

RESCISSON OF DETERMINATION AND FINDINGS RESOLUTION GREAT LAKES CHEESE PROJECT BLOCK

A regular meeting of Allegany County Industrial Development Agency (the “Agency”) was convened in public session at the office of the Agency located at Crossroads Commerce & Conference Center, 6087 State Route 19 North, Belmont, New York, on June 10, 2021 at 10 o’clock a.m., local time.

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

PRESENT:

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Richard Ewell	Chairperson
Judy Hopkins	Vice Chairperson
Michael Johnsen	Secretary
Douglas Frank	Treasurer
Randy Shayler	Member
Ward “Skip” Wilday	Member

Each of the members present participated in the meeting telephonically pursuant to Executive Order No. 202.1, as supplemented and extended by Executive Order No. 202.110, issued by New York State Governor Andrew M. Cuomo, suspending provisions of Article 7 of the Public Officers Law that require public in-person access to public meetings and authorizing board members to participate in said meetings by conference call or similar service.

ABSENT:

AGENCY STAFF PRESENT INCLUDED THE FOLLOWING:

Dr. Craig Clark	Executive Director
Pam Common	Recording Secretary

The following resolution was offered by S. Wilday, seconded by M. Johnsen, to wit:

Resolution No. 0621-05

RESOLUTION RESCINDING RESOLUTION MAKING DETERMINATION AND FINDINGS CONCERNING THE PROPOSED ACQUISITION OF CERTAIN PROPERTY LOCATED IN THE TOWNS OF AMITY AND ANGELICA, ALLEGANY COUNTY, NEW YORK.

WHEREAS, Allegany 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 99 of the 1973 Laws of New York, as amended, constituting Section 906-a 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;

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, Great Lakes Cheese Co., Inc., a State of Ohio business company (the “Company”), has submitted an application (the “Application”) to the Agency, a copy of which Application is on file at the office of the Agency, requesting that the Agency consider undertaking a project named Great Lakes Cheese Project Block (the “Project”) for the benefit of the Company, said Project consisting of the following: (A) (1) the acquisition of an interest in a portion of several parcels of land totaling approximately 229 acres located on Trianna Road (Tax map number 158.-1-31) and Old State Road (Tax map number 158.-1-2.1) in the Town of Amity and County Road 20 (Tax map number 145.-1-5.1) in the Town of Angelica, Allegany County, New York (collectively, the “Land”), (2) the construction on the Land of an approximately 486,000 square foot cheese manufacturing facility and an approximately 50,000 square foot waste water treatment facility, utility interconnections, site preparation, access roads and any other required improvements (all said improvements being collectively referred to as the “Facility”) and (3) the acquisition and installation therein and thereon of related fixtures, machinery, equipment and other personal property (the “Equipment”), all of the foregoing to constitute a cheese manufacturing facility to be owned and operated by the Company (the Land, 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, real property taxes, real estate transfer taxes and mortgage recording taxes (collectively, 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, the undertaking of the Project included the acquisition of the certain parcels of property described above located in the Towns of Amity and Angelica, Allegany County, New York (hereinafter collectively referred to as the “Land Parcels”); and

WHEREAS, after conducting multiple public hearings and a review under the State Environmental Quality Act the Agency, pursuant to Article 2 of the Eminent Domain Procedure Law (“EDPL”), adopted a Determination And Findings Resolution Great Lakes Cheese Project Block; and

WHEREAS, the Project is no longer feasible at that location.

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

Section 1. Pursuant to the EDPL, the March 29, 2021 Determination And Findings Resolution Great Lakes Cheese Project Block, a copy of which is attached hereto as Schedule “A” is hereby rescinded.

Section 2. The Chair, Executive Director, and Counsel are hereby authorized and directed to take such further action on behalf of the Agency to effectuate the provisions of this Resolution.

Section 3. 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	AYE	VOTING
Judy Hopkins	AYE	VOTING
Randy Shayler	AYE	VOTING
Douglas Frank	AYE	VOTING
Michael Johnson	AYE	VOTING
Ward "Skip" Wilday	AYE	VOTING

The foregoing Resolution was thereupon declared adopted.

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

I, the undersigned (Assistant) Secretary of Allegany 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 10, 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 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") 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 10th day of June, 2021.



(Assistant) Secretary

(SEAL)