

**RESOLUTION AUTHORIZING LAND SALE  
TO MONTGOMERY COUNTY**

A regular meeting of Montgomery County Industrial Development Agency (the “Agency”) was convened in public session at the offices of the Agency located at the Old County Courthouse, Fonda, New York on May 13, 2021 at 4:30 o’clock p.m., local time.

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

**PRESENT:**

Matthew Beck	Chair
Carol Shineman	Vice Chair
Robert Harris	Treasurer
Laurie Weingart	Secretary
Mark Kowalczyk	Member
Cheryl Reese	Member

**ABSENT:**

Amanda Auricchio, Esq.	Member
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**AGENCY STAFF PRESENT INCLUDED THE FOLLOWING:**

Kenneth F. Rose	Chief Executive Officer
Sheila Snell	Chief Financial Officer
Andrew Santillo	Staff Assistant
Karl Gustafson, Jr.	Grant Assistant
Vincenzo Nicosia	Economic Development Specialist
Christopher Canada, Esq.	Agency Counsel

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

Resolution No. 21-10

**RESOLUTION AUTHORIZING THE SALE OF LAND LOCATED IN THE TOWN OF GLEN, MONTGOMERY COUNTY, NEW YORK AND THE EXECUTION BY MONTGOMERY COUNTY INDUSTRIAL DEVELOPMENT AGENCY OF CERTAIN DOCUMENTS IN CONNECTION WITH SUCH SALE.**

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, 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 to approximately twenty (20) acres of certain real property within the Glen Canal View Business Park located on Park Drive in the Town of Glen, Montgomery County, New York (the “Land”) as more particularly described on Exhibit A attached hereto; and

WHEREAS, pursuant to a resolution adopted by the County Legislature (the “County Legislature”) of Montgomery County, New York (the “County”) on November 24, 2020, the County Legislature authorized a project (the “Project”) consisting of the construction and equipping of a new shared services facility on the Land (the “Facility”) to be used by the Montgomery County Department of Public Works and the Montgomery County Business Development Center; and

WHEREAS, in connection with the Project, the Agency desires to sell the Land (the “Disposition”) to the County; and

WHEREAS, to fulfill the requirements imposed by the New York State Public Authorities Law, as amended (the “PAL”), and the Agency’s Property Disposition Policy and Property Acquisition Policy, an appraisal of the Land was obtained by the Agency, and the appraised value of the Land as specified in such appraisal was \$170,000 (copies of such appraisal are on file with the Agency); and

WHEREAS, the Agency has arranged for a purchase contract to be provided to the County (the “Purchase Contract”), which Purchase Contract shall provide for the conveyance of the Land from the Agency to the County at a price of \$170,000; and

WHEREAS, by resolution adopted by the members of the Agency on January 14, 2021, the Agency, in order to facilitate the construction of the Facility, granted the County a license to enter upon the Land and to initiate the Project pursuant to a license agreement entered into between the Agency and the County; and

WHEREAS, the Land will be conveyed by the Agency through the execution and delivery of a warranty deed (the “Warranty Deed” and together with the Purchase Contract, the “Conveyance Documents”);

WHEREAS, pursuant to PAL Section 2897(6)(d)(ii), the Agency filed an explanatory statement with the (i) the New York State Comptroller, (ii) the Director of the Budget, (iii) the Commissioner of General Services, (iv) the State Legislature, and (v) the Authority Budget Office, respectively, dated February 18, 2021 relating to the Disposition (the “Explanatory Statement”); 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 Disposition 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 Disposition; and

WHEREAS, the Agency wished to authorize the Disposition and the actions contemplated by the Conveyance Documents; and

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

Section 1. The Agency hereby determines that the Disposition constitutes a “Type II action” (as said quoted term is defined in the Regulations), and therefore that no further determination or procedure under SEQRA is required with respect to the Disposition.

Section 2. The Agency hereby finds and determines that:

(A) The Agency hereby authorizes the Disposition.

(B) In no event shall the Disposition occur less than ninety (90) days after February 18, 2021, representing the date on which the Agency transmitted the Explanatory Statement relating to the Disposition to the entities required under PAL Section 2897(6)(d)(ii).

(C) The Agency hereby finds that the Disposition is within the purpose, mission and governing statutes of the Agency.

(D) Pursuant to PAL Section 2897(6)(c)(v), since the County is a government entity, the Land may be disposed of by negotiation and without public advertising for bids.

(E) The Land is not being purchased for less than fair market value.

Section 3. In consequence of the foregoing, and subject to the approval of the form of the Conveyance Documents by Agency counsel, the Agency hereby determines to: (A) convey the Land to the County according to the terms of the Conveyance Documents and (B) execute the Conveyance Documents.

Section 4. The Agency is hereby authorized to convey the Land to the County pursuant to the Conveyance Documents and to do all things necessary and appropriate for the accomplishment thereof, and all acts heretofore taken by the Agency with respect to such acquisition are hereby approved, ratified and confirmed.

Section 5. The Chairman, Vice Chairman and the Chief Executive Officer of the Agency are hereby authorized, on behalf of the Agency, to execute and deliver the Conveyance Documents and the other documents related thereto, and, where appropriate, the Secretary of the Agency is hereby authorized

to affix the seal of the Agency thereto and to attest the same, all in substantially the forms thereof presented to this meeting, with such changes, variations, omissions and insertions as the Chairman, Vice Chairman or the Chief Executive Officer shall approve, the execution thereof by the Chairman, Vice Chairman or the Chief Executive Officer to constitute conclusive evidence of such approval.

Section 6. 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 Conveyance 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 this resolution and to cause compliance by the Agency with all of the terms, covenants and provisions of the Conveyance Documents binding upon the Agency.

Section 7. 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	<u>YES</u>
Carol Shineman	VOTING	<u>YES</u>
Robert Harris	VOTING	<u>YES</u>
Amanda J. Auricchio, Esq.	VOTING	<u>ABSENT</u>
Mark Kowalczyk	VOTING	<u>YES</u>
Laurie Weingart	VOTING	<u>YES</u>
Cheryl Reese	VOTING	<u>YES</u>

The foregoing resolution was thereupon declared duly adopted.

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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 extract of the minutes of the meeting of the members of the Agency held on May 13, 2021 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 respects duly held; (C) pursuant to Article 7 of the Public Officers Law (the “Open Meetings Law”) except as modified by Executive Order 202.1, as modified by subsequent Executive Orders, 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, either in-person or appearing telephonically in accordance with Executive Order 202.1, as modified by subsequent Executive Orders, 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 13<sup>th</sup> day of May, 2021.

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Secretary

(SEAL)

EXHIBIT A

Lot 1

All that parcel of land, situate in the Town of Glen, County of Montgomery, State of New York, being more particularly described as follows:

Beginning at a point located on the southerly boundary of New York State Route 5S said point being 896.18 feet westerly of the intersection with the division line of the lands now or formerly of Montgomery County Industrial Development Agency on the west and lands of Frank V. and Rosilie Farina on the east; thence in a clockwise direction along said southerly boundary of New York State Route 5S the following course and distance:

1. South 78°-43'-55" East, a distance of 448.90 feet to a point; thence through lands now or formerly of Montgomery County Industrial Development Agency, the following course and distance:

2. South 27°04'31" West, a distance of 388.34 feet to a point; thence along the northerly, westerly and easterly bounds of the lands now or formerly of the Town of Glen, the following (6) six courses and distances:

(a) Along a curve to the left having a radius of 75.00 feet, an arc distance of 79.43 feet to a point, said curve containing a chord of South 63°09'21" West, 75.77 feet;

(b) Along a curve to the right having a radius of 25.00 feet, an arc distance of 36.77 feet to a point, said curve containing a chord of South 74°-56'-41" West, 33.54 feet;

(c) North 62°-55'-29" West, a distance of 355.50 feet to a point;

(d) Along a curve to the right having a radius of 25.00 feet, an arc distance of 39.27 feet to a point, said curve containing a chord of North 17°-55'-29" West, 35.36 feet;

(e) North 27°-04'-31" East, a distance of 300.77 feet to a point;

(f) Along a curve to the right having a radius of 25.00 feet, an arc distance of 32.26 feet to a point, said curve containing a chord of North 64°-02'-25" East, 30.07 feet to the POINT OF BEGINNING, being 4.14 acres more or less.

Subject to any easements, restrictions, and/or covenants of record.

Lot 4

All that parcel of land, situate in the Town of Glen, County of Montgomery, State of New York, being more particularly described as follows:

Beginning at a point located on the southerly boundary of New York State Route 5S at its intersection with the division line between lands now or formerly of Montgomery County Industrial Development Agency on the west and lands now or formerly of Frank V. and Rosilie Farina on the east;

Thence in a clockwise direction along said easterly boundary of Montgomery County Industrial Development Agency the following (2) two courses and distances:

1. South  $26^{\circ}51'12''$  West, a distance of 799.92 feet to a point;
2. South  $27^{\circ}12'26''$  West, a distance of 367.31 feet to a point located in the division line between lands now or formerly of Morat Industries, LLC on the south and lands herein described on the north, thence along said division line the following course and distance:

(a) North  $60^{\circ}35'39''$  West, a distance of 903.24 feet to a point located in the division line between lands now or formerly of the Town of Glen on the west and north and lands herein described on east and south, thence along said division line the following five (5) courses and distances:

(b) Along a curve to the left having a radius of 280.00 feet, an arc distance of 11.49 feet to a point, said curve containing a chord of North  $28^{\circ}15'02''$  East, 11.49 feet;

(c) South  $27^{\circ}04'31''$  West, a distance of 438.83 feet to a point;

(d) Along a curve to the right having a radius of 25.00 feet, an arc distance of 39.27 feet to a point, said curve containing a chord of North  $72^{\circ}04'31''$  East, 35.36 feet;

(e) South  $62^{\circ}55'29''$  East, a distance of 475.00 feet to a point;

(f) Along a curve to the left having a radius of 75.00 feet, an arc distance of 266.48 feet to a point, said curve containing a chord of North  $15^{\circ}17'10''$  East, 146.84 feet;

Thence through lands now or formerly of Montgomery County Industrial Development Agency, the following course and distance:

1. North  $27^{\circ}04'31''$  East, a distance of 388.34 feet to a point in the southerly boundary of New York State Route 5S, thence easterly and along the southerly boundary of New York State Route 5S the following (2) courses and distances:

(a) South  $78^{\circ}43'55''$  East a distance of 340.88 feet to a point;

(b) South  $79^{\circ}26'10''$  East a distance of 106.40 to the POINT OF BEGINNING, being 15.80 acres more or less.

Subject to any easements, restrictions, and/or covenants of record.