Montgomery County Industrial Development Agency  
Meeting Minutes September 10, 2015

MEMBERS PRESENT:  
Robert Hoefs, Chairman  
Robert Harris, Treasurer  
John Macci, Secretary  
Daniel Wilson, Member  
John McGlone, Member  
Matthew Beck, Member

STAFF MEMBERS PRESENT:  
Kenneth F. Rose, Chief Executive Officer  
Sheila Snell, Chief Financial Officer  
Michele Marzullo, Economic Dev. Program Asst.  
Amanda Bearcroft, Senior Planner/ GIS

ABSENT:  
Carol Shineman, Vice-Chair

OTHERS PRESENT:  
Roy Dimond, Montgomery County Legislator  
Joe Tesiero, Cranesville Properties

I. Call to Order  
MCIDA meeting was called to order, by Chairman Robert Hoefs at 4:34 pm

II. Minutes  
Motion was made Daniel Wilson and seconded by John McGlone to approve the regular meeting minutes of July 27, 2015. All members present were in favor.

Motion was made by Matthew Beck seconded by Robert Harris to go into executive session at 4:36 P.M. to discuss the financial history and credit of a corporation. All members present were in favor.

Motion was made by John McGlone and second by Daniel Wilson to come out of executive session at 5:36 P.M.; all members present were in favor.

III. Communications  
Mr. Rose indicated that there were no communications to report.

IV. Public Comments  
There were no public comments to report.

V. Chair Report  
Mr. Hoefs indicated there was no chair to report
VI. Director Report

Mr. Rose informed the board that Sarah Blood had resigned her position as Economic Development Specialist and to take another offer of employment.

A. Staff Reports
Mr. Rose indicated that the staff reports were included in the packet and should any board member have questions please feel free to inquire.

B. CFA Round V Project Update
Mr. Rose reported that there were 23 CFA’s submitted by various entities and for numerous projects throughout Montgomery County for the 2015 round. The CFA’s were due July 31st and it is anticipated that the Governor will make his announcement sometime this fall. Staff from the Business Development Center wrote about 10 of the CFA’s which represented both private and public sector initiatives.

C. Business Park Tour
Mr. Rose reported that the Business Park Tours went well, and that some of the County Legislatures attended as well as the County Executive and press. The tour encompassed stops at the former proposed casino site off of Exit 27, Florida Park, Florida Park Extension, Glen Park, as well as the proposed Regional Business Park location. Almost two dozen Fulton County officials welcomed the Montgomery County group upon arrival at the Regional Business Park site. The tour highlighted the investments made to each of these locations along with the benefits which have been realized through jobs and property tax revenues. The Regional Business Park stop was highlighted with a brief synopsis of the overall status of the proposed Regional Business Park and the potential economic impact that development of the site could have on the two Counties.

D. Regional Park Update
Mr. Rose reported that a draft revenue sharing agreement between Fulton and Montgomery Counties was presented to the County Legislature’s Economic Development Committee on Tuesday. The agreement calls for a 50/50 split in real property tax revenues between the two Counties. It is anticipated that the County Legislator will act on the agreement at its full board meeting in September.

VII. Financial Report

A. IDA Financial report
Ms. Snell stated that the reports are in the packet she went onto say there is nothing unusual to report.

B. Revolving Loan Fund
Mrs. Snell indicated the Revolving Loan Fund report is included in the packet for board review.

VIII. Unfinished Business

A. Branding Update
Mr. Rose reported that staff has been working with vendor in shooting drone shots as part of our marketing efforts which will be utilized in various marketing pieces that will be developed over the next year. Footage has been taking of various locations around the County including the business parks, Town of Amsterdam retail corridor as well as other
recreational areas. Ms. Michele Marzullo presented the project updates to the board and stated that the office continues to work with ABC on the re-design of our website and implementation of the strategic marketing plan. It is anticipated that the launch of the new website will occur sometime in early October. A final cut of the new Economic Development marketing video was presented to members as well.

IX. New Business

A. RFL Application

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

RESOLUTION RECOMMENDING REVOLVING LOAN FUND APPROVAL FOR MAIR MAGAW INFORMATION SYSTEMS, LLC

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

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The foregoing Resolution No. 15-22 was thereupon declared duly adopted

B. IDA Application (Cranesville Properties)

Mr. Rose introduced Joe Tesiero to the IDA board to discuss the Cranesville Properties LLC project in downtown Amsterdam. Mr. Tesiero explained that project would entail converting the upper floors of the facility into residential units with the bottom two floors being utilized for commercial space.

The following resolution was offered by Daniel Wilson, seconded by John Macci, to wit:

RESOLUTION AUTHORIZING THE CHIEF EXECUTIVE OFFICER OF MONTGOMERY COUNTY INDUSTRIAL DEVELOPMENT AGENCY TO HOLD A PUBLIC HEARING REGARDING A PROPOSED PROJECT TO BE UNDERTAKEN FOR CRANESVILLE PROPERTIES LLC PROJECT.

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

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MCIDA Minutes 09.10.15
The foregoing Resolution No.15-23 was thereupon declared duly adopted.

C. Freedom Packaging Company
Montgomery County issued a loan to the former Freedom Packaging Company in 1999 with a personal guarantee from their President Jon Lawrence. Freedom Packaging Company defaulted on this loan and therefore a judgment was entered against both parties for $64,319.09 in 2009. A settlement offer of $67,000.00 has been made by Jon Lawrence to satisfy this judgment. The MCIDA board has reviewed this proposed settlement and accepts this settlement. This recommendation will be submitted to the Montgomery County Legislature for final approval.

A motion was made Daniel Wilson and seconded by Matthew Beck to refer final approval for the settlement offered by Freedom Packaging Company and Jon Lawrence to the Montgomery County Legislature. All members present were in favor.

X. Adjournment
Motion was made by Matthew Beck and second by Daniel Wilson, all in favor. Meeting was adjourned at 6:27pm.

Respectfully submitted

Michele Marzullo
Economic Dev. Program Assistant

Attachments: Resolution Numbers 15-22, 15-23
RESOLUTION RECOMMENDING REVOLVING LOAN FUND APPROVAL FOR MAIR MAGAW INFORMATION SYSTEMS, LLC

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 September 10, 2015 at 4:30 P.M.

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

PRESENT:

Robert Hoefs  Chairman
Robert Harris  Treasurer
John Macci  Secretary
Daniel Wilson  Member
John McGlone  Member
Matthew Beck  Member

ABSENT:
Carol Shineman  Vice Chair

THE FOLLOWING PERSONS WERE ALSO PRESENT:

Kenneth Rose  Chief Executive Officer
Sheila Snell  Chief Financial Officer
Michele Marzulllo  Economic Development Program Assistant
A. Joseph Scott  Agency Counsel

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

Resolution No. 15-22

RESOLUTION RECOMMENDING REVOLVING LOAN FUND APPROVAL FOR MAIR MAGAW INFORMATION SYSTEMS, LLC

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, warehousing, commercial, research and manufacturing 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 administers an Economic Development Program for the purpose of creating and retaining jobs, and

WHEREAS, the Montgomery County Industrial Development Agency (MCIDA) has been approached by MAIR MAGAW INFORMATION SYSTEMS, LLC for a loan request not to exceed $325,000.00 at an interest rate of 3.25% for twenty (20) years for the purpose of purchasing real estate located at 6 Market Street, Amsterdam, NY, and

WHEREAS, said applicant has agreed to create Fifty-Seven (57) FTE jobs in conjunction with receiving the loan, and

WHEREAS, the Montgomery County Industrial Development Agency has reviewed the business loan application from MAIR MAGAW INFORMATION SYSTEMS, LLC,

RESOLVED, that the Montgomery County Industrial Development Agency hereby recommends approval of the loan to MAIR MAGAW INFORMATION SYSTEMS, LLC in a principal amount not to exceed the purchase price or $325,000.00, whichever is less; and

FURTHER RESOLVED, that said loan amount will not be more than the value of the building as Certified by a New York State Licensed Real Property Appraiser; 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 vote on roll call, which resulted as follows:

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The foregoing Resolution No. 15-22 was thereupon declared duly adopted.
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 September 10, 2015 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 10th day of September 2015.

____________________________________
(Assistant) Secretary

(S E A L)
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 September 10, 2015, at 4:30, p.m., local time.

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

PRESENT:

Robert Hoefs
Robert Harris
Chairman
Treasurer
John Macci
Secretary
John McGlone
Member
Daniel Wilson
Member
Matthew Beck
Member

ABSENT:

Carol Shineman
Vice-Chair

THE FOLLOWING PERSONS WERE ALSO PRESENT:

Kenneth Rose
Chief Executive Officer
Sheila Snell
Chief Financial Officer
Michele Marzullo
Economic Dev. Program Assistant
A. Joseph Scott, III
Agency Counsel

The following resolution was offered by Daniel Wilson, seconded by John Macci, to wit:

Resolution No. 15-23

RESOLUTION AUTHORIZING THE CHIEF EXECUTIVE OFFICER OF MONTGOMERY COUNTY INDUSTRIAL DEVELOPMENT AGENCY TO HOLD A PUBLIC HEARING REGARDING A PROPOSED PROJECT TO BE UNDERTAKEN FOR CRANESVILLE PROPERTIES LLC PROJECT.

WHEREAS, 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, on September 2, 2015, Cranesville Properties 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, which Application requested 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 a parcel of land located at 29 East Main Street in the City of Amsterdam, Montgomery County, New York (the “Land”) together with an approximately 39,000 square foot building located thereon (the “Facility”), (2) the renovation and reconstruction of the Facility, (3) the acquisition and installation of certain machinery and equipment therein and thereon (the “Equipment”) (the Land, the Facility and the Equipment hereinafter collectively referred to as the “Project Facility”), all of the foregoing to constitute a mixed use facility that provides options for residential, retail and office uses; (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, real estate transfer taxes, and mortgage recording taxes (the “Financial Assistance”); and (C) the lease of the Project Facility to the Company or such other person as may be designated by the Company and agreed upon by the Agency; and

WHEREAS, pursuant to Section 859-a of the Act, prior to the Agency providing any financial assistance to any project, the Agency, among other things, must hold a public hearing with respect to the Project; and

WHEREAS, the Agency desires to provide for compliance with the provisions of Section 859-a of the Act;

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

Section 1. The Agency hereby authorizes the Agency Staff, after consultation with the members of the Agency and Agency Counsel, (A) to establish the time, date and place for a public hearing of the Agency to hear all persons interested in the Project, said public hearing to be held in the City of Amsterdam, New York; (B) to cause notice of such public hearing to be given to the public by publishing a notice of such hearing in a newspaper of general circulation to available to the residents of the governmental units where the Project Facility is or is to be located, such notice to comply with the requirements of Section 859-a of the Act and to be published no fewer than ten (10) days prior to the date established for such public hearing; (C) to cause notice of said public hearing to be given to the chief executive officer of the county and each city, town, village and school district in which the Project Facility is or is to be located no fewer than ten (10) days prior to the date established for said public hearing; (D) to conduct such public hearing; and (E) to cause a report of said public hearing fairly summarizing the views presented at said public hearing to be promptly prepared.

Section 2. Any action taken by the Agency Staff in connection with the public hearing with respect to the Project prior to the date of this Resolution is hereby ratified and confirmed.
Section 3. The Chairman, Vice Chairman and/or the Agency Staff are hereby authorized and directed to distribute copies of this Resolution to the Company and to do such further things or perform such acts as may be necessary or convenient to implement the provisions of this Resolution.

Section 4. 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:

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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.

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IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Agency this 10th day of September, 2015.

______________________________
(Assistant) Secretary

(SEAL)