

**Supplemental Resolution
Horsht, LLC Facility**

Date: May 20, 2022

At a meeting of the Oneida County Industrial Development Agency (the "Agency") held at 584 Phoenix Drive, Rome, New York 13441 on May 20, 2022, the following members of the Agency were:

Members Present: David Grow, Michael Fitzgerald; Ferris Betrus, Kirk Hinman, Mary Faith Messenger, Gene Quadraro, Steve Zogby

EDGE Staff Present: Shawna Papale, Bill Van Shufflin, Maureen Carney, Tim Fitzgerald, Mark Kaucher (WebEx)

Other Attendees: Rome Mayor Jackie Izzo; Paul Goldman, Esq., Goldman Attorneys, PLLC; Linda Romano and Laura Ruberto, Bond, Schoeneck & King (call-in); Mark Levitt and Jenna Peppenelli (WebEx); Gordon Woodcock, Pivot Energy (WebEx); Kate Jarosh, Woodhaven Ventures, LLC (WebEx)

After the meeting had been duly called to order, the Chairman announced that among the purposes of the meeting was to consider and take action to amend the Inducement Resolution and Final Authorizing Resolution pertaining to proposed financial assistance to Horsht, LLC.

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

Voting Aye

David Grow
Michael Fitzgerald
Ferris Betrus
Kirk Hinman
Mary Faith Messenger
Gene Quadraro
Steve Zogby

Voting Nay

RESOLUTION SUPPLEMENTING AND AMENDING THE INDUCEMENT
RESOLUTION AND FINAL AUTHORIZING RESOLUTION WITH RESPECT TO THE
HORSHT, LLC FACILITY LOCATED IN THE TOWN OF WHITESTOWN, ONEIDA
COUNTY.

WHEREAS, by Title 1 of Article 18-A of the General Municipal Law of the State of New York, as amended and Chapter 372 of the Laws of 1970 of the State of New York (collectively, the "Act"), the Agency was created with the authority and power among other things, to assist with the acquisition of certain industrial development projects as authorized by the Act; and

WHEREAS, Horsht, LLC, on behalf of itself and/or the principals of Horsht, LLC, and/or an entity formed or to be formed on behalf of any of the foregoing (collectively, the "Company") has applied to the Oneida County Industrial Development Agency (the "Agency") to enter into a transaction in which the Agency will assist in construction of a 6,000± square foot addition and a 8,500± square foot addition together with all site preparation and infrastructure to support the same (collectively, the "FIS Improvements"); construction of a 9,600± square foot addition to an existing building together with all site preparation and infrastructure to support the same (collectively, the "TLC Improvements" and together with the FIS Improvements, the "Improvements") situated on parcels of land measuring 11.62 acres in the aggregate located at 161 Clear Road, 175 Clear Road and 132 Base Road, Town of Whitestown, Oneida County New York (the "Land") and the acquisition and installation of equipment in the Improvements (the "Equipment"), all for the purpose of supporting the expansion and growth of Fiber Instrument Sales, Inc. and its communication fiber optics and sheet metal bending operations and supporting the expansion and growth of The Light Connection, Inc. and its cable and tubing manufacturing operations (the Land, the Improvements and the Equipment are referred to collectively as the "Facility" and the construction and equipping of the Facility is referred to as the "Project"); and

WHEREAS, by resolution duly adopted on March 25, 2022, (the "Inducement Resolution") the Agency decided to proceed under the provisions of the Act to lease the Facility and directed that a public hearing be held and enter into the Lease Agreement and Leaseback Agreement; and

WHEREAS, by resolution duly adopted on April 22, 2022, (the "Final Authorizing Resolution") the Agency approved the financial assistance to the Company, conditioned upon the Company creating (or cause its closely-held entities to create) 15 FTEs in Oneida County by the end of the third lease year as a result of the Project and to retain (or cause its closely-held entities to retain) the existing 394 FTEs employed by the Company and/or its closely-held entities in Oneida County, all as a result of the Project (the "Employment Obligation"); and

WHEREAS, on April 29, 2022 the Company submitted an amendment to its Application for Financial Assistance dated March 11, 2022 (the "Application") correcting the number of existing FTEs from 394 FTEs to 336 FTEs, which corrected number accurately represents the existing number of FTEs employed by the Company and its closely-held entities in Oneida County; and

WHEREAS, the Agency has received the amendment to the Application and a revised cost-benefit analysis employing the corrected number of existing FTEs; and

WHEREAS, the Agency wishes to amend the Employment Obligation to accurately reflect the existing number of FTEs employed by the Company and its closely-held entities in Oneida County.

NOW, THEREFORE, BE IT RESOLVED by the Oneida County Industrial Development Agency (a majority of the members thereof affirmatively concurring) 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 and provisions of the Act and to exercise all powers granted to it under the Act; and

(b) The Facility constitutes a “project”, as such term is defined in the Act; and

(c) The construction and equipping of the Facility, the leasing of the Facility to the Company and the Agency’s Financial Assistance with respect thereto under the corrected Employment Obligation, will promote and maintain the job opportunities, health, general prosperity and economic welfare of the citizens of Oneida 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 SEQRA findings adopted by the Agency on April 22, 2022 encompassed the actions to be undertaken by this resolution and no changes have been made since that time to the proposed action that would create new or increased adverse environmental impacts.

Section 2. In consequence of the foregoing, the Agency hereby determines to: (i) amend the definition of the “Employment Obligation” to require the Company to create (or cause its closely-held entities to create) 15 FTEs in Oneida County by the end of the third lease year as a result of the Project and to retain (or cause its closely-held entities to retain) the existing 336 FTEs employed by the Company and/or its closely-held entities in Oneida County, and to retain (or cause its closely-held entities to retain) the existing 394 FTEs employed by the Company and/or its closely-held entities in New York State all as a result of the Project, (ii) amend the Inducement Resolution and the Inducement/Project Agreement to reflect the amended Employment Obligation, and (iii) amend the Final Authorizing Resolution to reflect the amended Employment Obligation.

Section 3. The Chairman of the Agency is hereby authorized and directed (i) to distribute copies of this resolution to the Company 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 4. This resolution shall take effect immediately.

