

RESOLUTION OF THE TOWN OF LOCKPORT INDUSTRIAL DEVELOPMENT AGENCY (THE AGENCY) AMENDING A PRIOR RESOLUTION ADOPTED ON SEPTEMBER 10, 2015, AUTHORIZING LACEY HEAVY EQUIPMENT, INC. OR A RELATED ENTITY (THE LESSEE) TO RENOVATE AN EXISTING APPROXIMATELY 3,200 SQUARE FOOT BUILDING LOCATED AT 6621 DYSINGER ROAD IN THE TOWN OF LOCKPORT (TAX MAP NO. 138.00-2-13.2), TO CONSTRUCT AN APPROXIMATELY 9,000 SQUARE FOOT ADDITION THERETO, TO BE USED IN CONNECTION WITH THE OPERATION OF A HEAVY EQUIPMENT MANUFACTURING AND REPAIR FACILITY, INCLUDING PARTS MANUFACTURE, REPAIR, RENTAL AND PARTS SUPPLY, AND TO ACQUIRE AND INSTALL MACHINERY AND EQUIPMENT REQUIRED IN CONNECTION THEREWITH AND AUTHORIZING THE EXECUTION AND DELIVERY OF A LEASE TO AGENCY, A LEASEBACK AGREEMENT, A MORTGAGE AND SECURITY AGREEMENT AND THE EXECUTION AND DELIVERY OF OTHER DOCUMENTS REQUIRED IN CONNECTION THEREWITH, TO SUBSTITUTE 6621 DYSINGER, LLC AS THE LESSEE, WITH LACEY HEAVY EQUIPMENT REPAIR TO BE THE SUBLESSEE, TO INCREASE THE SIZE OF THE ADDITION FROM 3,000 SQUARE FEET TO 9,300 SQUARE FEET AND TO PROVIDE FOR THE MACHINERY AND EQUIPMENT TO BE ACQUIRED BY THE SUBLESSEE

WHEREAS, Lacey Heavy Equipment Repair, Inc. on its own behalf or upon behalf of a related entity previously entered into negotiations with the Town of Lockport Industrial Development Agency (the Agency) for assistance to renovate an existing approximately 3,200 square foot building located at 6621 Dysinger Road in the Town of Lockport, to construct an approximately 3,000 square foot addition thereto in connection with a operation of a heavy equipment manufacturing and repair facility, including parts manufacture, repair, rental and parts supply and to acquire and install machinery and equipment required in connection therewith, (the "Project"), and the lease of the Project from the Lessee to the Agency and leaseback of to Project from the Agency to the Lessee, submitted an Eligibility Questionnaire and following a public hearing on September 10, 2015, the Agency approved the Project; and

WHEREAS, the principals of Lacey Heavy Equipment Repair, Inc. (THE CORRECTED NAME) following the adoption of the inducement resolution formed a limited liability company named 6621 Dysinger, LLC, which entity is now intended to be the Lessee in this transaction in place of Lacey Heavy Equipment Repair, Inc.; and

WHEREAS, the Lessee has now requested that the Agency further amend its previous authorization to increase the size of the building addition from 3,000 square feet to 9,300 square feet with no change in the project cost, to name Lacey Heavy Equipment Repair, Inc. as the Sublessee and to allow the machinery and equipment to be acquired by the Sublessee, as agent for the Agency, for sale to the Sublessee pursuant to an installment sale agreement.

WHEREAS, the benefits to be received as a result of the increase in the size of the building addition with no increase in cost will not exceed \$100,000 so a public hearing is not required.

NOW, THEREFORE BE IT RESOLVED BY THE TOWN OF LOCKPORT INDUSTRIAL DEVELOPMENT AGENCY AS FOLLOWS:

Section 1. The Agency does hereby amend the prior resolution adopted on September 10, 2015 to correct the name of the applicant to Lacey Heavy Equipment Repair, Inc., substitute 6621 Dysinger, LLC as the Lessee in place of Lacey Heavy Equipment Repair, Inc., to provide for Lacey Heavy Equipment Repair, Inc. to be the Sublessee, to increase the size of the addition from 3,000 square feet to 9,300 square feet and to provide for the Facility Equipment to be acquired by the Sublessee as agent to the Agency for sale to the Sublessee pursuant to an installment sale agreement.

Section 2. The prior resolution adopted on September 10, 2015 with all of its terms and conditions shall continue in full force and effect except as specifically modified by this resolution and any actions taken in reliance on the prior resolution are hereby expressly ratified and confirmed.

Section 3. The Agency hereby determines, based upon information furnished to the Agency by the Lessee and such other information as the Agency has deemed necessary to make this determination, that the Project, as amended, does not require the preparation of an environmental impact statement under the State Environmental Quality Review Act, being Article 8 of the New York State Environmental Conservation law, as the contemplated actions will not have a significant adverse effect on the environment.

Section 5. This resolution shall take effect immediately.

Dated: September 8, 2016

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

The Resolution was thereupon declared duly adopted.

State of New York


ss:

County of Niagara

I, the undersigned Chairman of the Town of Lockport Industrial Development Agency, DO HEREBY CERTIFY that (i) I have compared the annexed extract of the minutes of the meeting of the Town of Lockport Industrial Development Agency (the "Issuer") held on September 8, 2016, with the original thereof on file in my office, and that the same is a true and correct copy of the proceedings of the Issuer and of the whole of such original insofar as the same relates to the subject matters referred to therein.

I, FURTHER CERTIFY that (i) all members of the Issuer had due notice of such meeting, (ii) pursuant to Section 99 of the Public Officers Law (Open Meetings Law), such meeting was open to the general public and public notice of the time and place of such meeting was duly given in accordance with such Section 99, (iii) the meeting was in all respects duly held, and (iv) there was a quorum present throughout.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Issuer this 15th day of September, 2016.



THOMAS A. SY, Chairman