



**Montgomery County Industrial Development Agency**  
**Meeting**  
**Agenda March 9, 2023**

- I. Call to Order
- II. Minutes
  - A. Governance Committee-January 12, 2023
  - B. Organizational Meeting-January 12, 2023
  - C. Regular Meeting-January 12, 2023
- III. Communications
- IV. Public Comments
- V. Chair's Report
- VI. Director's Report
- VII. Financial Report
  - A. Revolving Loan Fund
- VIII. Marketing Report
- IX. Unfinished Business
- X. New Business
  - A. 2022 Annual Independent Audit -Action Item
  - B. 2022 Financial and Investment Report -Action Item
  - C. 2022 PARIS Report-Action Item
  - D. 2023 Mission Statement and Performance Measure Report-Action Item
  - E. Internal Management Assessment
  - F. Real Property Transactions Report
- X. Adjournment



**MONTGOMERY COUNTY INDUSTRIAL DEVELOPMENT AGENCY**  
**Governance Committee Meeting Minutes**  
**January 12, 2023**

**MEMBERS PRESENT:**

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

**STAFF MEMBERS 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 Development Specialist  
A. Joseph Scott, Agency Counsel

**ABSENT:**

**OTHERS PRESENT:**

**I. Call to Order**

The meeting was called to order by Chairman Beck at 4:29 p.m.

**II. Discussion**

Chairman Beck states that the only agenda item before the Governance Committee is the administrative matters, such as the policies that the Agency has. There haven't been any recommendations to amend those at this time. The other part of this agenda item is the Agency's appointees.

Chairman Beck asked for a recommendation from the Governance Committee to bring this confirmation of Agency policies forward to the full Agency board. A motion is made by Cheryl Reese, seconded by Brent Phetteplace, and all in attendance agree.

**III. Adjournment**

A motion was made by Mark Kowalczyk, seconded by Matt Beck, to adjourn the meeting at 4:32 p.m. All members present were in favor.

Respectfully submitted,

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Andrew Santillo  
Economic Development Staff Assistant

**MONTGOMERY COUNTY INDUSTRIAL DEVELOPMENT AGENCY**  
**Organizational Meeting Minutes**  
**January 12, 2023**

**MEMBERS PRESENT:**

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

**STAFF MEMBERS 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 Development Specialist  
A. Joseph Scott, Agency Counsel

**ABSENT:**

**OTHERS PRESENT:**

**I. Call to Order**

The meeting was called to order by Chairman Beck at 4:34 p.m.

**II. Discussion**

Chairman Beck stated that the Nominating Committee met recently and is putting forth the recommended slate of officers.

Mr. Rose stated that the resolution before the Agency board includes the appointments, along with committee members, officers, which was previously discussed at the Governance Committee.

The following resolution was offered by Mark Kowalczyk, seconded by Brent Phetteplace, to wit:

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

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	YES
Cheryl Reese	VOTING	YES
Brent Phetteplace	VOTING	YES

The foregoing Resolution No. 23-01 was thereupon declared duly adopted.

### **III. Adjournment**

A motion was made by Cheryl Reese, seconded by Carol Shineman, to adjourn the meeting at 4:36 p.m. All members present were in favor.

Respectfully submitted,

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Andrew Santillo  
Economic Development Staff Assistant  
Attachments: Resolution 23-01

## **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 4:34 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
A. Joseph Scott, Esq.	Agency Counsel

The following resolution was offered by Mark Kowalczyk, seconded by Brent Phetteplace 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	YES
Carol Shineman	VOTING	YES
Cheryl Reese	VOTING	YES
Laurie Weingart	VOTING	YES
Amanda Auricchio, Esq.	VOTING	YES

Mark Kowalczyk  
Brett Phetteplace

VOTING	YES
VOTING	YES

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 12<sup>th</sup> day of January, 2023.

(SEAL)

\_\_\_\_\_  
(Assistant) Secretary

## SCHEDULE A

### Confirmation of Regular Agency Meeting Schedule

Regular Meetings are the 2<sup>nd</sup> Thursday of Every Month at 3:00 P.M.

### Election of Officers of the Agency

Chair	Matthew Beck
Vice Chair	Carol Shineman
Treasurer (Asst. Secretary)	Cheryl Reese
Secretary (Asst. Treasurer)	Laurie Weingart

### Appointment of Chief Executive Officer and Staff to the Agency

Chief Executive Officer	Kenneth Rose
Chief Financial Officer	Sheila Snell
Director of Program Dev.	Vincenzo Nicosia

### 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

### 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  
Meeting Minutes**

**MEMBERS PRESENT:**

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

**STAFF MEMBERS 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 Development Specialist  
A. Joseph Scott, Agency Counsel

**ABSENT:**

**OTHERS PRESENT:**

Jason DuTerriol, Avangrid Renewables

**I. Call to Order**

The meeting was called to order by Chairman Beck at 4:40 p.m.

Chairman Beck and Mr. Ken Rose led a moment of silence for County Legislator John M. “Duke” Duchessi. Legislator Duchessi, who passed away on Jan. 6, 2023, represented the county as legislator from District #6 since 2014. Legislator Duchessi was very active in the local community, was a former mayor of Amsterdam and a true gentleman. He not only did a lot for the city, but a lot for Montgomery County as well and he will be missed.

**II. Minutes**

A motion was made by Brent Phetteplace, seconded by Amanda Auricchio, Esq., to approve the meeting minutes from the IDA regular meeting of November 17, 2022.

**III. Communications**

There were no communications.

**IV. Public Comments**

There was no public comment.

A motion was made by Amanda Auricchio, Esq., seconded by Mark Kowalczyk, to enter into executive session to discuss a company financials at 4:42 p.m. All members present were in favor.

A motion was made by Mark Kowalczyk, seconded by Amanda Auricchio, Esq., to adjourn executive session at 5:16 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, so the livestream of the meeting is posted in two different parts (Part 1 and Part 2).

## **V. Chair's Report**

Chairman Beck stated that County Executive Matthew L. Ossenfort has started some internal county group meetings. One of them is focused on economic, planning and tourism development. That group just met for the first time and it went quite well.

## **VI. Director's Report**

### **A. Year End Project Monitoring Update**

Mr. Ken Rose stated that staff is into the year-end project monitoring reports, with all of the Agency projects and the Revolving Loan Fund reporting, which includes all of the Public Authorities Reporting Information System (PARIS) documents that are completed over the next few months.

The Town of Florida subdivision for the Dollar General project in the Florida Business Park Extension has been approved, so that map should be filed with the County Clerk next week pending Dollar General sign off. The Public Hearing for the project will be scheduled for early February.

It is anticipated that the subdivision in the Glen Canal View Business Park will be finalized at their next meeting in February, so then the Agency can close on that transaction with 131 Riverside, LLC.

## **VII. Financial Report**

### **A. Revolving Loan Fund**

Ms. Sheila Snell stated that the Revolving Fund report is included in the board packet.

## **VIII. Marketing Report**

Mr. Vincenzo Nicosia reports that the website updates are ongoing and a draft should be coming in the next few weeks. The business blueprint and business recruitment will be launched in tandem with the new website going live.

## **IX. Unfinished Business**

There was no unfinished business.

## **X. New Business**

### **A. Annual Board of Directors Evaluation**

Chairman Beck states that the Annual Board of Directors evaluations were sent out and need to be filled out by each member.

Mr. Ken Rose tells the board to get those back in before the March meeting because they are reviewed by the Governance Committee at that time.

## **B. Financial and Gift Disclosure Forms**

Mr. Ken Rose reminds Agency board members that these are two forms for the year 2022, and the originals are needed.

## **C. County Administrative Services**

Mr. Ken Rose states that this is an annual resolution that is done as an agreement between the IDA and Montgomery County, with regards to administrative services. This agreement outlines that the IDA will compensate the county for utilizing offices and staff services.

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

### **RESOLUTION AUTHORIZING MONTGOMERY COUNTY INDUSTRIAL DEVELOPMENT AGENCY CHAIRMAN TO SIGN AND ENTER INTO CONTRACT FOR ADMINISTRATIVE AND STAFF SUPPORT 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	YES
Cheryl Reese	VOTING	YES
Brent Phetteplace	VOTING	YES

The foregoing Resolution No. 23-02 was thereupon declared duly adopted

## **D. Florida Business Park Extension**

Mr. Ken Rose states a letter was needed for a notice of intent and to develop final certifications, regarding the Dollar General project, in the Florida Business Park Extension, relates to Ag & Markets. To fulfill those obligations a letter, on behalf of the Agency, was drafted with the following findings — the Montgomery County Industrial Development Agency met the requirements of Section 305(4) and that consistent CIDA met requirements of section 305(4) 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.

A motion was made by Brent Phetteplace, seconded by Mark Kowalczyk, to accept those recommendations and approving of a letter issued to Ag & Markets. All members present were in favor.

#### **E. Mohawk Solar**

Ms. Cheryl Reese stated that, as the Town Supervisor for Minden, which is one of the taxing jurisdictions for this Mohawk Solar project, she will be abstaining from any vote relating to that project.

The project applicant has requested a six-month extension of certain terms to the existing transaction entered into previously by the Agency. In agreeing to this extension, the Agency is requiring certain stipulations including the applicant to make the stated annual Agency administration fee that is required under the documents and payment of any closing costs relating to the granting of this extension.

Any consideration of an extension is by the Agency is being done with the recognition that the Agency has received written and/or verbal approval from each of the affected taxing jurisdictions, with respect to their agreement of the six-month extension of these terms

The following resolution was offered by Brent Phetteplace, seconded by Carol Shineman, to wit:

#### **RESOLUTION AMENDING PREVIOUS AGREEMENT AND GRANTING EXTENSION–MOHAWK SOLAR**

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	YES
Cheryl Reese	VOTING	ABSTAIN
Brent Phetteplace	VOTING	YES

The foregoing Resolution No. 23-03 was thereupon declared duly adopted

#### **IX. Adjournment**

A motion was made by Laurie Weingart, seconded by Mark Kowalczyk, to adjourn the meeting at 5:33 p.m. All members present were in favor.

Respectfully submitted,

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Andrew Santillo  
Economic Development Staff Assistant  
Attachments: Resolution No. 23-02, 23-03

**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 at 4:40 P.M. 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 Cheryl Reese seconded by Carol Shineman 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	YES
Carol Shineman	VOTING	YES
Cheryl Reese	VOTING	YES
Laurie Weingart	VOTING	YES
Amanda Auricchio, Esq.	VOTING	YES
Mark Kowalczyk	VOTING	YES
Brett Phetteplace	VOTING	YES

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 12<sup>th</sup> day of January, 2023.

(SEAL)

\_\_\_\_\_  
(Assistant) Secretary

**RESOLUTION AUTHORIZING MODIFICATION AND AMENDMENT  
MOHAWK SOLAR LLC PROJECT**

A regular meeting of Montgomery County Industrial Development Agency (the “Agency”) was convened in public session offices of the Agency located at the Old County Courthouse, 9 Park Street, Fonda, New York on January 12, 2023 at 4:40 o’clock p.m., local time, local time.

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

**PRESENT:**

Matthew Beck	Chair
Carol Shineman	Vice-Chair
Mark Kowalczyk	Member
Amanda Auricchio	Member
Laurie Weingart	Member
Cheryl Reese	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
Stephanie Battisti	Economic Development Specialist

The following resolution was offered by Brent Phetteplace, seconded by Carol Shineman, to wit:

**Resolution No. 23-03**

**RESOLUTION CONSENTING TO AND AUTHORIZING THE EXECUTION AND  
DELIVERY OF A CERTAIN MODIFICATION AGREEMENT WITH RESPECT TO  
THE MODIFICATION AND AMENDMENT OF THE MOHAWK SOLAR LLC  
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 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 commercial, manufacturing 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, pursuant to a closing on December 20, 2019 (the “Closing”), the Agency entered into a lease agreement dated as of December 1, 2019 (the “Lease Agreement”) by and between the Agency and Mohawk Solar LLC (the “Company”), in connection with a project (the “Project”) for the benefit of the Company, said Project consisting of the following: (A)(1) the acquisition of an interest in approximately 1,000 acres of land located in the Town of Canajoharie, Montgomery County, New York and the Town of Minden, Montgomery County, New York (collectively, the “Land”), (2) the construction on the Land of a solar-powered electric generating facility, including, but not limited to, PV modules, metal racks and electric equipment with related foundations (collectively, the “Facility”) and (3) the acquisition and installation of certain machinery and equipment therein and thereon (collectively, the “Equipment”) (the Land, the Facility and the Equipment hereinafter referred to as the “Project Facility”), all of the foregoing to be operated by the Company as a solar-powered electric generating facility and other directly and 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 and real estate transfer taxes (the “Financial Assistance”); and (C) the lease of the Project Facility to the Company pursuant to the terms of the Lease Agreement; and

WHEREAS, simultaneously with the execution and delivery of the Lease Agreement, (A) the Company executed and delivered to the Agency a certain lease to agency dated as of December 1, 2019 (the “Underlying Lease”) by and between the Company, as landlord and the Agency, as tenant, pursuant to which the Company leased to the Agency the Land and all improvements now or hereafter located on the land (collectively, the “Premises”), (B) the Company and the Agency executed and delivered a payment in lieu of tax agreement dated as of December 1, 2019 (the “PILOT Agreement”) by and between the Agency and the Company, pursuant to which the Company agreed to pay certain payments in lieu of taxes with respect to the Project Facility, (C) the Company and the Agency executed and delivered a certain recapture agreement dated as of December 1, 2019 (the “Section 875 GML Recapture Agreement”) by and between the Company and the Agency, required by the Act, regarding the recovery or recapture of certain sales and use taxes, (D) the Agency filed with the assessor and mailed to the chief executive officer of each “affected tax jurisdiction” (within the meaning of such quoted term in Section 854(16) of the Act) a copy of a New York State Board of Real Property Services Form 412-a (the form required to be filed by the Agency in order for the Agency to obtain a real property tax exemption with respect to the Initial Project Facility under Section 412-a of the Real Property Tax Law) (the “Real Property Tax Exemption Form”) relating to the Project Facility and the PILOT Agreement, (E) the Agency executed and delivered to the Company a sales tax exemption letter (the “Sales Tax Exemption Letter”) to ensure the granting of the sales tax exemption which forms a part of the financial assistance to be provided by the Agency, and (F) the Agency filed with the New York State Department of Taxation and Finance the form entitled “IDA Appointment of Project Operator or Agent for Sales Tax Purposes” (the form required to be filed pursuant to Section 874(9) of the Act) (the “Thirty-Day Sales Tax Report”) (collectively, with the Lease Agreement, the “Basic Documents”); and

WHEREAS, pursuant to the terms of the PILOT Agreement, the Company was required to make the First PILOT Payment (as defined in the PILOT Agreement) no later than January 1, 2023 (the “PILOT Start Date”); and

WHEREAS, pursuant to Section 5.3(B) of the Lease Agreement, the Company is required to make certain annual payments to the Agency equal to the Agency’s annual administrative fee of \$76,500 (the

“Administrative Payments”); and

WHEREAS, the Administrative Payments commenced on January 15, 2021 and were scheduled to continue on January 15<sup>th</sup> of each year in which a PILOT Payment is made by the Company pursuant to the PILOT Agreement; and

WHEREAS, the construction of the Project Facility has been delayed as a result of the effects of the COVID-19 pandemic; and

WHEREAS, as a result of the delay in construction, the Company has requested that the Agency modify the terms of the Basic Documents in order to extend the PILOT Start Date from January 1, 2023 to June 1, 2023 (the “Modification”); and

WHEREAS, the Agency desires to approve the Modification, provided however, that (a) the Company shall be required to make the Administrative Payment due on January 15, 2023 as if the First PILOT Payment was made on January 1, 2023; (b) the Company shall be required to make Administrative Payments on January 15<sup>th</sup> of each year thereafter for the term of the Lease Agreement; and (c) the Agency shall not enter into the Modification Agreement (as hereinafter defined) without the consent of the “affected tax jurisdictions” (as defined in Section 845(16) of the Act); and

WHEREAS, as of the date of this resolution, the Agency has received written consent to the Modification from the chief executive officer of each Affected Tax Jurisdictions (the “Consents,” copies of which are attached hereto as Exhibit A);

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 adopted pursuant thereto by the Department of Environmental Conservation of the State of New York, being 6 NYCRR Part 617, as amended (the “Regulations” and collectively with the SEQR Act, “SEQRA”), it appears that the Modification constitutes a Type II action under SEQRA; and

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

Section 1. Based upon an examination of (a) the Modification and (b) the Consents, the Agency hereby makes the following determinations:

(A) The Modification constitutes a “Type II action” pursuant to 6 NYCRR 617.5(c), (26), and therefor that, pursuant to 6 NYCRR 617.6(1)(i), the Agency has no further responsibilities under SEQRA with respect to the Modification.

(B) That since compliance by the Agency with the Modification will not result in the Agency providing more than \$100,000 of “financial assistance” (as such quoted term is defined in the Act) to the Company, Section 859-a of the Act does not require a public hearing to be held with respect to the Modification.

(C) 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;

(D) It is desirable and in the public interest for the Agency to enter into the Modification Agreement (as hereinafter defined).

Section 2. Subject to (A) compliance with the terms and conditions in the Basic Documents, (B) compliance with the terms and conditions (if any) contained in the Consents; (C) payment by the Company of all Administrative Payments which shall continue to be due beginning on January 15, 2023, and on each January 15<sup>th</sup> thereafter for the term of the Lease Agreement; and (D) payment by the Company of all fees and expenses of the Agency in connection with the delivery of a modification agreement (the "Modification Agreement") by and between the Company and the Agency, including the fees of Agency Counsel and Special Agency Counsel, the Agency hereby (a) consents to the Modification and (b) determines to enter into the Modification Agreement.

Section 3. The form and substance of the Modification Agreement (in substantially the form as shall be presented to Agency) are hereby approved.

Section 4. Subject to the satisfaction of the conditions described in Section 2 hereof, the Chairman, Vice Chairman, or Chief Executive Officer of the Agency is hereby authorized to execute and deliver the Modification Agreement to the Company, all in substantially the form thereof as shall be presented to Agency, with such changes, variations, omissions and insertions as the Chairman, Vice Chairman, or Chief Executive Officer shall approve, the execution thereof by the Chairman, Vice Chairman, or Chief Executive Officer to constitute conclusive evidence of such approval.

Section 5. 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 Modification Agreement, 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 the foregoing Resolution and to cause compliance by the Agency with all of the terms, covenants and provisions of the Modification Agreement binding upon the Agency.

Section 6. This Resolution shall take effect immediately.

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

Matthew Beck	VOTING	YES
Carol Shineman	VOTING	YES
Mark Kowalczyk	VOTING	YES
Amanda Auricchio	VOTING	YES
Laurie Weingart	VOTING	YES
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 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 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 12 day of January 12, 2023.

(Assistant) Secretary

(SEAL)

EXHIBIT A

AFFECTED TAX JURISDICTION CONSENTS

- SEE ATTACHED -



## 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](mailto: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](mailto:krose@co.montgomery.ny.us)

Sheila Snell [ssnell@co.montgomery.ny.us](mailto:ssnell@co.montgomery.ny.us)

## **Mcdonald, Scott**

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**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.

## RESOLUTION ACCEPTING 2022 AUDIT REPORT

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 March 9, 2023, at \_\_\_\_\_ 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
Laurie Weingart	Secretary
Amanda Auricchio, Esq.	Member
Mark Kowalczyk	Member
Brent 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
Stephanie Battisti	Economic Dev. Specialist
Andrew Santillo	Staff Assistant
A. Joseph Scott, Esq.	Agency Counsel

The following resolution was offered by \_\_\_\_\_, seconded by \_\_\_\_\_, to wit:

Resolution No. 23-04

RESOLUTION ACCEPTING AUDIT REPORT PRESENTED BY WEST  
AND COMPANY FOR FINANCIAL PERIOD ENDING DECEMBER 31,  
2022

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, manufacturing, warehousing, 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, West and Company, CPA presented the Agency with the final audit report for financial period ended December 31, 2022;

RESOLVED, that report be accepted by the Montgomery County Industrial Development Agency.

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

The foregoing Resolution No. 23-04 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 March 9, 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 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 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 9th day of March, 2023.

(Assistant) Secretary

(S E A L)

## **RESOLUTION ACCEPTING 2022 ANNUAL FINANCIAL AND INVESTMENT REPORTS**

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 March 9, 2023, at \_\_\_\_\_ 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
Laurie Weingart	Secretary
Amanda Auricchio, Esq.	Member
Mark Kowalczyk	Member
Brent 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
Stephanie Battisti	Economic Dev. Specialist
Andrew Santillo	Staff Assistant
A. Joseph Scott, Esq.	Agency Counsel

The following resolution was offered by \_\_\_\_\_, seconded by \_\_\_\_\_ to wit:

Resolution No. 23-05

RESOLUTION TO ACCEPT 2022 ANNUAL FINANCIAL AND INVESTMENT  
REPORTS OF MONTGOMERY COUNTY INDUSTRIAL DEVELOPMENT  
AGENCY IN ACCORDANCE WITH PUBLIC AUTHORITY ACCOUNTABILITY  
ACT OF 2005 AS PRESENTED AND CERTIFIED BY THE CEO AND CFO

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, manufacturing, warehousing, 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, the Public Authority Accountability Act of 2005 requires an Annual Financial and Investment Reports to be prepared and certified in writing by the Chief Executive Officer and the Chief Financial Officer, and

WHEREAS, the Public Authority Accountability Act of 2005 further requires the MCIDA to approve such Annual Financial and Financial Investment Reports, therefore be it

RESOLVED that the Montgomery County Industrial Development Agency has reviewed the attached Annual Financial and Investment Reports presented to them by the Chief Executive Officer and the Chief Financial Officer and accepts the presented 2022 Annual Financial and Investment Reports.

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

The foregoing Resolution No. 23-05 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 March 9, 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 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 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 9th day of March, 2023.

\_\_\_\_\_  
(Assistant) Secretary

(S E A L)

## **RESOLUTION ADOPTING 2023 MISSION STATEMENT AND MEASUREMENT REPORT**

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 March 9, 2023, at \_\_\_\_\_ 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
Laurie Weingart	Secretary
Amanda Auricchio, Esq.	Member
Mark Kowalczyk	Member
Brent 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
Stephanie Battisti	Economic Dev. Specialist
Andrew Santillo	Staff Assistant
A. Joseph Scott, Esq.	Agency Counsel

The following resolution was offered by \_\_\_\_\_, seconded by \_\_\_\_\_, Esq., to wit:

Resolution No. 23-06

## **RESOLUTION ADOPTING 2023 MISSION STATEMENT AND MEASUREMENT REPORT**

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, manufacturing, warehousing, 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, the 2009 Public Authorities Reform Act added a new Section 2824-a in the Public Authorities Law requiring state and local public authorities to develop and adopt a mission statement and establish performance measures and review those annually,

RESOLVED, that the Montgomery County Industrial Development Agency's Board of Directors hereby adopts the Performance Measures and Measurement Report for 2023 attached hereto as Attachment A, 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, 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
Cheryl Reese	VOTING
Laurie Weingart	VOTING
Amanda Auricchio, Esq.	VOTING
Mark Kowalczyk	VOTING
Brent Phetteplace	VOTING

The foregoing Resolution No. 23-06 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 March 9, 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 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 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 9th day of March, 2023.

\_\_\_\_\_  
(Assistant) Secretary

(S E A L)

## **Attachment A**

## **New York State Local Public Authority Mission Statement and Measurement Report**

**Local Public Authority Name:** Montgomery County Industrial Development

**Fiscal Year:** January 2023– December 31, 2023

**Enabling Legislation:** Industrial development agencies (“IDAs”) are formed under Article 18-A of New York State General Municipal Law, as public benefit corporations. IDAs were created to actively promote, encourage, attract and develop job and recreational opportunities and economically-sound commerce and industry in cities, towns, villages and counties throughout New York State (the “State”). IDAs are empowered to provide financial assistance to private entities through tax incentives in order to promote the economic welfare, prosperity and recreational opportunities for residents of a municipality (“Benefited Municipality”).

**Mission Statement:** *The Montgomery County Industrial Development Agency was created in 1970 as a public benefit corporation of the State of New York. The MCIDA's mission is to assist in creating and maintaining jobs, thereby strengthening the economic base of the community as well as improving the quality of life of the residents of Montgomery County. This mission is accomplished by providing access to real estate solutions through the development of “shovel ready industrial parks”, offering financial assistance and incentives along with business development and technical assistance to businesses looking to expand or locate in Montgomery County.*

**Date Adopted:** March 9, 2023

### **2022 Measurements and 2023 Report On Those Measurements:**

**A. Assist at least five existing firms with some combination of funding, technical assistance, and problem solving.**

The Agency assisted numerous firms and not-for-profit employers in the reporting period with technical assistance, grant application and procurement, financial assistance, and outreach campaigns. The Agency initiated periodic informational campaigns targeted to over 100 area businesses and not-for-profit employers detailing services and programs available through State, Federal and Local Agencies. The Agency specifically worked with Mohawk Lifts and Mhxco Foam Company in the development of CFA applications for their expansion projects.

The Agency in conjunction with Montgomery County continued the Small Business of the Month Award highlighting area businesses that are making a difference in their community.

**B. Through some combination of funding, technical assistance, and problem solving secure new Job Creation and Capital Investment Commitments.**

DAIM Logistics Expansion – The Agency closed on the sale of approximately 4.14 acres of land in the Glen Canal View Business Park to 131 Riverside LLC, to be utilized for future expansion of the DAIM Logistics existing operations in the park.

In addition, DAIM Logistics substantially completed the construction of their new 54,000 sq. ft. warehouse facility in the Park. The Agency provided financial assistance to the project in the form Sales Tax Exemptions and a PILOT.

Mohawk Lifts Expansion Project- Agency staff worked with Mohawk Lifts in the City of Amsterdam on preparing a Consolidated Funding Application for their expansion project. Mohawk Lifts was awarded a \$300,000 Empire State Development Grant. The grant will allow Mohawk Lifts to grow its operations by updating manufacturing equipment and processing (adding automation to their process, updating the steel cutting/burning table, investing in material handling and welding support equipment, and creating a new factory floor layout to increase productivity and efficiency). These improvements will support increases to market share and growth into material handling distribution lifts, an area of competitive advantage with leading technology recently developed by the engineering team, and an increase to their workforce to support the new growth. Several jobs will be created by the project.

MHSCO Foam Company Expansion Project- Agency Staff worked with MHSCO Foam Company in the Town of Amsterdam on guiding them through the preparation of a Consolidated Funding Application for their expansion project. MHSCO was awarded a \$500,000 Empire State Development Grant to acquire a self-shielded Electron Beam for cross-linking which is the second step in the foam making process. The project will allow the company to increase manufacturing efficiency and global competitiveness. The project investment will keep the entire production in house and will allow the company to become completely vertically integrated.

DG Northeast, LLC- The Agency received an application from the DG Distribution Northeast, LLC (Dollar General) for the possible construction of an approximately 150,000 sq. ft. perishable goods distribution center. The company anticipates that the project would create up to 150 jobs. Currently the company is going through the local, state and federal permitting process.

County Micro Grant – The Agency received a New York State Office of Homes & Community Renewal's Community Development Block Grant award in the amount of \$300,000 for a microenterprise grant program. This program targets start-up and expanding businesses throughout the boundaries of Montgomery County. The program provides much needed working capital and financing, in order to get these businesses off the ground or allowing them to get to the next level of economic prosperity. The department received 24 application from small businesses resulting in 11 awardees. To date, 8 businesses have



received their total reimbursement checks totaling \$226,580.82 with \$73,419.18 remaining to be paid out.

**C. Work cooperatively with local governments and school districts to further economic development progress.**

In 2022, the Agency worked with various municipalities on a variety of strategic initiatives and projects. Projects ranged from community development projects to private sector initiatives which and some are highlighted here.

National Grid Grant – The Agency, on behalf of the City of Amsterdam, continued to administer a grant awarded through National Grid’s Strategic Economic Development Outreach Program for marketing funds being used by the City of Amsterdam. This \$135,000 grant award is being matched for a marketing initiative to properly position the County and the City for future economic and job development initiatives. This is to help amplify the work being done surrounding the successful Downtown Revitalization Initiative (DRI) award that Amsterdam received in 2018.

EPA Assessment Grant– In 2020, the County was awarded a \$300,000 Community Wide Hazardous Substances Assessment grant that through the Environmental Protection Agency that is being administered by the Staff of the Agency. In 2022, the consultant hired through this grant continued to work on Phase I and Phase II studies on four strategic redevelopment sites in the City of Amsterdam and Villages of Canajoharie and St. Johnsville.

County Shared Services Facility – The Agency closed on the sale of approximately 20 acres of land to Montgomery County where the shared services facility is being constructed in the Glen Canal View Business Park. The facility will be used by the Montgomery County Department of Public Works and the Montgomery County Business Development Center for their operations and is slated for completion in the Spring of 2023.

**D. Continue to focus on Exit 29 Redevelopment Project by applying for additional grant opportunities as well as implement the work plans associated with the grants received to date on the project.**

Progress continued at the Exit 29 Redevelopment Site, in Canajoharie, with investors from E29 Labs entering continuing with their purchase-and-sale agreement on a portion of the former Beech-Nut Foods plant. E29 Labs is a team of experienced commercial cannabis production professional that are poised to capitalize on the recent legalization of the industry by the state of New York. This project has the potential to realize significant private investment by the company, as well as the creation of job opportunities and additionally generate critical new revenue streams for the county, as well as the Village and Town of Canajoharie. E-29 began the Site Plan review process for their project with the Village Planning Board. The County, led by Agency Staff submitted the Subdivision application to the Village Planning Board which was processed and approved in 2022. Redevelopment of the Exit 29 site continues to be a centralized focus of the county’s Economic Development office and the Agency, more than 10 years since the site became vacant.

**E. Continue Implementing the Marketing on behalf of the County to further the Agency's Mission**

The Montgomery County Blueprint Plan has been an ongoing process to identify current and emerging industries that are suited for the County. This proposal received an award from the Consolidated Funding Application (CFA) announcements in 2019, however was held up due to the 2020 pandemic. The Agency also received a National Grid grant from their Strategic Economic Development Outreach program to offset the costs of this initiative. The agency hired Camoin Associates to develop and deliver the Montgomery County Business Attraction Blueprint. Through an abundance of research, interviews and communication with Agency Staff, Camoin has currently produced a number of documents including the final Business Blueprint Report, the final Marketing Report, and four industry specific spec sheets for the purpose of business attraction. The only item that remains is the actual implementation of the marketing plan. This plan has not only provided an economic assessment of the county and the surrounding regions, but will also help with the implementation of a plan to produce tangible results for Montgomery County.

The Agency also hired Engines of Creations in Amsterdam to redesign the Agency's website as a recommendation which arose from the Blueprint Planning process.

**2023 Measurements:**

- A. Assist at least five existing firms with some combination of funding, technical assistance, and problem solving.
- B. Through some combination of funding, technical assistance, and problem solving secure new Job Creation and Capital Investment Commitments.
- C. Work cooperatively with local governments and school districts to further economic development progress.
- D. Continue to focus on the Exit 29 Redevelopment Project by implementing the work plans associated with the grants received to date on the project.
- E. Continue Implementing Marketing on behalf of the County to further the Agency's mission.

**Authority Stakeholder(s):** Authority Stakeholders include the following: (A) The Montgomery County Legislature (B) The residents of Montgomery County, (C) The businesses located or intending to locate in the County, (D) School districts located within the County, (E) the State of New York, and (F) local workforce.

**Authority Beneficiaries:** The residents, businesses and taxing jurisdictions of Montgomery County

**Authority Customers:** The Business and Not-for-Profit establishments of Montgomery County

**Authority self-evaluation of prior year performance** (based upon established measurements): To Be provided by March 31, 2024 related to 2023 performance.

**Governance Certification:**

1. Have the Board Members acknowledged that they have read and understood the mission of the public authority?

Yes

2. Who has the power to appoint management of the public authority?

The Board Members

3. If the Board appoints management, do you have a policy you follow when appointing the management of the public authority.

Yes

4. Briefly describe the role of the Board and the role of management in the implementation of the mission.

The role of the Board regarding the implementation of the public authority's mission is to provide strategic input, guidance, oversight, mission authorization, policy setting and validation of the authority's mission, measurements and results. The role of management is to collaborate with the board in strategy development / strategy authorization and to implement established programs, processes, activities and policies to achieve the public authority's mission.

5. Has the Board acknowledged that they have read and understood the response to each of these questions?

Yes

# MONTGOMERY COUNTY INDUSTRIAL DEVELOPMENT AGENCY

## 2022 ASSESSMENT OF INTERNAL CONTROLS

The Montgomery County Industrial Development Agency (MCIDA) is a public benefit corporation 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.

The mission of the agency is to assist in creating and maintaining jobs, thereby strengthening the economic base of the community as well as improving the quality of life of the residents of Montgomery County. This mission is accomplished by providing access to real estate solutions through the development of "shovel ready industrial parks", offering financial assistance and incentives along with business development and technical assistance to businesses looking to expand or locate in Montgomery County.

The MCIDA has a seven-member board of directors appointed by the Montgomery County Legislature. It is supported financially by Montgomery County, its own project administration generated fees, and administration fees from the County Revolving Loan Fund. Operating staff consists of: Chief Executive Officer (CEO), Chief Financial Officer (CFO), Economic Development Specialist and Economic Development Program Assistant.

The MCIDA administers two revolving loan funds that are currently available to manufacturing and small businesses in Montgomery County. In addition, the MCIDA is authorized to offer certain incentives to qualifying businesses when they make investments in Montgomery County that will lead to the creation or retention of jobs. These incentives may include:

- ***Tax-Exempt and Taxable Bonds***

Fund most or all project costs with this incentive. The MCIDA makes low-interest industrial revenue bonds (IRBs) available to qualifying manufacturers. These bonds encourage lenders to provide project financing at interest rates below market and apply to the cost of land, buildings and equipment.

- ***Real Property Tax Abatement***  
MCIDA negotiates payments in lieu of taxes (PILOTs) on real property.
- ***Sales and Use Tax Exemption***  
Benefit from tax exemptions of up to 8 percent on non-production equipment and construction materials.
- ***Mortgage Recording Exemption***  
Finance a mortgage with a tax exemption of 3 to 4 percent on the amount financed.

Part of the administration of the revolving loan funds and the PILOT program requires billing and receiving payments on all open loans and PILOT's. Payments are received in this office as accounts become due. Cash payments are discouraged. In addition, the MCIDA processes accounts payable regularly and is responsible for a portion of the payroll functions. The Agency utilizes ADP for payroll processing.

The receipt and recording of the mail is performed by the Program Assistant and reviewed by the CFO, thus adequately addressing the need for the segregation of duties. The receipt and recording of payments are processed in the company records, recorded in QuickBooks; and deposited in the applicable bank. The following is a review of the Internal Control System currently in place:

- All checks require two signatures
- All paid bills are audited by an appointed member of the board monthly at minimum
- All bank accounts are recorded through QuickBooks (accounting program) which allows for simple and clear tracking and reporting of all transactions
- Amortization Statements are prepared at the loan closing and payments are sent to the Montgomery County Treasurer for processing.
- The CFO calculates and prepares all PILOT bills
- As payments come in the Program Assistant opens, makes copies and turns them over to the CFO to be reviewed and distributed to the applicable taxing jurisdiction
- A tracking sheet is prepared regularly by the CFO that includes all revolving loan, a copy is provided to the Executive Director
- A tracking sheet is prepared regularly by the CFO in regards to all PILOT billing and payment activity, a copy is provided to the Executive Director routinely
- The RLF tracking sheet is emailed to the full Board of Directors for review prior to each board meeting and a paper copy is also provided to everyone at the meeting. The PILOT tracking is emailed as necessary as well
- The CFO reconciles all bank statements monthly and reports any discrepancies to the Board Treasurer
- The CFO prepares a monthly operating financial report using QuickBooks that is provided each month to the board for review, inquiries and approval
- A print out of the monthly check register transactions is provided each month to the board for review, inquiries and approval
- A full audit is conducted by an independent auditor annually to review the finances, operations, and the internal control programs and procedures of the MCIDA. This

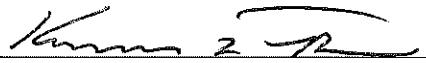
report is provided to the Board of Directors, the NYS Authorities Budget Office, State Comptroller, Montgomery County Executive and is made available on the MCIDA web site at [www.montgomerycountyworks.com](http://www.montgomerycountyworks.com)


The Chief Executive Officer and the Board of Directors is responsible to provide oversight of all of operations of the MCIDA.

This statement certifies that management and the board of directors have documented and assessed the internal control structure and procedures of the Montgomery County Industrial Development Agency for the year ending December 31, 2022. This assessment found the authority's internal controls to be adequate, and to the extent that deficiencies were identified, the authority has developed corrective action plans to reduce any corresponding risk.

No deficiencies were identified; therefore, no Management Letter was issued.

Completed: March 2, 2023

  
Kenneth Rose, CEO

  
Sheila Snell, CFO

**Montgomery County Industrial Development Agency  
Real Property Transaction Summary  
Year Ending 12/31/2022**

Property Description	Transaction Type	Purchaser/ Seller	Est. Fair Market Value	Fair Market Description	Purchase/ Sale Price
Glen Canal View Business Park (19.9 Acres)	Conveyance	Montgomery County/MCIDA	\$170,000	Appraisal	\$170,000
Glen Canal View Business Park (4.6 Acres)	Conveyance	131 Riverside LLC/MCIDA	\$30,000	Appraisal	\$25,000

**Montgomery County Industrial Development Agency  
Personal Property Transaction Summary  
Year Ending 12/31/2022**

Property Description	Transaction Type	Purchaser/ Seller	Est. Fair Market Value	Fair Market Description	Purchase/ Sale Price
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NONE

**Montgomery County Industrial Development Agency  
Real Property Inventory  
Year Ending 12/31/2022**

Property Description	SBL#	Property Size	Property Address
Florida Business Park	38.-1-13.2	7.4 acres	Route 5S, Florida
Florida Business Park	54-1-20.22	35.8 acres	Route 5S, Florida
Florida Business Park	54-1-21.2	120 acres	Route 5S, Florida
Florida Business Park	54-1-32.2	2 acres	Route 5S, Florida
Florida Business Park	54-1-34.12	20.9 acres	Route 5S, Florida
Florida Business Park	54-1-34.13	19.9 acres	Route 5S, Florida
Florida Business Park	54-1-34.14	30 acres	Route 5S, Florida
Florida Business Park	54-1-35.2	8.4 acres	Route 5S, Florida
Florida Business Park	54-1-61	1.2 acres	Route 5S, Florida
Florida Business Park Ext.	54-2-2.31	54.4 acres	Route 5S, Florida
Glen Canal View Business Park	52-4-03.112	23.4 acres	Route 5S, Glen
Glen Canal View Business Park	52-4-03.3	14 acres	Route 5S, Glen
Glen Canal View Business Park	52-4-03.41	212.8 acres	Route 5S, Glen