

**PILOT DEVIATION NOTICE RESOLUTION  
MADRE NELLISTON LLC PROJECT**

A regular meeting of Montgomery County Industrial Development Agency (the "Agency") was convened in public session at the office of the Agency located at the Montgomery County Business Development Center located at 113 Park Drive, Fultonville, New York on January 8, 2026 at 3:33 p.m., local time.

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

**PRESENT:**

Matthew Beck	Chairperson
Brent Phetteplace	Secretary/Assistant Treasurer
Cheryl Reese	Treasurer/Assistant Secretary
Daniel Roth	Member
Edward Watt	Member

**ABSENT:**

Mark Kowalczyk	Vice-Chairperson
Jessica Cyr	Member

**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 Development Specialist
Christie Dingman	Staff Assistant
Christopher C. Canada, Esq.	Agency Counsel

The following resolution was offered by Matthew Beck, seconded by Daniel Roth, to wit:

Resolution No. 26-03

RESOLUTION AUTHORIZING THE CHIEF EXECUTIVE OFFICER TO SEND A LETTER TO THE CHIEF EXECUTIVE OFFICERS OF THE AFFECTED TAX JURISDICTIONS INFORMING THEM OF A PROPOSED DEVIATION FROM MONTGOMERY COUNTY INDUSTRIAL DEVELOPMENT AGENCY'S UNIFORM TAX EXEMPTION POLICY IN CONNECTION WITH THE PROPOSED MADRE NELLISTON 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 manufacturing, warehousing, research,

commercial and industrial facilities, among others, for the purpose of promoting, attracting and developing economically sound commerce and industry to advance the job opportunities, health, general prosperity and economic welfare of the people of the State of New York, to improve their prosperity and standard of living, and to prevent unemployment and economic deterioration; and

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

WHEREAS, MADRE Nelliston LLC, a limited liability company organized and existing under the laws of the State of New York (the "Company"), submitted an application (the "Application") to the Agency, a copy of which Application is on file at the office of the Agency, requesting that the Agency consider undertaking a project (the "Project") for the benefit of the Company, said Project consisting of the following: (A) (1) the acquisition of an interest in one or more parcels of land containing an aggregate of approximately 52.1 acres (collectively, the "Land"), together with two (2) existing facilities located thereon (collectively, the "Facility") containing an aggregate of approximately 40,228 square feet of space, and all located at 6476 State Highway 5 and elsewhere on State Highway 5 (Tax Map Nos. to be determined) in the Village of Nelliston and Town of Palatine, Montgomery County, New York; and (2) the acquisition and installation therein and thereon of certain machinery, equipment and other personal property (collectively, the "Equipment") (the Land, the Facility and the Equipment being collectively referred to as the "Project Facility"), all of the foregoing to be owned by the Company and operated by Any Level Lift LLC, Drive Heavy Duty LLC, and/or one or more affiliates thereof, or such other person or entity as may be designated by the Company and agreed upon by the Agency, as a manufacturing, warehousing, distribution, parts-installation, detailing, vehicle sales office and showroom, and office space 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 real property taxes and mortgage recording taxes (collectively, the "Financial Assistance"); and (C) the lease (with an obligation to purchase) or sale of the Project Facility to the Company or such other person or entity as may be designated by the Company and agreed upon by the Agency; and

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

WHEREAS, pursuant to the PILOT Request, the Proposed PILOT Agreement would (A) be for a term of ten (10) years with an abatement schedule as more particularly described in Exhibit A attached hereto, and (B) split any payments in lieu of taxes received under the Proposed PILOT Agreement among Montgomery County, the Village of Nelliston and Town of Palatine and the Canajoharie Central School District (being collectively referred to as the "Affected Tax Jurisdictions") in percentages as more particularly described in Exhibit A attached hereto; and

WHEREAS, the Policy provides that, for a facility similar to the Project Facility, payments in lieu of taxes will normally be calculated by multiplying the assessed value of the Project Facility by the applicable tax rate of each Affected Tax Jurisdiction and thereafter abated pursuant to the following schedule: a one-hundred percent (100%) abatement of real property taxes on the change in assessed value of the Project Facility as a result of the Project in years one (1) through five (5), a fifty percent (50%) abatement in years six (6) through ten (10), and normal taxes thereafter; and

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

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

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

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

Section 2. This resolution shall take effect immediately.

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

Matthew Beck	VOTING	YES
Mark Kowalczyk	VOTING	ABSENT
Brent Phetteplace	VOTING	YES
Cheryl Reese	VOTING	YES
Jessica Cyr	VOTING	ABSENT
Daniel Roth	VOTING	YES
Edward Watt	VOTING	ABSTAINED

The foregoing resolution was thereupon declared duly adopted.

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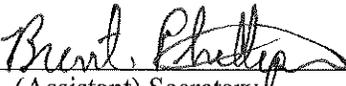
STATE OF NEW YORK                    )  
                                                  ) SS.:  
COUNTY OF MONTGOMERY            )

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 8, 2026 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 8<sup>th</sup> day of January, 2026.

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

(SEAL)

EXHIBIT A  
PROPOSED FORM OF PILOT DEVIATION LETTER

See attached.

MONTGOMERY COUNTY INDUSTRIAL DEVELOPMENT AGENCY

113 Park Drive, P.O. Box 277

Fultonville, New York 12072

TEL: 518-853-8834

FAX: 518-853-8336

January \_\_, 2026

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

Dr. Nick Fitzgerald, Superintendent  
Canajoharie Central School District  
136 Scholastic Way  
Canajoharie, New York 13317

William MacLauchlin, Supervisor  
Town of Palatine  
P.O. Box 40  
Palatine Bridge, New York 13428

Mark Brody, Board President  
Canajoharie Central School District  
136 Scholastic Way  
Canajoharie, New York 13317

Debra Gros, Mayor  
Village of Nelliston  
P.O. Box 305  
Nelliston, New York 13410

Andrea Muhlebeck, District Clerk  
Canajoharie Central School District  
136 Scholastic Way  
Canajoharie, New York 13317

RE: Proposed Deviation from Uniform Tax Exemption Policy by  
Montgomery County Industrial Development Agency in connection with its  
Proposed MADRE Nelliston LLC Project

Dear Ladies and Gentlemen:

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

Montgomery County Industrial Development Agency (the "Agency") received an application (the "Application") from MADRE Nelliston LLC, a limited-liability company organized and existing under the laws of the State of New York (the "Company"), a copy of which Application is on file at the office of the Agency, requesting that the Agency consider undertaking a project (the "Project") for the benefit of the Company, said Project consisting of the following: (A) (1) the acquisition of an interest in one or more parcels of land containing an aggregate of approximately 52.1 acres (collectively, the "Land"), together with two (2) existing facilities located thereon (collectively, the "Facility") containing an aggregate of approximately 40,228 square feet of space, and all located at 6476 State Highway 5 and elsewhere on State Highway 5 (Tax Map Nos. to be determined) in the Village of Nelliston and Town of Palatine, Montgomery County, New York; and (2) the acquisition and installation therein and thereon of certain machinery, equipment and other personal property (collectively, the "Equipment") (the Land, the Facility and the Equipment being collectively referred to as the "Project Facility"), all of the foregoing to be owned by the Company and operated by Any Level Lift LLC, Drive Heavy Duty LLC, and/or one or more affiliates thereof, or such other person or entity as may be designated by the Company and agreed upon by the Agency, as a manufacturing, warehousing, distribution, parts-installation, detailing, vehicle sales office and showroom, and office space 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 real property taxes and mortgage recording taxes (collectively, the “Financial Assistance”); and (C) the lease (with an obligation to purchase) or sale of the Project Facility to the Company or such other person or entity as may be designated by the Company and agreed upon by the Agency.

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

The Proposed PILOT Agreement would not provide any abatements for any special assessments levied on the Project Facility. To ensure an equitable split of any payments in lieu of taxes received from the Company, Montgomery County, the Village of Nelliston and Town of Palatine and the Canajoharie Central School District (being collectively referred to as the “Affected Tax Jurisdictions”) will each be asked to consider adopting resolutions approving the terms of the Proposed PILOT Agreement. The resolutions, if adopted by each of the Affected Tax Jurisdictions, would split any payments in lieu of taxes received under the Proposed PILOT Agreement among the Affected Tax Jurisdictions as follows: Montgomery County would receive 11% of any payment in lieu of tax received under the Proposed PILOT Agreement; the Village of Nelliston would receive 29% of any payment in lieu of tax received under the Proposed PILOT Agreement, the Town of Palatine would receive 11% of any payment in lieu of tax received under the Proposed PILOT Agreement; and the Canajoharie Central School District would receive 49% of any payment in lieu of tax received under the Proposed PILOT Agreement. The Proposed PILOT Agreement would be for a term of ten (10) years and would require the Company to make payments in lieu of taxes as follows:

<b>Year</b>	<b>Amount of PILOT Payment</b>
1	\$35,000.00
2	\$35,700.00
3	\$36,414.00
4	\$37,142.28
5	\$37,885.13
6	\$38,642.83
7	\$39,415.68
8	\$40,204.00
9	\$41,008.08
10	\$41,828.24

The Policy provides that, for a facility similar to the Project Facility, payments in lieu of taxes will normally be calculated by multiplying the assessed value of the Project Facility by the applicable tax rate of each Affected Tax Jurisdiction and thereafter abated pursuant to the following schedule: a one-hundred percent (100%) abatement of real property taxes on the change in assessed value of the Project Facility as a result of the Project in years one (1) through five (5), a fifty percent (50%) abatement in years six (6) through ten (10), and normal taxes thereafter.

The purpose of this letter is to inform you of such PILOT Request and that the Agency is considering whether to grant the PILOT Request and to approve the Proposed PILOT Agreement conforming to the terms of the PILOT Request. The Agency expects to consider whether to approve the terms of the Proposed PILOT Agreement at its meeting currently scheduled for February 12, 2026 at 3:30 o’clock p.m., local time at the offices of the Agency located at 113 Park Drive, Fultonville, New York (the “Meeting”). As described in this letter, during the Meeting the Agency will review the terms of the PILOT

Request and, based on the discussions during such Meeting, the terms of the PILOT Request may be modified.

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

**1. The nature of the Project.** The Project involves (a) the acquisition of an interest in one or more parcels of land containing an aggregate of approximately 52.1 acres (collectively, the "Land"), together with two (2) existing facilities located thereon (collectively, the "Facility") containing an aggregate of approximately 40,228 square feet of space, and all located at 6476 State Highway 5 and elsewhere on State Highway 5 (Tax Map Nos. to be determined) in the Village of Nelliston and Town of Palatine, Montgomery County, New York; and (b) the acquisition and installation therein and thereon of certain machinery, equipment and other personal property (collectively, the "Equipment") (the Land, the Facility and the Equipment being collectively referred to as the "Project Facility"), all of the foregoing to be owned by the Company and operated by Any Level Lift LLC, Drive Heavy Duty LLC, and/or one or more affiliates thereof, or such other person or entity as may be designated by the Company and agreed upon by the Agency, as a manufacturing, warehousing, distribution, parts-installation, detailing, vehicle sales office and showroom, and office space and other directly and indirectly related activities.

**2. The present use of the property:** The property is currently the site of two former car dealerships. The existing facilities are not currently in use, and the Agency has not been advised of any other contemplated use of the existing facilities.

**3. The economic condition of the area at the time of the request of the Company and the economic multiplying effect that the Project will have on the area:** At the time of filing the Application, the economic condition of the area in which the Project is located is generally average.

**4. The extent to which the Project will create or retain permanent, private sector jobs and the number of jobs to be created or retained and the salary range of such jobs:** The Project is expected to retain twenty (20) existing full-time equivalent jobs which will be relocated to the Project Facility. Additionally, the Project is expected to create seven (7) new full-time equivalent jobs within three (3) years of the beginning of operations at the Project Facility.

**5. The estimated value of new tax exemptions to be provided:** The estimated values of new tax exemptions to be provided are as follows: up to approximately \$8,400 in mortgage recording tax exemption and up to approximately \$150,000 in real property tax exemption.

**6. The economic impact of the Proposed PILOT Agreement on affected tax jurisdictions:** The economic impact of the Proposed PILOT Agreement is positive. The Agency has not been advised of any alternative proposed investment or development of the Project Facility. Therefore, without the undertaking and completion of the Project, the Project Facility could be expected to remain underutilized and incur blight without development. The completion of the Project will result in minor improvements to the Project Facility. Additionally, the undertaking of the Project will encourage one or more local businesses to begin operations in the area and generate full-time equivalent jobs.

**7. The impact of the Proposed PILOT Agreement on existing and proposed businesses and economic development projects in the vicinity:** The Project will have a positive revitalizing effect on local business by attracting an industry which does not currently exist in the

area. Such new business and industry would be expected to attract new customers and employees to the area.

**8. The amount of private sector investment generated or likely to be generated by the Proposed PILOT Agreement: \$2,250,000.**

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

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

**11. The extent to which the Proposed PILOT Agreement will require the provision of additional services including, but not limited to, additional educational, transportation, police, emergency medical or fire services:** It is not anticipated that the Project will have a significant burden upon existing services within the County.

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

**13. The extent to which the Proposed PILOT Agreement will provide a benefit (economic or otherwise) not otherwise available within the municipality in which the Project Facility is located:** The Company has advised that it will not complete the Project or begin operations in the area without the economic incentive offered by the Financial Assistance. Therefore, the Financial Assistance and the Proposed PILOT Agreement would be expected to prevent the community from losing the opportunity to attract a new business and industry to the area.

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

If you have any questions or comments regarding the foregoing, please contact me.

Sincerely,

Kenneth F. Rose  
Chief Executive Officer

