

**Montgomery County Industrial Development Agency Meeting**  
**Meeting Minutes**  
**August 13, 2020**  
**(via Zoom)**

**MEMBERS PRESENT:**

Matthew Beck, Chairman  
Robert Harris, Treasurer  
Mark Kowalczyk, Member  
Amanda Auricchio, Esq., Member  
Cheryl Reese, Member

**STAFF MEMBERS PRESENT:**

Kenneth F. Rose, Chief Executive Officer  
Sheila Snell, Chief Financial Officer  
Andrew Santillo, Staff Assistant  
Vincenzo Nicosia, Economic Dev. Specialist  
A. Joseph Scott, Esq., Agency Counsel

**ABSENT:**

Carol Shineman, Vice-Chair  
Laurie Weingart, Secretary

**OTHERS PRESENT:**

Legislator Robert Purtell (District 9)

**I. Call to Order**

\*\*Each of the members present participated in the meeting telephonically and/or via Zoon Conferencing pursuant to Executive Order No. 202.1, as supplemented by subsequent Executive Orders, each as issued by New York State Governor Andrew M. Cuomo, suspending provisions of Article 7 of the Public Officers Law that require public in-person access to public meetings and authorizing board members to participate in said meetings by conference call or similar service.

The meeting was called to order by Chairman Beck at 4:34 p.m.

**II. Minutes**

A motion was made by Mark Kowalczyk, seconded by Cheryl Reese, to approve the minutes from the IDA regular meeting of June 11, 2020. All members present were in favor.

**III. Communications**

There was no communications.

**IV. Public Comments**

There was no public comment.

**V. Chair's Report**

There was no Chair's Report.

**VI. Director's Report**

Mr. Ken Rose updated the board on the childcare feasibility study. A survey has been created and developed which will be going out early next week to businesses and their employees. From there, staff will be reaching out to seven or eight businesses to sit down and meet to further discuss those potential needs. Camoin Associates, out of Saratoga, has been hired to do the study and the project is moving along well.

**VII. Financial Report**

**A. IDA Financial Report**

Ms. Sheila Snell reported that the financials are included in the board members' packets for review.

**B. Revolving Loan Fund**

Ms. Snell reported that the revolving loan report, as of July 31, is included in the packet for review.

**VIII. Marketing Report**

Mr. Vincenzo Nicosia reported that the department is continuing to push the Buy It In Montgomery campaign that was unveiled over the summer. A first draft of the campaign's website has been developed by Empire Solutions and staff sent them other items to help enhance the site and cultivate it for publishing. There are 45 businesses pre-signed up for the website and we are receiving more each week, and that should pick up even more, once the site goes live.

Mr. Ken Rose said that the campaign's window decals have been going out. Staff has gone out and started populating storefronts across the county with the decals to help spread the message and information about the campaign.

**IX. Unfinished Business**

There was no unfinished business.

**X. New Business**

**A. Florida Park Extension Sewer Lateral**

Mr. Rose stated that this resolution before the board is to award the contract for the a forced sanitary lateral work on IDA property in the Florida Business Park Extension. Vida Blend will be the first tenant on the northside to access that new lateral. Everything was done in accordance with the procurement policy, some of the companies reached out to couldn't meet the timeline, but five official quotes were received. This work will allow Vida Blend to hook up and hopefully they can start operations at their new site in October or November.

The following resolution was offered by Robert Harris, seconded by Mark Kowalczyk, to wit:

RESOLUTION AWARDING CONTRACT-FORCE MAIN INSTALLATION FLORIDA  
BUSINESS PARK EXTENSION

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

Matthew Beck	VOTING	YES
Carol Shineman	VOTING	ABSENT
Robert Harris	VOTING	YES
Amanda J. Auricchio, Esq.	VOTING	YES
Mark Kowalczyk	VOTING	YES
Laurie Weingart	VOTING	ABSENT
Cheryl Reese	VOTING	YES

The foregoing Resolution No. 20-09 was thereupon declared duly adopted.

**B. Cell Tower Lease-Florida Business Park**

Back in 1996, when the IDA was looking to develop the original property for the Florida Business Park, the landowner had an agreement with a cellular company to lease land for a cell tower on the property. The agreement with the IDA and the landowner allowed him to retain the revenue associated with that lease in place, which expires in June 2021. The company approached the IDA to see if the Board would entertain that lease continuing between the cell company, the owner of that piece of property and the IDA, with the revenue now coming to the IDA.

The following resolution was offered by Cheryl Reese, seconded by Amanda J. Auricchio, Esq., to wit:

RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF CERTAIN  
DOCUMENTS WITH RESPECT TO THE CROWN CASTLE CELL TOWER LEASE

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

Matthew Beck	VOTING	YES
Carol Shineman	VOTING	ABSENT
Robert Harris	VOTING	YES
Amanda J. Auricchio, Esq.	VOTING	YES
Mark Kowalczyk	VOTING	YES
Laurie Weingart	VOTING	ABSENT
Cheryl Reese	VOTING	YES

The foregoing Resolution No. 20-10 was thereupon declared duly adopted.

**IX. Adjournment**

A motion was made by Mark Kowalczyk, seconded by Robert Harris, to adjourn the meeting at 4:57 p.m. All members present were in favor.

Respectfully submitted,

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Andrew Santillo  
Economic Development Staff Assistant  
Attachments: Resolution No. 20-09, 20-10

**RESOLUTION AWARDING CONTRACT-FORCE MAIN INSTALLATION  
FLORIDA BUSINESS PARK EXTENSION**

A regular meeting of Montgomery County Industrial Development Agency (the “Agency”) was convened in public session at the offices of the Agency located at the Old County Courthouse, 9 Park Street, Fonda, New York on August 13, 2020 at 4:30 o’clock p.m., local time.

The meeting was called to order by the (Vice) Chair of the Agency and, upon roll being called, the following members of the Agency were:

**PRESENT:**

Matthew Beck	Chairman
Robert Harris	Treasurer
Amanda Auricchio, Esq.	Member
Mark Kowalczyk	Member
Cheryl Reese	Member

Each of the members present participated in the meeting telephonically pursuant to Executive Order No. 202.1, as supplemented by subsequent Executive Orders, each as issued by New York State Governor Andrew M. Cuomo, suspending provisions of Article 7 of the Public Officers Law that require public in-person access to public meetings and authorizing board members to participate in said meetings by conference call or similar service.

**ABSENT:**

Carol Shineman	Vice Chair
Laurie Weingart	Secretary

**AGENCY STAFF PRESENT INCLUDED THE FOLLOWING:**

Kenneth F. Rose	Chief Executive Officer
Sheila Snell	Chief Financial Officer
Andrew Santillo	Staff Assistant
Vincenzo Nicosia	Economic Development Specialist
A. Joseph Scott, III, Esq.	Agency Counsel

The following resolution was offered by Robert Harris, seconded by Mark Kowalczyk, to wit:

Resolution No. 20-09

**RESOLUTION AWARDING CONTRACT-FORCE MAIN INSTALLATION  
FLORIDA BUSINESS PARK EXTENSION**

WHEREAS, Montgomery County Industrial Development Agency (the “Agency”) is authorized and empowered by the provisions of Chapter 1030 of 1969 Laws of New York, constituting Title 1 of Article 18-A of the General Municipal Law, Chapter 24 of the Consolidated Laws of New York, as amended (the “Enabling Act”) and Chapter 666 the 1970 Laws of New York, as amended, constituting

Section 895-d of said General Municipal Law (said Chapter and the Enabling Act being hereinafter collectively referred to as the “Act”) to promote, develop, encourage and assist in the acquiring, constructing, reconstructing, improving, maintaining, equipping and furnishing of manufacturing facilities, among others, for the purpose of promoting, attracting and developing economically sound commerce and industry to advance the job opportunities, health, general prosperity and economic welfare of the people of the State of New York, to improve their prosperity and standard of living, and to prevent unemployment and economic deterioration; and

WHEREAS, among the purposes of the Agency is encouraging economic opportunities and job creation in Montgomery County, New York; and

WHEREAS, the Agency is in the process of continuing to develop an industrial park in the Town of Florida; and

WHEREAS, as part of that development a force main needs to be installed on property owned by the Agency to the Vida Blend, Inc. property line, and

WHEREAS, the Agency has a procurement policy which requires the solicitation of three written quotations for said work; and

WHEREAS, the Agency received five quotations for said work; and

WHEREAS, Bellamy Construction was the lowest qualified firm to provide a quotation of \$14,500; and

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law, Chapter 43-B of the Consolidated Laws of New York, as amended (the “SEQR Act”) and the regulations (the “Regulations”) adopted pursuant thereto by the Department of Environmental Conservation of the State of New York (collectively with the SEQR Act, “SEQRA”), by resolution adopted by the members of the Agency on March 14, 2019 (the “SEQRA Resolution”), the Agency (A) acknowledged receipt of a determination by the Town of Florida Planning Board (the “Planning Board”), in which the Planning Board determined that the Project would not result in any significant adverse environmental impacts; and (B) determined that the Agency had no information to suggest that the Planning Board was incorrect in determining that the Project will result in no significant adverse impacts on the environment pursuant to the SEQRA and, therefore, that no environmental impact statement need be prepared with respect to the Project (as such quoted phrase is used in SEQRA); and

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF MONTGOMERY COUNTY INDUSTRIAL DEVELOPMENT AGENCY AS FOLLOWS:

Section 1. The Agency hereby finds and determines that:

(A) By virtue of the Act, the Agency has been vested with all powers necessary and convenient to carry out and effectuate the purposes and provisions of the Act and to exercise all powers granted to it under the Act; and

(B) Entering into a contract with Bellamy Construction to conduct the aforementioned work associated with force main installation at a cost not to exceed \$14,500 as such project will promote and maintain the job opportunities, general prosperity and economic welfare of the

citizens of Montgomery County, New York and the State of New York and improve their standard of living.

Section 2. In consequence of the foregoing, the Agency hereby determines to execute and deliver the contract (in a form approved by Agency Counsel).

Section 3. Any action heretofore taken by the Agency, its officers or its staff in carrying out the matters contemplated by this Resolution is hereby ratified, confirmed and approved.

Section 4. The officers, employees and agents of the Agency are hereby authorized and directed for and in the name and on behalf of the Agency to do all acts and things required or provided for by the provisions of this Resolution, and to execute and deliver all such additional certificates, instruments and documents, to pay all such fees, charges and expenses and to do all such further acts and things as may be necessary or, in the opinion of the officer, employee or agent acting, desirable and proper to effect the purposes of this Resolution and to cause compliance by the Agency with all of the terms, covenants and provisions of this Resolution.

Section 5. This Resolution shall take effect immediately.

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

Matthew Beck	VOTING	<u>YES</u>
Carol Shineman	VOTING	<u>ABSENT</u>
Laurie Weingart	VOTING	<u>ABSENT</u>
Robert Harris	VOTING	<u>YES</u>
Amanda Auricchio, Esq.	VOTING	<u>YES</u>
Mark Kowalczyk	VOTING	<u>YES</u>
Cheryl Reese	VOTING	<u>YES</u>

The foregoing resolution was thereupon declared duly adopted.

STATE OF NEW YORK                    )  
  ) SS.:  
COUNTY OF MONTGOMERY            )

I, the undersigned (Assistant) Secretary of Montgomery County Industrial Development Agency (the "Agency"), DO HEREBY CERTIFY that I have compared the foregoing annexed extract of the minutes of the meeting of the members of the Agency, including the resolution contained therein, held on August 13, 2020 with the original thereof on file in my office, and that the same is a true and correct copy of said original and of such resolution contained therein and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that (A) all members of the Agency had due notice of said meeting; (B) said meeting was in all respects duly held; (C) pursuant to Article 7 of the Public Officers Law (the "Open Meetings Law") except as modified by Executive Order 202.1, as modified by subsequent Executive Orders, said meeting was open to the general public, and due notice of the time and place of said meeting was duly given in accordance with such Open Meetings Law; and (D) there was a quorum of the members of the Agency present, either in-person or appearing telephonically in accordance with Executive Order 202.1, as modified by subsequent Executive Orders, throughout said meeting.

I FURTHER CERTIFY that, as of the date hereof, the attached resolution is in full force and effect and has not been amended, repealed or rescinded.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Agency this 13th day of August, 2020.

\_\_\_\_\_  
(Assistant) Secretary

(SEAL)



**CROWN CASTLE CELL TOWER LEASE APPROVAL RESOLUTION**

A regular meeting of Montgomery County Industrial Development Agency (the “Agency”) was convened in public session at the offices of the Agency located at the Old County Courthouse, 9 Park Street, Fonda, New York on August 13, 2020 at 4:30 o’clock p.m., local time.

The meeting was called to order by the (Vice) Chair of the Agency and, upon roll being called, the following members of the Agency were:

**PRESENT:**

Matthew Beck	Chair
Robert Harris	Treasurer
Amanda Auricchio, Esq.	Member
Mark Kowalczyk	Member
Cheryl Reese	Member

Each of the members present participated in the meeting telephonically pursuant to Executive Order No. 202.1, as supplemented by subsequent Executive Orders, each as issued by New York State Governor Andrew M. Cuomo, suspending provisions of Article 7 of the Public Officers Law that require public in-person access to public meetings and authorizing board members to participate in said meetings by conference call or similar service.

**ABSENT:**

Carol Shineman	Vice Chair
Laurie Weingart	Secretary

**AGENCY STAFF PRESENT INCLUDED THE FOLLOWING:**

Kenneth F. Rose	Chief Executive Officer
Sheila Snell	Chief Financial Officer
Andrew Santillo	Staff Assistant
Karl Gustafson, Jr.	Grant Assistant
Vincenzo Nicosia	Economic Development Specialist
A. Joseph Scott, III, Esq.	Agency Counsel

The following resolution was offered by Cheryl Reese, seconded by Amanda Auricchio, Esq., to wit:

**Resolution No. 20-10**

**RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF CERTAIN DOCUMENTS WITH RESPECT TO THE CROWN CASTLE CELL TOWER LEASE.**

WHEREAS, Montgomery County Industrial Development Agency (the “Agency”) is authorized and empowered by the provisions of Chapter 1030 of the 1969 Laws of New York, constituting Title 1 of Article 18-A of the General Municipal Law, Chapter 24 of the Consolidated Laws of New York, as amended (the “Enabling Act”) and Chapter 666 of the 1970 Laws of New York, as amended, constituting Section 895-d of said General Municipal Law (said Chapter and the Enabling Act being hereinafter collectively referred to as the “Act”) to promote, develop, encourage and assist in the acquiring, constructing, reconstructing, improving, maintaining, equipping and furnishing of manufacturing,

warehousing, research, commercial and industrial facilities, among others, for the purpose of promoting, attracting and developing economically sound commerce and industry to advance the job opportunities, health, general prosperity and economic welfare of the people of the State of New York, to improve their prosperity and standard of living, and to prevent unemployment and economic deterioration; and

WHEREAS, to accomplish its stated purposes, the Agency is authorized and empowered under the Act to acquire, construct, reconstruct and install one or more “projects” (as defined in the Act) or to cause said projects to be acquired, constructed, reconstructed and installed, and to convey said projects or to lease said projects with the obligation to purchase; and

WHEREAS, the Agency and STC Five LLC (“STC Five”) are parties to a cell tower lease agreement dated as of June 26, 1996, as amended by a lease amendment dated as of August 29, 1996 (collectively, the “Existing Lease Agreement”); and

WHEREAS, the Existing Lease Agreement provides for the lease by the Agency to STC Five of a certain parcel of land owned by the Agency in the Town of Florida, Montgomery County (the “Leased Land”) for the purposes of siting a cell phone communications tower (the “Communications Facility”); and

WHEREAS, the Existing Lease is scheduled to expire, and the Agency and STC Five desire to enter into an amended and restated ground lease agreement (the “Amended Lease”) to extend the term of the lease by the Agency to STC Five of the Leased Land and the continued operation of the Communications Facility (as copy of the proposed Amended Lease is attached as Exhibit A);

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF MONTGOMERY COUNTY INDUSTRIAL DEVELOPMENT AGENCY AS FOLLOWS:

Section 1. Based upon an examination of the Amended Lease, the Agency hereby determines that the execution and delivery of the Amended Lease constitutes a “Type II action” pursuant to 6 NYCRR 617.5(c)(20), and therefore that, pursuant to 6 NYCRR 617.6(a)(1)(i), the Agency has no further responsibilities under SEQRA with respect to the execution and delivery of the Amended Lease.

Section 2. Subject to approval of the Amended Lease by counsel to the Agency, the Agency hereby determines to (A) approve the Amended Lease, (B) enter into the Amended Lease and (C) authorize the execution by the Agency of the Amended Lease.

Section 3. All action taken by the Chief Executive Officer of the Agency with respect to the Amended Lease is hereby ratified and confirmed.

Section 4. Subject to satisfaction of the conditions contained in Section 2 above, the Chair (or Vice Chair) of the Agency is hereby authorized to execute and deliver the Amended Lease, and, where appropriate, the Secretary (or Assistant Secretary) of the Agency is hereby authorized to affix the seal of the Agency thereto and to attest the same, all in substantially the form thereof presented to this meeting, with such changes, variations, omissions and insertions as the Chair (or Vice Chair) shall approve, the execution thereof by the Chair (or Vice Chair) to constitute conclusive evidence of such approval.

Section 5. The officers, employees and agents of the Agency are hereby authorized and directed for and in the name and on behalf of the Agency to do all acts and things required or provided for by the provisions of the Amended Lease, and to execute and deliver all such additional certificates, instruments and documents, to pay all such fees, charges and expenses and to do all such further acts and

things as may be necessary or, in the opinion of the officer, employee or agent acting, desirable and proper to effect the purposes of the foregoing Resolution and to cause compliance by the Agency with all of the terms, covenants and provisions of the Amended Lease binding upon the Agency.

Section 6. This Resolution shall take effect immediately.

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

Matthew Beck	VOTING	<u>YES</u>
Carol Shineman	VOTING	<u>ABSENT</u>
Laurie Weingart	VOTING	<u>ABSENT</u>
Robert Harris	VOTING	<u>YES</u>
Amanda Auricchio, Esq.	VOTING	<u>YES</u>
Mark Kowalczyk	VOTING	<u>YES</u>
Cheryl Reese	VOTING	<u>YES</u>

The foregoing resolution was thereupon declared duly adopted.

STATE OF NEW YORK                    )  
  ) SS.:  
COUNTY OF MONTGOMERY            )

I, the undersigned (Assistant) Secretary of Montgomery County Industrial Development Agency (the "Agency"), DO HEREBY CERTIFY that I have compared the foregoing annexed extract of the minutes of the meeting of the members of the Agency, including the resolution contained therein, held on August 13, 2020 with the original thereof on file in my office, and that the same is a true and correct copy of said original and of such resolution contained therein and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that (A) all members of the Agency had due notice of said meeting; (B) said meeting was in all respects duly held; (C) pursuant to Article 7 of the Public Officers Law (the "Open Meetings Law") except as modified by Executive Order 202.1, as modified by subsequent Executive Orders, said meeting was open to the general public, and due notice of the time and place of said meeting was duly given in accordance with such Open Meetings Law; and (D) there was a quorum of the members of the Agency present, either in-person or appearing telephonically in accordance with Executive Order 202.1, as modified by subsequent Executive Orders, throughout said meeting.

I FURTHER CERTIFY that, as of the date hereof, the attached resolution is in full force and effect and has not been amended, repealed or rescinded.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Agency this \_\_\_\_\_ day of August, 2020.

\_\_\_\_\_  
(Assistant) Secretary

(SEAL)

EXHIBIT A  
AMENDED LEASE