

COUNTY OF SULLIVAN INDUSTRIAL DEVELOPMENT AGENCY

548 Broadway
Monticello, New York 12701
(845) 428-7575 - Voice
(845) 428-7577 - Fax
www.sullivanida.com
TTY 711

MEETING NOTICE

TO: Suzanne Loughlin, IDA Chairperson
Edward Sykes, IDA Vice Chairman
Carol Roig, IDA Secretary
Howard Siegel, IDA Treasurer & Chief Financial Officer
Scott Smith, IDA Assistant Treasurer
Paul Guenther, IDA Member
Sean Brooks, IDA Member
Chairman and Members of the Sullivan County Legislature
Josh Potossek, Sullivan County Manager
John Kiefer, IDA Chief Executive Officer
Walter Garigliano, Esq., IDA Counsel

FROM: Jennifer Flad, Executive Director

DATE: September 7, 2021

PLEASE TAKE NOTICE that there will be a Regular Meeting of the County of Sullivan Industrial Development Agency scheduled as follows:

Date: Monday, September 13, 2021
Time: 11:00 AM
Location: Via Zoom Videoconference Call

Because of the Novel Coronavirus (COVID-19) pandemic and in accordance with Chapter 417 of the Laws of 2021, which took effect on September 2, 2021 and which allows state and local government meetings that are normally held in person to be held remotely instead, this meeting will be held via Zoom videoconference call.

Members of the public may attend the meeting by dialing 929-205-6099 and entering Meeting ID 678-518-8985 or by using the following meeting link:
<https://us06web.zoom.us/j/6785188985>

This meeting video will also be livestreamed on the [IDA's YouTube Channel](#).

SEE REVERSE FOR AGENDA

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MEETING AGENDA
Monday, September 13, 2021

I. CALL TO ORDER

II. ROLL CALL

III. APPROVAL OF MEETING MINUTES

August 16, 2021 Regular Meeting

IV. BILLS AND COMMUNICATIONS

V. STAFF ACTIVITY REPORT

VI. NEW BUSINESS

Resolution: Authorizing the Agency to Provide Funding to the Partnership for Economic Development in Sullivan County, Inc. for the Third Quarter of 2021

Resolution: Imposing a Moratorium Under Certain of the Agency's Uniform Tax Exemption Programs

Any and All Other Business Before the Board

VII. PUBLIC COMMENT AND ADJOURN

##

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MEETING MINUTES

Monday, August 16, 2021

I. CALL TO ORDER

Chairperson Loughlin called to order the regular meeting of the County of Sullivan Industrial Development Agency at approximately 11:03AM in the Legislative Hearing Room at the Sullivan County Government Center, 100 North Street, Monticello, New York 12701.

II. ROLL CALL

Members Present-

Suzanne Loughlin
Edward Sykes
Howard Siegel
Carol Roig
Paul Guenther
Scott Smith

Members Absent-

Sean Brooks

Staff Present-

John Kiefer, Chief Executive Officer
Jennifer Flad, Executive Director
Julio Garaicoechea, Project Manager

Staff Absent-

None

Others Present-

Walter Garigliano, Agency Counsel

III. APPROVAL OF MEETING MINUTES

On a motion made by Mr. Guenther, and seconded by Mr. Sykes the minutes of the July 12, 2021 Regular Meeting were unanimously approved.

IV. BILLS AND COMMUNICATIONS

On a motion made by Mr. Siegel, and seconded by Mr. Guenther, the revised schedule of payments showing 12 payments totaling \$19,037.45 was unanimously approved.

V. STAFF ACTIVITY REPORT

There were no questions.

VI. NEW BUSINESS

On a motion made by Ms. Roig, and seconded by Mr. Sykes, the Board reviewed and discussed a resolution appointing **234 Main Street, LLC** as Agent of the Agency for the purpose of constructing, acquiring, installing and equipping the project; Making certain findings and determinations with respect to the project; and authorizing the execution and delivery of an Agent and Project Agreement between the Agency and the Company; Authorizing the Agency to execute the Lease to Agency, Leaseback to Company, Payment in Lieu of

Tax Agreement and related documents with respect to the construction of the project. The project is a mixed-use retail and residential facility in the hamlet of Hurleyville. Attorney Garigliano stated that the Agency notified all the taxing jurisdictions of a proposed deviation from the Uniform Tax Exemption Policy. A deviation is required due to this project's residential component. He stated that the Agency's policy has been to handle these requests on a case-by-case basis. He continued that the County and Town requested that the Agency be involved, and the Fallsburg Central School District took no position. Mr. Garaicoechea stated that the Agency held a Public Hearing on August 2, 2021 at the Youth and Senior Center in South Fallsburg and that no comments, oral or written, were received. Chairperson Loughlin called the motion to question, the Board voted, and the resolution was unanimously approved.

Chairperson Loughlin recused herself from discussion of the **Glen Wild Land Company, LLC** application because she is in litigation with the applicant. She exited the room at approximately 11:09AM.

Vice-Chair Sykes assumed duties of the Chairperson and opened the floor for discussion of the **Glen Wild Land Company, LLC** application received. Attorney Garigliano stated this is only a discussion and that there is no resolution at this time. The application is for an infrastructure-only project consisting of roads, sewer, electricity, and connectivity to a future industrial park that would accommodate two million square feet of warehouse/distribution space. He stated that at this time there is no vertical construction contemplated and any future development would require a separate application. He stated this application is similar to the EPR Properties infrastructure project or Veria Lifestyle infrastructure project. Mr. Siegel asked if approval could be conditioned on the future development of the site for commercial/ warehousing use and not residential or any other type of use. Attorney Garigliano stated that the approval could provide for a claw back of any tax benefits achieved through the infrastructure project, if in the future the use of the property changes.

Following discussion of the project, Chairperson Loughlin returned to the meeting at approximately 11:18AM. Attorney Garigliano asked Chairperson Loughlin if the litigation she referred to when recusing from discussion of **Glen Wild Land Company, LLC** involved this project application. Chairperson Loughlin responded that the litigation is not related to this application.

Chairperson Loughlin opened the floor to Ms. Flad to discuss administrative business. Ms. Flad noted that the Agency affirmed bank signatories earlier this year as the following offices: Chairperson, Treasurer, Secretary, CEO. Banking institutions require named signers. Ms. Flad asked the Board to confirm that the bank signers are Chairperson Suzanne Loughlin, Treasurer Howard Siegel, Secretary Carol Roig, and CEO John Kiefer. The Board confirmed the named bank signers unanimously for the record.

VII. PUBLIC COMMENT AND ADJOURNMENT

Chairperson Loughlin asked those present for Public Comment. There was none. On a motion made by Mr. Guenther, and seconded by Mr. Sykes, the meeting was adjourned at approximately 11:26 AM.

Respectfully submitted:

Julio Garaicoechea

##

COUNTY OF SULLIVAN INDUSTRIAL DEVELOPMENT AGENCY**548 Broadway, Monticello, NY 12701****845-428-7575****SCHEDULE OF PAYMENTS: SEPTEMBER 13, 2021**

No.	Vendor	Description	Amount
1	Cardmember Service	GoDaddy Renewal, Zoom, Coursera MS Excel Training, Adobe Acrobat, Time Warner Cable August 2021	\$ 961.82
2	Flad, Jennifer	Health Insurance Reimbursement Third Quarter 2021	\$ 2,712.83
3	Garigliano Law Offices	Retainer September 2021	\$ 250.00
4	Garigliano Law Offices	Legal Fee re: Food Hub Equipment Disposition (pallet scale)	\$ 100.00
5	Harris Beach, PLLC	Legal Fees re: Code of Ethics, ABO Review	\$ 6,031.80
6	New Southern Tier Title Agency LLC	Office Rent October 2021	\$ 2,700.00
7	Time Warner Cable	Telephone and Internet Service- September 2021	\$ 259.95
8	USDA Rural Development	RMAP Loan Repayment - September 2021	\$ 2,370.41
9	William Fedun Printing Service	Business Cards	\$ 232.80
TOTAL			\$ 15,619.61

I certify that the payments listed above were audited by the Board of the IDA on September 13, 2021 and allowed in the amounts shown. You are hereby authorized and directed to pay each of the claimants in the amount opposite its name.

9/13/2021

Signature

Date

Expenses Approved and Paid Since Last Regular Meeting (8/16/21)

No.	Vendor	Description	Amount
1	AT&T Mobility	IDA Cell Phone Service	\$ 91.63
2	Mike Preis, Inc.	Cyber Liability Policy Renewal 9/10/21-9/10/22	\$ 1,260.00
3	Utica National Insurance	Workers Comp Policy Renewal 9/10/21-9/10/22	\$ 827.00
TOTAL			\$ 2,178.63

Other Expenses and Items Paid Since Last Regular Meeting (8/16/21)—no approval required

No.	Vendor	Description	Amount
1	Payroll Expenses	Payroll Check Dates: 8/27/21, 9/10/21	\$ 17,432.44
2	Francotyp Postalia	Postage for Postage Meter 8/12/21	\$ 300.00
TOTAL			\$ 17,432.44

ACTIVITY REPORT – AUGUST 2021
COUNTY OF SULLIVAN INDUSTRIAL DEVELOPMENT AGENCY (IDA), SULLIVAN
COUNTY FUNDING CORPORATION (SCFC), THE SULLIVAN COUNTY INFRASTRUCTURE
LOCAL DEVELOPMENT CORPORATION (TSCILDC)

September 7, 2021

At its regular monthly meeting on August 16, the IDA Board approved the **234 Main Street, LLC** project, for a mixed-use retail and residential facility in the hamlet of Hurleyville, Town of Fallsburg. Because the IDA's Uniform Tax Exempt Policy (UTEF) does not include a program to incentivize residential projects, in April the IDA notified the affected taxing jurisdictions of a proposed deviation from the UTEF to assist this project, in accordance with the General Municipal Law. Following the deviation process and an August 2 public hearing, the approving resolution was adopted on August 16.

The Board also discussed an application for IDA benefits from **Glen Wild Land Company, LLC**, for an infrastructure project in Rock Hill, Town of Thompson, to facilitate future development of a commercial/ industrial park. No vertical construction is contemplated under the current application. The project is currently before the Town of Thompson Planning Board, and there is no action to be taken by the IDA at this time.

The Sullivan County Funding Corporation (SCFC) also met on August 16, at which time the Board approved the annual payment to **Hudson Valley AgriBusiness Development Corporation**, for services to foster the growth and development of agricultural businesses and opportunities in Sullivan County.

Finally, the Board of **The Sullivan County Infrastructure Local Development Corporation** (TSCILDC) met on August 16, to conduct routine business.

During September IDA, SCFC, and TSCILDC staff began drafting the proposed 2022 budgets and financial plans for all three agencies. In accordance with New York State's General Municipal Law and Public Authorities Law, the Boards will review and adopt the budgets and financial plans and staff will submit them to State and local officials by November 1.

##

RESOLUTION

A regular meeting of the County of Sullivan Industrial Development Agency (“Agency”) was convened on September 13, 2021 at 11:00 a.m. local time via videoconference as authorized by Chapter 417 of the Laws of 2021, which took effect on September 2, 2021.

The meeting was called to order by Chairperson Suzanne Loughlin, and, upon roll being called, the following members of the Agency were:

	<u>PRESENT</u>	<u>ABSENT</u>
Suzanne Loughlin	[]	[]
Edward T. Sykes	[]	[]
Carol Roig	[]	[]
Howard Siegel	[]	[]
Scott Smith	[]	[]
Paul Guenther	[]	[]
Sean Brooks	[]	[]

The following persons were also present:

Jennifer M. Flad, Executive Director
John W. Kiefer, Chief Executive Officer
Julio Garaicoechea, Project Manager
Walter F. Garigliano, Agency General Counsel

The following resolution was duly offered by _____, and seconded by _____ to wit:

Resolution No. ____ - 21

RESOLUTION AUTHORIZING THE AGENCY TO PROVIDE FUNDING TO THE PARTNERSHIP FOR ECONOMIC DEVELOPMENT IN SULLIVAN COUNTY, INC. FOR THE THIRD QUARTER OF 2021

WHEREAS, the Agency was created by Chapter 560 of the Laws of 1970 of the State of New York, as amended, pursuant to Title I of Article 18-A of the General Municipal Law of the State of New York (collectively, the "Act") as a body corporate and politic and as a public benefit corporation of the State of New York; and

WHEREAS, since 1995, the Agency has provided payments for services to the Partnership for Economic Development in Sullivan County, Inc. ("Partnership"); and

WHEREAS, the Agency contemplates providing a payment for services to the Partnership for the third quarter of 2021 in the amount of EIGHTEEN THOUSAND SEVEN HUNDRED FIFTY AND 00/100 (\$18,750.00) Dollars.

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

Section 1. The Agency is hereby authorized to make provision for the funding to the Partnership for the third calendar quarter of 2021 in the amount of EIGHTEEN THOUSAND SEVEN HUNDRED FIFTY AND 00/100 (\$18,750.00) Dollars.

Section 2. The officers, employees and agents of the Agency are hereby authorized and directed for and in the name and on behalf of the Agency to do all acts and things required and to execute and deliver all such certificates, instruments, documents, and 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 on behalf of the Agency desirable and proper to effect the purposes of the foregoing resolutions and to cause compliance by the Agency with all the terms, covenants and provisions of the documents for and on behalf of the Agency.

Section 3. These resolutions shall take effect immediately.

The question of adoption of the foregoing resolutions were duly put to a vote on roll call, which resulted as follows:

Suzanne Loughlin	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Absent	<input type="checkbox"/> Abstain
Edward T. Sykes	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Absent	<input type="checkbox"/> Abstain
Carol Roig	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Absent	<input type="checkbox"/> Abstain
Howard Siegel	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Absent	<input type="checkbox"/> Abstain
Scott Smith	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Absent	<input type="checkbox"/> Abstain
Paul Guenther	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Absent	<input type="checkbox"/> Abstain
Sean Brooks	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Absent	<input type="checkbox"/> Abstain

The resolutions were thereupon duly adopted.

STATE OF NEW YORK :
 :ss.:
COUNTY OF SULLIVAN :

I, the undersigned Secretary (Assistant) of the County of Sullivan Industrial Development Agency, DO HEREBY CERTIFY THAT:

1. I have compared the foregoing copy of a resolution of the County of Sullivan Industrial Development Agency (“Agency”) with the original thereof on file in the office of the Agency, and that the same is a true and correct copy of such resolution and of the proceedings of the Agency in connection with such matter.
2. Such resolution was passed at a meeting of the Agency duly convened via videoconference on the 13th day of September, 2021, at 11:00 a.m. at which the following members were present:

	<u>PRESENT</u>	<u>ABSENT</u>
Suzanne Loughlin	[]	[]
Edward T. Sykes	[]	[]
Carol Roig	[]	[]
Howard Siegel	[]	[]
Scott Smith	[]	[]
Paul Guenther	[]	[]
Sean Brooks	[]	[]

3. The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

Suzanne Loughlin	[] Yes	[] No	[] Absent	[] Abstain
Edward T. Sykes	[] Yes	[] No	[] Absent	[] Abstain
Carol Roig	[] Yes	[] No	[] Absent	[] Abstain
Howard Siegel	[] Yes	[] No	[] Absent	[] Abstain
Scott Smith	[] Yes	[] No	[] Absent	[] Abstain
Paul Guenther	[] Yes	[] No	[] Absent	[] Abstain
Sean Brooks	[] Yes	[] No	[] Absent	[] Abstain

and therefore, the resolution was declared duly adopted.

I FURTHER CERTIFY that (i) all members of the Agency had due notice of said meeting, (ii) pursuant to Sections 103(a) and (c) and 104 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public via videoconference and public notice of the time and place of said meeting was duly given in accordance with such Sections 103(a) and (c) and 104, (iii) the meeting in all respects was duly held via videoconference as authorized by Chapter 417 of the Laws of 2021, and (iv) there was a quorum present throughout.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on the 13th day of September, 2021.

Carol Roig, Secretary

RESOLUTION

A regular meeting of the County of Sullivan Industrial Development Agency (“Agency”) was convened on September 13, 2021 at 11:00 a.m. local time via videoconference as authorized by Chapter 417 of the Laws of 2021, which took effect on September 2, 2021.

The meeting was called to order by Chairperson Suzanne Loughlin, and, upon roll being called, the following members of the Agency were:

	<u>PRESENT</u>	<u>ABSENT</u>
Suzanne Loughlin	[]	[]
Edward T. Sykes	[]	[]
Carol Roig	[]	[]
Howard Siegel	[]	[]
Scott Smith	[]	[]
Paul Guenther	[]	[]
Sean Brooks	[]	[]

The following persons were also present:

Jennifer M. Flad, Executive Director
John W. Kiefer, Chief Executive Officer
Julio Garaicoechea, Project Manager
Walter F. Garigliano, Agency General Counsel

The following resolution was duly offered by _____, and seconded by _____ to wit:

Resolution No. ____ - 21

RESOLUTION IMPOSING A MORATORIUM ON APPLICATIONS UNDER CERTAIN OF THE AGENCY’S UNIFORM TAX EXEMPTION PROGRAMS (“UTEPS”)

WHEREAS, by Title 1 of Article 18-A of the General Municipal Law of the State of New York ("State"), as amended, and Chapter 560 of the Laws of 1970 of the State, as amended and codified as Section 960 of the General Municipal Law (collectively, the “Act”), the Agency was created with the authority and power to own, lease and sell property as authorized by the Act; and

WHEREAS, the United States and New York State are currently experiencing a labor crisis; and

WHEREAS, the labor crisis in Sullivan County is acute with many established local businesses unable to hire enough employees to effectively operate; and

WHEREAS, the Agency believes that providing financial assistance and tax exemptions as a catalyst to the creation of new jobs in the face of the current labor crisis is unwise; and

WHEREAS, the Agency wishes to adopt a moratorium on new applications under certain of the Agency’s UTEPs to allow time for the Agency, in collaboration with the Sullivan County Legislature, to perform an in-depth review of the Agency’s UTEPs; and

WHEREAS, the Agency believes that certain targeted UTEPs and industries should be excluded from the moratorium to be imposed by this resolution.

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

Section 1. The Agency hereby imposes a six- (6) month moratorium (“Moratorium Period”) on all applications for financial assistance not received by the Agency prior to August 27, 2021, except for applications for financial assistance under the following UTEPs:

Tourism
Agricultural Industry
Community Distributed Generation

and in addition to the aforementioned UTEPs, the following shall also be excluded from the moratorium:

- Applications for healthcare projects under the Agency’s General Abatement UTEP;
- Applications for projects contemplated by and pursuant to the Master Development and Agent Agreement by and between the Agency and EPT Concord II, LLC;
- Applications for projects contemplated by and pursuant to the Master Development and Agent Agreement by and between the Agency and Veria Lifestyle Inc.;
- Applications for projects contemplated by and pursuant to the Master Development and Agent Agreement by and between the Agency and Rock Meadow Partners, LLC, Great Pine, LLC, NARO Building, LLC and Indian Fields, LLC; and
- Applications for projects contemplated by and pursuant to the Option Agreement dated April 19, 2021 by and between Sullivan County Funding Corporation and Monticello Industrial Park, LLC

Section 2. During the Moratorium Period, the Agency will not be accepting any requests for a deviation from the Agency’s UTEPs.

Section 3. The moratorium imposed by these Resolutions shall be effective as to all applications received by the Agency after August 27, 2021.

Section 4. It is hereby found and determined that all formal actions of the Agency concerning and relating to the adoption of this resolution were adopted in an open meeting of the

Agency; and that all deliberations of the Agency and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements.

Section 5. The Executive Director of the Agency is hereby authorized and directed (i) to distribute copies of this resolution to the Chairman of the County Legislature, Chief Executive Officer of the Partnership for Economic Development in Sullivan County, Inc., Chief Executive Officer of the Sullivan County Visitor’s Association, and Chief Executive Officer of the Sullivan County Chamber of Commerce; and (ii) to do such further things or perform such acts as may be necessary or convenient to implement the provisions of this resolution.

Section 6. 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:

Suzanne Loughlin	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Absent	<input type="checkbox"/> Abstain
Edward T. Sykes	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Absent	<input type="checkbox"/> Abstain
Carol Roig	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Absent	<input type="checkbox"/> Abstain
Howard Siegel	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Absent	<input type="checkbox"/> Abstain
Scott Smith	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Absent	<input type="checkbox"/> Abstain
Paul Guenther	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Absent	<input type="checkbox"/> Abstain
Sean Brooks	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Absent	<input type="checkbox"/> Abstain

The resolution was thereupon duly adopted.

STATE OF NEW YORK :
:SS
COUNTY OF SULLIVAN :

I, the undersigned Secretary of the Agency DO HEREBY CERTIFY THAT:

1. I have compared the foregoing copy of a resolution of the Agency with the original thereof on file in the office of the Agency, and that the same is a true and correct copy of such resolution and of the proceedings of the Agency in connection with such matter.
2. Such resolution was passed at a meeting of the Agency duly convened via videoconference on September 13, 2021 at 11:00 a.m. at which the following members were present:

	<u>PRESENT</u>	<u>ABSENT</u>
Suzanne Loughlin	[]	[]
Edward T. Sykes	[]	[]
Carol Roig	[]	[]
Howard Siegel	[]	[]
Scott Smith	[]	[]
Paul Guenther	[]	[]
Sean Brooks	[]	[]

3. The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

Suzanne Loughlin	[] Yes	[] No	[] Absent	[] Abstain
Edward T. Sykes	[] Yes	[] No	[] Absent	[] Abstain
Carol Roig	[] Yes	[] No	[] Absent	[] Abstain
Howard Siegel	[] Yes	[] No	[] Absent	[] Abstain
Scott Smith	[] Yes	[] No	[] Absent	[] Abstain
Paul Guenther	[] Yes	[] No	[] Absent	[] Abstain
Sean Brooks	[] Yes	[] No	[] Absent	[] Abstain

and therefore, the resolution was declared duly adopted.

I FURTHER CERTIFY that (i) all members of the Agency had due notice of said meeting, (ii) pursuant to Sections 103(a) and (c) and 104 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public via videoconference and public notice of the time and place of said meeting was duly given in accordance with such Sections 103(a) and (c) and 104, (iii) the meeting in all respects was duly held via videoconference as authorized by Chapter 417 of the Laws of 2021, and (iv) there was a quorum present throughout.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on the 13th day of September, 2021.

Carol Roig, Secretary