

AUTHORIZING RESOLUTION

Resolution #: 042826-03

At a meeting of the **HERKIMER COUNTY INDUSTRIAL DEVELOPMENT AGENCY**, Herkimer County, New York (the “Agency”), held at 420 E. German Street, Herkimer, New York on the 28th day of April, 2026 at 8:00 a.m., the following members of the Agency were:

Present: Vincent J. Bono, Cory Albrecht, Ann Gaworecki, Timothy Day, Frank Mendl, Robert Davenport, Dr. Terri Grates Day

Absent: None

Also Present: John Piseck, Victoria Adams, Nicole Farber, Anthony G. Hallak

After the meeting had been duly called to order, the Chairman announced that the purpose of the meeting was to consider and take action on certain matters pertaining to Stark Development, LLC (the “Company”).

The following resolution was duly moved, seconded, discussed and adopted with the following members voting:

AYE	NAY	ABSTAINED
*ALL	*NONE	*NONE

RESOLUTION AUTHORIZING THE AGENCY TO EXECUTE ALL RELEVANT CLOSING DOCUMENTS WITH RESPECT TO THE CONVEYANCE OF AN INTEREST IN THE REAL PROPERTY SITUATE IN THE TOWN OF SCHUYLER, COUNTY OF HERKIMER AND STATE OF NEW YORK, THE CONSTRUCTION OF CERTAIN IMPROVEMENTS THEREON, AND THE ACQUISITION OF PERSONAL PROPERTY TO BE ACQUIRED AND LOCATED THEREAT (COLLECTIVELY, THE “FACILITY”); TO ASSIST THE COMPANY WITH FINANCIAL ASSISTANCE, LEASING SAID FACILITY TO AGENCY THROUGH A LEASE AGREEMENT AND THROUGH SALES AND MORTGAGE TAX EXEMPTIONS AND REAL PROPERTY TAX ABATEMENTS; TO ADDRESS ENVIRONMENTAL ISSUES AND TO PROVIDE FOR INDEMNIFICATION OF THE AGENCY ON SUCH ISSUES RELATING TO THE FACILITY THROUGH THE EXECUTION OF AN ENVIRONMENTAL COMPLIANCE AND INDEMNIFICATION AGREEMENT WITH THE COMPANY (THE “ECIA”); TO LEASEBACK SAID FACILITY TO THE COMPANY; TO PROVIDE FOR A RECAPTURE AGREEMENT RELATING TO THE CREATION OF JOBS AND MAKING

CERTAIN FINDINGS AND DETERMINATIONS WITH RESPECT
TO THE PROJECT.

WHEREAS, Stark Development LLC (the “Company”) has requested that the Agency undertake a project (the “Project”) consisting of the following: (A) (1) the acquisition of an interest in an approximately 4.138 ± acre parcel located in the Schuyler Business Park in the Town of Schuyler, New York and more particularly described in **Exhibit A** attached hereto and made a part hereof (the “Land”), (2) the construction on, under and over the Land of an approximately 6,000± square foot warehouse and storage facility, including 1,000 square feet of office space and related facilities and improvements, including without limitation, construction of all infrastructure, driveways, sidewalks, parking lot and landscaping to service the same) (collectively, the “Improvements”) and (3) the acquisition and installation of machinery, equipment and other personal property (the “Equipment”) in, on, around, over and under the Improvements and the Land (the Land, the Improvements and the Equipment being collectively referred to as the “Facility”); (B) the granting of certain “financial assistance” (within the meaning of Section 854(14) of the General Municipal Law) with respect to the foregoing, including potential exemptions from sales taxes and mortgage tax, real property transfer taxes and exemptions from real property taxes (collectively, the “Financial Assistance”); and (C) the lease (with an obligation to purchase) of the Facility to Agency and leaseback of the Facility to the Company or such other person as may be designated by the Company and agreed upon the Agency; and

WHEREAS, the Company will lease the Facility to the Agency pursuant to Article 18A of the General Municipal Law of the State of New York, and Chapter 410 of the Laws of 1970 of the State of New York, as may be amended from time to time (collectively the “Act”) and the Agency will lease the Facility back to the Company pursuant to a Leaseback Agreement (the “Leaseback Agreement”); and

WHEREAS, the Company will construct and equip the Facility as agent of the Agency;
and

WHEREAS, the Act authorizes and empowers the Agency to promote, develop, encourage and assist projects such as the Facility and to advance the job opportunities, health, general prosperity and economic welfare of the people of the State of New York; and

WHEREAS, representations made by the Company in their Application for Financial Assistance support the finding that the Project will promote employment opportunities in the area served by the Agency; and

WHEREAS, in order to induce the Company to develop the Facility, the Agency is willing to sell the Land to the Company, to take a leasehold interest in the Land, Improvements and Equipment pursuant to the terms and conditions contained in the Lease Agreement and to lease the Land, Improvements and Equipment back to the Company pursuant to the terms of the Leaseback Agreement; and

WHEREAS, based upon recommendations made by the Company in its Application, the value of financial assistance is described as follows:

Sales and Use Tax Exemptions estimated at \$105,000.00, but shall not exceed \$105,000.00 in aggregate;

Mortgage Recording Tax not to exceed \$8,000.00; and

Real Property Tax Abatement estimated at \$90,967.00.

WHEREAS, prior to the closing of a lease-leaseback transaction, and the granting of any tax benefits, a public hearing (the "Hearing") was held so that all persons with views in favor of or opposed to either the Financial Assistance contemplated by the Agency, or the location or nature of the Facility, could be heard; and

WHEREAS, notice of the Hearing was given prior to the closing of a lease-leaseback transaction, and the granting of any tax benefits, and such notice (together with proof of publication) was in the form annexed hereto as **Exhibit B**; and

WHEREAS, the minutes of the Hearing are or will be annexed hereto as **Exhibit C**; and

WHEREAS, the Agency will provide the Financial Assistance to the Company including exemptions from sales and use taxes, abatements from real property taxes and assisting in the procurement of grant money; and

WHEREAS, the Agency has given due consideration to the application of the Company and to representations by the Company that the proposed lease-leaseback transaction is an inducement to the Company to locate and construct the Facility in the County and is also necessary to maintain the competitive position of the Company in its industry.

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

Section 1. The Agency hereby finds and determines:

- (a) By virtue of the Act, the Agency has been vested with all powers necessary and convenient to carry out and effectuate the purposes of the Act and to exercise all powers granted to it under the Act; and
- (b) The Facility constitutes a "project," such as that term is defined in the Act; and
- (c) The sale of the Land to the Company, the acquisition, construction and equipping of the Facility, and the leasing of the Facility to the Company will promote and maintain the job opportunities, health, general prosperity and economic welfare of the citizens of Herkimer County and the State of New York and improve their standard of living and thereby serve the public purposes of the Act; and

- (d) The acquisition, construction and equipping of the Facility are reasonably necessary to induce the Company to locate and construct the Facility in the State of New York; and
- (e) Based upon representations of the Company, the Facility conforms with the local zoning laws and planning regulations of Herkimer County and all regional and local use plans for the area in which the Facility is located; and
- (f) It is desirable and in the public interest for the Agency to acquire a leasehold interest in the Facility and lease the Facility back to the Company; and
- (g) The Lease is an effective instrument whereby the Company conveys a leasehold interest to the Agency; and
- (h) The Leaseback Agreement is an effective instrument whereby the Company leases the Facility from the Agency; and
- (i) Based upon the materials submitted by the Company and the review of the Negative Declaration by the Town Board of the Town of Schuyler and the Agency's knowledge of the Project, the Facility will result in no adverse environmental impacts.

Section 2. In furtherance of Section 862 of the New York General Municipal Law, it is recognized that leasing warehouse and/or manufacturing space in various locations causes inefficiencies. The consolidation contemplated by the Project is reasonably necessary to correct the business inefficiencies and maintain a competitive position in the industry.

Section 3. In consequence of the foregoing, the Agency hereby determines to proceed with the Project, to sell the Land to the Company, to acquire a leasehold interest in the Facility from the Company and to lease the Facility back to the Company and to execute and deliver a deed to the Company, the Lease Agreement and a memoranda thereof, the Leaseback Agreement and memoranda thereof, the ECIA, the PILOT Agreement, the Recapture Agreement, the Section 875 General Municipal Law Recapture Agreement and all related documents reasonable and necessary or desirable to fulfill the intent of this resolution and the Financial Assistance proffered by the Agency as well as the County of Herkimer and State of New York (collectively the Closing Documents) and to do all things necessary or desirable to accomplish the foregoing. All acts heretofore taken by the officers and employees of the Agency with respect to the Project are hereby ratified and confirmed.

Section 4. The form and substance of the Closing Documents (each in substantially the forms presented to the Agency and which, prior to the execution and delivery thereof, may be redated) are hereby approved.

Section 5.

- (a) The Chairman, Vice Chairman, Secretary or any member of the Agency and the Chief Executive Officer, John J. Piseck, are hereby authorized, on behalf of the Agency, to execute and deliver the closing documents, all in substantially the forms thereof presented to this meeting with such changes, variations, omissions and insertions as the Chairman, Vice Chairman, Secretary, Chief Executive Officer or any member of the Agency shall approve, and such other related documents as may be, in the judgment of the Chairman and Agency Counsel, necessary or appropriate to effect the transactions contemplated by this resolution. The execution thereof by the Chairman, Vice Chairman, Chief Executive Officer or any member of the Agency shall constitute conclusive evidence of such approval.
- (b) The Chairman, Vice Chairman, Secretary or member of the Agency and the Chief Executive Officer, John J. Piseck, are further hereby authorized, on behalf of the Agency, to designate any additional Authorized Representatives of the Agency (as defined in and pursuant to the Lease Agreement).

Section 6. 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 or provided for by the provisions of the Closing Documents, and to execute and deliver all such additional certificates, instruments and documents, 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 resolution and to cause compliance by the Agency with all of the terms, covenants and provisions of the Closing Documents binding upon the Agency.

EXHIBIT A

Legal Description

Parcel B

ALL THAT TRACT, PIECE OR PARCEL OF LAND situate within the Town of Schuyler, County of Herkimer and State of New York, as shown on the map entitled "Survey Map Showing Re-Allotment of Lands Belonging to Herkimer County Industrial Development Agency Designated as Parcel "A" and Parcel "B", dated February 22, 2022, prepared by Emrich Land Surveying, PLLC; said parcel more particularly described as follows:

BEGINNING at an iron pin (set) located on the westerly road boundary of Diamond Drive (not yet dedicated), at its intersection with the division line between the herein described property, designated as Parcel "B" on the north and the property, designated as Parcel "A" on the south;

Thence North 89° 59' 10" West, along the last mentioned Division line, a distance of 80.00 feet to an iron pin (set);

Thence North 45° 25' 45" West, through the property of Herkimer County Industrial Development Agency (reputed owner) as described by deed Liber 860 page 184, a distance of 684.15 feet to an iron pin (set) located on the southerly road boundary of Diamond Drive (not yet dedicated);

Thence along the southerly, southwesterly, and westerly road boundary of said Diamond Drive, the following four (4) courses and distances:

- 1) South 89° 59' 00" East, a distance of 455.00 feet to a point of curvature;
- 2) Southeasterly, following a curve to the right having a radius of 200.00 feet with an arc distance of 314.16 feet to a point of tangency;
- 3) South 00° 01' 00" West, a distance of 84.84 feet to a point of curvature;
- 4) South 24° 09' 45" West, a distance of 213.87 feet to the point of beginning, containing 180,270± square feet or 4.138 acres, more or less.

The herein above-described lands being designated as a portion of Lot 8 and a portion of Lot 7 as shown on a map entitled "Final Plat, Herkimer County Industrial Development Agency, Schuyler Business Park, Town of Schuyler, New York", prepared by O'Brien & Gere, Engineers INC., dated October, 2003 and filed in the Herkimer County Clerk's Office on June 13, 2006 in Map File #345.

Together with temporary rights of way for ingress and egress and water, sewer, electric and utility rights of way over Drive In Road and Diamond Drive set forth on the above identified Emrich Map, which right of way for ingress and egress shall terminate upon dedication and acceptance of the roads by the Town of Schuyler for public purposes.

Together with the right and subject to the burdens, if any, vested in the Agency in and to Drive-In Road and Diamond Drive leading between New York State Route 5 and the extension of the northerly line of the above mentioned premises.

RESERVING: a Permanent Easement to be granted for utility purposes; said easement being fifty (50) feet in width, adjacent to and parallel with the southerly, southwesterly, and westerly road boundary of Diamond Drive as described above and as shown on the above referenced map.

RESERVING: a Permanent Easement to be granted for utility purposes; said easement being twenty (20) feet in width, northerly of, adjacent to and parallel with the southerly property line as described above and as shown on the above referenced map.

This conveyance is subject to the condition that Grantee commence construction of a business facility upon the premises herein conveyed within two (2) years from the date of closing. In the event Grantee fails to do so, Grantor shall have the option in its sole discretion for a period of ten (10) years commencing from the date of closing to reacquire the premises for \$62,070.00 free and clear of all liens and encumbrances.

BEING: the same premises conveyed by the Herkimer County Industrial Development Agency to Stark Development LLC by Bargain and Sale Deed dated May 15, 2025, recorded in the Herkimer County Clerk's Office on May 20, 2025 as Instrument No. RP2025-1893.

EXHIBIT B

Notice of Public Hearing

Proof of Publication

USA TODAY CO.



RECEIVED APR 13 2026

PO Box 631202 Cincinnati, OH 45263-1202

AFFIDAVIT OF PUBLICATION

Victoria Adams
Herkimer Co Ind. Development/H
420 E German ST # 1
Herkimer NY 13350-1049

STATE OF NEW YORK, COUNTY OF HERKIMER

The Times Telegram, a newspaper published in the City of Utica,
New York.
The text of the notice as published in said newspaper is as set
forth below, or in the annexed exhibit, was published in the issue
dated:

04/07/2026

and that the fees charged are legal.
Sworn to and subscribed before on 04/07/2026

Legal Clerk

Notary, State of WI, County of Brown

8.25.26

My commission expires

Publication Cost:	\$91.24	
Tax Amount:	\$0.00	
Payment Cost:	\$91.24	
Order No:	12228358	# of Copies:
Customer No:	639140	1
PO #:		

THIS IS NOT AN INVOICE!

Please do not use this form for payment remittance.

MARIAH VERHAGEN
Notary Public
State of Wisconsin

**NOTICE OF PUBLIC
HEARING**

NOTICE IS HEREBY GIVEN that a public hearing pursuant to Article 18-A of the New York State General Municipal Law, will be held by the Herkimer County Industrial Development Agency (the "Agency") on the 17th day of April, 2026 at 10AM local time at the Schuyler Town Hall, 2090 State Route 5, Utica, NY 13502, Town of Schuyler, in connection with the following matter:

STARK DEVELOPMENT, LLC presented an application (the "Application") to the Agency, requesting that the Agency consider undertaking; (i) to provide assistance through sales tax and mortgage tax incentives for the renovation, construction, equipping, and financing of the above described project Facility (the "Assistance"), (ii) to acquire, construct, equip, and finance the Facility or to cause the Facility to be constructed, equipped, and financed; and (iii) to lease the Facility to the Company or such other person as may be designated by the Company and agreed upon by the Agency; and WHEREAS, the Facility will consist of the acquisition, construction and equipping of a 6,000± square foot warehouse and storage facility, including 1,000 square feet of office space located at 171 Diamond Drive in the Town of Schuyler, Herkimer County, State of New York, known as Tax Map No. 105.3-2-9. The Project has an estimated cost of One Million Six Hundred Thousand and 00/100 Dollars (\$1,600,000.00) (the "Project Costs");

A representative of the Agency will be present at the above-stated time to review the project application, and hear comments and accept written statements from any persons with views in favor of or opposed to either the proposed Assistance to the Company or the location or nature of the Facility.

A copy of the Application filed by the Company with the Agency with respect to the Facility, including an analysis of the costs and benefits of the Project, is available for public inspection during business hours at the offices of the Agency. A transcript or summary report of the hearing will be made available to the members of the Agency.

Additional information can be obtained from, and written comments may be addressed to John J. Piseck, Jr., Chief Executive Officer, Herkimer County Industrial Development Agency, 420 E. German Street, Suite 101A, Herkimer, New York 13350; Telephone 315-866-3000.

HERKIMER COUNTY INDUSTRIAL
DEVELOPMENT AGENCY
Name: Victoria Adams
Title: Assistant Secretary

EXHIBIT C
Public Hearing Minutes



TAFF

JOHN J. PISECK, JR.
Chief Executive Officer

CTORIA L. ADAMS
Operations Manager

COLE A. FARBER
Administrative Office
Assistant

MANTHA F. CANARELLI
Marketing & Communications
Specialist

BOARD OF DIRECTORS

JOHN J. BONO
Chairman

JOSEPH ALBRECHT
Vice Chairman

VI DAY
Treasurer

ROBERT DAVENPORT
Secretary

JOHN GAWORECKI
Director

FRANK MENDL
Director

DR. TERRI GRATES DAY
Director

COUNTY REPRESENTATIVE

GREGORY MALTA, SR.—District 1
Herkimer County Legislator

COUNSEL

ANTHONY G. HALLAK, Esq.
Hil Evans, LLP

Special:
CHARLES MALCOLM, Esq.
MANNON WAGNER, Esq.
Dagson Russ, LLP

PUBLIC HEARING MINUTES

Herkimer County Industrial Development Agency

Stark Development, LLC

April 17, 2026 @ 9AM

Schuyler Town Hall

2090 State Route 5, Utica NY 13502

John J. Piseck, Jr introduced himself as the Chief Executive Officer of the Herkimer County Industrial Development Agency and opened the public hearing at 9:00AM

Mr. Piseck appointed Victoria Adams to record the minutes of the hearing

Mr. Piseck stated that on April 07, 2026 a Public Hearing Notice was published in the legal section of the Times Telegram as well as being posted on the Agency website. The Agency also provided a copy to the CEO of all affected taxing jurisdictions. The following is the published notice:

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WHEREAS, the Facility will consist of the acquisition, construction and equipping of a 6,000± square foot warehouse and storage facility, including 1,000 square feet of office space located at 171 Diamond Drive in the Town of Schuyler, Herkimer County, State of New York, known as Tax Map No. 105.3-2-9. The Project has an estimated cost of One Million Six Hundred Thousand and 00/100 Dollars (\$1,600,000.00) (the “Project Costs”);

located at Industrial Park Drive, Herkimer County, State of New York, known as Tax Map No. 104.3-1-27.2. The Project has an estimated cost of Seventeen Million and 00/100 Dollars (\$17,000,000.00) (the "Project Costs");

A representative of the Agency will be present at the above-stated time to review the project application, and hear comments and accept written statements from any persons with views in favor of or opposed to either the proposed Assistance to the Company or the location or nature of the Facility.

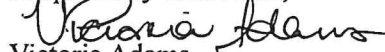
A copy of the Application filed by the Company with the Agency with respect to the Facility, including an analysis of the costs and benefits of the Project, is available for public inspection during business hours at the offices of the Agency. A transcript or summary report of the hearing will be made available to the members of the Agency.

Additional information can be obtained from, and written comments may be addressed to John J. Piseck, Jr., Chief Executive Officer, Herkimer County Industrial Development Agency, 420 E. German Street, Suite 101A, Herkimer, New York 13350; Telephone 315-866-3000.

Mr. Piseck invited public comments.

Being no comment, the public hearing was closed at 10:10AM

Respectfully Submitted,


Victoria Adams
Operations Manager

Attachment: Sign in Sheet



Sign-In Sheet

**Herkimer County Industrial Development Agency
Public Hearing
Stark Development, LLC
Friday, April 17, 2026 @ 10:00 AM
Schuyler Town Hall
2090 State Route 5
Utica, NY 13502**

Name:

Organization:

John Piseck

Herkimer County IDA

Victoria Adams

Herkimer County IDA