



Meeting Notice

TO: Agency Members
FROM: Kenneth F. Rose, Chief Executive Officer
DATE: September 6, 2022
RE: September MCIDA Regular Meeting

The regular meeting of the Montgomery County Industrial Development Agency is scheduled for Thursday, September 8, 2022 at 4:30 p.m. at the Old County Courthouse, 9 Park Street, Fonda, NY. .

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

cc: A. Joseph Scott, III, Esq. The Recorder
Montgomery Co. Legislature
DPW

Montgomery County Industrial Development Agency
Meeting
Agenda September 8, 2022

- I. Call to Order
- II. Minutes
 - A. Regular Meeting-July 14, 2022
- III. Communications
- IV. Public Comments
- V. Chair's Report
- VI. Director's Report
- VII. Financial Report
 - A. Financial Report-Action Item
 - B. Revolving Loan Fund
- VIII. Marketing Report
 - A. Marketing Software
- IX. Unfinished Business
 - A. Targeted Industry Marketing Strategy
 - B. Dollar General-Action Item
 - C. Shared Services Facility-Action Item
- X. New Business
- XI. Adjournment



**Montgomery County Industrial Development Agency Meeting
July 14, 2022
Meeting Minutes**

MEMBERS PRESENT:

Carol Shineman, Vice Chair
Cheryl Reese, Treasurer
Mark Kowalczyk, Member
Brent Phetteplace, Member

ABSENT:

Matthew Beck, Chair
Amanda Auricchio, Esq., Member
Laurie Weingart, Secretary

STAFF MEMBERS PRESENT:

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

OTHERS PRESENT:

I. Call to Order

The meeting was called to order by Vice-Chair Shineman at 4:34 p.m.

II. Minutes

A motion was made by Cheryl Reese, seconded by Mark Kowalczyk, to approve the meeting minutes from the Audit Committee of March 10, 2022. All members present were in favor.

A motion was made by Mark Kowalczyk, seconded by Brent Phetteplace, to approve the meeting minutes from the Governance Committee Meeting March 10, 2022. All members present were in favor.

A motion was made by Cheryl Reese, seconded by Mark Kowalczyk, to approve the meeting minutes from the IDA regular meeting of March 10, 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

There was no Director's Report.

VII. Financial Report

A. Financial Report

Ms. Sheila Snell said that the Financial Report is included in the Agency board members' packets.

A motion was made by Cheryl Reese, seconded by Mark Kowalczyk, to approve the financial transaction reports for April through June. 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 said that there was a meeting today to discuss the Targeted Industry Analysis and Marketing Strategy that has been in the works. This project has provided insight into networking and ad campaigns to draw specific employers, such as advanced manufacturing, that we are actively seeking.

There was a summer tourism video put out today on social media that we have worked to complete.

We are still working on Small Business of the Month and also aiming to rework the department's website to keep it fresh and also make it more user-friendly.

IX. Unfinished Business

There was no unfinished business.

X. New Business

A. Project Assessment Report

Ms. Sheila Snell said that the annual project assessment review is in the agency board member's packets. The Authorities Budget Office (ABO) that the IDA projects are reviewed and monitored and receive approval from the board.

Mark Kowalczyk thanked Ms. Snell for the report, which is clear and concise and the information includes accomplishments that we should be proud of.

Mark Kowalczyk offered a motion to accept the 2021 Project Assessment Report, which was seconded by Cheryl Reese. All members present were in favor.

B. Appraisal Services

Mr. Ken Rose states that appraisals are necessary for property sales or purchases, which are required as a public authority. This resolution is just to keep money set aside for when these situations take place, there is no delay in this process.

The following resolution was offered by Cheryl Reese, seconded by Brent Phetteplace, to wit:

RESOLUTION AUTHORIZING ADDITIONAL MONETARY ALLOCATION FOR EXISTING RETAINER AGREEMENT FOR PROFESSIONAL APPRAISAL OF REAL PROPERTY

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

The foregoing Resolution No. 22-15 was thereupon declared duly adopted

C. Website Redesign

Mr. Ken Rose stated that this resolution will allow the agency to enter into an agreement with Engines of Creation to revamp the department's website.

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

RESOLUTION AUTHORIZING THE ENTERING OF THE MONTGOMERY COUNTY INDUSTRIAL DEVELOPMENT AGENCY INTO AN AGREEMENT FOR PROFESSIONAL SERVICES-WEBSITE DEVELOPMENT REDESIGN

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

The foregoing Resolution No. 22-16 was thereupon declared duly adopted

D. IDA Application

Mr. Ken Rose reports that we received an IDA Application from Dollar General for a proposed 150,000 sq. ft., perishable distribution center in the Florida Business Park on 21 acres of property that the IDA owns, across the street from their existing facility.

The only thing that this resolution does is accept the application and its completeness and schedule the public hearing for the project.

The following resolution was offered by Cheryl Reese, seconded by Brent Phetteplace, to wit:

PUBLIC HEARING RESOLUTION DG DISTRIBUTION NORTHEAST, LLC D/B/A DOLLAR GENERAL 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	ABSENT
Carol Shineman	VOTING	YES
Mark Kowalczyk	VOTING	YES
Amanda J. Auricchio, Esq.	VOTING	ABSENT
Laurie Weingart	VOTING	ABSENT
Cheryl Reese	VOTING	YES
Brent Phetteplace	VOTING	YES

The foregoing Resolution No. 22-17 was thereupon declared duly adopted

E. Cost Benefit Analysis Contract

Mr. Ken Rose stated that cost benefit analysis is what staff runs when we receive an IDA Application. This will also be presented to the board moving forward and also required by the ABO.

Mark Kowalczyk made a motion to approve the Cost Benefit Analysis Contract, seconded by Brent Phetteplace.

A motion was made by Brent Phetteplace, seconded by Cheryl Reese, to enter into executive session to discuss company financials at 4:55 p.m. All members present were in favor.

A motion was made by Cheryl Reese, seconded by Mark Kowalczyk, to adjourn executive session at 5:35 p.m. All members present were in favor. No action was taken in Executive Session.

The livestream video of the meeting suffered a technical difficulty during the Executive Session, but the only thing that was not broadcast was the adjournment of the meeting. No action was taken in Executive Session.

IX. Adjournment

A motion was made by Brent Phetteplace, seconded by Cheryl Reese, to adjourn the meeting at 5:36 p.m. All members present were in favor.

Respectfully submitted,

Andrew Santillo
Economic Development Staff Assistant
Attachments: Resolution No. 22-15, 22-16, 22-17

**RESOLUTION AUTHORIZING ADDITIONAL MONETARY ALLOCATION FOR EXISTING
RETAINER AGREEMENT FOR PROFESSIONAL APPRAISAL OF REAL PROPERTY**

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 July 14, 2022 at 4:34 o'clock p.m., local time.

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

PRESENT:

Carol Shineman	Vice Chair
Cheryl Reese	Treasurer
Mark Kowalczyk	Member
Brent Phetteplace	Member

ABSENT:

Matthew Beck, Chair
Amanda Auricchio, Esq. Member
Laurie Weingart, Secretary

AGENCY STAFF PRESENT INCLUDED THE FOLLOWING:

Kenneth Rose	Chief Executive Officer
Sheila Snell	Chief Financial Officer
Vincenzo Nicosia	Director of Program Development
Andrew Santillo	Staff Assistant

OTHERS PRESENT:

The following resolution was offered by Cheryl Reese , seconded by Brent Phetteplace to wit:

Resolution No. 22-15

**RESOLUTION AUTHORIZING ADDITIONAL MONETARY ALLOCATION FOR EXISTING
RETAINER AGREEMENT FOR PROFESSIONAL APPRAISAL OF REAL PROPERTY**

WHEREAS, 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 Public Authority Accountability Act requires that any Public Authority conduct an appraisal by an independent appraiser prior to the acquisition and disposition of real property,

WHEREAS, the Agency per Resolution Numbers 11-26 and 19-20 entered into a retainer agreement with Conti Appraisal and Consulting, LLC for the purposes of conducting appraisals on an as needed basis with the original budgeted amount not to exceed \$10,000 and an amended amount not to exceed \$20,000,

RESOLVED, the Agency hereby authorizes an additional \$10,000 for the purposes of appraisals under the existing retainer agreement with Conti Appraisal and Consulting, LLC., and

FURTHER RESOLVED, 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 to carry out the terms of this Resolution, and to execute and deliver any additional certificates, instruments and documents, to pay all such fees, charges and expenses and to do all such further acts and things as may be necessary or, in the opinion of the officer, employee or agent acting, desirable and proper to effect the purposes of the foregoing Resolution and to cause compliance by the Agency with all of the terms, covenants and provisions of this Resolutions, and

FURTHER RESOLVED, 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, and

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

The foregoing Resolution No. 22-15 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 extract of the minutes of the meeting of the members of the Agency, including the resolution contained therein, held on July 14, 2022, with the original thereof on file in my office, and that the same is a true and correct copy of such proceedings of the Agency and of such resolution set forth 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"), said meeting was open to the general public, and due notice of the time and place of said meeting was 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 14th day of July, 2022.

(Assistant) Secretary

(SEAL)

**RESOLUTION AUTHORIZING THE ENTERING OF THE MONTGOMERY COUNTY
INDUSTRIAL DEVELOPMENT AGENCY INTO AN AGREEMENT FOR
PROFESSIONAL SERVICES-WEBSITE DEVELOPMENT REDESIGN**

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 July 14, 2022 at 4:34 P.M.

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

PRESENT:

Carol Shineman	Vice Chair
Cheryl Reese	Treasurer
Mark Kowalczyk	Member
Brent Phetteplace	Member

ABSENT:

Matthew Beck	Chair
Laurie Weingart	Secretary
Amanda J. Auricchio, Esq.	Member

AGENCY STAFF PRESENT INCLUDED THE FOLLOWING:

Kenneth Rose	Chief Executive Officer
Sheila Snell	Chief Financial Officer
Vincenzo Nicosia	Director of Program Development
Andrew Santillo	Staff Assistant

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

Resolution No. 22-16

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

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, after the Agency's strategic marketing consulting firm undertook a review of the Agency's websites it was recommended that various changes be made to the site, 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 Engines of Creation, for the purposes of revamping the Agency's website based upon internal review and recommendations from the Agency's strategic marketing consulting firm in the amount of \$21,000 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 and operations and (2) The contractor has provided services for the Agency in the past which were provided in a timely, professional and cost effective manner (3) The Contractor currently provides website maintenance for the Agency's existing website.

Section 3. 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. 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, and

Section 5. This Resolution shall take effect immediately.

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

The foregoing Resolution No. 22-16 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 extract of the minutes of the meeting of the members of the Agency held on July 14, 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 respect 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 given in accordance with such Open Meetings Law; and (D) there was a quorum of the members of the Agency present through-out 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 July 2022.

(Assistant) Secretary

(S E A L)

**PUBLIC HEARING RESOLUTION
DG DISTRIBUTION NORTHEAST, LLC
D/B/A DOLLAR GENERAL CORPORATION**

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 July 14, 2022 at 4:34 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:

Carol Shineman	Vice-Chair
Cheryl Reese	Treasurer
Mark Kowalczyk	Member
Brent E. Phetteplace	Member

ABSENT:

Matthew Beck	Chair
Laurie Weingart	Secretary
Amanda J. Auricchio, Esq.	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 Development

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

Resolution No. 22-17

RESOLUTION AUTHORIZING THE CHIEF EXECUTIVE OFFICER OF MONTGOMERY COUNTY INDUSTRIAL DEVELOPMENT AGENCY TO HOLD A PUBLIC HEARING REGARDING A PROPOSED PROJECT TO BE UNDERTAKEN FOR THE BENEFIT OF DG DISTRIBUTION NORTHEAST, LLC D/B/A DOLLAR GENERAL 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 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, in July, 2022, DG Distribution Northeast, LLC, d/b/a Dollar General Corporation, a limited-liability company organized and existing under the laws of the State of Tennessee (the “Company”) submitted an application (the “Application”) to the Agency, a copy of which Application is on file at the office of the Agency, which Application requested that the Agency consider undertaking a project (the “Project”) for the benefit of the Company, said Project consisting of the following: (A) (1) the acquisition of an interest in an approximately 21 acre portion of a 54.4 acre parcel of land located at NYS Route 5S (Tax Map No. 54-2-2.31), in the Town of Florida, Montgomery County, New York (the “Land”), (2) the construction of an approximately +/- 150,000 square foot facility on the Land (the “Facility”), and (3) the acquisition and installation of certain machinery and equipment therein and thereon (the “Equipment”) (the Land, the Facility and the Equipment hereinafter collectively referred to as the “Project Facility”), all of the foregoing to be owned and operated by the Company and used as a perishable goods warehousing and distribution space for the Company’s operations and any other directly or indirectly related activities; (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 and real property 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, pursuant to Section 859-a of the Act, prior to the Agency providing any “financial assistance” (as defined in the Act) of more than \$100,000 to any project, the Agency, among other things, must hold a public hearing pursuant to Section 859-a of the Act with respect to said project; and

WHEREAS, the Agency desires to provide for compliance with the provisions of Section 859-a of the Act with respect to the Project;

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

Section 1. The Agency hereby authorizes the Chief Executive Officer of the Agency, after consultation with the members of the Agency and Agency Counsel, (A) to establish the time, date and place for a public hearing of the Agency to hear all persons interested in the Project (the “Public Hearing”); (B) to cause the Public Hearing to be held in a city, town or village where the Project Facility is or is to be located, and to cause notice of such Public Hearing to be given to the public by publishing a notice or notices of such Public Hearing in a newspaper of general circulation available to the residents of the governmental units where the Project Facility is or is to be located, such notice or notices to comply with the requirements of Section 859-a of the Act; (C) to cause notice of the Public Hearing to be given to the chief executive officer of the county and of each city, town, village and school district in which the Project Facility is or is to be located to comply with the requirements of Section 859-a of the Act; (D) to conduct such Public Hearing; (E) to cause a report of the Public Hearing fairly summarizing the views presented at such Public Hearing (the “Report”) to be prepared; and (F) to cause a copy of the Report to be made available to the members of the Agency.

Section 2. The Chairman, Vice-Chairman and/or Chief Executive Officer of the Agency is hereby authorized and directed to distribute copies of this Resolution to the Company and to do such further

things or perform such acts as may be necessary or convenient to implement the provisions of this Resolution.

Section 3. All action taken by the Chief Executive Officer of the Agency in connection with the Public Hearing with respect to the Project prior to the date of this Resolution is hereby ratified and confirmed.

Section 4. 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	__ABSENT__
Carol Shineman	VOTING	YES__
Mark Kowalczyk	VOTING	YES__
Amanda Auricchio	VOTING	ABSENT__
Laurie Weingart	VOTING	ABSENT__
Cheryl Reese	VOTING	YES__
Brent E. Phetteplace	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 July 14, 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 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"), 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 14 day of July, 2022.

(~~Assistant~~) Secretary

(SEAL)

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

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 September 8, 2022 at 4:30 P.M.

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

PRESENT:

Matthew Beck	Chair
Carol Shineman	Vice Chair
Cheryl Reese	Treasurer
Laurie Weingart	Secretary
Amanda J. Auricchio, Esq.	Member
Mark Kowalczyk	Member
Brent Phetteplace	Member

ABSENT:

AGENCY STAFF PRESENT INCLUDED THE FOLLOWING:

Kenneth Rose	Chief Executive Officer
Sheila Snell	Chief Financial Officer
Vincenzo Nicosia	Director of Program Development
Andrew Santillo	Staff Assistant

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

Resolution No. 22-18

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

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, the Agency undertook a Strategic Marketing and Business Attraction Blueprint initiative, and

WHEREAS, as part of this on-going initiative workforce development was identified as playing a major role in business attraction and retention and understanding the dynamics of employee and visitor demographics more precisely is one of the important factors in promoting attraction and retention, and

WHEREAS, Placer.ai provides comprehensive data and analytics to measure the above mentioned information, and

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

WHEREAS, the Section 504 of 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 and specifically cites programming services for customized programs,

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 Placer Labs, Inc. (contractor) for the purposes of access to the contractor's proprietary analytics platform to enhance the Agency's business marketing and retention efforts in the amount of \$25,000 for one year. Entering into contract with Contractor is in accordance with Section 504 of the Procurement Policy as contract is for programming services for customized programming.

Section 3. 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. 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, and

Section 5. This Resolution shall take effect immediately.

Matthew Beck	VOTING
Carol Shineman	VOTING
Laurie Weingart	VOTING
Cheryl Reese	VOTING
Mark Kowalczyk	VOTING
Amanda J. Auricchio, Esq.	VOTING
Brent Phetteplace	VOTING

The foregoing Resolution No. 22-18 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 extract of the minutes of the meeting of the members of the Agency held on September 8, 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 respect 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 given in accordance with such Open Meetings Law; and (D) there was a quorum of the members of the Agency present through-out 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 8th day of September 2022.

(Assistant) Secretary

(S E A L)



MONTGOMERY COUNTY NY

BUSINESS DEVELOPMENT CENTER

TRANSPORTATION, WAREHOUSING, AND LOGISTICS

Navigating the future supply chain

Centrally located, Montgomery County is anchored by a robust, multi-modal transportation network that serves established and emerging industries.



SIGNIFICANT GROWTH

40% JOB GROWTH

from 2016-2021,
equating to 550 jobs

(another 300 jobs expected by 2026)

HOTSPOT FOR TALENT

2,000+ JOBS

in the Transportation, Ware-
housing, and Logistics Sector

(10% of the County's total jobs)

COMPETITIVE LABOR COSTS

\$74,000

AVG EARNINGS PER JOB

Just \$5,000 above the
National average

30 MIN

from NY's Capital Region,
including Luther Forest Technology
Campus, home of GlobalFoundries

PROXIMITY TO MARKETS

Direct, easy access to New York State
Thruway (I-90) links Montgomery County
to the major travel corridors, and major
economic hubs, of the northeast.

3.5 HRS

← Buffalo NY

4 HRS

↑ Montreal CA

3 HRS

→ Boston MA

4.5 HRS

↙ Philadelphia PA

3.5 HRS

↓ NYC

2.5 HRS

↘ Hartford CT



TORONTO
308.75B ANNUAL GDP



NEW YORK STATE
\$1.668T ANNUAL GDP



MONTREAL
193B ANNUAL GDP

BURLINGTON
LAKE CHAMPLAIN
PLATTSBURGH



CAPITAL REGION

SARATOGA SPRINGS
TROY
ALBANY



BOSTON
463.57B ANNUAL GDP

PA

NYC
711.97B ANNUAL GDP



POUGHKEEPSIE

BINGHAMTON



PHILADELPHIA
120.49B ANNUAL GDP

NJ

MAJOR DISTRIBUTION CENTERS
CHOOSE MONTGOMERY COUNTY



DOLLAR GENERAL





IMMEDIATE ACCESS TO TRANSPORTATION CORRIDORS



HIGHWAYS

NYS Thruway (Interstate-90) Runs through the County



PORTS

Waterway access to the Port of Albany (50 Miles away) and the Port of Coeymans (60 miles away)



RAIL

CSX & Amtrak run through county



AIR

45 minutes from Albany International Airport

THIS SECTOR SUPPORTS MONTGOMERY COUNTY'S STRONG ADVANCED MANUFACTURING SECTOR.



TRANSPORTATION, WAREHOUSING & LOGISTICS IN MONTGOMERY COUNTY BENEFIT FROM A STRONG REGIONAL LABOR MARKET

TRANSPORTATION FACT

Freight shipped via truck from Capital Region in 2017

\$4.1B

DOMESTIC

\$382M

CANADA

ACCESSIBLE LABOR FORCE IN THE 9-COUNTY REGIONAL LABOR MARKET

1,232

First-line Supervisors of Transportation and Material Moving Workers

8,681

Laborers and Freight, Stock, and Material Movers

6,475

Heavy and Tractor-Trailer Truck Drivers

3,055

Light Truck or Delivery Services Drivers

(*Counties of Montgomery, Fulton, Schenectady, Saratoga, Albany, Herkimer, Oneida, Schoharie, and Otsego)

REGIONAL EDUCATIONAL ASSETS

20+ COLLEGES & UNIVERSITIES

creating a highly skilled local labor pipeline

- Fulton-Montgomery Community College graduates 500 students annually and recently added a supply chain management program.

- Hamilton-Fulton-Montgomery Board of Cooperative Educational Services (HFM BOCES) - Runs an award winning PTECH Program.
- Regionally, Rensselaer Polytechnic Institute (RIP) offers a nationally-recognized mater's program in supply chain management.

THE FUTURE OF YOUR BUSINESS STARTS IN MONTGOMERY COUNTY

For more information about Montgomery County's growing industries

CALL 518.853.8334

INVESTMENT INCENTIVES TO MEET YOUR BUSINESS NEEDS

- Taxable/Tax Exempt Industrial Development Bonds
- Incentive Packages
- Direct Revolving Loan Fund Financing
- Tax Abatement Programs
- Montgomery County Economic Dev. Program
- Financial Packaging
- Grant Writing and Administration
- Real Estate Development



MONTGOMERY
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MONTGOMERY COUNTY NY

BUSINESS DEVELOPMENT CENTER

FOOD MANUFACTURING

Abundant raw materials, programs, and incentives with easy access to growing markets

Upstate NY has a strong reputation as a producer of quality foods and food innovation, and Montgomery County is in the center of it all. Local food producers are directly connected to Capital Region and Central NY markets, and have the ability to easily reach customers throughout the northeast.



JOBS AND GROWTH IN AND AROUND MONTGOMERY COUNTY

466+

food manufacturing jobs spread across 10 businesses

~200

growing by 23% (faster than region) and projected to continue

JOBS ADDED FROM 2017-2022

3.9M

PEOPLE WITHIN 100 MILES OF MONTGOMERY COUNTY

and over 43 million people within 200 miles

(*Counties of Montgomery, Fulton, Schenectady, Saratoga, Albany, Herkimer, Oneida, Schoharie, and Otsego)

30 MIN

from NY's Capital Region

PROXIMITY TO MARKETS

but low-cost in comparison

Direct, easy access to New York State Thruway (I-90) links Montgomery County to the major travel corridors, and major economic hubs, of the northeast.

3.5 HRS

← Buffalo NY

4 HRS

↑ Montreal CA

3 HRS

→ Boston MA

4.5 HRS

↙ Philadelphia PA

3.5 HRS

↓ NYC

2.5 HRS

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BURLINGTON
LAKE CHAMPLAIN
PLATTSBURGH



BOSTON
463.57B ANNUAL GDP



PHILADELPHIA
120.49B ANNUAL GDP

LARGE RECOGNIZABLE LOCAL COMPANIES IN COUNTY THAT HAVE BEEN SUCCESSFUL AND ARE INVESTING IN THEIR FUTURE HERE





IMMEDIATE ACCESS TO TRANSPORTATION CORRIDORS



HIGHWAYS

NYS Thruway (Interstate-90) Runs through the County



PORTS

Waterway access to the Port of Albany (50 Miles away) and the Port of Coeymans (60 miles away)



RAIL

CSX & Amtrak run through county



AIR

45 minutes from Albany International Airport

MONTGOMERY COUNTY IS SUPPORTED BY STRONG & GROWING TRANSPORTATION, WAREHOUSING, & LOGISTICS SECTOR



THE ROLE OF AGRICULTURE IN MONTGOMERY COUNTY

Water is plentiful and there is no water rationing here! The vast Mohawk River Valley Watershed provides Montgomery County with an unlimited supply of fresh water.

35% OF MATERIAL PURCHASES

by the food manufacturing industry are provided by local suppliers in Montgomery County and include grains, vegetables, hay, apples, and milk.

560 FARMS

in Montgomery County and there are 115,000 acres of land in production.

REGIONAL EDUCATIONAL ASSETS

20+
COLLEGES &
UNIVERSITIES

creating a highly skilled local labor pipeline

Cornell Cooperative Extension of Fulton and Montgomery Counties provides research-based educational opportunities in agriculture and horticulture. Also, Local Education institutions like Fulton-Montgomery Community College and Hamilton-Fulton-Montgomery Board of Cooperative Educational Services (HFM BOCES) can adapt programs to meet your training needs.

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INVESTMENT INCENTIVES TO MEET YOUR BUSINESS NEEDS

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P.O. Box 1500, Fonda, NY 12068



**MONTGOMERY
COUNTY NY**

BUSINESS DEVELOPMENT CENTER

MONTGOMERY COUNTY ECONOMIC PROFILE

UPDATED JULY 2022

30
MIN

from NY's
Capital Region

What makes us strong?

Montgomery County is talented, connected, and nimble. The New York State Thruway, rail service and air transportation connect your business to major markets in the Northeast U.S. and southeastern Canada. Shovel ready real estate, custom financial incentives and a dedicated workforce grow businesses and bottom lines. Thriving communities dot our historic landscape, support business and make great places to live. Like the mighty Mohawk River that formed the geographic and cultural identity of this region, the strength of Montgomery County shapes the future success of major food producers, innovative manufacturers, national logistics firms, and our home grown family businesses.

Become something stronger. Build your business here.

3.5HRS → BUFFALO NY

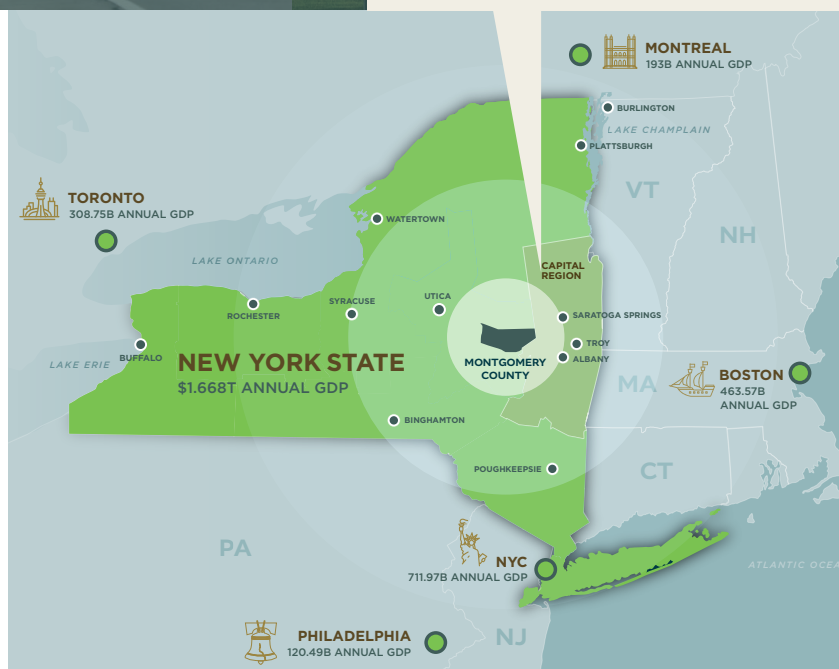
3.5HRS → NYC NY

4.5HRS → MONTREAL CA

2.5HRS → HARTFORD CT

3HRS → BOSTON MA

4.5HRS → PHILADELPHIA PA



OVERALL ECONOMY

Average earnings are lower in Montgomery County (\$57,156) than in New York (\$93,291) and the United States (\$72,048)

19,590 TOTAL JOBS

in Montgomery County's economy

>500JOBS

projected to be added in next 5 years

\$49,500

median household income

(\$13,400 below the National average)

4.9%

unemployment rate as of March 2022

Strong and Growing Economy

LARGEST SECTORS BY EMPLOYMENT:

- 4,600 jobs Healthcare and Social Assistance
- 2,800 jobs Manufacturing
- 2,700 jobs Retail Trade
- 2,100 jobs Transportation

FASTEST GROWING SECTORS:

- Transportation & Warehousing
- Real Estate Rental and Leasing
- Agriculture, Forestry, Fishing and Hunting
- Arts, Entertainment, and Recreation

DEEP MIDDLE-SKILL TALENT POOL

Montgomery County's above average Associate Degree attainment provides technical skills to support manufacturing, transportation, logistics, and healthcare businesses.

10.5%

residents possess a Bachelor's Degree

14.1%

residents hold an Associate's Degree

LARGEST OCCUPATIONS

- Transportation and Material Moving
- Office and Administrative Support
- Sales and Related Production
- Healthcare Support

TOP GROWING OCCUPATIONS

- Transportation and Material Moving
- Management
- Business & Financial Operations
- Farming, Fishing, Forestry
- Life, Physical, Social Science



IMMEDIATE ACCESS TO TRANSPORTATION CORRIDORS



HIGHWAYS

NYS Thruway (Interstate-90) Runs through the County



PORTS

Waterway access to the Port of Albany (50 Miles away) and the Port of Coeymans (60 miles away)



RAIL

CSX & Amtrak run through county



AIR

45 minutes from Albany International Airport

JOIN OUR LEADING COMPANIES



SITES ARE AVAILABLE TO ACCOMMODATE A VARIETY OF PROJECTS

FLORIDA BUSINESS PARK EXTENSION

- **Available Acres:** 12 in 212 Acre Business Park
- **Foreign Trade Zone #121**
- **Municipality:** Town of Florida
- **Zoning:** Industrial Business Park
- **Access:** Frontage on NYS Route 5S, 1.5 miles to I-90
- **Existing Infrastructure:** Electric, Gas, Water, Sewer

EXIT 29 REDEVELOPMENT PROJECT

- **Available Acres:** 7 acres Former Beech-Nut site
- **Municipality:** Village of Canajoharie
- **Access:** Less than 1 mile to NYS Thruway (I-90)
- **Existing Infrastructure:** Electric and Water Ready

WINSTANLEY LOGISTICS SITE

- **Available:** up to 1,000,000 square feet of high bay industrial space to be built based on tenant specifications
- **Municipality:** Town of Florida
- **Access:** Located less than 2 miles from Exit 27 of I-90
- **Infrastructure:** All major utilities including natural gas

RECENT INVESTMENT

\$115 MILLION +
INVESTMENT

Dollar General's

state-of-the-art, distribution facility now supports more than 800 DG stores and employs more than 400.

Vida-Blend, a

home-grown nutrient premix company, constructed a new manufacturing facility that has created 18 new jobs.

Microtel by

Wyndham, opened a new facility, adding to the county's hospitality offerings.

"Beech-Nut And Montgomery County Go Back Over 100 Years. When It Came Time For Our Facility To Modernize, The Business Development Center Was Instrumental In Finding Us A New Location So That We Could Continue To Operate In The Region, And Retain Hundreds Of Jobs. Today, We Have A State-of-the-art Facility With A World-class Workforce Passionately Committed To Our Mission 'To Conserve The Goodness Of Nature.'"

Erin Clemens

Vice President, Human Resources for Beech-Nut Nutrition Company

INVESTMENT INCENTIVES TO MEET YOUR BUSINESS NEEDS

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MONTGOMERY COUNTY NY

BUSINESS DEVELOPMENT CENTER

ADVANCED MANUFACTURING

Skilled and Highly Competitive Manufacturing Workforce

Advanced Manufacturing has a long rich history in Montgomery County, and it has been a catalyst for recent economic growth. The County's Advanced Manufacturing sector includes technology-intensive manufacturing, such as the production of semiconductors, and manufacturing of machinery and equipment.



HISTORICALLY STRONG SECTOR

**1,050
ACTIVE JOBS**

**in the Advanced
Manufacturing sector**

(5% of the County's total jobs)

AVAILABLE SKILLED LABOR

**AVG 10 JOB
POSTS/MONTH**

**compared to 17/month
for the U.S. as a whole.**

*(i.e. it is easier for employers
to find talent here)*

COMPETITIVE LABOR COSTS

**\$72,825
AVG SALARY**

**\$32,400 less than the
National average**

**30
MIN**

**from NY's Capital Region,
including Luther Forest Technology
Campus, home of GlobalFoundries**

PROXIMITY TO MARKETS

Direct, easy access to New York State
Thruway (I-90) links Montgomery County
to the major travel corridors, and major
economic hubs, of the northeast.

**3.5
HRS**

← Buffalo NY

**4
HRS**

↑ Montreal CA

**3
HRS**

→ Boston MA

**4.5
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**3.5
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**2.5
HRS**

↘ Hartford CT



TORONTO
308.75B ANNUAL GDP

LAKE ONTARIO

LAKE ERIE

NEW YORK STATE
\$1.668T ANNUAL GDP

**MONTGOMERY
COUNTY**



MONTREAL
193B ANNUAL GDP

BURLINGTON

LAKE CHAMPLAIN

PLATTSBURGH

VT

NH

CAPITAL
REGION

SARATOGA SPRINGS

TROY

ALBANY

MA

CT

PA

NJ

ATLANTIC OCEAN

BOSTON

463.57B ANNUAL GDP

BINGHAMTON

POUGHKEEPSIE

711.97B ANNUAL GDP



PHILADELPHIA
120.49B ANNUAL GDP



**EXECUTIVE
GROUP**





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MONTGOMERY MANUFACTURERS BENEFIT FROM A STRONG REGIONAL SECTOR

18,750
JOBS

within the greater
nine-county*
labor market

1,485
BUSINESSES

within in the
regional Advanced
Manufacturing sector

6% TOTAL JOBS
of ACROSS THE
LABOR MARKET

in the regional Advanced
Manufacturing sector

(*Counties of Montgomery, Fulton, Schenectady, Saratoga, Albany, Herkimer, Oneida, Schoharie, and Otsego)

REGIONAL EDUCATIONAL ASSETS

20+
COLLEGES &
UNIVERSITIES

creating a highly
skilled local
labor pipeline

STRONG JOB GROWTH

~200
JOBS ADDED
FROM 2017-2022

growing by 23%
(faster than region)
and projected to continue

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**PILOT DEVIATION NOTICE RESOLUTION
DG DISTRIBUTION NORTHEAST, LLC
D/B/A DOLLAR GENERAL CORPORATION**

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 September 8, 2022 at 4:30 o’clock p.m., local time.

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

PRESENT:

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

ABSENT:

None.

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 Development
Christopher C. Canada, Esq.	Agency Counsel

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

Resolution No. 22-19

RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO SEND A LETTER TO THE CHIEF EXECUTIVE OFFICERS OF THE AFFECTED TAXING ENTITIES INFORMING THEM OF A PROPOSED DEVIATION FROM MONTGOMERY COUNTY INDUSTRIAL DEVELOPMENT AGENCY’S UNIFORM TAX EXEMPTION POLICY IN CONNECTION WITH THE PROPOSED DG DISTRIBUTION NORTHEAST, LLC D/B/A DOLLAR GENERAL CORPORATION PROJECT.

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 906-a 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, DG Distribution Northeast, LLC, d/b/a Dollar General Corporation, a limited-liability company organized and existing under the laws of the State of Tennessee (the “Company”), submitted an application (the “Application”) to the Agency, a copy of which Application is on file at the office of the Agency, requesting that the Agency consider undertaking a project (the “Project”) for the benefit of the Company, said Project consisting of the following: (A) (1) the acquisition of an interest in an approximately 21 acre portion of a 54.4 acre parcel of land located at NYS Route 5S (Tax Map No. 54.-2-2.31), in the Town of Florida, Montgomery County, New York (the “Land”), (2) the construction of an approximately +/- 150,000 square foot facility on the Land (the “Facility”), and (3) the acquisition and installation of certain machinery and equipment therein and thereon (the “Equipment”) (the Land, the Facility and the Equipment hereinafter collectively referred to as the “Project Facility”), all of the foregoing to be owned and operated by the Company and used as a perishable goods warehousing and distribution space for the Company’s operations and any other directly or indirectly related activities; (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 estate 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 Land is currently owned in fee title by the Agency. Prior to the execution and delivery by the Agency and the Company of certain documents relating to the Project, including but not limited to the Proposed PILOT Agreement (as defined herein), the Company will purchase the Land from the Agency pursuant to an agreement for purchase and sale by and between the Agency and the Company; and

WHEREAS, in connection with the Application, the Company has made a request to the Agency (the “PILOT Request”) to deviate from its uniform tax exemption policy (the “Policy”) with respect to the payments to be made under a payment in lieu of tax agreement by and between the Agency and the Company (the “Proposed PILOT Agreement”); and

WHEREAS, pursuant to the PILOT Request, the Proposed PILOT Agreement would (A) be for a term of fifteen (15) years with an abatement schedule as more particularly described in Exhibit A attached hereto, and (B) split any payments in lieu of taxes received under the Proposed PILOT Agreement among Montgomery County, the Town of Florida and the Fonda-Fultonville Central School District (being collectively referred to as the “Affected Tax Jurisdictions”) in percentages as more particularly described in Exhibit A attached hereto; and

WHEREAS, the Policy provides that, for a facility similar to the Project Facility, payments in lieu of taxes will normally be determined under the following abatement schedule: a seventy-five percent (75%) abatement of real property taxes on the Improvements in years one (1) through five (5); a fifty percent

(50%) abatement of real property taxes on the Improvements in years six (6) through ten (10); and a twenty-five percent (25%) abatement of real property taxes on the Improvements in years eleven (11) through fifteen (15); and

WHEREAS, the Policy further provides that payments in lieu of taxes should be calculated and distributed to the Affected Tax Jurisdictions by multiplying the assessed value of the Project Facility by the applicable tax rate of such Affected Tax Jurisdiction in such year; and

WHEREAS, pursuant to Section 874(4) of the Act and the Policy, prior to taking final action on such PILOT Request for a deviation from the Policy, the Agency must give the chief executive officers of the Affected Tax Jurisdictions prior written notice of the proposed deviation from the Policy and the reasons therefore; and

WHEREAS, pursuant to Section 865(15) of the Act, unless otherwise agreed by the Affected Tax Jurisdictions, payments in lieu of taxes must be allocated among the Affected Tax Jurisdictions in proportion to the amount of real property tax and other taxes which would have been received by each Affected Tax Jurisdiction had the Project Facility not been tax exempt due to the status of the Agency;

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

Section 1. Having considered both the Application and the PILOT Request, the Agency hereby authorizes the Chief Executive Officer of the Agency to send a written notice to the chief executive officers of each of the Affected Tax Jurisdictions informing them that the Agency is considering a proposed deviation from the Policy with respect to the Project and the reasons therefore (in substantially the form of the draft of said letter attached hereto as Exhibit A), and soliciting any comments that such Affected Tax Jurisdictions may have with respect to said proposed deviation.

Section 2. 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	_____
Mark Kowalczyk	VOTING	_____
Amanda Auricchio	VOTING	_____
Laurie Weingart	VOTING	_____
Cheryl Reese	VOTING	_____
Brent E. Phetteplace	VOTING	_____

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 annexed extract of the minutes of the meeting of the members of the Agency, including the resolution contained therein, held on September 8, 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 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”), 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 ____ day of September, 2022.

Secretary

(SEAL)

EXHIBIT A

PROPOSED FORM OF PILOT DEVIATION LETTER

- SEE ATTACHED -

DRAFT FOR DISCUSSION PURPOSES ONLY

MONTGOMERY COUNTY INDUSTRIAL DEVELOPMENT AGENCY

9 Park Street
PO Box 1500
Fonda, New York 12068
TEL: 518-853-8834
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September __, 2022

Matthew L. Ossenfort, County Executive
Montgomery County
20 Park Street, PO Box 1500
Fonda, New York 12068-1500

Thomas Ciaccio, Superintendent
Fonda-Fultonville Central School District
112 Old Johnstown Road, P.O. Box 1501
Fonda, New York 12068-1501

Eric Mead, Supervisor
Town of Florida
214 Fort Hunter Road
Amsterdam, New York 12010

Matt Sullivan, School Board President
Fonda-Fultonville Central School District
112 Old Johnstown Road, P.O. Box 1501
Fonda, New York 12068-1501

RE: Proposed Deviation from Uniform Tax Exemption Policy by
Montgomery County Industrial Development Agency in connection with its
Proposed DG Distribution Northeast, LLC, d/b/a Dollar General Corporation Project

Dear Gentlemen:

This letter is delivered to you pursuant to Section 874(4)(c) of the General Municipal Law.

Montgomery County Industrial Development Agency (the "Agency") received an application (the "Application") from DG Distribution Northeast, LLC, d/b/a Dollar General Corporation, a limited-liability company organized and existing under the laws of the State of Tennessee (the "Company"), a copy of which Application is on file at the office of the Agency, requesting that the Agency consider undertaking a project (the "Project") for the benefit of the Company, said Project consisting of the following: (A) (1) the acquisition of an interest in an approximately 21 acre portion of a 54.4 acre parcel of land located at NYS Route 5S (Tax Map No. 54.-2-2.31), in the Town of Florida, Montgomery County, New York (the "Land"), (2) the construction of an approximately +/- 150,000 square foot facility on the Land (the "Facility"), and (3) the acquisition and installation of certain machinery and equipment therein and thereon (the "Equipment") (the Land, the Facility and the Equipment hereinafter collectively referred to as the "Project Facility"), all of the foregoing to be owned and operated by the Company and used as a perishable goods warehousing and distribution space for the Company's operations and any other directly or indirectly related activities; (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 estate 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.

The Land is currently owned in fee title by the Agency. Prior to the execution and delivery by the Agency and the Company of certain documents relating to the Project, including but not limited to the Proposed PILOT Agreement (as defined herein), the Company will purchase the Land from the Agency pursuant to an agreement for purchase and sale by and between the Agency and the Company.

In connection with the Application, the Company has made a request to the Agency (the “PILOT Request”) to enter into a payment in lieu of tax agreement (the “Proposed PILOT Agreement”) which terms would deviate from the Agency’s Uniform Tax Exemption Policy (the “Policy”). Capitalized terms not otherwise defined herein are defined in the Policy.

The Proposed PILOT Agreement would not provide any abatements for any special assessments levied on the Project Facility. To ensure an equitable split of any payments in lieu of taxes received from the Company, Montgomery County, the Town of Florida and the Fonda-Fultonville Central School District (being collectively referred to as the “Affected Tax Jurisdictions”) will each be asked to consider adopting resolutions approving the terms of the Proposed PILOT Agreement. The resolutions, if adopted by each of the Affected Tax Jurisdictions, would split any payments in lieu of taxes received under the Proposed PILOT Agreement among the Affected Tax Jurisdictions as follows: Montgomery County would receive 44% of any payment in lieu of tax received under the Proposed PILOT Agreement; the Town of Florida would receive 4% of any payment in lieu of tax received under the Proposed PILOT Agreement; and the Fonda-Fultonville Central School District would receive 52% of any payment in lieu of tax received under the Proposed PILOT Agreement. The Proposed PILOT Agreement would be for a term of fifteen (15) years with the following abatement schedule:

<u>Year</u>	<u>Percentage of Real Property Tax Abatement</u>
1	75%
2	75%
3	75%
4	75%
5	75%
6	50%
7	50%
8	50%
9	50%
10	50%
11	25%
12	25%
13	25%
14	25%
15	25%

The Policy provides that, for a facility similar to the Project Facility, payments in lieu of taxes will normally be determined under the following abatement structure: a seventy-five percent (75%) abatement of real property taxes on the Improvements in years one (1) through five (5); a fifty percent (50%) abatement of real property taxes on the Improvements in years six (6) through ten (10); and a twenty-five percent (25%) abatement of real property taxes on the Improvements in years eleven (11) through fifteen (15).

The purpose of this letter is to inform you of such PILOT Request and that the Agency is considering whether to grant the PILOT Request and to approve the Proposed PILOT Agreement conforming to the terms of the PILOT Request. The Agency expects to consider whether to approve the terms of the Proposed PILOT Agreement at its meeting scheduled for October 13, 2022 at 4:30 o’clock

p.m., local time at the offices of the Agency located at the Old County Courthouse, 9 Park Street, Fonda, New York (the “Meeting”). As described in this letter, during the Meeting the Agency will review the terms of the PILOT Request and, based on the discussions during such Meeting, the terms of the PILOT Request may be modified.

The Agency considered the following factors in considering the proposed deviation:

1. The nature of the Project. The Project involves (a) the acquisition of an interest in an approximately 21 acre portion of a 54.4 acre parcel of land located at NYS Route 5S (Tax Map No. 54.-2-2.31), in the Town of Florida, Montgomery County, New York (the “Land”), (b) the construction of an approximately +/- 150,000 square foot facility on the Land (the “Facility”), and (c) the acquisition and installation of certain machinery and equipment therein and thereon (the “Equipment”) (the Land, the Facility and the Equipment hereinafter collectively referred to as the “Project Facility”), all of the foregoing to be owned and operated by the Company and used as a perishable goods warehousing and distribution space for the Company’s operations and any other directly or indirectly related activities.

2. The present use of the property: The property is currently vacant field and crop lands owned by the Agency.

3. The economic condition of the area at the time of the request of the Company and the economic multiplying effect that the Project will have on the area: The Project is located in the Town of Florida and will create full-time equivalent jobs and generate increased tax and other revenues for the Affected Tax Jurisdictions and local businesses. Additional benefits created by the Project are described in the Application.

4. The extent to which the Project will create or retain permanent, private sector jobs and the number of jobs to be created or retained and the salary range of such jobs: The Project is expected to create full-time construction jobs in connection with the Project. After completion of the Project, it is expected that 150 full-time jobs will be created by the third year of operation of the Project.

5. The estimated value of new tax exemptions to be provided: Sales tax exemption of \$2,500,000 and a real property tax exemption of approximately \$2,200,000.

6. The economic impact of the Proposed Pilot Agreement on affected tax jurisdictions: The development of the Project Facility will have an overall positive affect on the tax jurisdictions. The Proposed Pilot Agreement will provide definitive tax revenue for budgeting purposes for the affected tax jurisdictions in the form of fifteen years of PILOT and special district tax payments, but the main benefit will be the 150 full-time jobs expected to be created and the associated economic benefits created as a result.

7. The impact of the Proposed Pilot Agreement on existing and proposed businesses and economic development projects in the vicinity: The Project will have a positive impact on existing and proposed businesses and economic development projects in the vicinity of the Project, as the Project will rely on local services and procure construction materials locally.

8. The amount of private sector investment generated or likely to be generated by the Proposed Pilot Agreement: \$35,420,000.

9. The effect of the Proposed Pilot Agreement on the environment: It is likely that the Project will not have a significant effect on the environment.

10. Project Timing: It is anticipated that the Project will be accomplished in a timely fashion.

11. The extent to which the Proposed Pilot Agreement will require the provision of additional services including, but not limited to, additional educational, transportation, police, emergency medical or fire services: It is not anticipated that any additional educational, transportation, police, emergency medical or fire services will be required as a result of the Project.

12. Anticipated tax Revenues: It is expected that sales tax, income tax, and real property tax revenues will increase due to the undertaking of the Project.

13. The extent to which the Proposed PILOT Agreement will provide a benefit (economic or otherwise) not otherwise available within the municipality in which the Project Facility is located: The benefit is a positive one economically, in that the Project will further promote the development of Montgomery County.

The Agency will consider the Proposed Pilot Agreement (and the proposed deviation from the Agency's Uniform Tax Exemption Policy) at the Meeting. The Agency would welcome any written comments that you might have on this proposed deviation from the Agency's Uniform Tax Exemption Policy. In accordance with Section 874(4)(c) of the General Municipal Law, prior to taking final action at the Meeting, the Agency will review and respond to any written comments received from any affected tax jurisdiction with respect to the proposed deviation. The Agency will also allow any representative of any affected tax jurisdiction present at the Meeting to address the Agency regarding the proposed deviation.

If you have any questions or comments regarding the foregoing, please do not hesitate to contact me at the above telephone number.

Sincerely yours,

/s/ Kenneth F. Rose
Chief Executive Officer

**RESOLUTION AUTHORIZING SALE OF PROPERTY
LOCATED IN FLORIDA BUSINESS PARK
TO DG DISTRIBUTION NORTHEAST, LLC**

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 September 8, 2022 at 4:30 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
Laurie Weingart	Secretary
Cheryl Reese	Treasurer
Amanda Auricchio	Member
Mark Kowalczyk	Member
Brent E. Phetteplace	Member

ABSENT:

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 Development
Christopher C. Canada, Esq.	Agency Counsel

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

Resolution No. 22-20

**RESOLUTION AUTHORIZING THE SALE OF LAND LOCATED IN THE TOWN
OF FLORIDA, 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-one (21) acres of certain real property located within the Florida Business Park in the Town of Florida, Montgomery County, New York (the “Property”) as more particularly described on Exhibit A attached hereto; and

WHEREAS, pursuant to a letter of intent (the “Letter of Intent”) entered into between the Agency and DG Distribution Northeast, LLC (the “Purchaser”), the Purchaser has offered to purchase the Property from the Agency; and

WHEREAS, the Purchaser is purchasing the Property for purposes of establishing an approximately 150,000 square foot distribution center to serve current and future stores of Dollar General Corporation; 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 Property was obtained by the Agency (the “Appraisal”); and

WHEREAS, the appraised value of the Property as specified in the Appraisal is \$430,000 (copies of the Appraisal are on file with the Agency); and

WHEREAS, the Agency and the Purchaser are currently negotiating an agreement for purchase and sale relating to the Property (the “Purchase Contract”), which Purchase Contract shall provide for the conveyance of the Property from the Agency to the Purchaser (the “Disposition”) for an expected purchase price of \$420,000; and

WHEREAS, in connection with the Disposition, the Agency desires to comply with the requirements imposed by such subsections of the PAL, the Agency’s Property Disposition Policy and the Agency’s Property Acquisition Policy, respectively; and

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

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, based on the fair market value of the Property specified in the Appraisal and the proposed negotiated sale between the Agency and the Purchaser, Section 2897(6)(d)(i)(B) of the PAL requires that the Agency file an explanatory statement (an “Explanatory Statement”) relating to the Disposition with the (i) the Comptroller, (ii) the Director of the Budget, (iii) the Commissioner of General

Services, (iv) the State Legislature, and (v) the Authority Budget Office, respectively (collectively, the “State Officials and Entities”) at least ninety (90) days prior to the Disposition; and

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

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) 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;

(B) The Appraisal was obtained by the Agency, pursuant to which the Property was appraised at \$430,000;

(C) Based on the Appraisal, the expected purchase price of the Property of \$420,000 represents fair market value for the Property;

(D) The Disposition is within the purpose, mission and governing statutes of the Agency, and thus is exempted from a public sale pursuant to Section 2897(6)(c)(v) of the PAL; and

(E) In no event shall the Disposition occur earlier than ninety (90) days after the date on which the Agency transmits the Explanatory Statement relating to the Disposition to the State Officials and Entities.

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 Property to the Purchaser according to the terms of the Conveyance Documents and (B) execute the Conveyance Documents.

Section 4. The Agency is hereby authorized to convey the Property to the Purchaser 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 Chairperson, Vice Chairperson 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 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 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	_____
Carol Shineman	VOTING	_____
Mark Kowalczyk	VOTING	_____
Amanda Auricchio	VOTING	_____
Laurie Weingart	VOTING	_____
Cheryl Reese	VOTING	_____
Brent E. Phetteplace	VOTING	_____

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 September 8, 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 ____ day of September, 2022.

Secretary

(SEAL)

EXHIBIT A

Being an approximately 21 acre portion of the 54.4 acre tax parcel known as 54-2-2.31 in the Town of Florida, Montgomery County, New York.

RESOLUTION AUTHORIZING THE PURCHASE OF FURNITURE AND FIXTURES

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 September 8, 2022 at 4:30 P.M.

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

PRESENT:

Matthew Beck	Chair
Carol Shineman	Vice Chair
Cheryl Reese	Treasurer
Laurie Weingart	Secretary
Amanda J. Auricchio, Esq.	Member
Mark Kowalczyk	Member
Brent Phetteplace	Member

ABSENT:

AGENCY STAFF PRESENT INCLUDED THE FOLLOWING:

Kenneth Rose	Chief Executive Officer
Sheila Snell	Chief Financial Officer
Vincenzo Nicosia	Director of Program Development
Andrew Santillo	Staff Assistant

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

Resolution No. 22-21

RESOLUTION AUTHORIZING THE PURCHASE OF FURNITURE AND FIXTURES

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, Montgomery County is in the process of constructing a shared services facility in the Glen Canal View Business Park which will become the offices of the Agency, and

WHEREAS, the Montgomery County and the Agency are will be purchasing furniture and fixtures for said office space, and

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

WHEREAS, the Section 503 of the Procurement Policy requires 3 quotations for the purchase of goods and/or services over \$1,501, and

WHEREAS, the Agency obtained three quotations for furniture and fixtures,

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 the purchase of goods and services from Hummels Office Plus for a cost not to exceed \$18,901.97 for the Agency's office, and

(B) To allocate an additional \$3,000 for additional furniture and equipment for offices of the Agency in the new Shared Services Facility.

Section 2. 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 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, and

Section 4. This Resolution shall take effect immediately.

Matthew Beck	VOTING
Carol Shineman	VOTING
Laurie Weingart	VOTING
Cheryl Reese	VOTING
Mark Kowalczyk	VOTING
Amanda J. Auricchio, Esq.	VOTING
Brent Phetteplace	VOTING

The foregoing Resolution No. 22-21 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 extract of the minutes of the meeting of the members of the Agency held on September 8, 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 respect 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 given in accordance with such Open Meetings Law; and (D) there was a quorum of the members of the Agency present through-out 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 8th day of September 2022.

(Assistant) Secretary

(S E A L)