

**PUBLIC HEARING RESOLUTION – AMENDED PROJECT
2-4 KIEFFER LANE LLC PROJECT**

A regular meeting of Ulster County Industrial Development Agency (the “Agency”) was convened in public session in the Karen Binder Library located on the 6th Floor of the Ulster County Office Building located at 244 Fair Street in the City of Kingston, Ulster County, New York on June 14, 2017 at 8:00 a.m., local time.

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

PRESENT:

Michael Horodyski	Chairman
John Morrow	Vice Chairman
Robert Kinnin	Secretary
Randall Leverette	Treasurer
John Livermore	Assistant Secretary
Michael Bernholz	Member

ABSENT:

James Malcolm	Assistant Treasurer
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AGENCY STAFF PRESENT INCLUDED THE FOLLOWING:

Suzanne Holt	Director, Office of Economic Development
Evelyn Heinbach	Officer of Economic Development
Bernadette Andreassen	Office of Economic Development
A. Joseph Scott, III, Esq.	Agency Counsel

The following resolution was offered by John Morrow, seconded by John Livermore, to wit:

Resolution No. 0617-__

RESOLUTION AUTHORIZING THE DIRECTOR, OFFICE OF ECONOMIC DEVELOPMENT OF ULSTER COUNTY INDUSTRIAL DEVELOPMENT AGENCY TO HOLD A PUBLIC HEARING REGARDING A PROPOSED PROJECT, AS AMENDED, TO BE UNDERTAKEN FOR THE BENEFIT OF 2-4 KIEFFER LANE LLC.

WHEREAS, Ulster 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 787 of the 1976 Laws of New York, as amended, constituting Section 923 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, 2-4 Kieffer Lane LLC, a New York limited liability company (the “Company”), has submitted an application dated April 3, 2017 (the “Original Application”) for the purpose of undertaking a certain commercial/industrial project consisting of the acquisition of certain machinery and equipment (the “Original Project”); and

WHEREAS, the Agency has held a public hearing on May 4, 2017 with respect to the Original Project; and

WHEREAS, subsequently, the Company has submitted a letter dated May 24, 2017 which amends the Original Project to eliminate certain mobile cranes from the Original Project and to substitute in their place certain tower cranes (the Original Application, as amended, hereinafter referred to as the “Application”); and

WHEREAS, the Project is now described as the following: (A) the acquisition and installation of certain machinery, equipment, cranes, including tower cranes, and related construction equipment and other personal property (collectively, the “Equipment”) to be located in and adjacent to an approximately 38,000 square foot building (the “Facility”) located on an approximately 4.20 acre parcel of land located at 2-4 Kieffer Lane (Tax Map #48.66-2-2.100) in the Town of Ulster, Ulster County, New York (the “Land”), said Facility to be used as a maintenance and storage facility of tower and mobile cranes (the Land, the Facility and the Equipment being collectively referred to as the “Project Facility”); (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 (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 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” (as defined in the Act) of more than \$100,000 to any project, the Agency, among other things, must hold a public hearing pursuant to Section 859-a of the Act with respect to said project; and

WHEREAS, the Agency desires to ensure public comment and review with respect to the Project, and further to provide for compliance with the provisions of Section 859-a of the Act with respect to the Project and, therefore, has determined to hold another public hearing with respect to the Project;

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

Section 1. The Agency hereby authorizes the Director, Office of Economic Development of the Agency, 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 (the “Public Hearing”); (B) to cause the Public Hearing to be held in a city, town or village where the Project Facility is or is to be located, and to cause notice of such Public Hearing to be given to the public by publishing a notice or notices of such Public Hearing in a newspaper of general circulation available to

the residents of the governmental units where the Project Facility is or is to be located, such notice or notices to comply with the requirements of Section 859-a of the Act; (C) to cause notice of the Public Hearing to be given to the chief executive officer of the county and of each city, town, village and school district in which the Project Facility is or is to be located to comply with the requirements of Section 859-a of the Act; (D) to conduct such Public Hearing; (E) to cause a report of the Public Hearing fairly summarizing the views presented at such Public Hearing (the "Report") to be prepared; and (F) to cause a copy of the Report to be made available to the members of the Agency; provided, however, that the Agency shall not move forward to schedule the Public Hearing until the Company provides a complete and executed copy of the Agency's Application for the Project, as revised.

Section 2. The Chairman, Vice Chairman and/or Director, Office of Economic Development of the Agency is 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 3. All action taken by the Director, Office of Economic Development of the Agency in connection with the Public Hearing with respect to the Project prior to the date of this Resolution is hereby ratified and confirmed.

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:

Michael Horodyski	VOTING	<u>YES</u>
John Morrow	VOTING	<u>YES</u>
Robert Kinnin	VOTING	<u>YES</u>
Randall Leverette	VOTING	<u>NO</u>
John Livermore	VOTING	<u>YES</u>
James Malcolm	VOTING	<u>ABSENT</u>
Michael Bernholz	VOTING	<u>YES</u>

The foregoing Resolution was thereupon declared duly adopted.

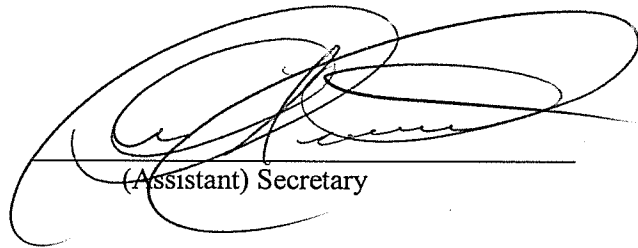
STATE OF NEW YORK)
) SS.:
COUNTY OF ULSTER)

I, the undersigned (Assistant) Secretary of Ulster 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 June 14, 2017 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 14th day of June, 2017.



(Assistant) Secretary

(SEAL)