

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 and install one or more “projects” (as defined in the Act) or to cause said projects to be acquired, constructed and installed, and to convey said projects or to lease said projects with the obligation to purchase; and

WHEREAS, on June 11, 2020, the members of the Agency adopted a resolution (the “Approving Resolution”) entitled “Resolution Authorizing Execution of Documents in Connection with a Lease/Leaseback Transaction for a Project for NY Rushford I, LLC”; and

WHEREAS, subsequent to the adoption of the Approving Resolution, the Agency was informed that the public hearing notice for the Project (as defined in the Approving Resolution) was **not timely** published in the newspaper, as required by Section 859-a of the Act; and

WHEREAS, to comply with Section 859-a of the Act, the Chief Financial Officer of the Agency subsequently (A) caused notice of a new public hearing (the “New Public Hearing”) relating to the Project to be published on June 19, 2020 in The Spectator, a newspaper of general circulation available to the residents of the Town of Rushford, Allegany County, New York, (B) as a result of the ban on large meetings or gatherings pursuant to Executive Order 202.1, as supplemented and the suspension of the Open Meetings Law relating to public hearings pursuant to Executive Order 202.15, as supplemented, each as issued by Governor Cuomo in response to the novel Coronavirus (COVID-19) pandemic, conducted the New Public Hearing on July 2, 2020 at 10:00 o’clock a.m., local time electronically via conference call rather than in person; and (C) prepared a report of the New Public Hearing (the “New Hearing Report”) fairly summarizing the views presented at the New Public Hearing and caused copies of said New Hearing Report to be made available to the members of the Agency;

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

Section 1. All action taken by the Agency and counsel to the Agency with respect to the New Public Hearing is hereby ratified and confirmed.

Section 2. The recital clauses to the Approving Resolution are hereby amended to include the following recital clauses:

“WHEREAS, subsequent to the adoption of the Approving Resolution, the Agency was informed that the notice of Public Hearing published on June 4, 2020 by The Evening Tribune, was not timely published as required by Section 859-a of the Act, which requires a ten (10) day notice of publication prior to the holding of a public hearing; and

WHEREAS, to comply with Section 859-a of the Act, the Chief Financial Officer of the Agency has (A) caused notice of a new public hearing relating to the Project (the “New Public Hearing”) to be published on June 19, 2020 in The Spectator, a newspaper of general circulation available to the residents of the Town of Rushford, Allegany County, New York, (B) as a result of the ban on large meetings or gatherings pursuant to Executive Order 202.1, as supplemented and the suspension of the Open Meetings Law relating to public hearings pursuant to Executive Order 202.15, as supplemented, each as

issued by Governor Cuomo in response to the novel Coronavirus (COVID-19) pandemic, conducted the New Public Hearing on July 2, 2020 at 10:00 o'clock a.m., local time electronically via conference call rather than in person; and (C) prepared a report of the New Public Hearing (the "New Hearing Report") fairly summarizing the views presented at such New Public Hearing and caused copies of said New Hearing Report to be made available to the members of the Agency;"

Section 3. Except as amended by this resolution, the Approving Resolution shall remain in full force and effect and the terms and conditions thereof are hereby 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:

Richard Ewell	VOTING	AYE
Judy Hopkins	VOTING	AYE
Randy Shayler	VOTING	AYE
Douglas Frank	VOTING	ABSENT
Michael Johnson	VOTING	AYE
Ward "Skip" Wilday	VOTING	AYE

The foregoing resolution was thereupon declared duly adopted.

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

I, the undersigned (Assistant) Secretary of Allegany 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 July 2, 2020, with the original thereof on file in my office, and that the same is a true and correct copy of such proceedings of the Agency 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") except as modified by Executive Order 202.1, as supplemented, 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 supplemented, 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 2 day of July, 2020.



(Assistant) Secretary

(SEAL)