

**RESOLUTION AMENDING RESOLUTION AUTHORIZING  
SALE OF LAND TO MINAVILLE FIRE DEPARTMENT**

A regular meeting of Montgomery County Industrial Development Agency (the “Agency”) was convened in public session at the offices of the Agency located at 113 Park Drive, Fultonville, New York on September 21, 2023 at 3:00 o’clock p.m., local time.

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

PRESENT:

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

ABSENT:

|                        |        |
|------------------------|--------|
| Amanda Auricchio, Esq. | Member |
| Mark Kowalczyk         | Member |

AGENCY STAFF PRESENT INCLUDED THE FOLLOWING:

|                            |                                 |
|----------------------------|---------------------------------|
| Kenneth F. Rose            | Chief Executive Officer         |
| Sheila Snell               | Chief Financial Officer         |
| Andrew Santillo            | Staff Assistant                 |
| Vincenzo Nicosia           | Director of Program Development |
| A. Joseph Scott, III, Esq. | Agency Counsel                  |

The following resolution was offered by Matthew Beck, seconded by Cheryl Reese, to wit:

Resolution No. 0923-18

**RESOLUTION AMENDING PRIOR RESOLUTIONS AUTHORIZING SALE OF  
LAND TO MINAVILLE FIRE DEPARTMENT.**

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

WHEREAS, to accomplish its stated purposes, the Agency is authorized and empowered under the Act to acquire, reconstruct, renovate and install one or more “projects” (as defined in the Act) or to cause said projects to be acquired, reconstructed, renovated and installed, and to convey said projects or to lease said projects with the obligation to purchase; and

WHEREAS, the Agency has adopted prior resolutions (Resolution No. 15-29 and 20-14) (collectively, the “Prior Resolutions”) authorizing the sale of land to the Town of Florida for the purpose of constructing a building that will house fire department services that will provide a greater level of fire prevention and fire-fighting services to residents and businesses in the Town of Florida, including the Florida Business Park and Park Extension; and

WHEREAS, this land transaction has been delayed a number of times in order to rectify discrepancies in previous surveys that were performed in and around the property to be conveyed; and

WHEREAS, upon the surveys have been finalized and the actual acreage is approximately 8.383 acres as described in the attached excerpt from the Title Report (the “Land”); and

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

Section 1. The Agency hereby finds and determines that:

(A) By virtue of the Act, the Agency has been vested with all powers necessary and convenient to carry out and effectuate the purposes and provisions of the Act and to exercise all powers granted to it under the Act;

(B) The conveyance of the Land 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, and thereby serve the public purposes of the Act; and

(C) It is desirable and in the public interest for the Agency convey the Land.

Section 2. In consequence of the foregoing, the Agency hereby determines to complete the sale at the revised acreage of approximately 8.383 acres.

Section 3. All other terms, conditions and purchase price reflected in the Prior Resolutions remain in effect.

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

Section 5. This Resolution shall take effect immediately.

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

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

The foregoing resolution was thereupon declared duly adopted.

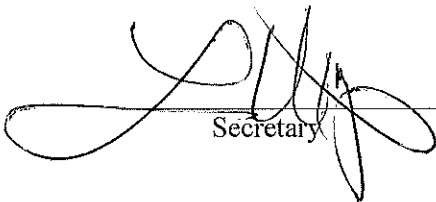
STATE OF NEW YORK                    )  
  ) SS.:  
COUNTY OF MONTGOMERY            )

I, the undersigned Secretary of Montgomery County Industrial Development Agency (the "Agency"), DO HEREBY CERTIFY that I have compared the foregoing annexed extract of the minutes of the meeting of the members of the Agency, including the Resolution contained therein, held on September 21, 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 21 day of September, 2023.

  
Secretary

(SEAL)

SCHEDULE A  
REAL ESTATE DESCRIPTION

SCHEDULE A – DESCRIPTION

ALL of that tract or parcel of land situate in the Town of Florida, County of Montgomery and State of New York being more particularly described as follows:

Beginning at an iron rod set at the intersection of the northerly line of State Route 5S and the easterly line of Target Avenue, running thence along the easterly line of Target Avenue the following three courses; N20°14'00"W 192.34', a curve to the right with a chord of N14°52'28"W 44.83' and a radius of 240.00' an arc length of 44.90', and a curve to the right having a chord of N32°35'13"E 73.75', and a radius of 55.00' an arc length of 80.83' to the southerly line of Nutritious Place thence along the southerly line of Nutritious Place N74°41'11"E 682.64' and on a curve to the left having a chord of N73°00'10"E 54.06' and a radius of 920.00' an arc length of 54.07' to an iron rod set, running thence along the southerly line of the lands of Montgomery County Industrial Development Agency the following five courses; S27°35'51"E 89.71', N81°06'22"E 154.45', S78°44'26"E 144.10', N71°17'32"E 163.41' and N10°37'50"E 39.12', thence along other lands of Montgomery County Industrial Development Agency, the following two courses; S79°22'10"E 121.12' and S78°36'10"E 311.10' to an iron rod set in the northerly line of State Route 5S, thence along the northerly line of State Route 5S the following eight courses; S02°29'00"W 58.66' to an iron rod set, S79°19'49"W 886.12' to a highway monument, S84°24'35"W 128.66' to a highway monument, S77°37'06"W 179.01', S73°01'04"W 228.98', S14°19'36"W 3.23' to a highway monument, S74°02'05"W 145.97' to a highway monument and S69°45'20"W 62.34' to the point of beginning, 8.383 acres.

As shown and in accordance with a Survey Map made by Ferguson & Foss Professional Land Surveyors, PC dated January 16, 2023 titled "Survey Map of Lands of Montgomery County Industrial Development Agency to be conveyed to Town of Florida"