

**Montgomery County Industrial Development Agency Meeting**  
**May 13, 2021**  
**Meeting Minutes**

**MEMBERS PRESENT:**

Matthew Beck, Chairman  
Carol Shineman, Vice-Chair  
Robert Harris, Treasurer  
Mark Kowalczyk, Member  
Cheryl Reese, Member  
Laurie Weingart, Secretary

**STAFF MEMBERS PRESENT:**

Kenneth F. Rose, Chief Executive Officer  
Sheila Snell, Chief Financial Officer  
Vincenzo Nicosia, Economic Dev. Specialist  
Andrew Santillo, Staff Assistant  
Karl Gustafson Jr., Grant Assistant  
Christopher Canada, Esq., Agency Counsel

**ABSENT:**

Amanda Auricchio, Esq., Member

**OTHERS PRESENT:**

Robert Purtell, Eco. Dev. Committee Chairman

**I. Call to Order**

The meeting was called to order by Chairman Beck at 4:33 p.m.

Following the Pledge of Allegiance, Chairman Beck asked those in attendance to observe a moment of silence to recognize former IDA board member John Snyder, who passed away in December 2020.

**II. Minutes**

A motion was made by Robert Harris, seconded by Mark Kowalczyk, to approve the meeting minutes from the Audit Committee of March 11, 2021. All members present were in favor.

A motion was made by Cheryl Reese, seconded by Carol Shineman, to approve the meeting minutes from the Governance Committee of March 11, 2021. All members present were in favor.

A motion was made by Mark Kowalczyk, seconded by Cheryl Reese, to approve the meeting minutes from the IDA regular meeting of March 11, 2021. All members present were in favor.

**III. Communications**

There were 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 reported on the project on the portion of the Exit 29 Redevelopment Site in Canajoharie. At its most recent meeting, the County Legislature approved a land sale to E29 Labs for the eastern side of the site and the purchase-and-sale agreement has been executed. The next steps are for the company to do its due diligence on the site, so people may not see too much activity occurring for a little while.

In late March, a group of staff and Agency board members took a tour of the Vida Blend facility, located in the Florida Business Park Extension. Mr. Rose says it was impressive to see and that they did a good job, and that remains a good project that the IDA has been involved in.

## **VII. Financial Report**

### **A. Financial Report**

Ms. Sheila Snell said that the financial report is included in the Agency board members' packets. The transaction reports have always been included in the packets, but moving forward, the Agency board members will review the transaction report for all months since the previous meeting and accept them formally. A motion was made by Carol Shineman, seconded by Mark Kowalczyk, to approve the transaction report for March and April. All members present were in favor.

### **B. Revolving Loan Fund**

Ms. Sheila Snell said that the Revolving Loan Fund is included in the Agency board members' packets.

## **VIII. Marketing Report**

Mr. Vincenzo Nicosia reported that the Small Business of the Month continues to be a successful feature. Two videos from a promotion earlier in the year surrounding the Buy It In Montgomery website are completed and those businesses have them to for their own marketing and promotional use.

Staff continues to utilize social media and e-blasts to inform the local business community of things that are taking place with the state and initiatives looking to assistance business, as we begin to come out of the pandemic.

Next Tuesday, May 18, a Boots To Business class has been setup with the Small Business Administration (SBA), at the Emergency Management Office. This class is free for any veteran or active military member or their families. The class gives business lessons and goes through different aspect of business plans and other items to make a successful business.

## **IX. Unfinished Business**

There was no unfinished business.

**X. New Business**

**A. 2020 Project Assessment Report**

Mr. Ken Rose states that the Project Assessment Report is required by the New York State Authorities Budget Office (ABO). This report provides information on each one of the projects that the IDA is involved in. It is attached to the department’s Annual Report, but it is pulled out separately as an assessment, posted on the website, and provided to the Agency board for review. It shows what Payment In Lieu Of Taxes (PILOT) payments or property tax payments were made and to which municipality. It also has information regarding the jobs numbers for the project, prior to, what they were to create and where they currently stand at year end.

**B. Glen Canal View Business Park License Agreement**

Mr. Ken Rose said that the department was approached by Daim Logistics, which is undergoing a expansion of its business. They are looking to acquire a 5-acre parcel that is adjacent to their existing building, to the west. Due to the subdivision regulations in the Town of Glen, they have to get their engineers on site and this license agreement will allow them to do that, while also protecting the IDA, while Daim Logistics goes through the local approval process. Mr. Rose says that this is just a license agreement and it would be probably a few months before a purchase-and-sale agreement came before the board.

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

**RESOLUTION RELATING TO LICENSE ON CERTAIN REAL PROPERTY  
LOCATED IN THE GLEN CANAL VIEW BUSINESS PARK**

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

The foregoing Resolution No. 21-08 was thereupon declared duly adopted.

**C. Marketing Engagement**

Mr. Ken Rose said that the county has a couple of big projects going on and upon discussing with the County Executive, thought it might be a good time to get some additional marketing assistance. This resolution would certify the agreement that Mr. Rose signed as the director of the Agency.

The following resolution was offered by Carol Shineman, seconded by Laurie Weingart, to wit:

RESOLUTION AUTHORIZING THE ENTERING OF THE MONTGOMERY COUNTY INDUSTRIAL DEVELOPMENT AGENCY INTO AN AGREEMENT FOR PROFESSIONAL SERVICES-MARKETING & CONSULTING SERVICES

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

The foregoing Resolution No. 21-09 was thereupon declared duly adopted.

**D. Disposal of Personal Property**

Ms. Sheila Snell said that the department was approached by an outside non-profit organization, the West St. Johnsville Cemetery, inquiring if we had any old laptops, tablets or devices that were no longer in use by the Agency. They have streamlined their process from paper to excel spreadsheet to track where all of the grave sites are. Having a computer would be more convenient to keep this updated. The laptop we could provide them is old enough and has fully depreciated, and counsel has stated that this is an appropriate way to dispose of this type of property. It will be wiped clean and returned to its original state, prior to being given away.

A motion was made by Mark Kowalczyk, seconded by Cheryl Reese, to dispose of this personal property. A roll call vote was held and all members present were in favor.

**E. Glen Canal View Business Park Shared Services Project**

The Agency has entered into a license agreement with Montgomery County on 19.9 acres of land in the Glen Canal View Business Park to construct a Shared Services facility that would house the offices of the Department of Public Works and Economic Development. The license agreement was done because a 90-day notification to the ABO was needed, and an appraisal report needed to be completed. Now, with that 90 days passing, a resolution can be done to sell the property over to the county.

The sale would not be a cash transaction, but in fact would reduce money owed to county for development of Glen Park, from a 1997 agreement between the Agency and the County.

A motion was made by Cheryl Reese, seconded by Mark Kowalczyk, to authorize reimbursement to the county for previous land sales at the Glen Canal View Business Park, per the 1997 Municipal Loan & Reimbursement Agreement. A roll call vote was held and all members present were in favor. Additionally, any future land sales would trigger repayment from the Agency to the county.

The following resolution was offered by Cheryl Reese, seconded by Carol Shineman, to wit:

RESOLUTION AUTHORIZING THE SALE OF LAND LOCATED IN THE TOWN OF GLEN, MONTGOMERY COUNTY, NEW YORK AND THE EXECUTION BY MONTGOMERY COUNTY INDUSTRIAL DEVELOPMENT AGENCY OF CERTAIN DOCUMENTS IN CONNECTION WITH SUCH SALE

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

The foregoing Resolution No. 21-10 was thereupon declared duly adopted

**IX. Adjournment**

A motion was made by Cheryl Reese, seconded by Robert Harris, to adjourn the meeting at 5:03 p.m. All members present were in favor.

Respectfully submitted,

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Andrew Santillo  
Economic Development Staff Assistant  
Attachments: Resolution No. 21-08, 21-09, 21-10

**RESOLUTION RELATING TO LICENSE ON CERTAIN REAL PROPERTY  
GLEN CANAL VIEW BUSINESS PARK**

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 May 13, 2021 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
Carol Shineman	Vice Chair
Laurie Weingart	Secretary
Robert Harris	Treasurer
Mark Kowalczyk	Member
Cheryl Reese	Member

**ABSENT:**

Amanda Auricchio, Esq.	Member
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**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
Christopher C. Canada, Esq.	Agency Counsel

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

Resolution No. 21-08

**RESOLUTION RELATING TO LICENSE ON CERTAIN REAL PROPERTY  
LOCATED IN THE GLEN CANAL VIEW BUSINESS PARK.**

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, on December 3, 2009 (the “Lease Closing”), the Agency granted certain financial assistance to DAIM Logistics Inc. (the “Company”) to assist in financing a project (the “Project”) consisting of the following: (A) (1) the acquisition of an interest in an 8.13 acre parcel of land located in the Glen Canal View Business Park (the “Business Park”), referred to as Lot 3A, in the Town of Glen, Montgomery County, New York (the “Initial Land”), (2) the construction of an approximately 25,000 square foot facility on the Land (the “Facility”), (3) the acquisition and installation of certain machinery and equipment therein and thereon (the “Equipment”) (the Initial Land, the Facility and the Equipment hereinafter collectively referred to as the “Project Facility”), all of the foregoing to constitute facilities for logistical support of the Company’s fleet of vehicles and related activities including an unmanned card activated fuel point; (B) the granting of certain “financial assistance” (within the meaning of Section 854(14) of the Act) with respect to the foregoing, including potential exemptions from certain sales and use taxes, real property taxes, real property transfer taxes and mortgage recording taxes (collectively, the “Financial Assistance”); and (C) the lease (with an obligation to purchase) or sale of the Project Facility to the Company or such other person as may be designated by the Company and agreed upon by the Agency; and

WHEREAS, the Agency is currently the fee title owner to approximately five (5) acres of certain real property located within the Business Park on Park Drive in the Town of Glen, Montgomery County, New York (the “Land”) as more particularly described on Exhibit A attached hereto; and

WHEREAS, the Agency has been approached by the Company with regard to the purchase of the Land by 131 Riverside LLC, a New York limited liability company, as holding company of the Company, in connection with the expansion of the Company’s current operations (the “Future Development”); and

WHEREAS, in order to facilitate the Future Development, and recognizing that some time will be required in order to complete the sale of the Land, the Agency is willing to grant the Company a license to enter upon the Land and to initiate the Future Development, subject to the conditions described in a license agreement to be entered into between the Agency and the Company (the “License Agreement”); 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”), it appears that the execution of License Agreement and compliance with the terms thereof (collectively, the “Transaction”) collectively constitute a “Type II action” (as said quoted term is defined in the Regulations), and therefore it appears that no further determination or procedure under SEQRA is required with respect to the Transaction; and

WHEREAS, the Agency desires to authorize the Agency to undertake the Transaction;

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

Section 1. The Agency hereby determines that the Transaction constitutes a “Type II action” (as said quoted term is defined in the Regulations), and therefore that no further determination or procedure under SEQRA is required with respect to the Transaction.

Section 2. The Agency hereby finds and determines that the granting to the Company of a license to enter upon the Land is in the public interest and will preserve and advance the job opportunities, health, general prosperity and economic welfare of the people of Montgomery County, New York.

Section 3. In consequence of the foregoing, the Agency hereby determines to enter into the License Agreement and any related documents recommended by Agency Counsel (collectively, the “Transaction Documents”) and comply with the terms thereof.

Section 4. The Chairman, Vice Chairman and/or Chief Executive Officer of the Agency, with the assistance of Agency Counsel, is authorized to negotiate and approve the form and substance of the Transaction Documents.

Section 5. The Chairman, Vice Chairman and Chief Executive Officer of the Agency is hereby further authorized, on behalf of the Agency, to execute and deliver the Transaction Documents, 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 the forms thereof as the Chairman, Vice Chairman and/or Chief Executive Officer of the Agency shall approve, the execution thereof by the Chairman, Vice Chairman and/or Chief Executive Officer of the Agency to constitute conclusive evidence of such approval.

Section 6. The form and substance of the Transaction Documents and any documents necessary and incidental thereto including, but not limited to, any documents approved by counsel to the Agency in the forms thereof presented to this meeting are hereby approved.

Section 7. The Chairman, Vice Chairman or Chief Executive Officer of the Agency, each of them without the other, are hereby authorized, on behalf of the Agency, to execute, acknowledge (if appropriate) and deliver the Transaction Documents and such other documents as may be necessary or appropriate in order to effectuate the execution and delivery of the Transaction Documents and the transfer of title to the Land, in the forms thereof presented to this meeting, with such changes, variations, omissions and insertions as the Chairman, Vice Chairman or Chief Executive Officer shall approve, the execution thereof by the Chairman, Vice Chairman or Chief Executive Officer to constitute conclusive evidence of such approval.

Section 8. 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 Transaction Documents, 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 the Transaction Documents binding upon the Agency, and all actions heretofore taken or taken hereinafter by the Chairman, Vice Chairman or Chief Executive Officer of the Agency in furtherance of the actions herein authorized are ratified, confirmed, adopted and approved in all respects.

Section 9. This resolution shall take effect immediately.

[Remainder of page left blank intentionally]

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

The foregoing resolution was thereupon declared duly adopted.

[Remainder of page left blank intentionally]

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 May 13, 2021, 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 13<sup>th</sup> day of May, 2021.

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(Assistant) Secretary

(SEAL)

EXHIBIT A

DESCRIPTION OF LAND

ALL THAT PIECE OR PARCEL OF LAND LOCATED OVER LANDS OF MONTGOMERY COUNTY INDUSTRIAL DEVELOPMENT AGENCY (L. 619, P. 175 & L. 707, P. 143), LOT 3, AND BEING WITHIN THE TOWN OF GLEN, COUNTY OF MONTGOMERY, STATE OF NEW YORK. LYING ON THE NORTHERLY SIDE OF PARK PLACE AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE POINT OF INTERSECTION OF THE NORTHERLY SIDE OF PARK PLACE WITH THE WESTERLY LINE OF LANDS OF DAIM LOGISTICS, INC (L.1797, P. 121).

THENCE: NORTH 84° 58' 20" WEST, ALONG THE NORTHERLY SIDE OF PARK PLACE, A DISTANCE OF 45.00' TO THE POINT OR PLACE OF BEGINNING OF THE HEREIN DESCRIBED PARCEL.

THENCE: NORTH 84° 58' 20" WEST, CONTINUING ALONG THE NORTHERLY SIDE OF PARK PLACE, A DISTANCE OF 655.00' TO A POINT.

THENCE: THROUGH SAID LANDS OF MONTGOMERY COUNTY INDUSTRIAL DEVELOPMENT AGENCY (L. 619, P. 175 & L. 707, P. 143), LOT 3, THE FOLLOWING 5 COURSES AND DISTANCES:

1. NORTH 05° 01' 39" EAST, A DISTANCE OF 361.12' TO A POINT,
2. SOUTH 78° 13' 48" EAST, A DISTANCE OF 181.25' TO A POINT,
3. SOUTH 05° 01' 39" WEST, A DISTANCE OF 52.84' TO A POINT,
4. SOUTH 84° 58' 21" EAST, A DISTANCE OF 475.00' TO A POINT,
5. SOUTH 05° 01' 39" WEST, A DISTANCE OF 287.00' TO THE POINT OR PLACE OF BEGINNING AND CONTAINING 4.58+/- ACRES OF LAND.

**RESOLUTION AUTHORIZING THE ENTERING OF THE MONTGOMERY COUNTY  
INDUSTRIAL DEVELOPMENT AGENCY INTO AN AGREEMENT FOR  
PROFESSIONAL SERVICES-MARKETING & CONSULTING SERVICES**

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 May 13, 2021 at 4:30 P.M.

The meeting was called to order by the Chairman and, upon roll being called, the following members of the Agency were:

PRESENT:

Matthew Beck	Chairman
Carol Shineman	Vice Chairman
Laurie Weingart	Secretary
Robert Harris	Treasurer
Mark Kowalczyk	Member
Cheryl Reese	Member

AGENCY STAFF PRESENT INCLUDED THE FOLLOWING:

Kenneth Rose	Chief Executive Officer
Sheila Snell	Chief Financial Officer
Vincenzo Nicosia	Economic Development Specialist
Andrew Santillo	Staff Assistant
Karl Gustafson	Grant Assistant
Christopher Canada, Esq.	Agency Counsel

The following resolution was offered by Carol Shineman, seconded by Laurie Weingart to wit:

Resolution No. 21-09

**RESOLUTION AUTHORIZING THE ENTERING OF THE MONTGOMERY  
COUNTY INDUSTRIAL DEVELOPMENT AGENCY INTO AN AGREEMENT  
FOR PROFESSIONAL SERVICES-MARKETING & CONSULTING SERVICES**

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 industrial, warehousing, commercial, research and 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, Montgomery County administers the Economic Development Program for the purpose of creating and retaining jobs, and

WHEREAS, to properly position Montgomery County, New York, for future economic development initiatives, the Agency would like to engage the services of a consulting firm; and

WHEREAS, the Agency has adopted a Procurement Policy to guide the Agency in contracting for goods and services, and

WHEREAS, the Procurement Policy permits the Agency, in its sole discretion, to exempt entering into of a contract from the Procurement Policy based on the circumstances of the contact and the needs of the Agency,

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 enter into a contract for Professional Services, and

(B) Entering into the contract for professional services 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 enter into a contract with Empire Solutions Consulting LLC, for the

purposes of creating a coherent, salable mission/vision and helped to execute on an enhanced marketing and communications strategy to drive the message of the positive benefits of working and doing business in Montgomery County for the Agency at a cost of a monthly retainer in the amount of \$6,000.00 and to exempt the selection of the contractor from the Agency's Procurement Policy for the following reasons: (1) The contractor is familiar with the Agency, its mission an operations (2) The contractor has contracted with the Agency in the past and produced timely and professional services for the Agency.

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 4. This Resolution shall take effect immediately.

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

The foregoing Resolution No. 21-09 was thereupon declared duly adopted.



**RESOLUTION AUTHORIZING LAND SALE  
TO MONTGOMERY COUNTY**

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, Fonda, New York on May 13, 2021 at 4:30 o’clock p.m., local time.

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

**PRESENT:**

Matthew Beck	Chair
Carol Shineman	Vice Chair
Robert Harris	Treasurer
Laurie Weingart	Secretary
Mark Kowalczyk	Member
Cheryl Reese	Member

**ABSENT:**

Amanda Auricchio, Esq.	Member
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**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
Christopher Canada, Esq.	Agency Counsel

The following resolution was offered by Cheryl Reese, seconded by Carol Shineman, to wit:

Resolution No. 21-10

**RESOLUTION AUTHORIZING THE SALE OF LAND LOCATED IN THE TOWN OF GLEN, MONTGOMERY COUNTY, NEW YORK AND THE EXECUTION BY MONTGOMERY COUNTY INDUSTRIAL DEVELOPMENT AGENCY OF CERTAIN DOCUMENTS IN CONNECTION WITH SUCH SALE.**

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 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 industrial, manufacturing, warehousing, commercial, research, and recreation 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, reconstruct, renovate and install one or more “projects” (as defined in the Act) or to cause said projects to be acquired, reconstructed, renovated and installed, and to convey said projects or to lease said projects with the obligation to purchase; and

WHEREAS, the Agency is currently the fee title owner to approximately twenty (20) acres of certain real property within the Glen Canal View Business Park located on Park Drive in the Town of Glen, Montgomery County, New York (the “Land”) as more particularly described on Exhibit A attached hereto; and

WHEREAS, pursuant to a resolution adopted by the County Legislature (the “County Legislature”) of Montgomery County, New York (the “County”) on November 24, 2020, the County Legislature authorized a project (the “Project”) consisting of the construction and equipping of a new shared services facility on the Land (the “Facility”) to be used by the Montgomery County Department of Public Works and the Montgomery County Business Development Center; and

WHEREAS, in connection with the Project, the Agency desires to sell the Land (the “Disposition”) to the County; and

WHEREAS, to fulfill the requirements imposed by the New York State Public Authorities Law, as amended (the “PAL”), and the Agency’s Property Disposition Policy and Property Acquisition Policy, an appraisal of the Land was obtained by the Agency, and the appraised value of the Land as specified in such appraisal was \$170,000 (copies of such appraisal are on file with the Agency); and

WHEREAS, the Agency has arranged for a purchase contract to be provided to the County (the “Purchase Contract”), which Purchase Contract shall provide for the conveyance of the Land from the Agency to the County at a price of \$170,000; and

WHEREAS, by resolution adopted by the members of the Agency on January 14, 2021, the Agency, in order to facilitate the construction of the Facility, granted the County a license to enter upon the Land and to initiate the Project pursuant to a license agreement entered into between the Agency and the County; and

WHEREAS, the Land will be conveyed by the Agency through the execution and delivery of a warranty deed (the “Warranty Deed” and together with the Purchase Contract, the “Conveyance Documents”);

WHEREAS, pursuant to PAL Section 2897(6)(d)(ii), the Agency filed an explanatory statement with the (i) the New York State Comptroller, (ii) the Director of the Budget, (iii) the Commissioner of General Services, (iv) the State Legislature, and (v) the Authority Budget Office, respectively, dated February 18, 2021 relating to the Disposition (the “Explanatory Statement”); 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”), it appears that the Disposition constitutes a “Type II action” (as said quoted term is defined in the Regulations), and therefore it appears that no further determination or procedure under SEQRA is required with respect to the Disposition; and

WHEREAS, the Agency wished to authorize the Disposition and the actions contemplated by the Conveyance Documents; and

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

Section 1. The Agency hereby determines that the Disposition constitutes a “Type II action” (as said quoted term is defined in the Regulations), and therefore that no further determination or procedure under SEQRA is required with respect to the Disposition.

Section 2. The Agency hereby finds and determines that:

(A) The Agency hereby authorizes the Disposition.

(B) In no event shall the Disposition occur less than ninety (90) days after February 18, 2021, representing the date on which the Agency transmitted the Explanatory Statement relating to the Disposition to the entities required under PAL Section 2897(6)(d)(ii).

(C) The Agency hereby finds that the Disposition is within the purpose, mission and governing statutes of the Agency.

(D) Pursuant to PAL Section 2897(6)(c)(v), since the County is a government entity, the Land may be disposed of by negotiation and without public advertising for bids.

(E) The Land is not being purchased for less than fair market value.

Section 3. In consequence of the foregoing, and subject to the approval of the form of the Conveyance Documents by Agency counsel, the Agency hereby determines to: (A) convey the Land to the County according to the terms of the Conveyance Documents and (B) execute the Conveyance Documents.

Section 4. The Agency is hereby authorized to convey the Land to the County pursuant to the Conveyance Documents and to do all things necessary and appropriate for the accomplishment thereof, and all acts heretofore taken by the Agency with respect to such acquisition are hereby approved, ratified and confirmed.

Section 5. The Chairman, Vice Chairman and the Chief Executive Officer of the Agency are hereby authorized, on behalf of the Agency, to execute and deliver the Conveyance Documents and the other documents related thereto, and, where appropriate, the Secretary of the Agency is hereby authorized

to affix the seal of the Agency thereto and to attest the same, all in substantially the forms thereof presented to this meeting, with such changes, variations, omissions and insertions as the Chairman, Vice Chairman or the Chief Executive Officer shall approve, the execution thereof by the Chairman, Vice Chairman or the Chief Executive Officer to constitute conclusive evidence of such approval.

Section 6. 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 Conveyance Documents, 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 the Conveyance Documents binding upon the Agency.

Section 7. 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>YES</u>
Robert Harris	VOTING	<u>YES</u>
Amanda J. Auricchio, Esq.	VOTING	<u>ABSENT</u>
Mark Kowalczyk	VOTING	<u>YES</u>
Laurie Weingart	VOTING	<u>YES</u>
Cheryl Reese	VOTING	<u>YES</u>

The foregoing resolution was thereupon declared duly adopted.

[Remainder of page left blank intentionally]

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

I, the undersigned Secretary of Montgomery County Industrial Development Agency (the “Agency”), do hereby certify that I have compared the foregoing extract of the minutes of the meeting of the members of the Agency held on May 13, 2021 with the original thereof on file in my office, and that the same is a true and correct copy of said original 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 13<sup>th</sup> day of May, 2021.

\_\_\_\_\_  
Secretary

(SEAL)

EXHIBIT A

Lot 1

All that parcel of land, situate in the Town of Glen, County of Montgomery, State of New York, being more particularly described as follows:

Beginning at a point located on the southerly boundary of New York State Route 5S said point being 896.18 feet westerly of the intersection with the division line of the lands now or formerly of Montgomery County Industrial Development Agency on the west and lands of Frank V. and Rosilie Farina on the east; thence in a clockwise direction along said southerly boundary of New York State Route 5S the following course and distance:

1. South 78°-43'-55" East, a distance of 448.90 feet to a point; thence through lands now or formerly of Montgomery County Industrial Development Agency, the following course and distance:

2. South 27°04'31" West, a distance of 388.34 feet to a point; thence along the northerly, westerly and easterly bounds of the lands now or formerly of the Town of Glen, the following (6) six courses and distances:

(a) Along a curve to the left having a radius of 75.00 feet, an arc distance of 79.43 feet to a point, said curve containing a chord of South 63°09'21" West, 75.77 feet;

(b) Along a curve to the right having a radius of 25.00 feet, an arc distance of 36.77 feet to a point, said curve containing a chord of South 74°-56'-41" West, 33.54 feet;

(c) North 62°-55'-29" West, a distance of 355.50 feet to a point;

(d) Along a curve to the right having a radius of 25.00 feet, an arc distance of 39.27 feet to a point, said curve containing a chord of North 17°-55'-29" West, 35.36 feet;

(e) North 27°-04'-31" East, a distance of 300.77 feet to a point;

(f) Along a curve to the right having a radius of 25.00 feet, an arc distance of 32.26 feet to a point, said curve containing a chord of North 64°-02'-25" East, 30.07 feet to the POINT OF BEGINNING, being 4.14 acres more or less.

Subject to any easements, restrictions, and/or covenants of record.

Lot 4

All that parcel of land, situate in the Town of Glen, County of Montgomery, State of New York, being more particularly described as follows:

Beginning at a point located on the southerly boundary of New York State Route 5S at its intersection with the division line between lands now or formerly of Montgomery County Industrial Development Agency on the west and lands now or formerly of Frank V. and Rosilie Farina on the east;

Thence in a clockwise direction along said easterly boundary of Montgomery County Industrial Development Agency the following (2) two courses and distances:

1. South 26°-51'-12" West, a distance of 799.92 feet to a point;
2. South 27°12'26" West, a distance of 367.31 feet to a point located in the division line between lands now or formerly of Morat Industries, LLC on the south and lands herein described on the north, thence along said division line the following course and distance:

(a) North 60°35'39" West, a distance of 903.24 feet to a point located in the division line between lands now or formerly of the Town of Glen on the west and north and lands herein described on east and south, thence along said division line the following five (5) courses and distances:

(b) Along a curve to the left having a radius of 280.00 feet, an arc distance of 11.49 feet to a point, said curve containing a chord of North 28°15'02" East, 11.49 feet;

(c) South 27°-04'-31" West, a distance of 438.83 feet to a point;

(d) Along a curve to the right having a radius of 25.00 feet, an arc distance of 39.27 feet to a point, said curve containing a chord of North 72°-04'-31" East, 35.36 feet;

(e) South 62°-55'-29" East, a distance of 475.00 feet to a point;

(f) Along a curve to the left having a radius of 75.00 feet, an arc distance of 266.48 feet to a point, said curve containing a chord of North 15°17'10" East, 146.84 feet;

Thence through lands now or formerly of Montgomery County Industrial Development Agency, the following course and distance:

1. North 27°-04'-31" East, a distance of 388.34 feet to a point in the southerly boundary of New York State Route 5S, thence easterly and along the southerly boundary of New York State Route 5S the following (2) courses and distances:

(a) South 78°-43'-55" East a distance of 340.88 feet to a point;

(b) South 79°-26'-10" East a distance of 106.40 to the POINT OF BEGINNING, being 15.80 acres more or less.

Subject to any easements, restrictions, and/or covenants of record.