

**Cooperation Agreement Amendment
Resolution**

A regular meeting of the Glen Cove Industrial Development Agency (the “Agency”) was convened in public session on May 12, 2020, at 6:04 p.m., local time, and held remotely by conference call in compliance with Executive Order 202.1 issued by the Governor of the State of New York on March 12, 2020.

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

PRESENT:

Timothy J. Tenke	Chairman
Vincent C. Hartley	Vice Chairman/Treasurer
John Tetta	Member
James J. Cappiello	Member

NOT PRESENT:

Joseph Gioino	Member
---------------	--------

THE FOLLOWING ADDITIONAL PERSONS WERE PRESENT:

Ann Fangmann	Executive Director
Camille Byrne	Secretary
Margo Zoldessy	Finance Manager
Milan K. Tyler, Esq.	General Counsel

The attached resolution no. 7(a) was offered by Chairman Tenke, seconded by Vice Chairman Hartley:

Resolution No. 7(a)

RESOLUTION OF THE GLEN COVE INDUSTRIAL DEVELOPMENT
AGENCY (THE “AGENCY”) AUTHORIZING THE EXECUTION
AND DELIVERY OF AN AMENDMENT TO A CERTAIN
MUNICIPAL COOPERATION AGREEMENT

WHEREAS, the Glen 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 I 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 374 of the 1974 Laws of New York, as amended, constituting Section 919 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, industrial and commercial 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, the City of Glen Cove (the “City”), the Glen Cove Community Development Agency (the “CDA”) and the Agency (collectively, the “Parties”) have traditionally partnered and cooperated in the City’s overall efforts for revitalization and economic development, including, without limitation: the waterfront revitalization project (Garvies Point Urban Renewal Area); the downtown revitalization project (Downtown Urban Renewal Area); the Brownfields revitalization program; various property acquisitions and dispositions; special economic development projects; housing and commercial rehabilitation projects; and the writing, implementation and management of competitive grants in furtherance of these projects (collectively, including such past, present and future projects, “Revitalization Projects”); and

WHEREAS, the Agency performs a number of valuable services for the City and its inhabitants, including, but not limited to: (i) oversight of the Garvies Point Redevelopment Project, the Village Square Project and other economic development projects in the City; (ii) management of bond proceeds for the Herb Hill/Garvies Point Redevelopment Project and the Waterfront Public Amenities, including, but not limited to, review of requisitions and processing of disbursements of bond proceeds and City payments for Revitalization Projects and public amenities; (iii) review and preparation of tax assessment categorizations and calculations with the City Tax Assessor and third-party consultants and the issuance of PILOT bills; (iv) management of bond funding and required project management and reporting for The Regency and Tiegerman School projects; and (v) coordination of the City’s overall economic development plans and analysis of potential new Revitalization Projects; and

WHEREAS, these partnerships and cooperation arrangements have historically included the general sharing of resources, management of funds and implementation of various mechanisms for cost sharing, and they have also included various project-specific inter-agency agreements among the Parties relating to the Revitalization Projects; and

WHEREAS, the Agency has determined that the purposes of the Agency have been and will be furthered by the continued partnering, cooperation and integration with the other Parties; and

WHEREAS, the Parties entered into that certain Municipal Cooperation Agreement dated as of August 25, 2004, as amended by letter agreement dated August 22, 2008, and by an Amendment to Municipal Cooperation Agreement dated as of February 28, 2012 (as amended, the "Cooperation Agreement"); and

WHEREAS, pursuant to the Cooperation Agreement, the City agreed to permit the Agency and the CDA to occupy a portion of its office building commonly known as City Hall, 9-13 Glen Street, Glen Cove (the "Demised Premises"); and

WHEREAS, the Agency had agreed to pay rent for the Demised Premises; and

WHEREAS, in light of the important services provided to the City and its inhabitants by the Agency, the City and the Agency wish to amend the Cooperation Agreement, inter alia, to eliminate the obligation of the Agency to pay rent to the City effective, retroactively, to November 22, 2016; and

WHEREAS, the members of the Agency wish to authorize the Executive Director of the Agency to execute and deliver a second amendment to the Cooperation Agreement between the Parties (the "Amendment"), inter alia, to eliminate the obligation of the Agency to pay rent to the City effective, retroactively, to November 22, 2016, all in accordance with and subject to the terms of this Resolution,

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE AGENCY AS FOLLOWS:

Section 1. The Agency hereby determines that the proposed action is a Type II Action pursuant to Article 8 of the New York Environmental Conservation Law (including the regulations thereunder, "SEQRA") involving "continuing agency administration" which does not involve "new programs or major reordering of priorities that may affect the environment" (6 NYCRR §617.5(c)(20)) and therefore no Findings or determination of significance are required under SEQRA.

Section 2. The Amendment, in the negotiated form presented to the members of the Agency at this meeting, together with such changes thereto not inconsistent with the terms and intent of this Resolution as the Executive Director of the Agency may hereafter deem necessary

or appropriate, is hereby approved. The Executive Director is hereby authorized, on behalf of the Agency to execute and deliver the Amendment.

Section 3. This Resolution shall not preclude the Agency from adopting other or further policies relating to governance and/or activities of the Agency as determined from time to time by the members of the Agency.

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:

	<u>VOTING</u>
Timothy J. Tenke, Chairman	AYE
Vincent C. Hartley, Vice Chairman	AYE
Joseph Gioino	Absent
John Tetta	AYE
James J. Cappiello	AYE

The foregoing Resolution was thereupon declared duly adopted 5/12/2020.

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

WE, the undersigned officers of the Glen Cove Industrial Development Agency (the “Agency”), DO HEREBY CERTIFY that we have compared the foregoing extract of the minutes of the meeting of the members of the Agency, including the Resolution contained therein, held on May 12, 2020 with the original thereof on file in our offices, and that the same is a true and correct copy of said original 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.

WE FURTHER CERTIFY that (A) all members of the Agency had due notice of said meeting; (B) said meeting was in all respects duly held remotely by conference call in compliance with Executive Order 202.1 issued by the Governor of the State of New York on March 12, 2020 (the “Executive Order”); (C) pursuant to Article 7 of the Public Officers Law (the “Open Meetings Law”), due notice of the time and place of said meeting was duly given in accordance with such Open Meetings Law; (D) the public had the ability to listen to the proceedings in accordance with the Executive Order; and (E) there was a quorum of the members of the Agency present throughout said meeting.

WE 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, we have hereunto set our hand this 12th day of May, 2020.

Camille Byrne, Secretary

[Vice] Chairman