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PUBLIC HEARING
2-4 KIEFFER LANE LLC PROJECT

Town of Ulster Hall
1 Town Hall Drive
Lake Katrine, New York

July 10, 2017

7:00 P.M.

Present:

RANDALL LEVERETTE, Treasurer IDA
A. JOSEPH SCOTT, ESQ, IDA Counsel
JOHN MORROW, Vice Chairman IDA
EVELYN HEINBACH, UC EDA

1 PROCEEDINGS

2 MR. LEVERETTE: Good evening,
3 everyone. Please rise for the Pledge
4 of Allegiance.

5 (WHEREUPON the Pledge of
6 Allegiance was recited.)

7 MR. LEVERETTE: The Mission
8 Statement of the Agency is the
9 following: The Mission of the Ulster
10 County Industrial Development Agency is
11 to advance the job opportunities,
12 general prosperity and long time
13 economic vitality of Ulster County
14 residents by targeting tax incentives,
15 bonds and other assistance, to foster
16 creation and attraction of new
17 businesses and the retention and
18 expansion of existing businesses.

19 Before we begin, I would like to
20 introduce other members present
21 representing the Agency and the Ulster
22 County Government. To my immediate
23 right is Joe Scott, Agency counsel. To
24 his right is John Morrow, Vice Chairman
25 of the IDA. And to his right is Evelyn

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2 Heinbach, who is representing the
3 Economic Development Agency for Ulster
4 county.

5 For safety precautions, make sure
6 you recognize the exits. There is one
7 there and there is one to the back, so
8 in case of emergency, you know where to
9 go. And would you also, please,
10 silence your phones.

11 My name is Randall Leverette, and
12 I am a member of the board and
13 treasurer of the Ulster County
14 Industrial Development Agency (the
15 "Agency"). In connection with the
16 project that is subject of this public
17 hearing, today we are holding this
18 public hearing to allow citizens to
19 make a statement for the record
20 relating to the involvement of the
21 Agency with a project, the proposed
22 project, for the benefit of 2-4 Kieffer
23 Lane, L.L.C., a limited liability
24 company. Please note that this public
25 hearing is the second public hearing

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2 held by the Agency in connection with
3 matters involving the company. The
4 first public hearing was held on May 4,
5 2017. Since the May public hearing,
6 the company has revised the description
7 of its proposed project and filed a new
8 application. Copies of the new
9 application are available on the
10 Agency's website. At the June meeting
11 of the Agency, the Agency determined to
12 hold another public hearing for the
13 proposed project as amended.

14 The proposed project now consists
15 of the following:

16 A. The acquisition and
17 installation of certain machinery,
18 equipment, cranes, including tower
19 cranes, and related construction
20 equipment and other personnel property,
21 (collectively, the "Equipment"), to be
22 located in and adjacent to an
23 approximately 38,000 square foot
24 building (the "Facility"), located on
25 an approximately 4.2 acre parcel of the

1 PROCEEDINGS

2 land, located at 2-4 Kieffer Lane, tax
3 map 48.66-2-2.100 in the Town of
4 Ulster, Ulster County, New York (the
5 "Land"). Said facility to be used as a
6 maintenance and storage facility of
7 tower and mobile cranes. The land, the
8 facility and the equipment being
9 collectively referred to as the Project
10 Facility.

11 B. The granting of financial
12 assistance within the meaning of
13 Section 84-14 of the Act with respect
14 to the foregoing, including potential
15 exemptions from certain sales and use
16 taxes. The Financial Assistance.

17 And C. The lease with an
18 obligation to purchase for the sale of
19 Project Facility to the company or such
20 other person as may be designated by
21 the company and agreed upon by the
22 Agency.

23 Please note that the financial
24 assistance being considered by the
25 Agency for the proposed project is

1 PROCEEDINGS

2 limited to the exemption from New York
3 State sales and use taxes on the
4 acquisition of the equipment. There is
5 no exception from the mortgage
6 recording tax or real property tax
7 being considered for this proposed
8 project.

9 We intend to provide general
10 information on the Agency's general
11 authority and public purpose to provide
12 assistance to this project. We will
13 then open the comment period to receive
14 comments from all present who wish to
15 comment on either proposed project or
16 the financial assistance contemplated
17 by the Agency with respect to the
18 proposed project.

19 Legal authorization and powers of
20 the Agency: The provisions of Chapter
21 1030 of Laws of 1969 of New York
22 constituting Title 1 of Article 18A,
23 the General Municipal Law, Chap 24, the
24 Consolidated Laws of New York as
25 Amended, and Chapter 787 of the 1976

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2 Laws of New York as Amended,
3 constituting Section 923 of said
4 General Municipal Law (collectively,
5 the "Act"), authorize the Agency to
6 promote, develop, encourage and assist
7 in the acquiring, construction,
8 reconstruction, improving, maintaining,
9 equipping and furnishing of
10 manufacturing, warehousing, research,
11 commercial and industrial facilities,
12 among others.

13 Purpose of this public hearing:
14 Pursuant to Section 859-A2 of the
15 General Municipal Law of the State of
16 New York (the "Act"), prior to the
17 Agency providing any financial
18 assistance as defined in the Act of
19 more than \$100,000 to any project, the
20 Agency, among other things, must hold a
21 public hearing pursuant to Section 859A
22 of the Act with respect to said
23 project. Since the proposed financial
24 assistance to be provided by the Agency
25 with respect to the proposed project

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2 may exceed \$100,000, then prior to
3 providing any financial assistance as
4 defined in the Act of more than
5 \$100,000 of the proposed project, the
6 Agency must hold a public hearing on
7 the nature and location of the proposed
8 project facility and the proposed
9 financial assistance to be provided by
10 the Agency with respect to the proposed
11 project.

12 By way of background, notice of
13 this public hearing was published on
14 June 29, 2017 and in the Almanac Weekly
15 and the Shawangunk Journal, each being
16 newspapers of general circulation
17 available to the residents of the Town
18 of Ulster, Ulster County, New York. In
19 addition, as required by New York law,
20 the notice of this public hearing was
21 mailed on June 27th to the Town of
22 Ulster, the Ulster County Executive,
23 the Kingston School District and the
24 Chairman of the Ulster County
25 Legislature. Lastly, copies of the

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2 public hearing were posted on June 27,
3 2017 on the bulletin board located at
4 the Town of Ulster Hall, 1 Town Hall
5 Drive, Lake Katrine, in the Town of
6 Ulster, Ulster County, New York, and
7 posted on June 27, 2017 on the Agency's
8 website. Copies of the notice of this
9 public hearing are available on the
10 table.

11 Now unless there is any objection,
12 I'm going to suggest waiving a full
13 reading of the notice of this public
14 hearing and request that the full text
15 of the notice of this public hearing be
16 inserted into the record of this public
17 hearing.

18 (WHEREUPON the Notice of Public
19 Hearing was inserted into the record.)

20 The comments received today will
21 be presented to the members of the
22 Agency at or prior to the meeting at
23 which the members of the Agency will
24 consider whether to approve the
25 undertaking of the proposed project by

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2 the Agency and the granting of any
3 financial by the Agency of any
4 financial assistance in excess of
5 \$100,000 with respect to the proposed
6 project. The Agency currently intends
7 to consider the proposed project at the
8 meeting of the Agency to be held on
9 August 29, 2017. This meeting, like
10 all meetings of the Agency, is open to
11 the public.

12 The notice of this public hearing
13 indicated that written comments could
14 be addressed to Suzanne Holt, the
15 Director of Economic Development of the
16 Agency. Written comments have been
17 received by the Agency prior to this
18 public hearing.

19 I will now introduce Timothy
20 McColgan, who is appearing on behalf of
21 the company, who will describe the
22 proposed project in further detail.

23 MR. MCCOLGAN: Thank you very
24 much. Mr. Chairman, Mr. Scott, Mr.
25 Morrow, members of the board. As you

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2 had indicated, our original application
3 has been amended to remove all
4 references to mobile cranes. And the
5 reason for that is that tower cranes
6 are moved to a worksite on a series of
7 trucks and assembled on site with forty
8 or more trucks needed for a very large
9 piece of equipment. Tower cranes are
10 used in building construction,
11 particularly for high rise buildings
12 because they can be jumped or lifted
13 higher to enhance their lifting height
14 beyond the boom capacity, a feature not
15 available with mobile cranes. They are
16 also used in infrastructure projects,
17 such as bridges, roads and power
18 plants. In addition to the extra
19 height, tower cranes can operate in a
20 tightly confined area and provide a
21 larger picking radius than mobile
22 cranes, allowing them to move materials
23 from a greater range of locations.

24 The business purpose of the
25 applicant is to provide the operation

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2 and lease and contracting of modern,
3 heavy tower cranes that meet capacity
4 criteria and specifications. The
5 region will be from New York State to
6 Buffalo, with our main office and crane
7 terminal based at 2-4 Kieffer Lane,
8 Kingston, New York. The projects in
9 the pipeline include new building
10 construction in New York City,
11 interstate highway infrastructure,
12 New York State Thruway and bridges, the
13 MTA, railroad, private commercial,
14 heavy industrial work, including the
15 erection of steel and precast plank
16 columns, girders and roadways.

17 The applicant began his career in
18 cranes at the age of 18, when he left
19 Ulster County to go to New York City to
20 become a millwright machinery erector
21 apprentice, which involves heavy
22 transport, crane and rigging
23 operations. In the mid 90s, Mr.
24 Auringer got involved in crane
25 operation and received his master

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2 rigger's license and his New York City
3 hoist machine operator's Class B
4 unlimited license in the year 2000.
5 The applicant began his own business
6 and has since become the largest open
7 shop crane company in the City of New
8 York. While expanding his business in
9 New York City, Mr. Auringer in 2003
10 developed and began Urban Precast,
11 L.L.C., located at 6 Kieffer Lane,
12 Kingston, New York. Urban Precast is a
13 manufacturing facility making precast
14 plank for buildings largely located in
15 New York City. When Mill and Steel put
16 their property up for sale, Mr.
17 Auringer saw an opportunity. Mill and
18 Steel was located at 2-4 Kieffer Lane,
19 directly adjoining the Urban Precast
20 property. Mr. Auringer gave an offer,
21 which was accepted, and he purchased
22 the property.

23 While the Mill and Steel
24 transaction was unfolding, Mr. Auringer
25 submitted site plans for a 63,000

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2 square foot steel fabrication facility
3 in the Town of Newburgh. This steel
4 fabrication plant will, similar to the
5 concrete manufacturing plant here in
6 the Town of Ulster, feed the
7 construction and erection of new
8 buildings in the City of New York.
9 That facility will also be engaged in
10 contract work with interstate highway,
11 the New York State Thruway Authority,
12 MTA, bridge and tunnel infrastructure
13 projects. This will also include
14 contracting with the federal government
15 and any private commercial heavy
16 industrial projects. Mr. Auringer,
17 likewise, has submitted a site plan in
18 the City of Port Jervis for two 30,000
19 square foot transfer stations for the
20 removal and separation of new
21 construction demo within the City of
22 New York and the demo with
23 infrastructure and highway and bridge
24 projects within the City and the State
25 of New York.

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2 Also at the Port Jervis facility
3 will be a 62,000 square feet structural
4 steel fabrication facility, similar to
5 the facility in the Town of Newburgh.
6 You will be happy to know that the
7 Orange County Industrial Development
8 Agency has approved our IDA benefits.
9 You would likewise be happy to know
10 that the City of Port Jervis IDA has
11 approved our benefits. The structural
12 steel fabrication facilities and the
13 high volume of upcoming heavy
14 transport, crane rigging,
15 infrastructure work from New York City
16 to Buffalo, will feed the demand the
17 and need for tower cranes.

18 Thank you very much.

19 MR. LEVERETTE: Thank you. Mr.
20 McColgan, members of the Agency had a
21 number of questions based in part on
22 their review of materials submitted to
23 the agency by the company, and in part
24 on comments that the agency has
25 received from other parties. The

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2 agency intends to present its questions
3 to the company at this public hearing
4 in order to make both the questions and
5 the responses part of the public
6 record. The agency counsel will now
7 present the questions to the company.

8 MR. SCOTT: Thank you, Randall.

9 So Mr. McColgan, as I indicated to
10 you earlier, that we would be posing
11 the questions to you with respect to
12 the application, and written comments
13 received from certain outside groups,
14 and also some questions from the IDA
15 members based on their review of the
16 application. And I understand, you
17 made arrangements to have the company's
18 outside counsel appear tonight in case
19 there are any questions?

20 MR. MCCOLGAN: May I introduce
21 Kevin Nash? He is our trial counsel in
22 New York City. He will be assisting
23 tonight with any questions you may
24 have. Thank you very much.

25 MR. SCOTT: Thank you. We will

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2 start with the application. Page two
3 of the application has some background
4 questions regarding the company. There
5 are questions regarding whether the
6 company or management of the company is
7 now a plaintiff or defendant in any
8 civil or criminal litigation. You
9 checked the box No. We have received
10 comments about prior actions with
11 respect to possible litigation and
12 resolution of that litigation, and
13 maybe you can go into some explanation
14 as to some of the background history.

15 MR. MCCOLGAN: Well, at the outset
16 I can tell you that 2-4 Kieffer Lane,
17 L.L.C. and U.S. Crane and Rigging,
18 L.L.C. were formed this year, and to
19 date there are no actions, criminal or
20 otherwise, in connection to those
21 entities.

22 MR. SCOTT: Thank you. And then
23 with respect to the management of the
24 company, because the question also
25 refers to the management of the

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2 company, so prior entities that
3 management was involved in, had an
4 ownership interest in. We have
5 received materials --

6 MR. MCCOLGAN: I don't mean to
7 interrupt. But, you know, Mr. Auringer
8 has been operating in the City of New
9 York for thirty years. He has been a
10 part of erecting close to 1,000
11 structures in the City of New York. At
12 the current moment, between all his
13 entities, he probably employs about 250
14 people. In that time, yes, there has
15 been litigation. Most of the
16 litigation, I would say 90 percent of
17 it, is covered by insurance where we
18 will receive a notice of an accident.
19 It will be turned over to the insurance
20 company --

21 MR. SCOTT: Personal injury
22 matters?

23 MR. MCCOLGAN: Yes, personal
24 injury matters. There have been two,
25 as I recall, FSLA actions, both of

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2 which were settled very favorably to
3 the company. There has been one
4 discrimination matter, which has also
5 been settled. And I would like Mr.
6 Nash to come up at this point, because
7 he was the trial counsel on two FSLA
8 matters and also the discrimination
9 matter.

10 MR. NASH: If I can just give you
11 some background of the nature of the
12 litigations, I think that would be
13 helpful to understand the context. I
14 think it would be helpful to understand
15 the issues involved. Mr. Auringer's
16 companies have been non-union
17 construction companies for many years.
18 They started off small. They developed
19 over time and they have become a
20 competitive force in the City of New
21 York. As a non-union company, he has
22 run into loggerheads with certain union
23 affiliations. There is competition
24 among union and non-union companies.
25 And the union animus towards Mr.

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2 Auringer has manifested itself in many
3 ways. And one of the ways it
4 manifested itself is in the instigation
5 of certain litigation filed against the
6 company which was driven in large
7 measure by use union animus. I am
8 going to refer to two major actions
9 that I handled personally. They were
10 two federal actions in the federal
11 courts in Brooklyn. One of them is an
12 action called Rosado versus New York
13 Hoist, etc. The case number in that
14 action is 13-CIV-3469. Now, the Rosado
15 case is a very, very interesting case.
16 It has to do with rights and
17 obligations under the federal Portal to
18 Portal Act. It is a very technical
19 statute, but in essence, there was an
20 issue with the fact that Mr. Auringer's
21 employees congregated at a yard in
22 Brooklyn. And they congregated about
23 6:00 o'clock in the morning. And those
24 employees, for the most part, were
25 driven by Mr. Auringer's vehicles to

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2 various job sites to perform their work
3 throughout the City of New York. Many
4 of those employees and workers did not
5 have access to their own
6 transportation. Public transportation
7 was not very conducive. As an
8 accommodation to his employees, Mr.
9 Auringer had these employees driven
10 over to various job sites and they
11 would report about 6:00 o'clock in the
12 morning and they would get to the job
13 sites between 6:00 and 7:00, and they
14 would start their day at 7:00 o'clock
15 in the morning. So the issue that was
16 before the court was under the Portal
17 to Portal Act, whether or not the time
18 that the employees spent at the yard
19 and in the trucks going to construction
20 sites, whether that was part of their
21 regular course of business they were
22 compensated for or was it preliminary
23 activities in contemplation of starting
24 their workday. It is a very technical
25 issue under the federal statutes. We

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2 -- the case was filed before the
3 federal court. It was handled by
4 Magistrate Gold. There was several
5 million dollars potentially involved in
6 the case, because there was between
7 forty to sixty people that were
8 involved over many, many years' time.
9 I settled that case, pursuant to a
10 settlement, really under the Portal to
11 Portal Act, for a total of \$500,000.
12 One third of that \$500,000 was
13 attorneys' fees that are allocated
14 under the federal statutes, and the
15 balance went to dozens of employees
16 that received collective action in
17 class certification in the context of
18 the action. It was settled very
19 favorably. The potential exposure was
20 several million dollars. Interesting,
21 during the pendency of that case, the
22 Supreme Court of the United States
23 ruled on a Portal to Portal Act that
24 was favorable to the employer that was
25 used to help us receive a favorable

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2 settlement. That settlement was done
3 based upon no admission of wrongdoing,
4 no admission of liability. It was
5 strictly an economic decision. We are
6 in the Federal court. There is a lot
7 of expenses in federal litigation. I
8 think the magistrate was favorably
9 impressed with our position. And the
10 settlement demands went down from \$1.8
11 million dollars to five hundred. We
12 settled that over a year or two years
13 ago. That settlement has been fully
14 funded.

15 Now some of those people involved
16 in that Portal to Portal Act were union
17 sympathizers and they were instigated
18 by the union. Nevertheless, we handled
19 it very favorably for the company, and
20 we brought for the record a copy of the
21 actual settlement agreement and release
22 that was entered on the docket on May
23 27, 2015. And I can report that this
24 settlement has been implemented. It
25 kind of speaks for itself in the sense

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2 that it talks about no admission of
3 liability and all the procedures
4 involved in the settlement, and it lays
5 out the financial terms of the
6 settlement. The rumor that Mr.
7 Auringer's companies are guilty of wage
8 theft is simply not accurate. There
9 was never wage theft involved in this
10 case. It was a very technical issue.
11 Not the first company to have this type
12 of issue. That basic transportation of
13 people for that one hour period -- they
14 are not working but they are on their
15 way to work -- it is covered by a
16 special federal statute and it is a
17 very technical issue as to the
18 preparation, in preparation of doing
19 work and how that is treated under
20 federal guidelines. I think we settled
21 that very favorably. And I have that
22 for the panel. A copy of this I would
23 like to put into the record, the
24 settlement agreement that was entered
25 and approved by the court. If I could

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2 approach?

3 MR. LEVERETTE: You do not have to
4 ask.

5 MR. NASH: But I will and I did.

6 (WHEREUPON document was provided.)

7 MR. NASH: The second action,
8 again, is an important action because I
9 think it is has been exaggerated and I
10 will leave it at that. That's the
11 action that LaFonda Brown filed against
12 the company alleging certain
13 discrimination against women in the
14 workplace. And that action was filed
15 first with EEOC and then it was filed
16 in the federal court in Brooklyn. That
17 action was also settled on a very
18 favorable basis. When I say favorable,
19 the company again, without an admission
20 of liability, settled that case for
21 \$25,000 including attorneys' fees. And
22 has also consummated that settlement.
23 That settlement was consummated in
24 September of 2016, and we will hand up
25 the settlement agreement. Essentially,

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2 there was issues over certain
3 allegations of discrimination, but at
4 the end of the day we had a very
5 favorable settlement. There was no
6 admission of liability, and the amounts
7 involved were settled for very, very
8 modest amounts of money. It was done
9 under the auspices of E.E.O.C., who
10 signed off on the settlement agreement.
11 And we were able to not only settle
12 that case, but we have fully funded
13 that case. There has been no followup
14 allegations concerning the Brown
15 matter. There was a personal injury
16 case that there was a problem, I think
17 she was injured on the job with an eye
18 injury that was handled by insurance.
19 And that was resolved as well by the
20 insurance company. So there has been a
21 lot to say about the LaFonda Brown
22 allegations. I think for the most part
23 they have been exaggerated, but the
24 bottom line here on this one is that
25 this has been resolved to the

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2 satisfaction of both Ms. Brown, her
3 attorneys and the E.E.O.C. So I would
4 like to hand up for the record, and I
5 think it is important to note in the
6 record a couple of things. Under the
7 agreement we signed with E.E.O.C., the
8 entire matter was supposed to remain
9 confidential. And the fact that we are
10 talking about it in the context here
11 means there has been a violation of the
12 confidentiality provisions. I'm not
13 standing on ceremony. I'm proud of the
14 fact that we achieved a favorable
15 settlement. But it is disheartening
16 from the company's perspective that
17 issues like this, which are not out of
18 the ordinary course of business when
19 you were dealing with companies of this
20 nature where you have different types
21 of employment practices, you are going
22 to have, from time to time, certain
23 issues dealing with employee personnel
24 matters. But we handled it very
25 professionally, we handled it very

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2 competently, and it was handled in a
3 way that it was favorable both to the
4 company and satisfactory to Ms. Brown.
5 And it was supposed to remain
6 confidential within the confines of the
7 E.E.O.C., but for some reason the union
8 has made a cause celebre out of this
9 matter, have exaggerated what was
10 involved. And I think has unfairly
11 attacked the company. So for the
12 record, I want to offer into Evidence
13 the actual agreement, the conciliation
14 agreement. Did not even get to a
15 federal lawsuit. It was done on a
16 conciliation agreement. And I would
17 like to put that into the record, and I
18 would also like to put into the record
19 and highlight for the record that the
20 agreement and the nature of the
21 complaint was supposed to be
22 confidential and it was not. In any
23 event, it is for the record, and I also
24 have copies of the payments that were
25 made to Ms. Brown with all the

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2 pertinent informaton.

3 (WHEREUPON the document was
4 provided.)

5 MR. NASH: And I do think it is
6 worth noting that the company has come
7 a long way in terms of establishing a
8 very strong basis in the construction
9 field. I personally became involved
10 with the Auringer family back in 2005.
11 I put certain of the company through a
12 Chapter 11 proceeding that was dealt
13 with very favorably, again, before the
14 bankruptcy court in the Eastern
15 District of New York before Judge
16 Feller. The reason I mention that, the
17 interesting issue in that case was
18 there was this union claim of more than
19 \$12 million dollars based upon
20 allegations of successful liability for
21 certain pension benefits and pension
22 contributions. I think it should be
23 noted for the record that that claim
24 was resolved in the bankruptcy court
25 for about \$1,250,000, approximately ten

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2 cents on the dollar. It was done very
3 successfully. We confirmed a plan of
4 reorganization. All creditors got
5 paid. The company self funded. I
6 think it is important to note that the
7 company self funded their Chapter 11.
8 That means that through their continued
9 operations in Chapter 11 they generated
10 a great deal of profit and they were
11 able pay off not only the union
12 obligation, certain trade debt and
13 certain tax obligations, they did it on
14 their own. They did it the old
15 fashioned way. They did not go out to
16 banks, they did not sell assets. They
17 earned that money, generated that
18 money, over a period of several years.
19 And I think they performed admirably in
20 the Chapter 11.

21 After they got out of Chapter 11,
22 the company has continued on and it
23 expanded in their construction
24 industry. And right now, quite
25 frankly, they are a leading, leading

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2 construction company in New York City
3 on a non-union basis. And they are
4 very successful. They have roots. I
5 know for a fact that the Auringers have
6 roots in Ulster County. They grew up
7 in this area and they have strong
8 affiliations with the area. And a good
9 part of their business is still
10 centered right in this area. But they
11 do operate very strongly in New York
12 City, and they are a successful, well
13 managed company. If you look on it in
14 its entirety, I have been dealing with
15 the Auringers for more than ten years.
16 And the litigation, given a
17 construction company, is relatively
18 benign in the sense that we deal with
19 things that crop up, we answer any
20 allegations, and we have had success in
21 resolving these legal issues.

22 So I don't want it to be looked in
23 the pejorative that there were two
24 lawsuits. There were. Lawsuits are
25 part of the fabric of America. But it

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2 is how you handle a lawsuit, the
3 results of the lawsuit, and what
4 happens in the aftermath. So I think
5 the union has unfairly portrayed Mr.
6 Auringer in various aspects of these
7 litigations, and I hope the record is
8 clear that both cases were settled very
9 favorably to the company.

10 MS. SCOTT: I need to go on to my
11 next question. Are you finished?

12 MR. NASH: Yes.

13 MR. SCOTT: Do you want to add?

14 MR. MCCOLGAN: Just a little bit
15 to add. That is in connection to --
16 much has been made of Ms. Brown's
17 injuries and lack of training and the
18 things that you find in that handbill.
19 I would like to submit as evidence a
20 Stipulation of Discontinuance in the
21 settlement agreement without admission
22 of liability of behalf of my client, in
23 addition to the training receipts that
24 Ms. Brown received while working at our
25 company. So I would like to submit

1 PROCEEDINGS

2 that as evidence and controverting the
3 odious statements made within the
4 handbill.

5 (WHEREUPON the document was
6 provided.)

7 MR. MCCOLGAN: Again, and this is
8 signed off my Ms. Brown. No admission
9 of liability on behalf the company. In
10 addition to that, Mr. Chairman, I would
11 like to submit The Order and Final
12 Decree closing the Chapter 11 cases.
13 Again, that it is something we did with
14 our own sweat. In addition to that, a
15 letter from our accountant indicating
16 that at present all our tax obligations
17 are current. I have attached for your
18 review a copy of all the tax bills that
19 were at issue in the bankruptcy
20 proceeding. They are all paid in full.
21 My client currently has zero tax
22 liability in that they have all been
23 paid.

24 (WHEREUPON documents were
25 provided.)

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2 MR. SCOTT: Getting back to my
3 list of questions, question number
4 three in the application: Has any
5 person listed above ever been convicted
6 of a criminal offense other than a
7 minor traffic violation? And the
8 listed party is Mr. Auringer as the
9 owner of the project applicant. So the
10 question is related to Mr. Auringer,
11 and I am passing it on to the --

12 MR. NASH: The answer is no.

13 MR. MCCOLGAN: And I have a
14 fingerprint printout from the FBI. In
15 addition, a fingerprint printout from
16 the Office of Court administration for
17 the State, indicating that Mr. Auringer
18 has never been convicted of a felony.
19 In fact, there is no record of any
20 crime in connection with Mr. Auringer.

21 (WHEREUPON the document was
22 provided.)

23 MR. NASH: I would just like to
24 try to answer the subtext of what the
25 union is referencing and put it in

1 PROCEEDINGS

2 context.

3 MR. SCOTT: If you would not mind.

4 MR. NASH: Sure.

5 MR. SCOTT: And maybe you could
6 just describe that to the group.

7 MR. NASH: About 20 years ago, Mr.
8 Auringer was an employee of a company
9 called Cavalier Construction. Cavalier
10 Construction -- he was not an officer
11 or an owner. He was an employee of a
12 company called Cavalier.

13 MR. SCOTT: He was not president
14 of Cavalier?

15 MR. NASH: No. He was not a
16 shareholder. I don't know if he was
17 not an officer, what his position was,
18 but he was not a shareholder or owner.

19 MR. SCOTT: Not an owner?

20 MR. NASH: Right. And Cavalier
21 Construction was on a job where they
22 had an issue over prevailing wages in
23 terms of payment of prevailing wages.
24 And there was a resolution reached with
25 Cavalier that Cavalier would not be

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2 involved in public contracts for a
3 period of five years. And there was,
4 on a corporate level only -- and this
5 is more than twenty years ago -- I
6 think there was a reporting issue that
7 Cavalier pleaded guilty to that did not
8 involve Mr. Auringer personally.
9 Certainly, he did not plead guilty to
10 anything. He was never implicated in
11 that. He was an employee of a company
12 that had an issue over a prevailing
13 wage claim. They sat out their five
14 years. Cavalier has not been in
15 business for many, many years since
16 that time. They happened to be
17 involved in the Chapter 11 case, and
18 that issue really never even arose at
19 that point. So we have confirmed,
20 though, for the board that Mr.
21 Auringer, despite the rumor, the
22 innuendo, the speculation, has never
23 been arrested. He certainly never been
24 convicted. He has a clean record. And
25 I think he has been unfairly portrayed

1 PROCEEDINGS

2 as a central person in the Cavalier
3 matter, and that simply is not
4 accurate.

5 MR. SCOTT: Last question with
6 respect to the background of the
7 company and Mr. Auringer. The question
8 relates to -- the question is question
9 No. 4 in the application. Has any
10 person listed above or any concern with
11 whom such person has been connected
12 ever been in receivership or been
13 adjudicated bankrupt?

14 MR. NASH: Yes. I kind of alluded
15 to that. The predecessor companies
16 back in 2005 -- that's how I got
17 involved -- filed a series of Chapter
18 11 cases, and we have given you the
19 documentation on that. They were
20 confirmed in the bankruptcy court in
21 2010, more than seven years ago. They
22 were successfully confirmed. They
23 operated as debtor in possession for a
24 period of four or five years' time, and
25 they were able to generate monies to

1 PROCEEDINGS

2 effectively self fund their way through
3 Chapter 11.

4 MR. SCOTT: Would it be your
5 position, and maybe you need to talk to
6 Mr. McColgan off the record, but should
7 we change the answer to question No. 4,
8 Mr. McColgan? Do we need to modify
9 that?

10 MR. MCCOLGAN: Well, the reason
11 why I answered in the negative is
12 because of the decree in the bankruptcy
13 court closing the cases. So in other
14 words, the reason why I answered it
15 that way -- and I am not a bankruptcy
16 specialist -- but the Order and Decree
17 closing the cases as my client having
18 fulfilled all the obligations. If you
19 mean ever involved in, then yes, I
20 would need to make an amendment to the
21 application. I certainly wasn't trying
22 to -- we submitted the bankruptcy
23 papers --

24 MR. SCOTT: It is a matter of
25 public record.

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2 MR. MCCOLGAN: It is not as if --
3 It is also on the ECF system.

4 MR. NASH: It is certainly not an
5 ongoing. It is a historical situation.
6 Not these companies per se. They are
7 predecessor companies, and they were
8 involved in a Chapter 11 between 2005
9 and 2010.

10 MR. SCOTT: I will review that and
11 I will get back to you.

12 MR. NASH: We gave you the order
13 of final decree. These certainly are
14 not ongoing bankruptcies. They have
15 been long, long, long adjudicated and
16 they have been fully consummated. If I
17 could just explain, the final decree is
18 an important document. That means that
19 the plan that the companies filed and
20 had confirmed was fully consummated.
21 That means all creditors got paid.
22 That means the case is over, and that
23 order was entered in 2010. And I think
24 it is there. I have other copies for
25 you. I have the two orders, if I could

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2 just hand up, and I could walk you
3 through what the orders mean.

4 (WHEREUPON documents were
5 presented.)

6 MR. SCOTT: I would like to jump
7 to the last page, Mr. McColgan. The
8 corporate structure of the company.
9 According to materials that we are
10 getting, there are apparently some
11 companies that were not listed on that
12 corporate structure. I am reading now
13 Plank Services, SSD Hoist,
14 Superstructures Crane Rentals, Urban
15 Erectors.

16 MR. MCCOLGAN: Well, if you look
17 at the -- you should -- Urban Erectors
18 certainly was on the flow chart that
19 was submitted to you.

20 MR. SCOTT: I see the Erection --
21 sorry. I see the erection companies.

22 MR. MCCOLGAN: Well, it is no
23 longer in operation, but if we could
24 look at the question. What number was
25 the question? What page was it on?

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2 MR. SCOTT: Give me a second.
3 Page one. Typed page one. And
4 question No. 2, under A. And you list
5 a flow chart there. And again, we are
6 simply doing our due diligence.

7 MR. MCCOLGAN: I understand.
8 Those companies are no longer in
9 operation. So if I answered a mistake,
10 it is only because I assumed it was
11 companies that were in operation.

12 MR. SCOTT: Yes. We only want
13 currently operating companies.

14 MR. MCCOLGAN: So that's why that
15 company and the other companies you
16 mentioned were not listed. SSD Hoist,
17 Superstructure, Urban Erectors and New
18 York Plank Services are no longer in
19 operation.

20 MR. SCOTT: That gives us the
21 background. Thank you.

22 So I am now going to go to more --
23 less legal oriented but more physical
24 plant oriented questions with respect
25 to the project.

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2 MR. MCCOLGAN: Sure.

3 MR. SCOTT: Just by way of
4 background, we understand -- not only
5 do we understand, we know that the
6 description of the project has changed
7 from acquiring mobile cranes to tower
8 cranes.

9 MR. MCCOLGAN: Yes.

10 MR. SCOTT: Can you give us a
11 little detail about the size of the
12 buildings that are constructed using
13 power cranes? Is there a range? Is
14 there an upper range, lower range?

15 MR. MCCOLGAN: Well, I think we
16 can work on buildings anywhere from
17 eight to forty --

18 MR. AURINGER: We are building the
19 highest buildings in New York City.

20 MR. MCCOLGAN: Eighty?

21 MR. AURINGER: Going up 1,400 feet
22 up.

23 MR. MCCOLGAN: By the way, this is
24 Mr. Thomas Auringer. He is the sole
25 member of both applicants. So when it

1 PROCEEDINGS

2 comes to the construction, technical
3 side, I would refer to Mr. Auringer.

4 THE CHAIRMAN: I understand. And
5 in the interest of accuracy I would
6 wish you to do that.

7 MR. SCOTT: The next question, we
8 have analyzed at a very high level the
9 retail issue with respect to this
10 potential project, proposed project.
11 And you had indicated a 50 percent
12 level of potential customers coming on
13 site to do business. Can you give us a
14 little bit more detail about that?
15 Will they be governmental entities
16 looking for your services, private
17 contractors?

18 MR. MR. MCCOLGAN: Absolutely.

19 MR. SCOTT: Can you give us a...

20 MR. MCCOLGAN: Well, I mean,
21 obviously, we have since -- we re- --
22 sort of rehabbed the Mill and Steel
23 building to create a conference room,
24 etc. And in that conference room, we
25 will be signing contracts, negotiating

1 PROCEEDINGS

2 with any number of entities,
3 governmental or otherwise, about our
4 work. So clearly we needed to have
5 that option in the application for us
6 to be able to do that. And to be
7 frank, yes, there will be people on our
8 property coming in to negotiate
9 contracts, governmental or otherwise.

10 MR. SCOTT: With respect to the
11 tower cranes themselves, how long are
12 they on site?

13 MR. AURINGER: It could be
14 anywhere from a year. Six months to
15 five years.

16 MR. SCOTT: Depending on --

17 MR. AURINGER: And not just the
18 city. Anywhere up to Buffalo. We plan
19 on doing bridge replacements and
20 putting tower cranes on the side of the
21 highway.

22 MR. SCOTT: The short answer is
23 that it would depend on the
24 construction schedule of the particular
25 building, how long the tower --

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2 MR. AURINGER: Correct. And the
3 nature of the job.

4 MR. SCOTT: And the nature of the
5 job.

6 MR. CHAIRMAN: Please keep your
7 comments to yourselves.

8 MR. SCOTT: In your application
9 and in your presentation, you talked
10 about the usage for tower cranes
11 between New York City and Buffalo.

12 MR. MCCOLGAN: What is the
13 expectation for Ulster County itself
14 do? You see any use for the tower
15 cranes for projects located in Ulster
16 County?

17 MR. MCCOLGAN: Well, my answer to
18 that would be infrastructure. Bridges,
19 etc., that would need our cranes and
20 would need our specialization. As I
21 indicated when I first met with the
22 board, the infrastructure in the State
23 of New York is a disaster. And we are
24 talking about bridges, roads, power
25 lines, trains, anything that would need

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2 to be moved by a large tower crane. So
3 the questions are kind of open ended
4 and I am trying to answer them the best
5 I can. Large arenas. Anything that
6 plans to come to Ulster County of a
7 large size would be handled by --

8 MR. AURINGER: Sewage treatment
9 plants.

10 MR. MCCOLGAN: Sewage treatment
11 plants. That's just off the top of my
12 head.

13 MR. SCOTT: Okay. Once erected at
14 a site, if something goes wrong with a
15 tower crane, what's the next step? Is
16 the tower crane dismantled and brought
17 back to Ulster County for repair or
18 rework, or do people go on site to, you
19 know, workers go on site to do repair
20 work?

21 MR. MCCOLGAN: Well, depends --
22 I'm sorry.

23 MR. SCOTT: And where do you
24 expect the workers to come from? You
25 had talked about the workers that are

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2 going to be located in Ulster County

3 MR. MCCOLGAN: Right. Well, my
4 understanding of the IDA auditing
5 process, is that when we receive sales
6 and use tax exemption, we are required
7 to, that is, in connection with the
8 number of employee we listed on the
9 categorical page, we are required to
10 hire from Ulster County and the five
11 surrounding counties. So those jobs
12 will be filled by individuals from
13 Ulster County and the five surrounding
14 counties, if I'm quoting the rule
15 correctly. That is just from the top
16 of my head. Because I know that the
17 IDA has auditors, and they are going to
18 come on site and they are going to see
19 who we have working, how much they are
20 being paid. And I know it is a
21 rigorous process. In connection to
22 what's happening out of county, when
23 you talk about something that occurs
24 with a crane, it depends what it is.
25 You can have an inspector stop work at

1 PROCEEDINGS

2 a job for something minimal that can be
3 fixed on site, and then he will lift
4 the stop work order. Or you can have
5 something more serious where the crane
6 has to be removed. And I would imagine
7 the crane would be removed to Ulster
8 County and replaced, because that is
9 not something that happens often. I
10 don't know that it has ever happened
11 with our company. Most of the problems
12 you have with cranes, the inspector
13 will come along, give a stop work
14 order, you will fix it, they will lift
15 the stop work order. I don't know if
16 it answers your question. Would it be
17 removed to the Orange (sic) County? I
18 guess if it was a large problem it
19 would have to be, but that's not
20 something in my ten years working with
21 this company that I ever experienced.

22 MR. SCOTT: Okay.

23 MR. AURINGER: So to add to that,
24 each particular tower crane has up to
25 6,200 tractor trailer loads of

1 PROCEEDINGS

2 components that have to be inspected,
3 maintenance, redone, trucking. And
4 there is a lot of employment for Ulster
5 County to house and store and maintain
6 the equipment. And the tower crane
7 continuously get junked, erected,
8 dismantled. And then they get rotated.
9 And then during every rotation, all the
10 equipment has to return to 2-4 Kieffer
11 Lane, has to undergo third party
12 engineering inspection thoroughly prior
13 to them being erected again. So there
14 is tons of work here. And not only
15 that. U.S. Crane is in the process of
16 starting their apprenticeship program.
17 And the application is, if it is not in
18 already, it is going in by the end of
19 this week to the State to get approval
20 for our program.

21 MR. MCCOLGAN: To bring people in
22 for apprentices, to teach them how to
23 work. But I thought that the question
24 is whether there was a problem with the
25 tower crane. The bigger picture is

1 PROCEEDINGS

2 that each time you take a crane down it
3 has to be recertified. So has to be
4 brought back to 2-4 Kieffer Lane for a
5 third party to come in and recertify
6 that crane so that it can go out to
7 another job. That is standard
8 operating procedure aside from whether
9 there is a mechanical issue on the job.

10 MR. SCOTT: So getting back to the
11 application, some of the details of the
12 application. On page 9 of the
13 application, page number 9 you, list
14 U.S. Crane, L.L.C., and you list them
15 as located in Freeport. Is that where
16 that particular L.L.C. is set up?

17 MR. MCCOLGAN: Actually, I would
18 have to have -- I may have made a
19 mistake there. I believe the 180
20 Meister Boulevard we were using in the
21 formation phase, but I believe that's
22 either been amended or it has been
23 changed to 2-4 Kieffer Lane.

24 MR. SCOTT: Okay. As the
25 entity...

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2 MR. MCCOLGAN: That's the
3 operating entity.

4 MR. SCOTT: The operating entity.

5 MR. MCCOLGAN: The real estate
6 holding company is 2-4 L.L.C. The
7 operating entity is U.S. Crane, L.L.C.
8 And I believe, if you look on the New
9 York State database right now, you will
10 see that it is 2-4 Kieffer Lane as the
11 address for U.S. Crane, L.L.C.

12 MR. SCOTT: Okay.

13 MR. MCCOLGAN: So I guess that
14 question would need to be amended to --
15 from 180 Meister Boulevard to 2-4
16 Kieffer Lane, L.L.C.

17 MR. SCOTT: My next question deals
18 with sales tax. The IDA members and
19 counsel are very clear about sales tax
20 not being due upon your acquisition of
21 the tower cranes. What has raised some
22 questions is what happens in the
23 operation of those tower cranes when
24 you lease them or enter into contracts
25 with parties needing the use of a tower

1 PROCEEDINGS

2 crane and whether there is sales tax
3 due on the operation of the tower
4 crane. And I know you have some senior
5 staff here. I don't know if one of
6 your financial people --

7 MR. MCCOLGAN: If I could just
8 clarify the question. I think you are
9 differentiating between acquisition of
10 cranes and then putting them into
11 service.

12 MR. SCOTT: Absolutely. We are
13 clear on the acquisition. We recognize
14 by virtue of the IDA's involvement in
15 the acquisition of the cranes, there
16 would be no sales tax due on that
17 acquisition from the manufacturer, if
18 you will, of the crane. The issue for
19 the IDA, as we have been reviewing the
20 project, reviewing the application is
21 what is the sale tax impact in the
22 operation of the crane.

23 MR. MCCOLGAN: So you are linking
24 them?

25 MR. SCOTT: No, not linking. It

1 PROCEEDINGS

2 is more of a question of we are
3 interested.

4 MR. MCCOLGAN: This is Evans
5 Gardner. He is our Chief Financial
6 Officer. I will let him handle this
7 question.

8 MR. GARDNER: I think a year ago
9 New York State Department of Finance,
10 the Sales Tax Unit, had rendered that
11 U.S. Crane and Rigging, in this
12 operation, is not subject to sales tax.
13 It does not collect sales tax. We do
14 not collect sales tax. We have a
15 contract without sales tax and we
16 continue that operation on an ongoing
17 basis. So if you would -- you can
18 investigate that. If you look at our
19 quarterly sales tax, you look at gross
20 sales and taxable sales are none, so
21 hence you have the zero sales tax at
22 the end of the day. That was rendered
23 possibly a year ago.

24 MR. SCOTT: And that, would that
25 -- and that covers all crane companies?

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2 MR. GARDNER: No. Our tower crane
3 operation.

4 MR. SCOTT: So if someone owns
5 mobile cranes and is leasing mobile
6 cranes, there is sales tax due to the
7 lease of the tower cranes -- I'm sorry
8 -- of the mobile cranes? Pardon me.

9 MR. GARDNER: Yes, we have a
10 mobile crane company called
11 Superstructure Crane Rentals, and
12 Superstructure Crane Rentals during its
13 operation was subject to sales tax.

14 MR. SCOTT: Do you have any
15 information about whether tower cranes
16 have been used in Ulster County in the
17 last two or three years?

18 MR. MCCOLGAN: The only thing I
19 can do is reference the peer review,
20 which I believe you have a copy of it.
21 I don't know that the peer review
22 covers that. I do know that the peer
23 review indicated that there are no
24 other tower crane companies in Ulster
25 County, so we fit within the unique and

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2 rare element of the requirement in the
3 application.

4 MR. SCOTT: They stated that, and
5 we did not ask them to make any comment
6 on whether tower cranes have been used.
7 I'm just asking from experience.

8 MR. MCCOLGAN: Standing here in
9 front of you, I have no idea whether
10 tower cranes were used in the County of
11 Ulster.

12 MR. SCOTT: I will move on to my
13 next question. You talked about other
14 facilities that you would need for that
15 other project that you have underway in
16 Orange County in Port Jervis.

17 MR. MCCOLGAN: In Port Jervis.
18 That's correct.

19 MR. SCOTT: Do you have
20 expectation about future expansion at
21 any of the three sites, Orange, Ulster
22 and Port Jervis?

23 MR. MCCOLGAN: Future expansion is
24 what we are engaged in now. We are in
25 present expansion. I can tell you that

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2 when the facility in Newburgh is
3 completed, and that is going to be
4 phase one of our expansion. We expect
5 to ship 25,000 tons of steel into New
6 York City annually. In connection to
7 Port Jervis, our two transfer stations,
8 we expect to be able to find a
9 marketplace. Because when we come to a
10 job site, you have the crane, you have
11 the concrete, you have the steel
12 erection. Now we are going to add the
13 steel fabrication, now we are going to
14 add the demo removal. So since we have
15 already generated or been part of --
16 well, we can look at Urban Precast in
17 the Town of Ulster. From 2004 to 2016,
18 we have gross revenues of \$300,000,000.
19 That provides for you a connection
20 between our business and these
21 buildings. And so what that will do is
22 -- those same clients will generate the
23 business for the steel fabrication for
24 the demo removal. So that when we walk
25 into a conference room, now you have

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2 the crane, the steel erection, the
3 concrete plank and the demo removal,
4 and now the steel fabrication. So it
5 is one stop shopping. That is the
6 business plan, so you do not have to go
7 to many different subcontractors. You
8 have it in one, sort of sitting. And
9 by the way, we have been successful in
10 doing that with the cranes, the
11 concrete, the crane erection and the
12 steel erection. We do not do steel
13 fabrication yet. That's what Newburgh
14 is about. We do not do demo removal.
15 That is what Port Jervis is about. So
16 what I'm saying is, the business plan
17 is working.

18 MR. SCOTT: Thanks. The next
19 question is, what's the status of your
20 acquisition of the tower cranes? You
21 have placed orders, you have not placed
22 orders?

23 MR. MCCOLGAN: We are in a hold
24 pattern until such time as the IDA
25 makes its decision on our benefits. We

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2 have the quotes, certainly, but we have
3 made no agreements, signed any
4 proposals or anything. This
5 application -- I have to be clear -- is
6 an integral part of our obtaining the
7 tower cranes. It is a condition
8 precedent of us obtaining the tower
9 cranes.

10 MR. SCOTT: Page 11 of the
11 application. You have employment
12 listed there. And we, based on our
13 conversation, we understand there is
14 some operation at 2-4 Kieffer underway
15 now but that is not related at all to
16 the eighteen. Eighteen is new on top
17 of --

18 MR. MCCOLGAN: No. That's
19 correct.

20 MR. SCOTT: Just to be clear,
21 it is new on top of what you have at
22 the site?

23 MR. MCCOLGAN: Yes, and this being
24 my third application process with an
25 IDA body, I am very familiar with the

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2 auditing process, and I understand the
3 difference between employees that
4 already exist and the employees we
5 agreed to hire as part of this
6 application. They are separate, is
7 what I am saying.

8 MR. SCOTT: Moving to page 15 of
9 the application, you talk about the
10 financing for the project there on the
11 on top of that table. Could you give
12 us a little bit about the public sector
13 financing or public sector source of
14 funds?

15 MR. MCCOLGAN: The public sector.
16 I think what I wanted to do there is
17 leave the possibility of S.B.A. funding
18 open. And that's why I don't want to
19 close it off by putting a zero if is it
20 possible I can get S.B.A. funding.

21 MR. SCOTT: But otherwise, failing
22 that, you would go to a bank?

23 MR. MCCOLGAN: Actually, we listed
24 it. Society Generale in New Jersey.

25 MR. SCOTT: Moving on. Page 18,

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2 at the bottom of the page, there is an
3 estimate there for additional sales tax
4 of \$160,000. Is that an estimate based
5 on the workers -- the new workers and
6 spinoff consumption?

7 MR. MCCOLGAN: In addition to an
8 estimate of the prior crane business
9 that we have. And in fact, that is a
10 very conservative estimate. I
11 generally try to fall under so as not
12 to make a mistake.

13 MR. SCOTT: Page 20. You checked
14 the box for \$30.11 an hour for at least
15 eighty percent of your FTUs. The IDA
16 would like confirmation of that.

17 MR. MCCOLGAN: How would I provide
18 you confirmation?

19 MR. SCOTT: Well, your answer is
20 what you intended to answer?

21 MR. MCCOLGAN: There may be a
22 slight change to that, only in the
23 sense that I have to meet with Mr.
24 Gardner. But I would say, on the
25 whole, that is correct. In other

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2 words, I don't want to lock myself into
3 concrete and make a misstatement to the
4 IDA Board. But I would say, on the
5 whole, that is correct.

6 MR. SCOTT: How would you describe
7 your present pay scale percentage?

8 MR. MCCOLGAN: I think I would
9 call Mr. Gardner up for that.

10 MR. GARDNER: When you say -- we
11 have so many different factors, which
12 one of the -- tall cranes. If you look
13 at the tall cranes in particular --

14 MR. SCOTT: Why don't you limit if
15 to...

16 MR. GARDNER: Tall cranes. Our
17 tall crane operator makes up to \$90 an
18 hour. An A operator makes up to \$125
19 and a B operator makes over \$150 an
20 hour. Those are the three primary
21 categories.

22 MR. AURINGER: That's with a New
23 York City license.

24 MR. GARDNER: So they have to go
25 through an apprenticeship program up

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2 here, and they have to quantify their
3 time and experience working under our
4 direct supervision. And once they
5 quantify their time and it has been
6 documented, then they are eligible for
7 an application filing process in the
8 City of New York, which in turn, then,
9 they will be granted a license. And
10 the only way to get that license is
11 working for a company like mine.
12 That's what the whole apprenticeship
13 program is for that we have to file
14 with the State. So this is not
15 bringing jobs to Ulster to paint tower
16 sections and offload and reload them.
17 It's technicians, electrical, it is
18 hydraulic technicians, electrical
19 technicians, it is crane operation on
20 site, it is loading and unloading, it's
21 maintenance, it's preparation, it's
22 blueprints, it's drawings, it is
23 engineering, it is welding inspections,
24 bolting inspections. There is a lot of
25 talented jobs that we are bringing into

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2 Ulster County. And when you kept going
3 on with the tower crane -- about the
4 tower crane in Ulster County, the tower
5 crane is in Ulster County on fifty
6 loads per crane being maintained,
7 looked at, worked on by technicians.
8 And these apprentices working under the
9 technicians and the crane operators are
10 obtaining their experience to get to
11 the pay scale that Mr. Gardner just
12 said to you.

13 MR. SCOTT: Just as a followup,
14 the apprenticeship program that you are
15 talking about, that will be operated by
16 your organization?

17 MR. AURINGER: U.S. Crane, L.L.C.
18 And it is going to be approved by New
19 York State Labor Department.

20 MR. MCCOLGAN: It is an
21 application process which we just
22 submitted. They have their own due
23 diligence. And once approved, then we
24 will be part of the apprenticeship
25 program.

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2 MR. SCOTT: I appreciate your
3 patience as I scrambling around with my
4 papers here. My last questions tie
5 into the training issue. At least two
6 of the handbills that we received
7 raised questions about training, lack
8 of training, OSHA inspections, OSHA
9 fines, some accidents. Can you or your
10 --

11 MR. MCCOLGAN: I can elaborate on
12 that. That is sort of my territory. I
13 brought with me today, just as an
14 example, a booklet that I authored.
15 Took about six or seven years ago. I
16 would like to submit as evidence of our
17 attention to safety protocol. This is
18 the Urban Precast Employee Handbook. I
19 don't know where the numbers in the
20 handbill come from, Mr. Scott. I do
21 know that in order to step on a site,
22 any site, an employee must show their
23 OSHA 10 card. An OSHA 10 class is a
24 certification in safety they have to
25 receive. It is renewed, I believe,

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2 biannually. They do not get on the
3 site without it. So I have seen the
4 numbers inside the handbill. I don't
5 know where they get it. The lawyers
6 and the OSHA consultant that we have
7 does not know where we get it. We
8 can't find it. Obviously, we have had
9 OSHA issues. We have had some
10 dismissed. We have had some reduced
11 and some where we have paid fines on.
12 When you are part of erecting a
13 thousand buildings in thirty years --
14 not that I am making an excuse. I am
15 just saying it is bound to happen. I
16 am not prepared -- I don't know where
17 they get their numbers. I have not
18 been able to find it, and I have
19 researched it. And I have talked to
20 the OSHA consultant and he can't find
21 it. I don't know where they get their
22 numbers as far as the amount of OSHA.
23 I can tell you when we receive an OSHA
24 complaint, and that is what it is, it
25 gets placed with the OSHA consultant

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2 immediately. OSHA is contacted. We
3 are given an opportunity to be heard.
4 We are given an opportunity to avail
5 ourselves of their administrative
6 judicial process. And it goes to
7 disposition, whatever the disposition
8 is. I can tell you it is not ignored
9 and it is acted on immediately. And
10 whatever suggestions OSHA gives us to
11 correct and rectify the situation, they
12 are done immediately. We do not hide
13 from it. We address it.

14 MR. SCOTT: That concludes the
15 Agency's due diligence questions. I
16 will now pass it back to Mr. Leverette
17 for opening it up for public comment.

18 MR. LEVERETTE: Thank you. I will
19 now open the public hearing, the public
20 hearing for public comment at 8:12 p.m.

21 By way of operating rules, if you
22 wish to make a public comment, please
23 raise your hand and I will call on you.
24 Please wait to be recognized. Once
25 recognized, please come to the podium.

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2 State your name and address for the
3 record. Just so I can get a sense, how
4 many people expect to make comments
5 here?

6 (WHEREUPON there was a show of
7 hands.)

8 MR. LEVERETTE: Okay. When
9 everyone has had an opportunity to
10 speak, I will conclude the public
11 hearing. A record of this public
12 hearing will be prepared and reviewed
13 by the members of the Agency in
14 connection with the Agency's
15 consideration of the proposed project.
16 In order to insure that the public has
17 had adequate time to provide comments
18 to the Agency on the proposed project,
19 the Agency will hold the comment period
20 for the proposed project open to
21 Friday, July 21, 2017. All comments
22 received by the close of business on
23 July 21, 2017, will be included in the
24 official record of the Agency with
25 respect to the proposed project.

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2 Again, the purpose of the public
3 hearing is to solicit public comment.
4 We are not here to answer questions.
5 However, we will, in the course of this
6 public hearing, consider questions if
7 we have the information to answer the
8 question and there is sufficient time
9 to consider such a question.

10 I will now ask if there is anyone
11 in attendance who wishes to comment on
12 either the nature or location of the
13 project facility where the proposed
14 financial assistance is being
15 contemplated with respect to the
16 project? Again, for the record, please
17 state your name and indicate whether
18 your comments relate to the proposed
19 project or the proposed financial
20 assistance being contemplated by the
21 Agency with respect to the proposed
22 project.

23 MS. DENVER: My name is Megan
24 Denver. I am vice president of
25 Costanzi Crane. I just wanted to speak

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2 first because I have got a lot of notes
3 kind of what you guys were talking
4 about and I think I can add some
5 insight to that.

6 This application does not
7 represent a unique or rare retail
8 service for Ulster County. Ulster
9 County has had a crane service for over
10 35 years. And we have changed and
11 adapted our crane fleet as needed to
12 serve Ulster County and the surrounding
13 areas. Regarding the application, in
14 Section Two under project element -- I
15 will just read from here. Is that
16 okay?

17 MR. LEVERETTE: Okay.

18 MS. DENVER: The question is
19 answered yes. Is the prominent purpose
20 of the project to make available goods
21 and services which would not, but for
22 the project, be reasonably accessible
23 to the residents of the city, town and
24 village in which the project will be
25 located because of a lack of reasonably

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2 accessible retail trade facility
3 offering such goods and services? The
4 question is answered: Highly
5 specialized and rare operations of
6 heavy tower cranes of which type is
7 unequal in Ulster County when operation
8 of this business will be the only
9 business of its type within this
10 category of all of Ulster County.

11 Ulster County residents already
12 have reasonable access to the retail
13 trade facility offering this service.
14 If these residents of Ulster, Albany,
15 Columbia, Delaware, Dutchess, Greene,
16 Orange, Putnam, Rensselaer, Schnectady,
17 Schoharie, Sullivan, Northern
18 Westchester, needed access to tower
19 cranes we, Costanzi Crane, would add
20 them to our fleet.

21 Project elements, Item F, number
22 four. Kind of goes to what you were
23 saying. Does the project facility
24 include property that are primarily
25 used in making retail sales or services

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2 to customers who personally visit the
3 facility? If answering yes, what
4 percentage of the cost of the project
5 will be expended on such facilities or
6 property primarily used in making
7 retail sales for goods or services for
8 customers who personally visit this
9 project? So Costanzi Crane, 35 years.
10 I have been involved for 20 years. I
11 have been running the company with Tony
12 for the last nine. Crane rental is not
13 a retail business that a customer will
14 personally visit the facility. This is
15 disingenuous and a complete
16 exaggeration. Anyone, in my opinion,
17 who is renting a tower crane from New
18 York City is not driving to Ulster
19 County to talk about renting a tower
20 crane. This is all done over e-mail.
21 All of our Costanzi Crane -- I am
22 speaking for us. All of our load
23 charts are on the computer. They
24 download them off the website. We go
25 back and forth e-mail. I believe that

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2 this is an attempt to make this
3 application fit into a retail category.

4 Section 4. Leases and Subleases.
5 Employment impact. \$874,000 sales tax
6 exemption for eighteen jobs? Is this
7 reasonable? As a taxpayer in Ulster
8 County, I don't think it is. Section
9 7. Community Cost and Benefits. Under
10 Anticipated Community Benefits. The
11 estimated additional sales is
12 \$2,000,000 for next year for
13 anticipated crane rentals. An
14 estimated additional sales tax to be
15 collected on additional sales after the
16 first year is listed as \$160,000.
17 There has not been a tower crane rental
18 for decades in Ulster County, possibly
19 ever. According to New York State
20 sales tax office meeting we had
21 December 7, 2016 that we attended,
22 beginning 2018, sales tax on all crane
23 rentals statewide will be eliminated.
24 Therefore, Ulster County will never see
25 any sales tax revenue listed in this

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2 application for this project in the
3 future. You can -- if you guys want
4 the contact and the name of the people
5 at New York State Sales Tax, I will
6 give that to you. But again, you are
7 County never going to see that one
8 sixty. If he spends a billion dollars
9 here, crane rentals will not be a
10 taxable event statewide. And I am sure
11 they must know that. Section 7, page
12 20 --

13 MR. MORROW: I think I would like
14 that.

15 MS. DENVER: Yes. I will send it
16 over tomorrow. I can send you the
17 whole thing. There was a meeting from
18 NESCA, who we belong to. North
19 American Subcontractors. There was a
20 meeting up in Albany at New York State.
21 So Section 7. We are still under
22 community benefits. New useful
23 products and services. They answer:
24 The rental and operation of large tower
25 cranes for the company's use in heavy

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2 construction for infrastructure from
3 New York City to Buffalo. There is a
4 minuscule chance that a tower crane
5 will ever be used in Ulster County.
6 And if residents of Ulster County could
7 benefit from having a tower crane, we
8 would add them to our fleet. Number
9 10. Community Investment Benchmarks.
10 Needed industry or service in the local
11 economy as defined by Ulster Tomorrow
12 or its successors. They write: Need
13 to discuss with IDA. The service of
14 tower cranes is not needed in Ulster
15 County. Ulster County already has a
16 crane service that is useful and used
17 by the residents of Ulster County.

18 And let me just say one thing: I
19 prepared a statement because I am not a
20 public speaker. Costanzi Crane, your
21 crane service, has been here for 35
22 years. We have an apprentice program.
23 We have sent many truck drivers that we
24 then teach how to run a crane, and now
25 they are New York State certified crane

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2 operators. We have that program. It
3 is not official. We just do it if they
4 want to advance in our company. We
5 have never been sued by an employee, we
6 have never filed bankruptcy, and we
7 have never had an OSHA complaint.
8 That's just so you know who your crane
9 company here in Ulster County is. And
10 lastly I would like to say. The retail
11 category of crane rental is not rare
12 and unique service in Ulster County.
13 Only the type of crane in this
14 application is unique. But this type
15 of crane will not be useful or
16 beneficial to Ulster County and its
17 residents. Thank you.

18 MR. LEVERETTE: Megan, you
19 indicated you prepared a statement. Do
20 you want to provide that to us so we
21 can enter it into the record so it is
22 made part of the record?

23 MS. DENVER: Sure.

24 (WHEREUPON the document was
25 presented.)

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2 MR. LEVERETTE: Who else would
3 like to speak?

4 Mr. VALJATO: Steve Valjato,
5 Valjato Engineering, Brooklyn, New
6 York. I'm an engineer. I work with
7 Tom Auringer and his companies. I'm
8 currently engineer of record for about
9 twenty percent of all the crane
10 applications in New York City. I have
11 been working with Mr. Auringer for
12 close to twenty years. First, I would
13 like to say that I see nothing but the
14 best work coming from his company.
15 Very safe. I speak with a lot of his
16 employees, and I see, I hear only good
17 things. As far as Tom Auringer and his
18 tower crane work, I think New York
19 State and the United States, in
20 general, really is a little bit behind
21 the times and is really under utilizing
22 tower cranes. They are extremely safe
23 machines. And somebody needs to
24 pioneer the greater expansion of the
25 use of tower cranes in New York State,

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2 and in the United States in general.

3 Together with Mr. Auringer, I have
4 engineered countless jobs where we have
5 placed tower cranes into positions that
6 people thought were not possible or
7 there was no applicable use.

8 Pioneering new uses for it. Mr.
9 Auringer has placed tower cranes on
10 eight and nine story concrete plank
11 jobs, virtually unheard of in New York
12 City. In positions where they thought
13 tower cranes could not be used, we
14 installed the tallest freestanding
15 tower crane in the history of New York
16 City, safely. We installed internal
17 climbing tower cranes on high rise
18 girder plank projects, which is another
19 example of pioneering new uses for
20 these excellent, safe machines. New
21 York City, New York State, the east
22 coast is extremely behind the times and
23 there is a huge void for the use of
24 tower cranes. And New York needs a
25 place -- needs a person like Mr.

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2 Auringer with his expertise as a
3 fabricator, a rigger, an erector, a
4 builder, a tower crane user, an owner
5 and operator, to show where these
6 cranes can be used and to pioneer the
7 new uses for them. Mr. Auringer is a
8 safe and knowledgeable person and I
9 would hope that that is a taken into
10 consideration. Thank you.

11 MR. LEVERETTE: Any other person
12 who would like to comment?

13 MR. HORMERTE: My name is Joseph
14 Hormerte. A second year apprentice in
15 Local 417, Ironworkers Union - -

16 THE STENOGRAPHER: Spell your
17 name?

18 MR. HORMERTE: H-O-R-M-E-R-T-E.
19 I'm in an apprentice class now.

20 MR. LEVERETTE: And your address?
21 We want to know where everyone is from.

22 MR. HORMERTE: Address is 31
23 Overlook Road, Poughkeepsie, New York,
24 12603.

25 There is a couple of things I

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2 heard throughout the night that kind of
3 bothered me. You know, when I hear
4 about the lawsuits and things like that
5 for lost wages, I was in a situation
6 like that with companies before where I
7 was not getting the rate I was supposed
8 to get. It sucks and it hurts. And
9 this company that I worked for changed
10 their names multiple times to hide all
11 the evidence and the all wrongdoings
12 that they were doing. So when I heard
13 that this company has had several
14 different names, it kind of scares me a
15 little bit. I would not want to work
16 for a company like that for any means.
17 I want to get paid. I got into the
18 union because, you know, there are
19 people here whose parents fought to
20 build this country to get a good rate,
21 you know. To get good benefits, to
22 provide a future for their kids, so
23 they could be up there, can go to
24 college to be doctors and stuff. Not
25 make \$15, \$20 an hour to barely

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2 survive. It is really disheartening
3 hearing that, knowing these guys are
4 trying to apply here in your area to
5 just bring work down to the city so
6 they can make more money that they are
7 not going to use up here. They are
8 going to save for themselves. Like the
9 lady said, you are not going to see any
10 of that. They just want to do it
11 because it is cheaper to come up here
12 and open up a shop, and make all the
13 money down there. You are not going to
14 see any of that. It is saddening, very
15 saddening. We take our apprenticeship
16 very seriously. There is a four year
17 class that we go through. Yes, we do
18 get paid a lower rate. And we have to
19 deal with that until we pass our test
20 and become journeymen. But we take
21 pride in our work. We are the NFL of
22 construction. We are the best of the
23 best. We get taught how to rig things
24 based on weight, and there is all sorts
25 of standards. It was said that this

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2 guy -- there is a death with his
3 company where some average guy rigs up
4 a piece of steel that was definitely
5 overrated for a choker. An apprentice
6 of the ironworkers would not have done
7 that. A laborer might have done that.
8 And doing so caused the death of two
9 people. I read it up on the internet.
10 This actually happened. Again, it is
11 saddening to know that. We
12 ironworkers, we take pride in our work
13 and what we do and what we are taught.
14 And when we see a company like this
15 come in who is not going to pay people,
16 other people, the rate that we make
17 that we deserve to make. We do not
18 want that. We do not want a monopoly
19 to try and come in and soak up every
20 aspect of our job. He makes all the
21 money. His workers do not. I been
22 through that before. And it is not a
23 good.

24 (WHEREUPON there was an
25 interruption from the gallery.)

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2 MR. LEVERETTE: Please, please.

3 MR. HORMERTE: I strongly
4 recommend to really consider this
5 because, again, it is not doing
6 anything for you guys. You would not
7 be fighting this like this if it going
8 to do something for you guys. It is
9 all for him, not for anybody else.

10 MR. LEVERETTE: Thanks. Ladies
11 and gentlemen, please keep the noise
12 down. No applause. This is a public
13 hearing, not a referendum.

14 MR. CABRERA: German Cabrera.

15 MR. LEVERETTE: Where do you live?

16 MR. CABRERA: 655 East Chester
17 Street in Kingston, New York.

18 MR. LEVERETTE: In Kingston, New
19 York? Okay.

20 Mr. CABRERA: They been
21 overhearing -- like people say, we do
22 not make money. But when you make,
23 with your education, \$150,000 a year,
24 that is a lot of money for me. That's
25 what this guy paid me. \$150,000 a

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2 year. And that's it. That's my
3 comment.

4 MR. LEVERETTE: Thank you. State
5 your name and address?

6 MS. SANCHEZ: My name is Jamie
7 Sanchez and I live in Poughkeepsie, New
8 York. I want to say I been with Mr.
9 Auringer eleven years now and I grown
10 within the company --

11 MR. LEVERETTE: Let's cut it out
12 now or I will ask that the room be
13 cleared. Let's put a stop to it now.

14 Continue.

15 MS. SANCHEZ: Like I was saying, I
16 been with Mr. Auringer for 11 years and
17 I have grown within the company. I
18 started as receptionist and I have
19 grown. I am an executive assistant
20 right now. They have supported me to
21 finish my education. I completed my
22 college degree through them. They
23 helped me out. I never had any
24 problems. I never been harassed, I
25 never been abused. I believe I get

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2 compensated because of the work I do,
3 and because I follow protocol. I have
4 morals, I have principles. And I think
5 that when you do that, you respect
6 yourself and you respect your employer.
7 So there a lot of things that I hear
8 that are going on but I really don't
9 believe any of them because I'm inside
10 the company and I know exactly what is
11 going on and I know that they are fair
12 with everybody. And I really -- it
13 makes me sad to hear all the comments
14 that are coming because they do not
15 really know what is going on. I am not
16 part of the family but they treat me
17 like family and I am very proud to be
18 working for them, and I really don't
19 understand where all this conflict is
20 coming from. For what I seen, the guys
21 get paid for what they work. I really
22 do not understand what all the conflict
23 is coming from. I very happy to be
24 where I am. I continue to support Mr.
25 Auringer. I know there is a lot of

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2 work coming into Ulster County. We are
3 looking for the people. We want the
4 people to come in and just work with
5 us, work for us. The whole team that
6 Ulster County needs. So we have the
7 crane, we have the plank, we have the
8 steel. All the stuff that is coming
9 in. We need to have the right people
10 to work for the County so we all can
11 have our fair share. So I would like
12 to say thanks.

13 MR. LEVERETTE: Thank you.

14 MR. CLEARWATER: How we doing
15 today?

16 MR. LEVERETTE: Good. Yourself?

17 MR. CLEARWATER: My name is Eric
18 Clearwater. I reside at 104 Center
19 Street, Ellenville, New York. I am
20 also a second year going into my third
21 year apprentice in the Ironworkers
22 Union 417. I have heard a couple of
23 things tonight that I was kind of
24 bothered by. The tower crane -- the
25 gentleman over here, he had said

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2 something about tower cranes on
3 bridges. That is impossible. Me
4 myself as an ironworker, I take pride
5 in my profession. There is no way it
6 is physically possible that you could
7 be a professional ironworker,
8 professional laborer -- they are
9 talking about erection, demolition
10 talking about everything else. It is
11 impossible to train one man all those
12 aspects of the one trade. To me, it
13 just does not sound right. It is
14 virtually impossible to train somebody
15 to be a competent person, to know all
16 those things in. I mean, we stand by
17 what we -- I came from that side of the
18 stick, too. I was a private worker,
19 too, myself. I am not downplaying
20 anybody else, but everything they have
21 said so far has been kind of just
22 thrown out there to make themselves
23 look like they are a great company. I
24 personally believe it is virtually
25 impossible for them to train their men

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2 and women, whoever the case may be, for
3 all the tasks that they are saying they
4 are going to do. I never saw a tower
5 crane upstate. There are not many
6 here. It just does not sound right.
7 Pretty much, I take pride in my being a
8 union member. I came from the other
9 side of the stick. I was a private
10 worker, too. Everybody got to provide
11 for their families. I understand that.
12 But I just wanted to say a lot of the
13 stuff that they said, there is a lot of
14 little loopholes in there. It is
15 virtually impossible to be a
16 professional on all those aspects of
17 the ironworker, of the carpentry, of
18 the laborer, of the masons. So when
19 they say apprenticeship, it kind of
20 bothers me. Because our
21 apprenticeship, they train us to be
22 ironworkers. All aspects of iron.
23 Structural, rebar, fencing, stuff like
24 that. To train everybody in one, one
25 man, it is just virtually impossible,

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2 pretty much. Thank you. I just wanted
3 to speak that. Thank you.

4 MR. LEVERETTE: Thank you. All
5 right. So please come up. Again, I
6 remind you, no applause. This isn't...
7 and keep conversation to a minimum or I
8 will ask the sheriff to come in and
9 clear the place.

10 MS. KALRAN: Hi, everyone. My
11 name is Lee Kalran. K-A-L-R-A-N.
12 And my address is 22 West 46th Street,
13 New York, New York. So there is a few
14 things that I want to say in reference
15 to what's been said so far by the legal
16 team at this hearing.

17 MR. LEVERETTE: And not to
18 interrupt. I just want to make sure
19 that when you address us, and your
20 comments should be addressed to us.
21 Okay? Not to the audience.

22 MS. KALRAN: Okay. So I want to
23 refocus the conversation on worker
24 safety. I think that the legal team
25 tried to turn this into a union

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2 nonunion issue. I'm familiar with the
3 New York City Community Alliance for
4 Workers Justice. And our concerns that
5 we are raising, they are not about
6 personally slandering Mr. Auringer. It
7 is not about, you know, the words that
8 were used: He is a victim of union
9 animus. This is not about animus. We
10 are not trying to victimize Mr.
11 Auringer. We talking about the workers
12 that have been victimized by him for
13 the past twenty plus years. This is
14 not what the conversation is about.
15 When the lawyers got up and talked
16 about how favorably these wage theft
17 lawsuits were settled for them. Well,
18 I guess that is really nice for them.
19 But the workers that experienced the
20 wage theft. And then we are told the
21 company is bankrupt, even though it had
22 popped up with new names, new L.L.C.s.
23 I mean, for those workers not to get
24 the justice that they deserve, to
25 settle for forty to sixty workers who

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2 have had hundreds of thousands of
3 dollars of their wages stolen over the
4 course of any number of years. Then to
5 say that it was settled very favorably
6 for the companies? Think of that from
7 the workers' side. And the workers are
8 down there working. They are not up
9 here, risking their jobs to testify and
10 speak up. They can't. And that's why
11 I am here and that is what I want to
12 raise.

13 One more thing. So, yes. Just
14 reminding you that it is about worker
15 safety. We are going to think about
16 this. We are going to submit more
17 materials. There is a thirty day
18 public commentary period. Right?

19 MR. LEVERETTE: Yes. Public
20 record for this will be open until
21 Friday, the 21st.

22 MS. KALRAN: Of July?

23 MR. LEVERETTE: Of July, yes.
24 Friday the 21st.

25 MS. KALRAN: So we will bring a

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2 few more concerns, but what I just want
3 everyone to be aware of is that there
4 have been significant, noted,
5 documented cases where serious
6 accidents and incidents happen and they
7 are not raised with OSHA. The fire
8 department, paramedics, the ambulance
9 are not called. When these accidents
10 and incidents happen, people are put in
11 taxis, sent to the doctor, things are
12 swept under the rug all the time. We
13 will be submitting some more materials
14 about that, but I just wanted to
15 refocus everyone's attention on
16 workers' safety, dignity and their
17 right to make a decent wage and the
18 fact that has not been happening.

19 MR. LEVERETTE: Thank you. And a
20 reminder. Your comments should speak
21 to the application itself. The
22 project, the cranes, the financing.
23 And I was remiss in not mentioning that
24 again for some of the other comments.

25 MR. COPPOLA: My name is James

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2 Coppola and my address is 450 West 42nd
3 Street, Manhattan, New York. I came up
4 here to address the comment on the
5 clients of tower crane's coming up
6 here. So I myself am a tower crane
7 client and I've come up here to take a
8 look at Tom's facility. And we have
9 currently about five jobs in the New
10 York City area where we will be needing
11 Tom's tower cranes. And he invited me
12 up. Come take a look at the facility
13 and his whole operation up here. And
14 eventually I will be spending the night
15 up here in Ulster. Heading back to the
16 city tomorrow. So I just want to let
17 you guys know he is bringing his
18 customers up here and we are seeing his
19 operation and everything involved at
20 his facilities.

21 MR. LEVERETTE: On the
22 application, the financing.

23 MR. KARD: I understand. Justin
24 Kard, 307 Highland Avenue Extension,
25 Middletown, New York 10940.

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2 I'm not here to discuss whether or
3 not Mr. Auringer is a good man or a bad
4 man. I don't know him. I'm not here
5 to debate whether -- I'm a union
6 apprentice myself. I'm very proud of
7 what it is that I do. But as far as
8 I'm concerned, with respect to the
9 application, its relevance is
10 secondary. Both counsel and the
11 gentleman who spoke on his behalf,
12 specifically the engineer, failed to
13 solidify the relevance of the use of
14 tower cranes in this area. Everyone
15 used the upstate area as essentially a
16 sidebar in their conversation. I hear
17 New York City, New York City, New York
18 City. There is no steel fabrication
19 plant coming in Ulster County. There
20 is one in Orange County. They want to
21 put another in Orange County. That is
22 not happening here. So essentially if
23 the tower cranes -- it is very rare to
24 see a tower crane in this area it has
25 been said. There are tower cranes here

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2 because there are jobs of scope and
3 scale that require them. But they are
4 not the norm. And with respect to the
5 County itself I can only speculate, and
6 again it is speculation, that the
7 housing facility here in Ulster County
8 is purely a storehouse to move cranes
9 back and forth into New York City to do
10 work there. That is really all I have.
11 Thanks.

12 MR. LEVERETTE: Thank you. Anyone
13 else?

14 MR. AURINGER: Yes.

15 MR. LEVERETTE: I was going to get
16 to you because you guys are next up and
17 I was going to say before closing, ask
18 representatives of the company if they
19 wanted to take the microphone.

20 Mr. Auringer: Tom Auringer, 2-4
21 Kieffer Lane, Kingston, New York. U.S.
22 Crane. I think that everyone is
23 missing the picture here. The
24 facilities at 2-4 Kieffer Lane house
25 tower cranes. Each tower crane has up

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2 to 50 to 100 tractor trailer loads of
3 components that need to stored, loaded,
4 maintenanced, electrical, hydraulics,
5 diesel engines. And they have to be
6 third partied, and there is tons of
7 work for Ulster County. Right now I
8 currently have -- Jamie, how many
9 people on the payroll in Kingston? I
10 have 48 families that are working six
11 days a week with unlimited amounts of
12 overtime that we have been working up
13 here for fifteen years. This is the
14 beginning in Ulster County of hiring
15 another forty or fifty people. This is
16 just the first crane order. We tried
17 to bring in the mobile cranes. We had
18 to redo our applications. So guess
19 what? The mobile cranes are still
20 coming --

21 (WHEREUPON there was an
22 interruption.)

23 MR. LEVERETTE: Please. No
24 talking.

25 MR. AURINGER: The mobile cranes

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2 are still going to be working here.
3 There are going to be multiple jobs for
4 mobile cranes and also the tower
5 cranes. So the tower cranes -- I just
6 want to make it clear that we have all
7 the work for the people of Ulster
8 County. The apprenticeship program --
9 they are not capable of running the
10 tower cranes until they get their New
11 York State license and their New York
12 City crane license. They have to go
13 through a whole training process. So
14 during the maintenance and operation
15 and loading and unloading, it's all
16 part of the process. Thank you.

17 MR. MCCOLGAN: I want to go over
18 some numbers in connection to what Mr.
19 Auringer's company has done since he
20 has been here. There is some
21 discussion about not being able to look
22 at the benefit of Mr. Auringer's
23 company. As was already mentioned,
24 since 2004 to the present, Urban
25 Precast, L.L.C. -- Mr. Auringer is the

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2 sole member -- has deposited in local
3 banks \$300,000,000. Since 2003, he has
4 paid \$1.8 million dollars in real
5 estate taxes. He employs, as was
6 stated, 48 local people. He has, since
7 2004, he erected more than 30 million
8 square feet of concrete plank and two
9 million square feet of structural steel
10 and metal decking. Urban Precast uses
11 local business for 70 percent of its
12 needs and transactions. Urban Precast
13 pays out to local business, including
14 many here in the Town of Ulster, \$5 to
15 \$7 million dollars annually.

16 Charitable contributions include but
17 are not limited to, Urban Erectors(sic)
18 was a large part in raising money for
19 the local canine unit for the Town of
20 Ulster police. We have contributed in
21 other ways, including the annual dinner
22 where \$2,500 was contributed to the
23 Town of Ulster. We contribute and
24 provided at one time training
25 facilities to the Town of Ulster Fire

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2 Department. And so that's just a small
3 part of what we have done since 2004.
4 The point is, we have a record of
5 economically supporting and being
6 advantageous to the Town of Ulster.
7 With that expansion, it will only
8 increase. Thank you.

9 MR. NASH: I want to respond
10 briefly to some of the comments about
11 the lawsuits. This notion that -- and
12 I do believe we did get favorable
13 settlements. But it needs to be said
14 that the employees that were involved,
15 they were represented by sophisticated
16 counsel and they had equal opportunity
17 to press their claims. And so I think
18 the fact that we got favorable
19 settlement is a testament not to legal
20 maneuvering. It is a testament to the
21 merits of the case or lack of merits of
22 the case. And the unions, as you heard
23 today, are quick to criticize, quick to
24 respond in negative fashion. But there
25 has got to be a place for non-union and

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2 union people. It is not one is better
3 than the other. There has got to be a
4 place for both. And Mr. Auringer runs
5 very fine companies. He is an
6 alternative to union organized
7 activities. And he is starting to have
8 a very major impact on the City of New
9 York. That that's a testament. The
10 fact that you have this union
11 opposition, and all the people that
12 came up here were union affiliated
13 people. That you have union opposition
14 is a testament to the fact that he runs
15 a strong company, that he employs a lot
16 of people. He is in the marketplace.
17 He is a strong competitor. And it
18 would be an injustice if his businesses
19 were not allowed to flourish. Because
20 truly, if he flourishes, people will
21 flourish with him. There will be more
22 employment, there will be more revenue,
23 there will be more taxes for all
24 involved. So I would hope that the IDA
25 would embrace the concept of the

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2 expansion of businesses, the expansion
3 of the opportunities for all, and not
4 lock up union companies to give them a
5 competitive advantage. This is a
6 country that is built on free
7 enterprise. That means that a
8 non-union company should to have the
9 same benefits as a union company. And
10 it is not a bad thing to be non-union
11 and it is not a bad thing to be union.
12 They should all have the ability to
13 compete, compete fairly and compete
14 traditionally in the spirit of free
15 enterprise. But it should not be
16 standing ovations for union people per
17 se. They certainly have a major force
18 in this country, but so do non-union
19 people. And if we are going to have
20 economic development in Ulster,
21 companies such as Mr. Auringer, who has
22 been here New York for decades, living
23 here, developing his businesses here,
24 should be given every opportunity to
25 expand those businesses. So I would

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2 just hope that the rhetoric could die
3 down. I would just hope that we come
4 together and look at what is good for
5 Ulster County. Development, new jobs,
6 new opportunities.

7 (WHEREUPON there an interruption
8 from the audience.)

9 MR. LEVERETTE: Comments are
10 closed. I would remind you that the
11 agency will hold a comment period for
12 this proposed project open until Friday
13 July 21st, 2017. All comments received
14 by close of business July 21st, 2017
15 will be included in the official record
16 of the agency with respect to the
17 proposed project. Further, at the
18 meeting at which the agency will
19 formally consider to proposed project
20 is scheduled for Wednesday, August 9,
21 2017 at 8:00 a.m. This meeting, like
22 all meetings of the agency, is open to
23 the public. So I will close this
24 public hearing at 8:50 p.m. Thank you
25 all for attending.

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2

3

REPORTER'S CERTIFICATION

4

I, STEPHANIE TURETSKY, a Shorthand

5

Reporter and Notary Public within and

6

for the State of New York, hereby

7

certify:

8

That the witness was duly sworn; that

9

the foregoing transcript is an accurate

10

record of the testimony of the said

11

witness, to the best of my knowledge

12

and belief, having been

13

stenographically recorded by me and

14

transcribed under my supervision.

15

I further certify that I am not

16

related to any of the parties to this

17

action by blood or marriage, and I am

18

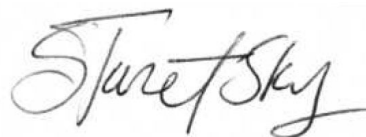
in no way interested in the outcome of

19

this matter.

20

21



22

23

STEPHANIE TURETSKY

24

25

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