for OTB. I wonder if OTB is going to be thrown out of there.

Paul Erickson – Isn't there as you face OTB to the right, isn't there a part to the left that used to be a place where you could buy fitness equipment? Wasn't there something else in there?

Mark Coyne – there was I think what it was or picture it, I haven't drove by there in so long with it being vacant. I don't remember what was there.

Will Frank – he's got anticipated date of operation August of this year, is this something that is in front of the planning board?

Rudy Charles – I think they had a work session but they have not been in front of the board.

Will Frank – okay

Mark Coyne – I guess for face value it would be something we would be interested in moving forward with, the next step would be to have them do a full application which would cost them money. I don't want them to spend any money if we aren't open to it.

Will Frank – I think that the statement describing the project, it says construction of a brewery where we will be manufacturing beer. It's a little, a lot of the breweries now, they're manufacturing, they also have a retail component right there. This doesn't say whether it does or it doesn't. If there is a retail component or their having customers there that impacts whether they would be eligible for IDA benefits.

Mark Coyne – Yes you're right.

Will Frank – So I don't want to throw cold water on stuff I'm just pointing out that it's something that the board may wish to do but before even telling them one way or the other is to ask for a little bit more of a description of or if there is already a work session that they had with the planning board maybe we could take a look at if whatever their submission was to the planning board. I don't mean this very second Rudy I'm just.

Rudy Charles – I'm going to check quick.

Will Frank – it's certainly something that.

Mark Coyne – the other thing too is, I'm sorry Joe, go ahead.

Joe Stuart – my question is to Will, if there is any portion of operation that's retail does that kill it for us?

Will Frank – Unless there, what the statute say is if there is going to be retail considered, like the supermarket aspect, when Adams came. The product or service or whatever the retail goods are they would have to be unavailable for a significant radius for a retail use to be eligible for IDA benefits.

Mark Coyne – or it has to be under 30% right?

Will Frank – Off hand I don't know what the percentage is Mr. Chairman

Mark Coyne – IF it was less than 30% of the whole project.

Will Frank – I will check that.

Paul Erickson – Will how did we do for the hotel there on 211, the one that's not opened yet?

Will frank – the hospitality aspect.

Paul Erickson – no I'm talking about the Starbucks that was included in as part of it.

Mark Coyne – Right, there was a percentage Paul, that's what I'm getting at.

Will Frank – It may have been the percentage that Mark's talking about of the land but I'll look at that.

Paul – Okay.

Rudy Charles – there is no information on the work session application

Will Frank – okay I think there should be a couple of questions asked before we collect a fee of any kind form them

Mark Coyne – would you guys be open for another meeting maybe next week or sometime, I'll reach out to them and have them put something together real fast and tell them that the board has a number of questions. We're not sure if we want to move forward and we don't want you to spend money unless we're open to it. Would you guys be okay with that?

Joe Stuart – Yes, I'm good next week.

Will Frank – I can be, I'll be out of town but I can zoom in.

Joe Stuart – I'm going to be away Wednesday through Friday.

Mark Coyne – how about 2 weeks from today?

Joe Stuart – two weeks from today would be alright.

Will frank – that would be the 23<sup>rd</sup>.

Rudy Charles – so we need to do a special meeting.

Will Frank – Yes

Paul Erickson – do we have to do a special meeting or can we do it at the next regular monthly meeting?

Mark Coyne – that's a whole month away

Will frank – if everyone is available because March 1<sup>st</sup> is the deadline for Paris reporting and in case I have to have the board approve anything from our auditors better off at least scheduling a special meeting we can always cancel it if there is nothing needed or this particular applicant doesn't get us the

information. If it's okay with everyone it doesn't hurt to schedule a special meeting for the 23<sup>rd</sup> by zoom.

Mark Coyne – Yes. Paul and Kevin are you good with that?

Paul Erickson – 3:30 on the 23<sup>rd</sup>?

Will Frank – Yes. Kevin you're muted.

Mark Coyne – I can't hear you.

Kevin Mulqueen – okay Mark, here's the thing if I'm picturing this correctly and if it has a retail component, selling the beer that they make, I don't want to be the unique guy on this retail question but that seems pretty unique because you know a lot of places sell beer but not many places sell the beer they make right there nearby so it's kind of unique. I have a little problem and I don't want to pretend that I'm sitting on the planning board right now but I have a little problem thinking about a microbrewery selling beer right next to an OTB sight.

Mark Coyne – yes that's why I wonder out like if OTB is getting tossed. Typically these places are huge right? They have these enormous tanks and what not just to manufacture the beer and some tables and what not; those are all questions for the applicant. Alright so Kevin are you good for the 23<sup>rd</sup>?

Kevin Mulqueen – Yes, I'm good for the 23<sup>rd</sup>.

Mark Coyne – Paul you said you're alright?

Paul Erickson – Yes.

Will Frank – will someone make that a motion please?

Paul Erickson – I'll move that we have a special meeting on the 23<sup>rd</sup> of February for further information on the microbrewery for the Town of Walkkill.

Will frank – and any other lawful business of the IDA.

Mark Coyne – Second. All in favor?

Paul Erickson	aye	Kevin Mulqueen	aye
Joe Stuart	aye	Mark Coyne	aye

Will Frank – so that will be on the 23<sup>rd</sup> via zoom at 3:30 p.m.

Paul Erickson – Will, maybe we could get the information back from Tetz that we just asked for and deal with it all at the same time again.

Will Frank – I was about to say that very thing as a matter of fact.

Joe Stuart – I kind of remember and I don't think I was on the board when Tetz was approved but I don't think it was part of the agreement but there was an oral agreement that they were going to move that concrete plant prior to the maturity of that IDA funding.

Will Frank – we will go back and look at the old files and we'll see if we can pull some minutes and see where we are on that.

Joe Stuart – because John Ward, I remember that being a sore subject after I came on

Will Frank – Yes, there have been some discussions going on about the progress of the move.

Paul Erickson - Will is your law firm no longer their attorneys of record?

Will Frank – For this we are not. As I've said previously we have done other work for Tetz. We're not involved in this at all that's why the other law firm has come in with this request.

Paul Erickson – because you were the law firm of record for the first IDA meeting years ago.

Will Frank – the Blustein firm was yes I wasn't with Blustein at the time. This time around we have a law firm I believe they are in Syracuse and we do other work for Tetz, I don't do any of it but we do other thing for Tetz we're not involved in this request if it goes further to the point where anybody wants me to get off of this we'll cross that if a pre-application comes in. So Rudy, I'll prepare a special meeting notice and send it to you for the 23<sup>rd</sup>.

Rudy Charles – okay very good.

Will Frank – what I'll need from you, will we be using the same zoom link?

Rudy Charles – I have it set up for our regular meeting.

Will Frank – we can use the same one, we'll use that and we'll go from there.

Mark Coyne – Anybody got anything else? Motion to adjourn at 3:57.

Paul Erickson – second.

Mark Coyne – All in favor?

Paul Erickson	aye	Kevin Mulqueen	aye
Joe Stuart	aye	Mark Coyne	aye