RESOLUTION OF THE TOWN OF HAMBURG INDUSTRIAL DEVELOPMENT AGENCY CONSENTING TO A CHANGE IN OWNERSHIP OF BILLY-LEE L.L.C.; CONSENTING TO A MORTGAGE WITH EVANS BANK AND; CONSENTING TO THE MERGER OF BILLY-LEE L.L.C WITH 4760 CAMP ROAD L.P. ("NEW LESSEE") IN REGARD TO THE FACILITY KNOWN AS S-4760 CAMP ROAD, HAMBURG, NEW YORK.

WHEREAS, Billy-Lee, LLC (the "Lessee") previously entered into negotiations with the Town of Hamburg Industrial Development Agency (the "Agency") with respect to a lease leaseback transaction for the purchase and equipping of an approximately 9.7 acre parcel with three buildings located at S- 4760 Camp Road, Hamburg, New York, by the Lessee, as Agent for the Agency, for lease to the Agency and subsequent Leaseback to the Lessee, for further sublease to E-One, Inc. ("Sublessee") who will be the sole occupant, all for the provision of a fire truck manufacturing Facility (the "Project"); and

WHEREAS, Billy-Lee, LLC (the "Lessee") further previously entered into negotiations with the Town of Hamburg Industrial Development Agency (the "Agency") with respect to a lease only transaction for the purchase, construction and equipping of an approximately 10,000 square foot addition to an existing building located at S-4760 Camp Road, Hamburg, New York, by the Lessee, as Agent for the Agency, for lease to the Agency and subsequent Leaseback to the Lessee, for further sublease to E-One, Inc. ("Sublessee") who will be the sole occupant, all for the provision of a fire truck manufacturing Facility (the "Project"); and

WHEREAS, the Agency acquired a leasehold interest in the Facility pursuant to a certain Lease to Agency, dated as of February 1, 2018, between BILLY-LEE, L.L.C. as lessor, and the Agency, as lessee, (the "Lease to Agency") and leased the Facility back to BILLY-LEE, L.L.C. pursuant to a certain Leaseback Agreement, dated as of February 1, 2018, between the Agency, as lessor and BILLY-LEE, L.L.C., as lessee, (the "Leaseback Agreement"); and

WHEREAS, BILLY-LEE L.L.C. and the members of BILLY-LEE, L.L.C. have entered into a Contract with 4760 CAMP ROAD L.P., whereby 4760 CAMP ROAD L.P. will acquire the entire membership interests of BILLY-LEE, L.L.C; and

WHEREAS, BILLY-LEE L.L.C. will enter into a mortgage refinance transaction with EVANS BANK, N.A. in the amount of \$4,275,000.00; and

WHEREAS, BILLY-LEE L.L.C. will merge into 4760 CAMP ROAD L.P.; and

WHEREAS, the New Lessee has submitted an Eligibility Questionnaire and other materials and information to the Agency (collectively hereinafter the "Eligibility Questionnaire") to initiate the accomplishment of the above: the Agency's consent to the sale of the Membership interest in BILLY-LEE L.L.C. to 4760 CAMP ROAD L.P. with the continuation of the existing

PILOT; the consent to a mortgage with Evans Bank, N.A in an approximate amount of \$4,275,000.00 with a mortgage tax abatement not to exceed \$32,063.00; and consent to the merger of BILLY-LEE L.L.C. into 4760 CAMP ROAD L.P; and

WHEREAS, the assistance contemplated by the Agency will include mortgage tax abatement; and

WHEREAS, the facility will remain occupied by E-One, Inc. ("Sublessee") who will be the sole occupant, and will remain a fire truck manufacturing Facility; accordingly, there will be no change in the Payment in Lieu of Taxes ("PILOT") Provisions that are currently in place. attached as Exhibit C to the Leaseback Agreement; and

WHEREAS, a public hearing is not required to be held by the Agency.

NOW, THEREFORE BE IT RESOLVED AS FOLLOWS:

- Section 1. The Agency hereby consents to the sale of the membership of BILLY-LEE L.L.C. to 4760 CAMP ROAD L.P., as required by Section 6.1 of the Lease Back Agreement.
- Section 2. The Agency has reviewed the request for consent and has determined that this action is a Type II action under the State Environmental Quality Review Act, being Article 8 of the New York State Environmental Conservation Law.
- Section 3. The Applicant agrees that if requested consent is granted that the New Lessee will at the Project location and will comply with all reporting requirements pursuant to the Lesse to Agency between the Lessee and the Agency dated as of February 1, 2018, the Leaseback Agreement between the Lessee and the Agency dated February 1, 2018; the Closing Agreement between the Lessee and the Agency dated as of February 1, 2018; and the Project and Agent Agreement between Lessee and the Agency dated April 1, 2022.
- Section 4. The Agency hereby consents to the execution and delivery of a Mortgage in the amount of \$4,275,000.00 with EVANS BANK, N.A.; an Assignment of Leases and Rents with EVANS BANK, N.A. and other ancillary closing documents.
- Section 5. The execution and delivery of Mortgage and the Assignment of Leases and Rents in the form approved by the Chairman, Vice Chairman, Executive Director or Assistant Secretary is hereby authorized. The appropriate officers of the Agency are hereby authorized to execute, seal, acknowledge and deliver such Mortgage and Assignment of Rents as well as all other necessary ancillary documents.
- Section 6. The Agency determines that the PILOT provisions shall remain unchanged as there is no change in use or in the occupancy of the Facility.
 - Section 7. The Agency hereby consents to the merger of BILLY-LEE L.L.C. into 4760

CAMP ROAD L.P., as required by Section 6.1 of the Lease Back Agreement.

Section 8. 4760 CAMP ROAD L.P. agrees that it will pay all Agency Administrative Fees and legal fees due at closing.

Section 9. This resolution shall take effect immediately.

Adopted:	December 11, 2024
Accepted:	November, 2024
4760 CAMP ROAD L.P.	
Ву	
Name:	Michael Greenberg
Title:	President
BILLY-LEE L.L.C.	
Dv	
By	//
Name:	Michael Greenberg

Title: Authorized Representative