



Meeting Notice

TO: Agency Members

FROM: Kenneth F. Rose, Chief Executive Officer

DATE: January 9, 2023

RE: MCIDA Organizational and Regular Meeting

The organizational and regular meetings of the Montgomery County Industrial Development Agency is scheduled for January 12, 2023 at 4:30 p.m. at 9 Park Street, Fonda, NY in the Agency's Conference Room. A **Governance Committee** Meeting will be held at 4:15 p.m. prior to the Organizational Meeting.

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

cc:	A. Joseph Scott, III, Esq. Montgomery Co. Legislature DPW	The Recorder AIDA Members Courier Standard
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**Montgomery County Industrial Development Agency
Organizational Meeting
January 12, 2023**

Agenda

- I. Call to Order
- II. Organizational Meeting
 - A. Resolution Approving Certain Appointments and Administrative Matters of the Agency
- III. Adjournment

**RESOLUTION APPROVING CERTAIN APPOINTMENTS AND ADMINISTRATIVE
MATTERS OF THE AGENCY**

An organizational meeting of Montgomery County Industrial Development Agency (the "Agency") was convened in public session at the offices of the Agency located at the Old County Courthouse, 9 Park Street, Fonda, New York on January 12, 2023.

The meeting was called to order by the Chairperson Beck at 4:30 P.M. and, upon roll being called, the following members of the Agency were:

PRESENT:

Matthew Beck	Chairperson
Carol Shineman	Co-Chair
Laurie Weingart	Secretary
Cheryl Reese	Treasurer
Amanda Auricchio, Esq.	Member
Mark Kowalczyk	Member
Brett Phetteplace	Member

ABSENT:

THE FOLLOWING PERSONS WERE ALSO PRESENT:

Kenneth Rose	Chief Executive Officer
Sheila Snell	Chief Financial Officer
Vincenzo Nicosia	Director of Program Development
Andrew Santillo	Staff Assistant
Stephanie Battisti	Economic Dev. Specialist
Christopher Canada, Esq.	Agency Counsel

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

Resolution No. 23-01

**RESOLUTION APPROVING CERTAIN APPOINTMENTS AND ADMINISTRATIVE
MATTERS OF THE AGENCY**

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, under Section 858 of the Act, the Agency has the power to make certain appointments and approve certain administrative matters; and

WHEREAS, under Section 856 of the Act, the members of the Agency shall elect the officers of the Agency; and

WHEREAS, as provided in the Agency's by-laws and the Governance Committee Charter, the members of the Governance Committee have reviewed and made certain recommendations on the Agency policies; and

WHEREAS, the members of the Agency desire to make certain appointments and approve certain administrative matters;

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

Section 1. The Agency hereby takes the following actions:

(A) Approves the appointments and the administrative matters described in Schedule A attached hereto.

(B) Approves and confirms the policies described in Schedule A and contained in the Agency's Policy Manual.

Section 2. The Agency hereby authorizes the (Vice) Chairman and the Chief Executive Officer to take all steps necessary to implement the matters described in Schedule A attached.

Section 3. This Resolution shall take effect immediately.

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

Matthew Beck	VOTING
Carol Shineman	VOTING
Cheryl Reese	VOTING
Laurie Weingart	VOTING

Amanda Auricchio, Esq.	VOTING
Mark Kowalczyk	VOTING
Brett Phetteplace	VOTING

The foregoing Resolution No. 23-01 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 January 12, 2023, 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 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 12th day of January, 2023.

(SEAL)

(Assistant) Secretary

SCHEDULE A

Confirmation of Regular Agency Meeting Schedule

Regular Meetings are the 2nd Thursday of Every Month at 4:30 P.M.

Election of Officers of the Agency

Chair

Vice Chair

Treasurer

Secretary

Appointment of Chief Executive Officer and Staff to the Agency

Chief Executive Officer	Kenneth Rose
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Chief Financial Officer	Sheila Snell
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Director of Program Dev.	Vincenzo Nicosia
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Appointment of Accounting Firm of the Agency

West and Company

Appointment of Agency and Bond Counsel

Hodgson Russ

Appointment of Bank of the Agency and Accounts

NBT Bank (Carol Shineman abstained as she works for NBT Bank)

Approval and Confirmation of Agency Policies

(Uniform Tax Exemption Policy)

(Investment Policy)

(Real Property Disposition Policy)

(Real Property Acquisition Policy)

(Procurement Policy)

(Personnel Policy including Compensation, Reimbursement and Attendance Policy)

(Travel Policy)

(Code of Ethics Policy)

(Depreciation of Personal Property Assets)

(Project Monitoring and Enforcement)

Appointment of Contracting Officer

Kenneth Rose

Appointment of Investment Officer

Sheila Snell

Appointment of Governance Committee Members

1. Matthew Beck
2. Mark Kowalczyk
3. Cheryl Reese

Appointment of Audit Committee Members

1. Carol Shineman
2. Brent Phetteplace
3. Amanda Auricchio, Esq.

Appointment of Finance Committee Members

1. Carol Shineman
2. Mark Kowalczyk
3. Cheryl Reese

Appointment of Marketing Committee Members

1. Mark Kowalczyk
2. Brent Phetteplace
3. Laurie Weingart

Appointment of Media

1. The Recorder

Montgomery County Industrial Development Agency
Meeting
January 12, 2023

AGENDA

- I. Call to Order
- II. Minutes-November 17, 2022
 - A. Regular Board Meeting
- III. Communications
- IV. Public Comments
- V. Chair's Report
- VI. Director's Report
 - A. Year End Project Monitoring Update
- VII. Financial Report
 - A. Revolving Loan Fund
- VIII. Marketing Report
- IX. Unfinished Business
- X. New Business
 - A. Annual Board of Directors Evaluation
 - B. Financial and Gift Disclosure Forms
 - C. County Administrative Services-Action Item
 - D. Florida Business Park Extension-Action Item
 - E. Mohawk Solar Discussion-Action Item
- XI. Adjournment

**Montgomery County Industrial Development Agency Meeting
November 17, 2022
Meeting Minutes**

MEMBERS PRESENT:

Matthew Beck, Co-Chair
Carol Shineman, Co-Chair
Cheryl Reese, Treasurer
Amanda Auricchio, Esq. Member
Mark Kowalczyk, Member
Brent Phetteplace, Member

STAFF MEMBERS PRESENT:

Kenneth F. Rose, Chief Executive Officer
Sheila Snell, Chief Financial Officer
Vincenzo Nicosia, Director of Program Dev.
Stephanie Battisti, Economic Dev. Specialist

ABSENT:

Laurie Weingart, Secretary

OTHERS PRESENT:

I. Call to Order

The meeting was called to order by Chair Beck at 2:07 p.m.

II. Minutes

A motion was made by Mark Kowalczyk, seconded by Cheryl Reese, to approve the Governance Committee meeting minutes from October 13, 2022.

A motion was made by Brent Phetteplace and seconded by Carol Shineman to approve the Regular Meeting minutes from October 13, 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 the first meeting is tonight to start the review of the proposed subdivision application in the Glen Canal View Business Park for the land sale to 131 Riverside LLC. for the

back acreage. Mr. Rose noted that the wells on the site will be subdivided out and will remain property of the IDA.

VII. Financial Report

A. Financial Report

Mrs. Sheila Snell said that the Financial Report has been included in the packet and that there are no transactions out of the ordinary.

A motion was made by Mark Kowalczyk and seconded by Cheryl Reese to accept the financial report. All members present voted in favor.

B. Revolving Loan Fund

Mrs. Sheila Snell 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. Pine & Plaid in Amsterdam was announced as December's Small Business of the Month. He also expressed to the board if there are any nominations to get them over to our office.

Mr. Nicosia then went on to explain the transition of the Montgomery County Tourism Program from the Chamber of Commerce to the County. Montgomery County Business Development Center has been named the TPA and will be working closely with all agencies to promote business and visitors to the County. One of the upcoming tourism events will be Elves Day Out in Canajoharie.

Ms. Auricchio asked if the Small Business of the Month had to have a storefront. It was explained to her as long as they live within the County and are servicing the County they can be nominated.

Mr. Nicosia explained the MCBDC & IDA website progress by stating he is still working with Engines of Creations on some of the content of the new website and that a draft visual should be produced soon.

IX. Unfinished Business

There was no unfinished business.

X. New Business

A. Engineering Contract

Mr. Rose stated that the on-going contract with Prime AE Group needed to be amended to reflect the additional work associated with subdividing property in the Park and that this should be the last amendment.

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

**RESOLUTION AUTHORIZING THIRD AMENDMENT TO AGREEMENT PRIME AE
GROUP OF NY-ENGINEERING AND PERMITTING WORK GLEN CANAL VIEW
BUSINESS PARK**

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

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

The foregoing Resolution No. 22-23 was thereupon declared duly adopted

B. Marketing and Consulting Services

Mr. Ken Rose reported the County will be taking over tourism and promotion for the County in 2023 and provided a proposal from Empire Solutions Consulting, LLC who is the IDA's existing marketing and consulting firm. The revised scope for 2023 takes into account this new active role of the County and partnership between the IDA and County as it relates to tourism promotion and economic development. Mr. Rose informed the board that the overall cost to the IDA for 2023 for this contract would be reduced due to more funds being provided by the County.

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

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

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

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

The foregoing Resolution No. 22-24 was thereupon declared duly adopted

A motion was made by Cheryl Reese, seconded by Carol Shineman to enter Executive Session at 2:25 P.M. to discuss a companies financials. All members present voted in favor.

A motion was made by Mark Kowalczyk, seconded by Cheryl Reese to exit Executive Session at 3:01 P.M.

Chairperson stated that 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 3:03 p.m. All members present were in favor.

Respectfully submitted,

Vincenzo Nicosia, Director of Program Development

Attachments: Resolution No. 22-23, 22-24

**RESOLUTION AUTHORIZING FOURTH AMENDMENT TO AGREEMENT PRIME AE GROUP
OF NY-ENGINEERING AND PERMITTING WORK GLEN CANAL VIEW BUSINESS PARK**

A regular meeting of Montgomery County Industrial Development Agency (the "Agency") was convened in public session at the offices of the Agency located at the Old County Courthouse, Fonda, New York on November 17 at 2:07 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:

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

ABSENT:

Laurie Weingart	Secretary
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AGENCY STAFF PRESENT INCLUDED THE FOLLOWING:

Kenneth Rose	Chief Executive Officer
Sheila Snell	Chief Financial Officer
Vincenzo Nicosia	Director of Program Development
Stephanie Battisti	Economic Dev. Specialist

OTHERS PRESENT:

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

Resolution No. 22-23

**RESOLUTION AUTHORIZING THIRD AMENDMENT TO AGREEMENT PRIME AE GROUP
OF NY-ENGINEERING AND PERMITTING WORK GLEN CANAL VIEW BUSINESS PARK**

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 Montgomery County Industrial Development Agency has developed the Glen Canal View Business Park in the Town of Glen, and

WHEREAS, to further on-going development within this Park, the Montgomery Industrial Development Agency per Resolution #06-20 entered into a contract with McDonald Engineering, P.C. (now PRIME AE Group of NY) to provide continued engineering services as needed, and

WHEREAS, PRIME AE Group of NY has submitted an estimated cost for conducting a engineering and a feasibility study in relation to various wells located at the park for the potential of being utilized as a public water source; and

WHEREAS, preliminary well flow tests have been positive and further preliminary engineering work needs specifically for water quality testing and preliminary well and treatment system design;

RESOLVED, the Agency hereby approves a 5th amendment to the contract with PRIME AE Group of NY (formerly McDonald Engineering, P.C.) for and amount not to exceed \$20,000, 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.

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	YES
Carol Shineman	VOTING	YES
Laurie Weingart	VOTING	ABSENT
Cheryl Reese	VOTING	YES

Amanda J.Auricchio, Esq.	VOTING	YES
Mark Kowalczyk.	VOTING	YES
Brent Phetteplace	VOTING	YES

The foregoing Resolution No. 22-23 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 November 17, 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 17th day of November 2022.

(Assistant) Secretary

(SEAL)

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

A regular meeting of Montgomery County Industrial Development Agency (the "Agency") was convened in public session at the offices of the Agency located at the Old County Courthouse, 9 Park Street, Fonda, New York on November 17, 2022 at 2:07 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
Amanda Aurichio, Esq.	Member
Mark Kowalczyk	Member
Brent Phetteplace	Member

ABSENT:

Laurie Weingart	Secretary
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AGENCY STAFF PRESENT INCLUDED THE FOLLOWING:

Kenneth Rose	Chief Executive Officer
Sheila Snell	Chief Financial Officer
Vincenzo Nicosia	Director of Program Development
Stephanie Battisti	Economic Dev. Specialist

The following resolution was offered by Cheryl Reese, seconded by Amanda Aurichio wit:

Resolution No. 22-24

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

WHEREAS, Montgomery County Industrial Development Agency (the "Agency") is authorized and empowered by the provisions of Chapter 1030 of the 1969 Laws of New York, constituting Title 1 of Article 18-A of the General Municipal Law, Chapter 24 of the Consolidated Laws of New York, as amended (the "Enabling Act") and Chapter 666 of the 1970 Laws of New York, as amended, constituting Section 895-d of said General Municipal Law (said Chapter and the Enabling Act being hereinafter collectively referred to as the "Act") to promote, develop, encourage, and assist in the acquiring, constructing, reconstructing, improving, maintaining, equipping and furnishing of industrial, warehousing, commercial, research and manufacturing facilities, among others, for the purpose of promoting, attracting and developing economically sound commerce and industry to advance the job opportunities, health, general prosperity and economic welfare of the people of the State of New York, to improve their prosperity and standard of living, and to prevent unemployment and economic deterioration, and

WHEREAS, Montgomery County administers the Economic Development Program for the purpose of creating and retaining jobs, and

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

WHEREAS, the Agency adopted Resolution 21-09 entering into a contract with Empire Solutions Consulting LLC, for the purposes of creating a coherent, salable mission/vision and helped to execute on an enhanced marketing and communications strategy to drive the message of the positive benefits of working and doing business in Montgomery County; and

WHEREAS, the Agency in conjunction with Montgomery County wishes to continue with this contract at a cost not to exceed \$8,000 per month plus reimbursable expenses of which Montgomery County will contribute up to \$71,000; 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 an on-going contract with Empire Solutions Consulting LLC, for the purposes of creating a coherent, salable mission/vision and helped to execute on an enhanced marketing and communications strategy to drive the message of the positive benefits of working and doing business in Montgomery County for the Agency at a cost of a monthly retainer in the amount of \$8,000.00 plus reimbursable expenses 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 and County along with their mission and operations (2) The contractor has contracted with the Agency and County in the past, as well as an on-going contract and produced timely and professional services for the Agency and County.

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

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

Section 4. This Resolution shall take effect immediately.

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

Brent Phetteplace

VOTING

YES

The foregoing Resolution No. 22-24 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 November 17, 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 17th day of November 2022.

(Assistant) Secretary

(S E A L)

Confidential Evaluation of Board Performance

Criteria	Agree	Somewhat Agree	Somewhat Disagree	Disagree
Board members have a shared understanding of the mission and purpose of the Authority.				
The policies, practices and decisions of the Board are always consistent with this mission.				
Board members comprehend their role and fiduciary responsibilities and hold themselves and each other to these principles.				
The Board has adopted policies, by-laws, and practices for the effective governance, management and operations of the Authority and reviews these annually.				
The Board sets clear and measurable performance goals for the Authority that contribute to accomplishing its mission.				
The decisions made by Board members are arrived at through independent judgment and deliberation, free of political influence, pressure or self-interest.				
Individual Board members communicate effectively with executive staff so as to be well informed on the status of all important issues.				
Board members are knowledgeable about the Authority's programs, financial statements, reporting requirements, and other transactions.				
The Board meets to review and approve all documents and reports prior to public release and is confident that the information being presented is accurate and complete.				
The Board knows the statutory obligations of the Authority and if the Authority is in compliance with state law.				
Board and committee meetings facilitate open, deliberate and thorough discussion, and the active participation of members.				
Board members have sufficient opportunity to research, discuss, question and prepare before decisions are made and votes taken.				
Individual Board members feel empowered to delay votes, defer agenda items, or table actions if they feel additional information or discussion is required.				
The Board exercises appropriate oversight of the CEO and other executive staff, including setting performance expectations and reviewing performance annually.				
The Board has identified the areas of most risk to the Authority and works with management to implement risk mitigation strategies before problems occur.				
Board members demonstrate leadership and vision and work respectfully with each other.				

Date Completed: _____



MONTGOMERY COUNTY FINANCIAL DISCLOSURE STATEMENT

FOR THE CALENDAR YEAR 2023

DEPARTMENT	TITLE
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NAME (Last)	NAME (First)	NAME (Middle)

SPOUSE'S NAME (including maiden name) or DOMESTIC PARTNER

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UNEMANCIPATED CHILDREN (Please list)

ADDRESS (Number and Street)	CITY / STATE	ZIP CODE

TELEPHONE NUMBER	EMAIL ADDRESS

List the name of any occupation, employment, trade, business or profession engaged in by you and your spouse and the nature of each business.

YOUR EMPLOYER	NATURE OF BUSINESS

SPOUSE'S/DOMESTIC PARTNER EMPLOYER	NATURE OF BUSINESS

Have you or any member of your immediate family derived income within the past year from an external organization that does business with Montgomery County?

Yes ☐

No ☐

If YES, please list

ORGANIZATION	SELF / SPOUSE / PARTNER

List any sole proprietorship owned or professional practice operated by you or your spouse and the nature of the business.

ORGANIZATION

SELF / SPOUSE / PARTNER

Are you or any member of your immediate family an officer, director, partner, trustee, employee, advisory board member or agent of an external organization who does business with Montgomery County?

Yes ☐

No ☐

If YES, please list

ORGANIZATION

SELF / SPOUSE / PARTNER

Are you or any member of your immediate family the actual or beneficial owner of more than 5% of the voting stock or controlling interest of an external organization who does business with Montgomery County?

Yes ☐

No ☐

If YES, please list

ORGANIZATION

SELF / SPOUSE / PARTNER

Do you or any member of your immediate family have any affiliation with any organization Montgomery County does business with that would be considered or be perceived to be considered a conflict of interest?

Yes ☐

No ☐

If YES, please list

ORGANIZATION

SELF / SPOUSE / PARTNER

Have you or any member of your immediate family received a gift or gifts having a total fair market value in excess of \$75.00 from any organization that does business with Montgomery County, which could reasonably have been used to influence you in the performance of your official duties or was intended to reward an official action on your part?

Yes ☐

No ☐

If YES, please list

ORGANIZATION

SELF / SPOUSE / PARTNER

AFFIRMATION

I swear or affirm, under the penalty of perjury, that the facts as presented on this Financial Disclosure Statement are true, complete, and correct to the best of my knowledge and belief.

I understand that I may file an amended statement upon discovery of additional information required to be reported.

I will comply with any conditions or restrictions imposed by the Montgomery County Ethics Board to manage, reduce or eliminate actual or potential conflicts of interest.

SIGNATURE

DATE SIGNED (Month/Day/Year)

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MONTGOMERY COUNTY GIFT DISCLOSURE STATEMENT

FOR THE CALENDAR YEAR

2023

DEPARTMENT	TITLE
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NAME (Last)	NAME (First)	NAME (Middle)

ADDRESS (Number and Street)	CITY/STATE	ZIP CODE

TELEPHONE NUMBER	EMAIL ADDRESS

GIFT INFORMATION (List each gift separately. Use additional sheets if necessary.)

Donor	Date Received
Gift (Description)	Value/Cost

Donor	Date Received
Gift (Description)	Value/Cost

Donor	Date Received
Gift (Description)	Value/Cost

Donor	Date Received
Gift (Description)	Value/Cost

Donor	Date Received
Gift (Description)	Value/Cost

AFFIRMATION

I swear or affirm, under the penalty of perjury, that the facts as presented on this Gift Disclosure Statement are true, complete, and correct to the best of my knowledge and belief.

I understand that I may file an amended statement upon discovery of additional information required to be reported.

I will comply with any conditions or restrictions imposed by the Montgomery County Ethics Board to manage, reduce or eliminate actual or potential conflicts of interest.

SIGNATURE	DATE SIGNED (Month/Day/Year)

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

A meeting of Montgomery County Industrial Development Agency (the "Agency") was convened in public session at the offices of the Montgomery County Industrial Development Agency located at the Old County Courthouse, 9 Park Street, Fonda, New York on January 12, 2023.

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

PRESENT:

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

ABSENT:

THE FOLLOWING PERSONS WERE ALSO PRESENT:

Kenneth F. Rose	Chief Executive Officer
Sheila Snell	Chief Financial Officer
Vincenzo Nicosia	Director of Program Development
Andrew Santillo	Staff Assistant
Stephanie Battisti	Economic Dev. Specialist
Christopher Canada, Esq.	Agency Counsel

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

Resolution No. 23-02

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

WHEREAS, Montgomery County Industrial Development Agency (the "Agency") is authorized and empowered by the provisions of chapter 1030 of Laws of 1969 of New York, constituting Title 1 of Article 18-A of the General Municipal law, Chapter 24 of the Consolidated Laws of New York, as amended (the "Enabling Act") and Chapter 666 of the 1970 Laws of New York, as amended, constituting Section 895-d of said General

Municipal Law (said Chapter and the Enabling Act being hereinafter collectively referred to as the "Act") to promote, develop, encourage and assist in the acquiring, constructing, reconstructing, improving, maintaining, equipping and furnished of industrial, manufacturing, warehouse, commercial, research, recreation and civic facilities, among others, for the purpose of promoting, attracting and developing economically sound commerce and industry to advance the job opportunities, health, general prosperity and economic welfare of the people of the State of New York, to improve their prosperity and standard of living, and to prevent unemployment and economic deterioration; and

WHEREAS, Montgomery County Industrial Development Agency is desirous of retaining the Montgomery County Economic Development Department for administrative and staff support services per the attached contract and scope of services,

RESOLVED, that Montgomery County Industrial Development Agency, following review and approval by the Agency Attorney, hereby authorizes the Chairman to sign and enter into a contract with Montgomery County for administrative and support services for a period of January 1, 2023 to December 31, 2023.

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

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

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

The foregoing Resolution No. 23-02 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 January 12, 2023, 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 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 12th day of January, 2023.

(SEAL)

(Assistant) Secretary



January 12, 2023

Richard Ball, Commissioner
NYS Department of Agriculture and Markets
10B Airline Drive
Albany, NY 12235

RE: Proposed Warehouse Distribution Facility in the Town of Florida
Montgomery County Agricultural District No. 3-Final Finds and Certification

Dear Commissioner Ball:

On February 28, 2022, the Montgomery County Industrial Development Agency filed a Final Notice of Intent to Undertake and Action within Montgomery County Agricultural District No. 3 in the Florida Business Park Extension and on property owned by the Montgomery County Industrial Development Agency. The project would involve the advance of public funds for the construction of a warehouse distribution facility within the Town of Florida. The Agricultural District Review was concluded on May 13, 2022 with a determination by your office that “the proposed action would not have an unreasonably adverse effect on the continuing viability of farm enterprises within the agricultural district or State environmental plans, policies and objectives. This determination is due, in part, to the IDA’s ownership of the only affected parcel.”

At this time, plans and specifications along with the advance of public funds for this project are being finalized in order to begin construction. On behalf of the Montgomery County Industrial Development Agency, we hereby make the following findings:

1. That the Montgomery County Industrial Development Agency has met the requirements of Section 305 (4) and
2. That, consistent with the social, economic and other considerations, to the maximum extent practicable, adverse agricultural impacts revealed in the Notice of Intent will be minimized or avoided through the measures identified above.

It is our understanding that these findings complete the Agricultural District Review for the proposed warehouse distribution facility. We appreciate the Department’s assistance in this matter.

Sincerely,

Kenneth Rose
Director



Agriculture and Markets

KATHY HOCHUL
Governor

RICHARD A. BALL
Commissioner

March 31, 2022

Kenneth Rose
Montgomery County IDA
9 Park Street
Fonda, NY 12068

**RE: Final Notice of Intent to Undertake an Action within an Agricultural District,
Proposed Warehouse Distribution Facility in the Town of Florida, Montgomery
County Agricultural District No. 3**

Dear Mr. Rose:

I have determined that the enclosed Final Notice of Intent, filed with this Department by Montgomery County IDA, for the advance of public funds for the construction of a of a warehouse distribution facility, in the Town of Florida, located in Montgomery County Agricultural District No. 3, is complete.

The Final Notice has been forwarded to the Commissioner of Environmental Conservation, the Advisory Council on Agriculture, and the County Agricultural and Farmland Protection Board. In consultation with them, the Commissioner shall review the proposed action during the next forty-five (45) day period commencing March 31, 2022 and make an initial determination whether the action will have an unreasonably adverse effect on the continuing viability of a farm enterprise, or enterprises within the district and state environmental plans, policies and objectives. Furthermore, the Department will be exploring acceptable mitigation options for the proposed project during the next forty (30) days.

Please be advised that the Department's acceptance as complete of the Final Notice of Intent for the proposed action does not authorize commencement of the project. In order to comply with the provisions of Section 305(4), no funds may be advanced to construct the facility or to acquire land within the district until the Notice process has been completed as set forth in Section 305(4).

Please do not hesitate to contact me, at (518) 457-3186 if you have any questions regarding your Notice filing.

Sincerely,

A handwritten signature in black ink, appearing to read "Kate Tylutki".

Kate Tylutki
Senior Environmental Analyst

cc: Martin Kelly, Chairman, Montgomery County AFBP
Eric Mead, Supervisor, Town of Florida

File: 22/016-NOI



Agriculture and Markets

KATHY HOCHUL
Governor

RICHARD A. BALL
Commissioner

May 13, 2022

Kenneth Rose, Director
Montgomery County IDA
9 Park Street
Fonda, NY 12068

**RE: Final Notice of Intent to Undertake an Action within an Agricultural District,
Proposed Warehouse Distribution Facility in the Town of Florida,
Montgomery County Agricultural District No. 3**

Dear Director Rose:

Pursuant to Agriculture and Markets Law (AML) §305(4), the Department of Agriculture and Markets has completed its review of the Notice of Intent filed with this Department, on behalf of the Montgomery County Industrial Development Agency (IDA), for the advance of public funds for the construction a warehouse distribution facility within the Town of Florida and Montgomery County Agricultural District No. 3.

The Final Notice of Intent was sent to the Commissioner of Environmental Conservation (DEC), the Advisory Council on Agriculture (ACA) and the Montgomery County Agricultural and Farmland Protection Board (AFPB) for their review of the proposed action. The DEC, ACA, and the AFPB did not submit any comments.

Based on all relevant information before me, I have determined that the proposed action would not have an unreasonably adverse effect on the continuing viability of farm enterprises within the agricultural district or State environmental plans, policies and objectives. This determination is due, in part, to the IDA's ownership of the only affected parcel. The Department recommends the County consider the removal of this parcel from the agricultural district during the next review period.

Please be advised that in order to complete its filing obligations under §305(4), the IDA must certify to me at least ten days prior to advancing the funds for the construction of this project, that it has made an explicit finding that the requirements of §305(4) have been met, and to the maximum extent practicable, adverse agricultural impacts revealed in the Notice of Intent process will be minimized or avoided. The certification shall set forth the reasons in support of the finding and is more fully set forth in AML §305(4)(f).

Sincerely,

A handwritten signature in dark ink, appearing to read "Richard A. Ball", written in a cursive style.

Richard A. Ball
Commissioner

cc: NYS Department of Environmental Conservation
Advisory Council of Agriculture
Martin Kelly, Chairman, Montgomery County AFPB
Eric Mead, Supervisor, Town of Florida
NYS Empire State Development

File: AP 22/013NOI



Jorge Pedron
Chief Operations Officer

VIA ELECTRONIC MAIL

December 27, 2022

Ken Rose, Executive Director
Montgomery County Industrial Development Agency
9 Park Street
Fonda, New York 12068

Re: Montgomery County Industrial Development Agency / Mohawk Solar Project
Request for 6-month extension of payment obligations for January 2023 under
Straight-Lease Transaction.

Dear Mr. Rose:

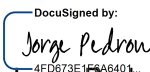
Due to commercial challenges and the compounding burden of contractual obligations to commence payments to the Montgomery County Industrial Development Agency (the "Agency") before construction of the Mohawk Solar Project (the "Project"), Mohawk Solar LLC (the "Company") has been working to develop tax jurisdiction support for amendment of the Agency transaction documents to create a deferral of the commencement of PILOT Payment obligations until following the Project's achievement of commercial operation. Those discussions have been productive but have not yet concluded. Because of the proximity of January due dates for the PILOT Payment and annual administrative fee payment, the Company requests that the Agency grant a 6-month extension of those payment obligations to allow time for the Company to continue to work with the tax jurisdictions and the Agency to finalize the terms of potential amendment.

The Company has asked the involved tax jurisdictions to communicate to you their respective positions on the extension request, in recognition of the Agency's interest in having support from the tax jurisdictions.

The Company further requests that all its rights under the transaction documents, including its right to terminate the transaction documents, be preserved as of the date of this letter and through the period of such extension to permit the continuation of discussions with the tax jurisdictions and to ensure financial viability for the Project.

Thank you and the Agency for your support of the Project and the Company's attempts to overcome the Project's commercial challenges.

Yours Sincerely,

DocuSigned by:

4FD673E1F5A8401
Jorge Pedron
Chief Operations Officer

12/27/2022

cc: A. Joseph Scott, III, Esq. (VIA ELECTRONIC MAIL)
Matthew S. Moses, Esq. (VIA ELECTRONIC MAIL)

Avangrid Renewables
2701 NW Vaughn St, Suite 300, Portland, OR 97210
503.796.7000
Jorge.Pedron@Avangrid.com

Mcdonald, Scott

From: Nick Fitzgerald <nick.fitzgerald@canjo.org>
Sent: Friday, December 23, 2022 12:51 PM
To: Sheila Snell; Ken Rose
Cc: Mcdonald, Scott
Subject: Solar Extension

EXTERNAL SENDER: Be cautious, especially with links and attachments. Report phishing if suspicious.

I wanted to let you know that the Canajoharie CSD is willing to give Mohawk Solar a 6 month extension regarding their first payment. This should be resolved no later than June 30, 2023.

Thank you.

--

Dr. Nick Fitzgerald
Superintendent of Schools
Canajoharie Central School District
136 Scholastic Way
Canajoharie, NY 13317

Mcdonald, Scott

From: Lauren Crisman <lauren.crisman@fortplain.org>
Sent: Thursday, December 29, 2022 8:44 AM
To: krose@co.montgomery.ny.us; ssnell@co.montgomery.ny.us
Cc: Mcdonald, Scott; Philene Hudson; Becky Smith
Subject: Solar Extension

EXTERNAL SENDER: Be cautious, especially with links and attachments. Report phishing if suspicious.

Good Morning,

The Fort Plain CSD is willing to give Mohawk Solar a 6 month extension regarding their first payment. Payment is expected no later than June 30, 2023.

Thank you.

*Lauren H. Crisman
Superintendent of Schools
Fort Plain Central School District
25 High Street
Fort Plain, NY 13339
(518) 993-4000*

All contents of this email are considered confidential. Please notify the sender if you are not the intended recipient.

"Start where you are. Use what you have. Do what you can." Arthur Ashe

Mcdonald, Scott

From: Benny Goldstein <canajohariesupervisor@gmail.com>
Sent: Wednesday, December 28, 2022 3:16 PM
To: Mcdonald, Scott; Ken Rose; Sheila Snell
Subject: Re: Mohawk Extension email

EXTERNAL SENDER: Be cautious, especially with links and attachments. Report phishing if suspicious.

To: Mcdonald Scott, Ken Rose and Sheila Snell,

I wanted to let you know that the Town of Canajoharie is willing to give Mohawk Solar a 6-month extension regarding their first payment.

This should be resolved no later than June 30, 2023.

All the best,

Benny Goldstein

347-606-9342

On Wed, Dec 28, 2022 at 10:11 AM Mcdonald, Scott <scott.mcdonald@avangrid.com> wrote:

Hi Benny,

This is all the email text that's needed, and mirrors what the Canajoharie CSD provided to Ken Rose and Sheila Snell via email:

I wanted to let you know that the Town of Canajoharie is willing to give Mohawk Solar a 6 month extension regarding their first payment. This should be resolved no later than June 30, 2023.

Here are Ken and Sheila's emails. Please cc me.

Ken Rose krose@co.montgomery.ny.us

Sheila Snell ssnell@co.montgomery.ny.us

Thank you!

Scott



Scott McDonald
Lead/Sr Business Developer
Cell 518.703.0180

Scott.McDonald@avangrid.com



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--

Benny Goldstein
Town of Canajoharie Supervisor
12 Mitchell Street
Canajoharie, New York 13317
347-606-9342

Mcdonald, Scott

From: Cheryl Reese <townofmindensupervisor@gmail.com>
Sent: Friday, December 30, 2022 8:23 AM
To: Ken Rose; ssnell@co.montgomery.ny.us
Cc: Mcdonald, Scott
Subject: Mohawk Solar

EXTERNAL SENDER: Be cautious, especially with links and attachments. Report phishing if suspicious.

The Town of Minden is willing to give Mohawk Solar a 6 month extension regarding their first payment. Payment is expected no later than June 30, 2023.