



MONTGOMERY
COUNTY
BUSINESS DEVELOPMENT CENTER
Made of Something Stronger

Meeting Notice

TO: Agency Members
FROM: Kenneth F. Rose, Chief Executive Officer
DATE: January 11, 2021
RE: MCIDA Meeting

The organizational and regular meetings of the Montgomery County Industrial Development Agency is scheduled for January 14, 2021 at 4:30 p.m. via Zoom Meetings 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. A Governance Committee Meeting will be held at 4:15 p.m. prior to the Organizational Meeting.

To join the meeting from your computer, tablet or smartphone:
Zoom Meeting ID: 899 574 5359
Password: 081958

You can also dial in using your phone:
Dial: 646-558-8656
Enter Meeting Information: 8995745359#, 1#, 081958#

Please call Vincenzo at 853-8334 between 8:30 a.m. and 4:00 p.m. if you have any questions.

cc: A. Joseph Scott, III, Esq. The Recorder
Montgomery Co. Legislature The Leader Herald
AIDA Members DPW
Courier Standard

Montgomery County Industrial Development Agency
Meeting
January 14, 2021

AGENDA

- I. Call to Order
- II. Minutes-December 10, 2020
 - A. Regular Board Meeting
- III. Communications
- IV. Public Comments
- V. Chair's Report
- VI. Director's Report
 - A. Year End Project Monitoring Update
- VII. Financial Report
 - A. Revolving Loan Fund
- VIII. Marketing Report
- IX. Unfinished Business
- X. New Business
 - A. Annual Board of Directors Evaluation
 - B. Financial and Gift Disclosure Forms
 - C. County Administrative Services-Action Item
 - D. Glen Park License Agreement-Action Item
- XI. Adjournment

**Montgomery County Industrial Development Agency Meeting
December 10, 2020
Meeting Minutes**

MEMBERS PRESENT:

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

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
A. Joseph Scott, Agency Counsel

ABSENT:

OTHERS PRESENT:

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 Amanda Auricchio, Esq., to approve the meeting minutes from the Governance Committee meeting of October 8, 2020. All members present were in favor.

A motion was made by Robert Harris, seconded by Carol Shineman, to approve the meeting minutes from the IDA regular meeting of October 8, 2020. 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 to the board that Borrego Solar provided official word, with regards to the lease-option agreement on a portion of the Glen Canal View Business Park, that after an evaluation, the estimated costs were too substantial to proceed with their project.

VII. Financial Report

A. IDA Financial Report

Ms. Sheila Snell reported that the financials are enclosed in the Board Members' packets for review.

B. Revolving Loan Fund

Ms. Snell reported that the revolving loan report is included in the packet for review. Everyone is current, with one exception, which is one month behind.

Mr. Mark Kowalczyk asked if we have received any feedback from any or all of our loan recipients about financial hardships or struggles due to the pandemic.

Ms. Snell reported that we did hear from some early in the spring, and we did do an extension, but everyone is now caught up, and the Executive Group has even paid of its loan in its entirety early. The Business Development Center did have a low-interest loan program to try to assist local businesses through the pandemic, but no one took advantage of that, but it seems because there is currently no interest in loans.

VIII. Marketing Report

Mr. Vincenzo Nicosia reported that the Buy It In Montgomery (www.buyitinmontgomery.com) website is up and running and department staff is making a push to get more businesses signed up. We are running a promotion to drive sign-ups, with any businesses signing up will be enter into a drawing for a grand prize of a short promotional video to be made about their company.

The department has purchased some new marketing materials and promotional items such as a branded backdrop and a tower display to help reinforce the professionalism of the department.

We have received a rough draft of the childcare study from Camoin Associates. A call is scheduled for next week to go over the draft and more information will be available at the Agency's next meeting.

We have continued our Small Business of the Month series, which continues to get a good response.

Chairman Beck said he has heard positive feedback for the Small Business of the Month initiative, and that is has been a good way to highlight and learn more about our small, local businesses located in the county.

IX. Unfinished Business

A. Cell Tower Lease

Mr. Ken Rose informs the Board that we have received communications back from Crown Castle, with regards to the cell tower in the Town of Florida Business Park. The reason they proposed a reduced amount is because they believe it's an underperforming cell tower and there is chance that they may not continue operation with that tower.

Chairman Beck authorizes Mr. Rose, to reach back out and reaffirm the terms we had originally believed were proposed. That is supported by the Agency Board members. Mr. Rose will update the board of where the negotiations are at the next board meeting.

X. New Business

A. Florida Park Land Transaction

Mr. Rose provides some background information that previously the department was approached by the Town of Florida and the fire department in the district to sell them a piece of property in the Florida Business Park to build a fire house on, which would help provide emergency services through that Route 5S corridor and beyond in the town.

In 2015, the Agency passed a resolution authorizing the sale of a 2.8-acre parcel to the Town and the Minaville Fire Department. Subsequent to that, and in doing deed searches and title searches, it was realized that during the numerous land transactions with the business park property that a filling subdivision mistake had been made and a piece of the property was still with Target Corporation, which operates a distribution in the business park.

The Agency's attorney has been working with Target's attorney to rectify this situation and that has now been accomplished.

Mr. Rose reports that this resolution would also amend the initial acreage, and include a full seven acres to the same cost agreed to in the original agreement as the acreage amount changed due to the aforementioned deed issue. The additional land is mostly wetlands that are undevelopable.

The following resolution was offered by Mark Kowalczyk, seconded by Cheryl Reese, to wit:

RESOLUTION AMENDING RESOLUTION NO. 15-29 AUTHORIZING SALE OF LAND TO MINAVILLE FIRE DEPARTMENT

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	YES
Mark Kowalczyk	VOTING	YES

Laurie Weingart	VOTING	YES
Cheryl Reese	VOTING	YES

The foregoing Resolution No. 20-14 was thereupon declared duly adopted

B. Montgomery County Shared Services Facility Discussion

Mr. Ken Rose states that, at its November meeting, the County Legislature approved bonding for a new Shared Services Facility to be built in the Glen Canal View Business Park. This would hold the offices of the Department of Public Works, along with the Business Development Center, which includes the staff for the IDA.

The property comprises two parcels, a 14-acre and a 5-acre piece that are located on the left, once you enter the park off of Route 5S, on both sides of the cul-de-sac.

As background, Mr. Rose states that the Glen Canal View Business Park Phase I had approximately 84 acres of developable land, and the county issued a bond for the development of the park for \$900,000. The IDA owns the park and per an agreement from 1997 between the County and IDA any land sales were to be paid to the County to help offset the \$900,000. Mr. Rose informed Board Members that staff is working with the county, the County Executive and the County Treasurer, to discuss this agreement and how it relates to the land transaction that will be undertaking for the Shared Services Facility.

This will be discussed further at the next Agency Board meeting.

C. MCEDC Resolution Amendment

Chairman Beck reports that Agency Counsel Scott is continuing to work through documentation and fillings that have to be made to the Attorney General’s office to complete the disposition and closing up of the Montgomery County Economic Development Corporation (MCEDC). Since the initial resolution was passed in 2019, and since the members have changed, a refreshed resolution is needed to appoint the current Agency Board members to become the corresponding members of the MCEDC.

The following resolution was offered by Carol Shineman, seconded by Robert Harris, to wit:

RESOLUTION AMENDING RESOLUTION NO. 19-23 APPROVING CERTAIN
 RECONSTITUTION OF THE MONTGOMERY COUNTY ECONOMIC
 DEVELOPMENT CORPORATION

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	YES
Mark Kowalczyk	VOTING	YES
Laurie Weingart	VOTING	YES
Cheryl Reese	VOTING	YES

The foregoing Resolution No. 20-15 was thereupon declared duly adopted

IX. Adjournment

Chairman Beck wants to wish everyone a happy and healthy 2021. He hopes things are different, as this year has been difficult. He state that he appreciates everyone working together over digital meetings and helping to keep things moving. He says the work of that the department staff has done to keep things moving forward, in spite of the pandemic and in the face of all of the challenges has been extremely impressive.

A motion was made by Cheryl Reese, seconded by Laurie Weingart, to adjourn the meeting at 5:12 p.m. All members present were in favor.

Respectfully submitted,

Andrew Santillo
Economic Development Staff Assistant
Attachments: Resolution No. 20-14, 20-15

**RESOLUTION AMENDING RESOLUTION NO. 15-29 AUTHORIZING SALE OF LAND TO
MINAVILLE FIRE DEPARTMENT**

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 December 10, 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
Carol Shineman	Vice Chair
Robert Harris	Treasurer
Laurie Weingart	Secretary
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:

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 Mark Kowalczyk, seconded by Cheryl Reese, to wit:

Resolution No. 20--14

**RESOLUTION AMENDING RESOLUTION NO. 15-29 AUTHORIZING SALE OF LAND TO
MINAVILLE FIRE DEPARTMENT**

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, Resolution 15-29 authorized the sale of a an approximately 2.8 acre piece of land from tax parcel #54-1-35.2 of land to the Town of Florida for the purpose of constructing a building that will house fire department services that will provide a greater level of fire prevention and fire-fighting services to residents and businesses in the Town of Florida, including the Florida Business Park and Park Extension; and

WHEREAS, this land transaction was delayed in order to rectify discrepancies in previous surveys that were performed in and around the aforementioned property; and

WHEREAS, upon rectification of the survey of aforementioned tax parcel the actual acreage is approximately 7.5 acres of which additional acreage is not usable fully usable due to various wetlands on the site; 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

Section 2. In consequence of the foregoing, the Agency hereby determines to complete the sale at the revised acreage of 7.5 acres; and

Section 3. All other terms, conditions and purchase price reflected in prior Resolution 15-29 remains in effect.

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

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 December 10, 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 10th day of December, 2020.

(Assistant) Secretary

(SEAL)

**RESOLUTION AMENDING RESOLUTION NO. 19-23 APPROVING CERTAIN
RECONSTITUTION OF THE MONTGOMERY COUNTY ECONOMIC
DEVELOPMENT COPORATION**

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 December 10, 2020 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
Amanda J. 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.

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
A. Joseph, Scott, Esq.	Agency Counsel

The following resolution was offered by Carol Shineman, seconded by Robert Harris., to wit:

Resolution No. 20-15

RESOLUTION APPROVING CERTAIN RECONSTITUTION OF THE
MONTGOMERY COUNTY ECONOMIC DEVELOPMENT CORPORATION

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, the Montgomery County Economic Development Corporation (MCEDC), whose principal office is located in the county of Montgomery was incorporated pursuant to New York’s Not-for-Profit Corporation Law on November 9, 1984; and

WHEREAS, the MCEDC was created to benefit Montgomery County and provide funding for the purpose of economic development; and

WHEREAS, outstanding items regarding the MCEDC need to be addressed, including but not limited to the disposition of assets; and

WHEREAS, Resolution No. 19-23 of the Agency reconstituted the MCEDC and since that time there has been a new member which has been appointed to the Agency; and

WHEREAS, once reconstituted, the Corporation plans to dissolve and distribute its assets and pay its liabilities in accordance with the Plan of Dissolution and Distribution of Assets that is set forth; and

WHEREAS, Agency counsel has worked with the Office of the Attorney General to outline the proposed process, and based on what has been proposed, that office has determined that this path forward would comply with the provisions of section 1002 of the Not-for-Profit Corporation Law applicable to the dissolution of not-for-profit corporations with assets; and

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF MONTGOMERY COUNTY INDUSTRIAL DEVELOPMENT AGENCY, that

Resolution No. 19-23 is amended to reflect that the existing Agency members will serve on the Montgomery Economic Development Corporation to close out certain outstanding items.

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

The foregoing Resolution No. 20-15 was thereupon declared duly adopted.

**RESOLUTION AUTHORIZING MONTGOMERY COUNTY INDUSTRIAL
DEVELOPMENT AGENCY CHAIRMAN TO SIGN AND ENTER INTO CONTRACT
FOR ADMINISTRATIVE AND STAFF SUPPORT SERVICES,**

A meeting of Montgomery County Industrial Development Agency (the "Agency") was convened in public session at the offices of the Montgomery County Industrial Development Agency located at the Old County Courthouse, 9 Park Street, Fonda, New York on January 14, 2021.

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

PRESENT:

Matthew Beck	Chairperson
Carol Shineman	Vice-Chair
Robert Harris	Treasurer
Laurie Weingart	Secretary
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:

THE FOLLOWING PERSONS WERE ALSO PRESENT:

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

The following resolution was offered by _____-, seconded by _____ to wit:

Resolution No. 21-02

RESOLUTION AUTHORIZING MONTGOMERY COUNTY INDUSTRIAL DEVELOPMENT AGENCY CHAIRMAN TO SIGN AND ENTER INTO CONTRACT FOR ADMINISTRATIVE AND STAFF SUPPORT SERVICES

WHEREAS, Montgomery County Industrial Development Agency (the "Agency") is authorized and empowered by the provisions of chapter 1030 of Laws of 1969 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 furnished of industrial, manufacturing, warehouse, commercial, research, recreation and civic 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 Industrial Development Agency is desirous of retaining the Montgomery County Economic Development Department for administrative and staff support services per the attached contract and scope of services,

RESOLVED, that Montgomery County Industrial Development Agency, following review and approval by the Agency Attorney, hereby authorizes the Chairman to sign and enter into a contract with Montgomery County for administrative and support services for a period of January 1, 2021 to December 31, 2021.

FURTHER RESOLVED, the amount set for this service will be \$17,500.

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

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

The foregoing Resolution No. 21-02 was thereupon declared duly adopted.

DRAFT

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 January 14, 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 14th day of January, 2021.

(SEAL)

(Assistant) Secretary

**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 January 14, 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
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:

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 _____, seconded by _____, to wit:

Resolution No. 21-03

**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, 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 order to facilitate the construction of the Facility, the Agency proposes to enter into a certain license agreement (the “License Agreement”) by and between the Agency, as licensor, and the County, as licensee, pursuant to which the Agency would grant to the County a license to enter upon the Land for such purposes; 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 County 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 “Agency 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 Agency 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 Agency 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 Agency 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 Agency Documents and such other documents as may be necessary or appropriate in order to effectuate the execution and delivery of the Agency 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 Agency 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 Agency 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.

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	_____
Carol Shineman	VOTING	_____
Laurie Weingart	VOTING	_____
Robert Harris	VOTING	_____
Amanda Auricchio, Esq.	VOTING	_____
Mark Kowalczyk	VOTING	_____
Cheryl Reese	VOTING	_____

The foregoing resolution was thereupon declared duly adopted.

[Remainder of page left blank intentionally]

DRAFT

EXHIBIT A

DESCRIPTION OF LAND

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.