

**RESOLUTION APPOINTING LIRO ENGINEERS, INC. TO PROVIDE
CIVIL ENGINEERING SERVICES IN CONNECTION WITH
WET TAP AND WATER SERVICE INSTALLATION**

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 June 11, 2026 at 3:30 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:

Mark Kowalczyk	Vice Chairperson
Brent Phetteplace	Secretary/Assistant Treasurer
Cheryl Reese	Treasurer/Assistant Secretary
Jessica Cyr	Member
Daniel Roth	Member
Martin Kelly	Member

ABSENT:

Matthew Beck	Chairperson
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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 Daniel Roth, seconded by Martin Kelly, to wit:

Resolution No. 26-14

RESOLUTION AUTHORIZING MONTGOMERY COUNTY INDUSTRIAL DEVELOPMENT AGENCY (THE “AGENCY”) TO (A) APPOINT LIRO ENGINEERS, INC. TO PROVIDE CIVIL ENGINEERING SERVICES TO THE AGENCY IN CONNECTION WITH THE PROPOSED INSTALLATION OF NEW WATER SERVICE RELATED TO CERTAIN PROPERTY OWNED BY THE AGENCY AND LOCATED IN THE VILLAGE AND TOWN OF CANAJOHARIE, MONTGOMERY COUNTY, NEW YORK AND (B) EXECUTE VARIOUS DOCUMENTS RELATED THERETO.

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 is currently the fee title owner of a certain parcel of land containing approximately 19.6 acres and located along East Main Street at Exit 29 of the New York State Thruway (I-90) (Tax Map No.: 63.14-1-9.13) in the Village and Town of Canajoharie, Montgomery County, New York (the “Property”); and

WHEREAS, the Property includes certain existing buildings which constituted a large manufacturing site (the “Facility”) that is currently vacant and not being operated; and

WHEREAS, the Agency in July, 2025 received a request from PEMM, LLC (the “Purchaser”) to purchase the Property from the Agency; and

WHEREAS, pursuant to the authorization contained in a resolution adopted by the members of the Agency on August 14, 2025 (the “Letter of Intent Resolution”), the Agency entered into a letter of intent (the “Letter of Intent”) dated August 22, 2025 by and between the Agency and the Purchaser; and

WHEREAS, further, pursuant to the authorization contained in a resolution adopted by the members of the Agency on November 13, 2025, the Agency authorized the execution and delivery of an agreement for purchase and sale relating to the Property (the “Purchase Contract”) and certain conveyance documents related thereto including, but not limited to, a deed and various related forms (the “Conveyance Documents”); and

WHEREAS, the Purchase Contract provides for an advanced due diligence review of the Property; and

WHEREAS, in connection with the due diligence review, the Agency and the Purchaser determined that the existing water line installed on the eastern side of the Property, adjacent to certain property (the “County Property”) owned by Montgomery County, New York (the “County”), would not be sufficient for the redevelopment and future proposed use of the Property; and

WHEREAS, based on discussions among the Agency, the County, and the Village of Canajoharie, New York (the “Village”), the extension of the existing water line would further benefit the County Property and, upon completion, would be maintained and operated by the Village; and

WHEREAS, to (a) ensure the Property remains marketable, (b) facilitate (i) the proposed disposition of the Property to the Purchaser and (ii) the future development of the Property, and (c) support any additional public use contemplated by the County and the Village, and based further upon, among other considerations set forth in this resolution, the Agency’s knowledge of the Property, the Services (as hereinafter defined), and the needs of the Agency and the County, the Agency desires to

engage LiRo Engineers Inc. d/b/a LiRo-Hill ("LiRo") to provide certain civil engineering services to the Agency associated with the installation of a new water service at the Property that includes performing a pressurized wet tap to the existing water main and constructing approximately six-hundred (600) linear feet of new water service (collectively, the "Services"); and

WHEREAS, Section 103 of the General Municipal Law of the State of New York (the "GML") and the Agency's procurement policy (the "Procurement Policy") generally require the Agency to select service providers in accordance with a request for proposal process, except in the case of certain exceptions; and

WHEREAS, pursuant to Section 103 of the GML and Section 504(A) of the Procurement Policy, the Agency is authorized, in the discretion of the Agency, to forego the requirements with respect to quotation and competitive bidding when the Agency is procuring professional services due to (a) the special or technical skill, training or expertise required to provide such professional services, and (b) the accountability, reliability, responsibility, skill, conflict of interests, reputation, education and training, judgement, integrity, continuity of service and moral worth of any selected firm; and

WHEREAS, the Agency has been advised that time is of the essence in connection with the disposition and effective redevelopment of the Property to prevent the continued vacancy and potential deterioration of the Facility; and

WHEREAS, in connection with the provision of the Services, LiRo (a) possesses the expertise and skill necessary to provide the Services in a timely manner sufficient to facilitate the proposed disposition and redevelopment of the Property, and (b) is familiar with the Property and has previously evaluated and provided similar services related to the Property; and

WHEREAS, based on the information set forth in this resolution, the Agency desires to make special findings determining that the Services are classified as a professional service which is eligible for exemption from the competitive bidding requirements under the GML and the Procurement Policy; and

WHEREAS, based on the foregoing, and subject to the special findings outlined in this resolution, the Agency desires to authorize (A) the appointment of LiRo to provide the Services in connection with the Property, and (B) the execution and delivery of the proposal attached hereto as Exhibit A (the "Proposal") and such other documents as may be necessary to obtain the Services; and

WHEREAS, the Proposal provides for compensation for the Services in an amount equal to \$14,500; and

WHEREAS, the Agency further desires to appropriate an amount not to exceed \$14,500 in connection with the Services; and

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law, Chapter 43-B of the Consolidated Laws of New York, as amended (the "SEQR Act") and the regulations (the "Regulations") adopted pursuant thereto by the Department of Environmental Conservation of the State of New York (collectively with the SEQR Act, "SEQRA"), it appears that the execution and delivery of the Proposal and the expenditure of moneys in connection with the Services (collectively, the "Action") constitutes a "Type II action" (as said quoted term is defined in the Regulations), and therefore it appears that no further determination or procedure under SEQRA is required with respect to the Action; and

WHEREAS, the Agency now desires to authorize (A) the appointment of LiRo to provide the Services to the Agency, (B) the execution and delivery of the Proposal and such other documents as may

be necessary to obtain the Services, and (C) the expenditure of an amount not to exceed \$14,500 in connection with the Services; and

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

Section 1. All action taken by the staff, counsel, Committees, Chairperson, Vice Chairperson, and/or Chief Executive Officer of the Agency with respect to obtaining the Services is hereby ratified and confirmed.

Section 2. Pursuant to SEQRA, based upon an examination of the Action, the Agency hereby finds and determines that:

(A) Pursuant to Section 617.5(c)(26) and (32) of the Regulations, the Action is a "Type II action" (as said quoted term is defined in the Regulations); and

(B) Accordingly, the Agency hereby determines that no environmental impact statement or any other determination or procedure is required under SEQRA with respect to the Action.

Section 3. Pursuant to the Act, 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 of the Act and to exercise all powers granted to it under the Act;

(B) The Action, including the disposition and future redevelopment of the Property and the prevention of the deterioration of the Facility, 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 to undertake the Action.

Section 4. Pursuant to the Procurement Policy, the Agency hereby finds and determines that:

(A) The provision of the Services requires special and technical skill, training or expertise as outlined in Section 3 of the Proposal; and

(B) The accountability, reliability, responsibility, skill, conflict of interests, reputation, education and training, judgement, integrity, continuity of service and moral worth of LiRo are demonstrated by the following:

(i) LiRo has an outstanding and reliable presence in the County and has maintained a good reputation throughout the surrounding area;

(ii) LiRo has previously provided services substantially similar to the Services to the County in connection with the Property;

(iii) LiRo has an understanding of the needs of the Agency, the County and the Village with respect to the Services; and

(iv) LiRo has indicated that it can facilitate the Services within the timetable necessary to maintain the viability of the Property.

Section 5. Based on the determinations made in Section 3 hereof, the Agency hereby further finds and determines that the solicitation of alternative proposals or equipment for the Services will not be in the best interest of the Agency, and therefore determines to: (A) accept LiRo to provide the Services, (B) enter into the Proposal and any related documents thereto, and (C) to do all things necessary or appropriate for the accomplishment thereof.

Section 6. In consequence of the foregoing, and subject to review of the Proposal and any related documents or required actions by the Chairperson, Vice Chairperson, or Chief Executive Officer of the Agency, and approval of the Proposal and any related documents by counsel to the Agency, the Agency hereby (A) determines to: (i) engage LiRo to provide the Services to the Agency, and (ii) appropriate moneys for such Services in an amount not to exceed \$14,500; and (B) hereby authorizes the execution by the Agency of the Proposal and any related documents by the Chairperson, Vice Chairperson, or Chief Executive Officer of the Agency.

Section 7. Subject to approval by counsel to the Agency of the terms of the Proposal and any related documents, the Chairperson, Vice Chairperson, or Chief Executive Officer of the Agency is hereby authorized to execute and deliver the Proposal and any related documents, and, where appropriate, the Secretary (or Assistant Secretary) of the Agency is hereby authorized to affix the seal of the Agency thereto and to attest the same, all in substantially the form thereof presented to the members of the Agency, with such changes, variations, omissions and insertions as the Chairperson, Vice Chairperson, or Chief Executive Officer shall approve, the execution thereof by the Chairperson, Vice Chairperson, or Chief Executive Officer to constitute conclusive evidence of such approval.

Section 8. 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 Proposal and any related documents, and to execute and deliver all such additional certificates, instruments and documents, to pay all such fees, charges and expenses and to do all such further acts and things as may be necessary or, in the opinion of the officer, employee or agent acting, desirable and proper to effect the purposes of the foregoing resolution and to cause compliance by the Agency with all of the terms, covenants and provisions of the Proposal and any related documents binding upon the Agency.

Section 9. This resolution shall take effect immediately.

[Remainder of page left blank intentionally]

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	<u>ABSENT</u>
Mark Kowalczyk	VOTING	<u>YES</u>
Brent Phetteplace	VOTING	<u>YES</u>
Cheryl Reese	VOTING	<u>YES</u>
Jessica Cyr	VOTING	<u>YES</u>
Daniel Roth	VOTING	<u>YES</u>
Martin Kelly	VOTING	<u>YES</u>

The foregoing resolution was thereupon declared duly adopted.

[Remainder of page left blank intentionally]

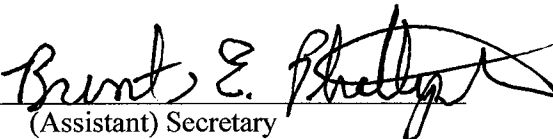
STATE OF NEW YORK)
) SS.:
COUNTY OF MONTGOMERY)

I, the undersigned (Assistant) Secretary of Montgomery County Industrial Development Agency (the "Agency"), do hereby certify that I have compared the foregoing extract of the minutes of the meeting of the members of the Agency, including the resolution contained therein, held on June 11, 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 set forth therein and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that (A) all members of the Agency had due notice of said meeting; (B) said meeting was in all respects duly held; (C) pursuant to Article 7 of the Public Officers Law (the "Open Meetings Law"), said meeting was open to the general public, and due notice of the time and place of said meeting was 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 11th day of June, 2026.



(Assistant) Secretary

(SEAL)

EXHIBIT A

PROPOSAL

- SEE ATTACHED -



LiRo Engineers, Inc.

GIS Consulting Group Company

690 Delaware Avenue, Buffalo, NY 14209 Telephone 716.882.5476 www.liro-hill.com

June 9, 2026

Kenneth F. Rose, CEO
Business Development Center
113 Park Drive
Fultonville, NY 12072

**RE: Wet Tap and Water Service Installation
Former Beech-Nut Plant
102 Church Street, Canajoharie, NY 13317**

Dear Mr. Rose:

Per your request, LiRo Engineers Inc. b/d/a LiRo-Hill is pleased to submit for your review and consideration our proposal to provide design services for civil engineering related to water services.

1. Project Background

LiRo-Hill understands that, in order to attract potential new developers, the County would like to get a new waterline extension installed at the former Beech-Nut plant as soon as possible. LiRo-Hill proposes to provide civil engineering services associated with the installation of a new water service at the former Beech-Nut plant that includes performing a pressurized wet tap to the existing 10-inch water main on Church Street and constructing approximately 600 linear feet of new water service to serve the subject site. All work will be performed in conformance with applicable AWWA standards, New York State Department of Health (NYSDOH) requirements, and Village of Canajoharie standards & regulations.

2. Proposed Scope of Services

LiRo-Hill will provide civil engineering design, technical specifications for the wet tap connection and water service installation as described herein. The scope is organized into the following primary phases: Field Verification, Design Development, and Permitting and Agency Coordination.

3. Technical Scope of Services

The specific design scope will include the following:

3.1. Field Verification and Existing Conditions Assessment

LiRo-Hill will conduct a targeted site visit to the project location to confirm existing conditions prior to design.

Field verification tasks will include:

- Confirming the horizontal and vertical location of the existing 10-inch water main on Church Street, including pipe material, depth of cover, and operating pressure.
- Documenting existing site conditions along the proposed 600-linear-foot service corridor, including surface features, drainage patterns, and potential conflicts.

Integrated Construction, Design, and Technology Solutions



- Coordinating utility mark-outs through New York 811 (Dig Safely New York) to identify and document all subsurface utilities within the project limits.
- Photographing existing conditions for record and design reference purposes.
- Evaluate the locations on the existing former rail bridge (proposed pedestrian bridge) for hanging the 10-inch watermain crossing Canajoharie Creek.

3.2. Subsurface Utility Engineering (SUE):

LiRo-Hill will perform Subsurface Utility Engineering investigations in accordance with ASCE Standard CI/ASCE 38-02 to reduce risk associated with unknown underground utilities along the proposed service corridor. This will be conducted through a Call 811 Mark-out Request. SUE tasks will include:

- Conducting ASCE Quality Level B (QL-B) investigations using ground-penetrating radar (GPR) and electromagnetic detection technologies to designate subsurface utilities within the project limits.
- Documenting utility designations on the base survey drawing for incorporation into design documents.
- Coordinating with utility owners as necessary to verify utility locations and depths.

Note: The effectiveness of EM & GPR equipment to designate the existence of a subsurface utility is dependent on the soil and ground water conditions. Soils with significant clay content and high moisture content will attenuate (absorb) the GPR pulse, which significantly reduces signal response and ultimately the ability to identify subsurface utilities and/or structures. GPR profiles may not be collected throughout the entire investigation area; however, GPR technology will be utilized to augment the investigation, as deemed necessary.

3.3. Design Development:

LiRo-Hill will prepare construction documents for the wet tap connection and 600-linear-foot water service installation. A basemap will be set up from existing survey information provided to LiRo-Hill in AutoCAD format. Design tasks will be organized by submission phase as follows:

50% Schematic Design Submission

- Prepare a schematic plan depicting the proposed wet tap location on the existing 10-inch water main, the water service alignment, and the terminus point at the western plant site.
- Identify proposed pipe material, diameter, and general routing.
- Prepare plan and profile drawings depicting the proposed 10-inch water service alignment, including horizontal and vertical geometry, depth of cover, and utility crossings.
- Prepare a preliminary opinion of probable construction cost (OPCC).
- Submit for LiRo-Hill internal review and client comment.
- Submit for client review and comment.



100% Construction Documents Submission

- Incorporate all review comments from the 50% submission and advance documents to 100% completion.
- Finalize plan and profile drawings, details, and technical specifications.
- Develop wet tap details, including the 10-inch by 10-inch stainless steel tapping sleeve, 10-inch resilient wedge gate valve, valve box, and appurtenances.
- Prepare thrust restraint details at all bends, tees, and dead-end terminations.
- Develop technical specifications for pipe materials, tapping sleeve and valve assembly, bedding and backfill, pressure testing, and disinfection.
- Prepare a complete bid package, including front-end documents, general conditions, and technical specifications formatted in accordance with applicable standards.
- Prepare a final detailed construction cost estimate.
- Submit final construction documents for client approval and permit filing.

4. *Permitting and Agency Coordination:*

LiRo-Hill will support the permitting process for the proposed water service installation. Permitting tasks will include:

- Preparing and submitting a Water Supply Permit application to the New York State Department of Health (NYSDOH) in accordance with 10 NYCRR Part 5 requirements.
- Coordinating with the Village of Canajoharie Department of Public Works and/or Water Works Department for review and approval of construction documents.
- Obtaining a Highway Work Permit from the Village of Canajoharie and/or Montgomery County, as applicable, for any work within the public right-of-way on Church Street.
- Responding to agency review comments and resubmitting documents as required to obtain all necessary approvals prior to construction.

5. Bid Document Submission

LiRo Engineers, Inc. will prepare the Bid Documents for the project's bid package after receiving written approval from the client. All Bid Documents have been thoroughly checked for constructability, accuracy and for the coordination of all their parts and details and conformity to all applicable laws, ordinances, and codes. All drawings and specifications will bear the signature and seal of a professional engineer licensed in the State of New York. LiRo-Hill will be fully responsible for all designs and Bid Documents provided under this contract.

6. Compensation

The lump sum fee for the services included in this proposal will be \$14,500.



7. Assumptions, Exclusions, and Receivables

LiRo-Hill assumes the following:

1. LiRo-Hill will utilize a basemap previously developed by Ravi Engineers.
2. There will be no more than two rounds of revisions.
3. There are no utility offsets considered in this proposal.
4. Curb valve locations, utility ownership, exact lateral lengths, and unforeseen subsurface conditions will be confirmed during design and/or construction.
5. Work outside the water service installation will be considered additional service.
6. No surface restoration is required.
7. Anything more than an 811-utility mark out will be considered additional service.

LiRo-Hill excludes the following:

1. Pressure testing or hydrant flow testing;
2. GPR or subsurface utility investigation beyond standard utility mark-out;
3. Environmental sampling, hazardous materials investigation, contaminated soil handling plans, or disposal profiling;
4. Geotechnical boring and testing, monitoring wells, or test pits;
5. Temporary fire-protection measures or shutdown impairment planning beyond normal design coordination notes (this is considered means and methods of contractor's operations);
6. Redesign resulting from contractor means and methods, contractor error, or materially different concealed conditions.
7. Filing fees payable to permitting agencies. (To be paid by the client)
8. Value engineering studies or reviews are excluded.
9. Any design work requested due to major design/layout changes made by client or changes requested by local agencies to gain approval are excluded and would be considered an additional service.
10. Topographical Surveying, Construction Layouts, As-Builts, and Final Surveys are not included in this scope of work
11. Excludes Stormwater Pollution Prevention Plan
12. Excludes any utility or hydrant relocations
13. Site specific seismic response analyses.
14. Maintenance and protection of traffic plans.
15. Design/Engineering services besides those listed above.
16. Construction Management services.
17. Any site-specific safety orientations and/or pre-mobilization paperwork.

We appreciate the opportunity to submit this proposal and look forward to the project. If you find the terms listed above acceptable, please issue a work order so we can mobilize for design services. Should you require additional information or wish to discuss our proposal in more detail please feel free to reach out.

Sincerely,
LiRo Engineers, Inc.

Robert Kreuzer
Senior Vice President

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