

ST. LAWRENCE COUNTY INDUSTRIAL DEVELOPMENT AGENCY
PROJECT AUTHORIZING RESOLUTION
From the Heart Cabinetry- Project Number, 4001-19-01
 Resolution No. IDA-19-02-02
 February 21, 2019

A regular meeting of the St. Lawrence County Industrial Development Agency (the “SLCIDA”) was convened on February 21, 2019 at 8:30 AM, local time, in the Main Conference Room of the Ernest J. LaBaff Industrial Building, 19 Commerce Lane, Canton, New York.

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

MEMBER	PRESENT	ABSENT
Blevins, Lynn	X	
Hall, Mark C.	X	
LaBaff, Ernest	X	
McMahon, Andrew	X	
Morrill, Steven	X	
Reagen, James	X	
Staples, Brian W.		X

The following persons were ALSO PRESENT: Staff: Patrick Kelly, Tom Plastino, Lori Sibley; and Andrew Silver, Esq., Legal Counsel.

After the meeting had been duly called to order, the Vice-Chairman announced that, among the purposes of the meeting, was to consider and take action on certain matters pertaining to proposed project for the benefit of 6 Pioneer Drive, LLC. / Criscitello & Criscitello, dba/ From the Heart Cabinetry.

On motion duly made by Mr. Hall and seconded by Mr. Blevins, the following resolution was placed before members of the St. Lawrence County Industrial Development Agency:

- (i) **ACKNOWLEDGING THE PUBLIC HEARING HELD WITH RESPECT TO THE FROM THE HEART CABINETRY PROJECT (AS MORE FULLY DESCRIBED BELOW);**
- (ii) **DESCRIBING THE FORMS OF FINANCIAL ASSISTANCE BEING CONTEMPLATED BY THE SLCIDA WITH RESPECT TO THE PROJECT;**
- (iii) **AUTHORIZING THE UNDERTAKING AND FINANCIAL ASSISTANCE TO THE COMPANY FOR THE PROJECT IN THE FORM OF A SALES AND USE TAX EXEMPTION FOR PURCHASES AND RENTALS RELATED TO UNDERTAKING THE PROJECT;**
- (iv) **APPOINTING THE COMPANY AS SLCIDA’S AGENT FOR PURPOSES OF UNDERTAKING THE PROJECT;**
- (v) **AUTHORIZING THE UNDERTAKING AND FINANCIAL ASSISTANCE TO THE COMPANY FOR THE PROJECT IN THE FORM OF LEASE AGREEMENT AND A PARTIAL REAL**

**PROPERTY TAX ABATEMENT THROUGH A PAYMENT IN LIEU
OF TAX AGREEMENT (PILOT);**
**(vi) AUTHORIZING EXECUTION AND DELIVERY BY SLCIDA OF A
LEASE AGREEMENT, PILOT AGREEMENT AND RELATED
DOCUMENTS WITH RESPECT TO THE PROJECT**

From the Heart Cabinetry- Project Number, 4001-19-01
Resolution No. IDA-19-02-02
February 21, 2019

WHEREAS, the St. Lawrence County Industrial Development Agency (the "SLCIDA") is authorized and empowered by Title 1 of Article 18-A of the General Municipal Law of the State of New York (the "State") as amended, and Chapter 358 of the Laws of 1971 of the State, as amended (collectively, 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, including industrial pollution control facilities, railroad facilities and certain horse racing facilities, for the purpose of promoting, attracting, encouraging and developing recreation and economically sound commerce and industry to advance the job opportunities, health, general prosperity and economic welfare of the people of the State, to improve their recreation opportunities, prosperity and standard of living, and to prevent unemployment and economic deterioration, and

WHEREAS, 6 Pioneer Drive, LLC. / Criscitello & Criscitello, dba/ From the Heart Cabinetry (the "Company") and the SLCIDA have agreed to a Lease/Purchase offer for the Industrial Building located at 6 Pioneer Drive, in the Potsdam Commerce Park (TMID No 64.060-2-35), and

WHEREAS, there has been enacted into law Article 8 of the New York Environmental Conservation Law, Chapter 612 of the 1975 Laws of the State of New York, as amended (the "Environmental Act"), which provides for the review of certain "actions" undertaken by State and local agencies for purposes of regulating such activities in order for proper consideration be given to the prevention of environmental damage, and

WHEREAS, provision of economic assistance to industrial projects by the SLCIDA is an "action" as that term is defined in the Environmental Act, which must be evaluated by the SLCIDA to determine its environmental effect, and in accordance with the Environmental Act, the SLCIDA conducted an environmental review of the project, by Resolution IDA-19-01-01 Dated January 16, 2019.

NOW, THEREFORE, BE IT RESOLVED by the members of the St. Lawrence County Industrial Development Agency as follows:

Section 1. The SLCIDA accepts the minutes of the Public Hearing held by the SLCIDA on February 7, 2019 concerning the project and Financial Assistance, and acknowledges it was duly held in accordance with the Act, including but not limited to the giving of at least ten (10) days' published notice of the Public Hearing (such notice also provided to the Chief Executive Officer of each affected taxing jurisdiction), affording interested parties a reasonable opportunity, both orally and in writing, to present their views with respect to the Project.

Section 2.

(A) The SLCIDA hereby authorizes the execution and delivery of an Agent Agreement, creation, execution and delivery of any and all Project, Lease and Related Agreements along with the issuance of a Payment in Lieu of Taxes Agreement to the Company, as agent of the SLCIDA in furtherance of the Project; and

(B) Subject to the Company's execution and delivery of the Agent Agreement and the delivery to the SLCIDA of a binder, certificate or other evidence of liability insurance policy for the Project satisfactory to the SLCIDA, the SLCIDA hereby authorizes the Company to proceed with the undertaking of the Project and hereby appoints the Company, and their respective agents and other designees, as the true and lawful agent of the SLCIDA: (i) to acquire, construct and equip the Project; (ii) to make, execute, acknowledge and deliver any contracts, orders, receipts, writings and instructions, as the stated agent for the SLCIDA with the authority to delegate such agency, in whole or in part, to agents, subagents, contractors, and subcontractors of such agents and subagents and to such other parties as the Company chooses; and (iii) in general, to do all things which may be requisite or proper for completing the Project, all with the same powers and the same validity that the SLCIDA could do if acting in its own behalf; and

Section 3. The Terms and Conditions of this Financial Assistance shall be subject to the Terms and Conditions as described in the attached Exhibit A.

Section 4. The officers, employees and agents of the SLCIDA are hereby authorized and directed for and in the name and on behalf of the SLCIDA to do all acts and things required and to execute and deliver all such 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 resolutions and to cause compliance by the SLCIDA with all of the terms, covenants and provisions of the documents executed for and on behalf of the SLCIDA.

Section 5. These Resolutions 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:

Member	Aye	Nay	Abstain	Absent
Blevins, Lynn	X			
Hall, Mark C.	X			
LaBaff, Ernest	X			
McMahon, Andrew	X			
Morrill, Steven	X			
Reagen, James	X			
Staples, Brian W.				X

The resolution was thereupon declared duly adopted.

EXHIBIT A

1.	Applicant Name/Project Number:	From The Heart Cabinetry - Project [#4001-19-01]
2.	Project Description (the “Project”):	<i>(i) the acquisition of approximately 2.3 acres of land located at Pioneer Drive in the Village of Potsdam, St. Lawrence County, New York, such real property being more particularly described as TMID No 64.060-2-35 (herein, the “Land”) together with the existing approximately 12,000 square foot building thereon (the “Existing Improvements”) (ii) improvements to the interior of the existing structure, (collectively, the “Improvements”) (iii) the acquisition therein, thereon or thereabout of certain machinery, equipment and related tangible personal property (the “Equipment” and, together with the Land and the Improvements, the “Facility”) (iv) the sale of the Facility to the Company pursuant to a lease-purchase agreement. and as more thoroughly described within the Application</i>
3.	Type of Financial Assistance Requested:	Exemption from sales and use taxes on purchases and rentals of goods and services relating to the undertaking of the “Project” as described, above. Partial Real Property Tax Abatement through a PILOT.
4.	Total Amount of Project:	\$892,473
5.	Benefited Project Amount:	\$696,100
6.	Estimated value of NYS Sales & local sales and use tax exemption to be provided to the Company for this Project:	\$3,688
7.	PILOT Structure and Estimated Net Exemption from PILOT	Standard 10-year IDA PILOT with estimated 10-year net exemption of \$165,066
8.	Mortgage Recording Tax Exemption	N/A
9.	Full-time Equivalent Jobs to be Retained as a Result of the Project:	5
10.	Full-Time Equivalent Jobs to be Created as a Result of the Project:	3
11.	Expiration of the Financial Assistance:	12/31/2035