

**Montgomery County Industrial Development Agency Meeting  
October 13, 2022  
Meeting Minutes**

**MEMBERS PRESENT:**  
Matthew Beck, Co-Chair  
Carol Shineman, Co-Chair  
Laurie Weingart, Secretary  
Cheryl Reese, Treasurer  
Brent Phetteplace, Member

**STAFF MEMBERS PRESENT:**  
Kenneth F. Rose, Chief Executive Officer  
Vincenzo Nicosia, Director of Program Dev.  
Andrew Santillo, Staff Assistant  
Stephanie Battisti, Eco. Dev. Specialist

**ABSENT:**  
Mark Kowalczyk, Member  
Amanda Auricchio, Esq., Member

**OTHERS PRESENT:**

**I. Call to Order**

The meeting was called to order by Co-Chair Beck at 4:37 p.m.

**II. Minutes**

A motion was made by Carol Shineman, seconded by Brent Phetteplace, to approve the meeting minutes from the IDA regular meeting of September 8, 2022.

**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 that, on Friday, the bids are due for the western side demolition at the Exit 29 Redevelopment Site in Canajoharie. The bid opening will be in the office tomorrow morning. Once those bids are opened, LiRo Engineers will review the bids and then that information will go to the County Legislature for the next steps.

Dollar General has started the site plan review process, with the Town of Florida, for its new project on the north side of Route 5S in the Florida Business Park Extension. It is anticipated that that application could be sent to the County Planning Board as early as November. Staff has authorized Prime AE to move forward with the subdivision of that property, which will be roughly 21 acres for the project.

Prime AE has also been authorized to move forward with the subdivision of Phase 2 in the Glen Canal View Business Park, which then will be going through the Town of Glen Planning Board.

## **VII. Financial Report**

### **A. Financial Report**

Mr. Ken Rose said that the Financial Report has been printed out for Agency board members.

A motion was made by Carol Shineman, seconded by Cheryl Reese, to approve the financial transaction reports. All members present were in favor.

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

Mr. Ken Rose said that the Revolving Loan Fund is included in the Agency board members' packets.

## **VIII. Marketing Report**

Mr. Vincenzo Nicosia reports that the department is still doing a lot of the marketing on social media and Small Business of the Month. The next phase of working with Camoin Associates on the Targeted Industry Analysis is business attraction. Camoin is also assisting staff and Engines of Creation on the revamp of the department's website, and a first draft should be done in the next few weeks. There is money left in the grant budget for business recruitment and that will be the focus moving forward.

Mr. Andrew Santillo reported that the department is working on some tourism type videos and also shifting an old initiative, Focus on Business, towards a video focused feature that will showcase local businesses from across different sectors.

Mr. Brent Phetteplace asked about a report that Fulton County is shifting its tourism program away from the regional chamber. Mr. Ken Rose stated any decision regarding the tourism for the county would be made by the County Legislature, but that the department would be ready to administer the program, if that was the desired course of action.

Ms. Cheryl Reese said that she was at Highwheeler Coffee, in Fort Plain, a week ago, when a group of bicyclists came in. They were from Rochester, so she asked how they knew about this business and they said they had seen a big story on Highwheeler on the Business Development Center's website.

## **IX. Unfinished Business**

There was no unfinished business.

**X. New Business**

**A. 2023 MCIDA Budget**

Co-Chair Matt Beck states that this proposed 2023 MCIDA Budget came to the full Agency with a positive recommendation from Governance Committee.

A motion was made by Carol Shineman, seconded by Cheryl Reese, to adopt the proposed 2023 MCIDA Budget. All members present voted in favor.

**B. NYSDOT Acquisition**

Mr. Ken Rose reported that the New York State Department of Transportation is doing a road widening project on Route 5S, in the Town of Florida, next year and will be going out to bid soon for the project. The IDA owns property there and NYSDOT would be taking approximately one-half acre. This resolution before the Agency board authorizes the sign off on that acquisition and allows the IDA to receive compensation for the property.

The following resolution was offered by Brent Phetteplace, seconded by Matt Beck, to wit:

**RESOLUTION AUTHORIZING APPROPRIATION OF CERTAIN REAL PROPERTY  
BY NEW YORK STATE DEPARTMENT OF TRANSPORTATION**

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
Mark Kowalczyk	VOTING	ABSENT
Amanda J. Auricchio, Esq.	VOTING	ABSENT
Laurie Weingart	VOTING	YES
Cheryl Reese	VOTING	YES
Brent Phetteplace	VOTING	YES

The foregoing Resolution No. 22-22 was thereupon declared duly adopted

**IX. Adjournment**

A motion was made by Cheryl Reese, seconded by Laurie Weingart, to adjourn the meeting at 5:00 p.m. All members present were in favor.

Respectfully submitted,

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Andrew Santillo  
Economic Development Staff Assistant  
Attachments: Resolution No. 22-22

**RESOLUTION AUTHORIZING APPROPRIATION OF CERTAIN  
REAL PROPERTY BY NEW YORK STATE  
DEPARTMENT OF TRANSPORTATION**

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 October 13, 2022 at 4:37 o’clock p.m., local time.

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

PRESENT:

Matthew Beck	Chairperson
Carol Shineman	Vice-Chairperson
Cheryl Reese	Treasurer
Laurie Weingart	Secretary
Brent E. Phetteplace	Member

ABSENT:

Amanda Auricchio, Esq.	Member
Mark Kowalczyk	Member

AGENCY STAFF PRESENT INCLUDED THE FOLLOWING:

Kenneth F. Rose	Chief Executive Officer
Sheila Snell	Chief Financial Officer
Andrew Santillo	Staff Assistant
Vincenzo Nicosia	Director of Program Dev.
Stephanie Battisti	Ec. Dev. Specialist

The following resolution was offered by Brent Phetteplace, seconded by Matthew Beck, to wit:

Resolution No. 22-22

**RESOLUTION AUTHORIZING THE APPROPRIATION OF CERTAIN REAL  
PROPERTY LOCATED IN THE TOWN OF FLORIDA, MONTGOMERY COUNTY,  
NEW YORK BY NEW YORK STATE DEPARTMENT OF TRANSPORTATION  
AND THE EXECUTION BY MONTGOMERY COUNTY INDUSTRIAL  
DEVELOPMENT AGENCY OF CERTAIN DOCUMENTS IN CONNECTION WITH  
SUCH APPROPRIATION.**

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 0.415 acres of certain real property located along State Route 5S in the Town of Florida, Montgomery County, New York (the “Property”) as more particularly described on Exhibit A attached hereto; and

WHEREAS, New York State Department of Transportation (“NYSDOT”) has notified the Agency of its intention of appropriating the Property through the process of eminent domain for purposes of making corridor improvements on the Property (the “Appropriation”) for purposes of (i) improving overall traffic conditions using cost effective methods to reduce delay and (ii) providing an acceptable level of service and to address geometric deficiencies to improve traffic flow and facilitate traffic operations; and

WHEREAS, since the Property will be acquired by eminent domain, the provisions of Article 9 – Title 5-A of the New York State Public Authorities Law, as amended, are not applicable to the Appropriation; and

WHEREAS, the Property will be appropriated pursuant to a certain agreement for advance payment (the “Agreement”) by and between the Agency and NYSDOT and certain other documents required by NYSDOT (together with the Agreement, the “Appropriation Documents”); and

WHEREAS, in connection with the Appropriation, NYSDOT has offered to compensate the Agency in the amount of \$27,425 pursuant to the Appropriation Documents; 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 Appropriation 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 Appropriation; and

WHEREAS, the Agency wishes to authorize the Appropriation and the actions contemplated by the Appropriation 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 Appropriation 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 Appropriation.

Section 2. The Agency hereby finds and determines that:

(A) The Agency hereby authorizes the Appropriation.

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

Section 3. In consequence of the foregoing, and subject to the approval of the form of the Appropriation Documents by Agency counsel, the Agency hereby approves the Appropriation and determines to execute the Appropriation Documents.

Section 4. The Agency is hereby authorized to do all things necessary and appropriate for the accomplishment of the Appropriation, and all acts heretofore taken by the Agency with respect to such acquisition are hereby approved, ratified and confirmed.

Section 5. The Chairperson, Vice Chairperson and the Chief Executive Officer of the Agency are hereby authorized, on behalf of the Agency, to execute and deliver the Appropriation 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 Chairperson, Vice Chairperson or the Chief Executive Officer shall approve, the execution thereof by the Chairperson, Vice Chairperson 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 Appropriation 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 Appropriation 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	YES
Carol Shineman	VOTING	YES
Mark Kowalczyk	VOTING	ABSENT
Amanda Auricchio, Esq.	VOTING	ABSENT
Laurie Weingart	VOTING	YES
Cheryl Reese	VOTING	YES
Brent E. Phetteplace	VOTING	YES

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 October 13, 2022 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”), 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 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 day of October, 2022.

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Secretary

(SEAL)

## EXHIBIT A

Map 49 – Parcels 60, 61 and 62 located in the Town of Florida, Montgomery County, New York.

Parcel 60 acquires 7,062± square feet (0.162± acre) beginning at the western property line and ending at the neighboring residential use property, varying in depth from 19-20 feet.

Parcel 61 acquires 8,416± square feet (0.193± acre) beginning at the neighboring commercial use property and ending at a jut in the highway boundary for drainage, varying in depth from 12-14 feet.

Parcel 62 acquires 2,608± square feet (0.060± acre) beginning at the opposite side of the jut in the highway boundary for drainage, extending 393± feet east along Route 5S and ends coming to a point before the eastern property line. The acquisitions are necessary for grading work and the relocation of drainage facilities and utilities in connection with the widening of State Route 5S.

Improvements included: 600± square feet of paved driveway and one “STOP” sign.