

Resolution Acknowledging A Payment Pursuant to the Employee Benefits Handbook

A regular meeting of the Nassau County Industrial Development Agency (the "Agency") was convened in public session at the Theodore Roosevelt Executive & Legislative Building, Ceremonial Chambers, 1550 Franklin Avenue, Mineola, County of Nassau, New York on February 27, 2020 at 6:45 p.m., local time.

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

PRESENT:

Richard Kessel	Chair
Lewis M. Warren	Vice Chair
Anthony Simon	2nd Vice Chair
Amy Flores	Treasurer
John Coumatos	Asst. Treasurer
Timothy Williams	Secretary
Christopher Fusco	Asst. Secretary

NOT PRESENT:

N/A

THE FOLLOWING ADDITIONAL PERSONS WERE PRESENT:

Harry Coghlan	Chief Executive Officer / Executive Director
Danielle Oglesby	Chief Operating Officer/ Deputy Executive Director
Catherine Fee	Director of Business Development/Chief Marketing Officer
Colleen Pereira	Administrative Director
Carlene Wynter	Compliance Assistant
Thomas D. Glascock, Esq.	General Counsel
Andrew D. Komaromi, Esq.	Bond/Transactional Counsel

The attached resolution no. 2020-15 was offered by Anthony Simon, seconded by Timothy Williams:

Resolution No. 2020-15

RESOLUTION OF THE NASSAU COUNTY INDUSTRIAL DEVELOPMENT AGENCY
("THE AGENCY") ACKNOWLEDGING A PAYMENT TO BE MADE PURSUANT TO ITS
EMPLOYEE BENEFITS HANDBOOK

WHEREAS, the Nassau 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 674 of the 1975 Laws of New York, as amended, constituting Section 922 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, by resolution, the members of the Agency have adopted an Employee Benefits Handbook, first effective on or as of October 1, 2010 and subsequently amended (hereinafter, the "Employee Benefits Handbook"); and

WHEREAS, the Employee Benefits Handbook provides that, unless terminated for cause, upon termination of service an Officer and Employee of the Agency (as each term is defined or otherwise used in the Employee Benefits Handbook) shall be entitled to receive cash payment for accumulated vacation and unused sick leave, which payment amount is to be computed pursuant to a specific methodology described within the Employee Benefits Handbook; and

WHEREAS, the Agency's then Chief Financial Officer (Joseph F. Foarile) retired from the Agency effective September 28, 2019, whereupon there was a termination of service and Mr. Foarile became entitled to a cash payment for accumulated vacation and unused sick leave pursuant to the Employee Benefits Handbook; and

WHEREAS, the Employee Benefits Handbook further provides that, notwithstanding any other terms and provisions stated therein, no such cash payment shall be made unless and until first reported to and acknowledged by the members of the Agency, who may require that said payment be made over a 3 year period;

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

Section 1. The members of the Agency hereby acknowledge Joseph F. Foarile's retirement and, therefore, termination of service from the Agency, as such term is defined in the Agency's Employee Benefits Handbook, and that Mr. Foarile is entitled to a cash payment for accumulated vacation and unused sick leave in the amount of \$34,013 but require said amount to be paid in

approximately equal annual installments over a 3 year period following the date of his termination of service, as provided for and said payment amount calculated pursuant to the terms and provisions of the Employee Benefits Handbook.

Section 2. 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 Section 6.17.5 (c)(26)) and therefore no findings or determination of significance are required under SEQRA.

Section 3. 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:

Richard Kessel	VOTING Aye
Lewis M. Warren	VOTING Aye
Anthony Simon	VOTING Aye
Timothy Williams	VOTING Aye
Chris Fusco	VOTING Aye
Amy Flores	VOTING Aye
John Coumatos	VOTING Aye

The foregoing Resolution was thereupon declared duly adopted.


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

We, the undersigned [Assistant] Secretary and [Vice] Chairman of the Nassau County 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 February 27, 2020 with the original thereof on file in our office, 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 matter therein referred to.

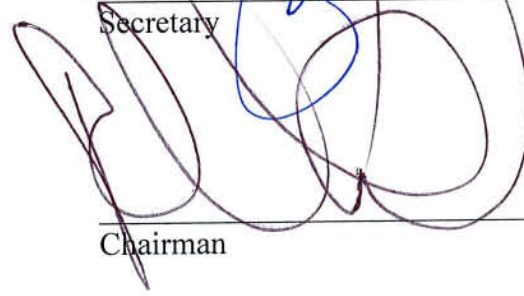
WE FURTHER CERTIFY that (A) all members of the Agency had due notice of said meeting; (B) said meeting was in all respects duly held; (C) pursuant to Article 7 of the Public Officers Law (the "Open Meetings Law"), said meeting was open to the general public, and due notice of the time and place of said meeting was duly given in accordance with such Open Meetings Law; and (D) there was a quorum of the members of the Agency present and 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, I have hereunto set our hands and affixed the seal of the Corporation this 27th day of February, 2020.



Secretary



Chairman

(SEAL)