

PURCHASE OF REAL PROPERTY

SEQRA RESOLUTION

A regular meeting of the Onondaga County Industrial Development Agency convened in public session on July 21, 2022, at 8:00 a.m., local time, at 333 West Washington Street, Syracuse, New York:

The meeting was called to order by the (Vice) Chairman of the Agency and, upon roll being called, the following members of the Agency were:

PRESENT: Patrick Hogan
Janice Herzog
Victor Ianno
Susan Stanczyk
Kevin Ryan

ABSENT: Steve Morgan
Fanny Villarreal

ALSO PRESENT: Robert M. Petrovich, Executive Director
Jeffrey W. Davis, Esq., Agency Counsel
Amanda M. Fitzgerald, Esq. Agency Counsel

The following resolution was offered by Janice Herzog, seconded by Susan Stanczyk, to wit:

RESOLUTION OF THE ONONDAGA COUNTY INDUSTRIAL DEVELOPMENT AGENCY DETERMINING THAT THE ACQUISITION OF PROPERTY WILL NOT HAVE A SIGNIFICANT ADVERSE EFFECT ON THE ENVIRONMENT PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT

WHEREAS, Onondaga 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 1 of Article 18-A of the General Municipal Law, Chapter 24 of the Consolidated Laws of New York, as amended (the "Enabling Act"), Chapter 435 of the Laws of 1970 of the State of New York and Chapter 676 of the Laws of 1975 of the State of New York, as amended, constituting Section 895 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, warehousing, research, commercial and industrial 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, to accomplish its stated purposes, the Agency is authorized and empowered under the Act to acquire, construct, reconstruct and install one or more “projects” (as defined in the Act), or to cause said projects to be acquired, constructed, reconstructed and installed, and to convey said projects or to lease said projects with the obligation to purchase; and

WHEREAS, the Agency believes acquiring property that becomes currently available can spur economic development by eliminating property acquisition time and costs for developers with the ability to bring various industries to Onondaga County; and

WHEREAS, certain persons (collectively, the “Seller”) own certain parcels of real property located at 5064 State Route 31 (Tax Map No. 064.-01-06.1) in the Town of Clay, County of Onondaga, State of New York, 5154 State Route 31 (Tax Map No. 064.-01-09.1) in the Town of Clay, County of Onondaga, State of New York and 5170 State Route 31 (Tax Map No. 064.-01-09.2) in the Town of Clay, County of Onondaga, State of New York all of which are located within the expanded footprint of the Park (collectively, the “Property”); and

WHEREAS, the Seller has submitted to the Agency a purchase and sale contract (the “Purchase Agreement”) specifying the terms and conditions pursuant to which the Seller would agree to sell the Property to the Agency; and

WHEREAS the Executive Director has negotiated the Purchase Agreement with the guidance of Agency counsel and finds the terms to be fair and satisfactory for the Agency; and

WHEREAS, the Agency desires to purchase the Property from the Seller pursuant to the terms of the Purchase Agreement (together, the “Project”);

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law of the State of New York, as amended, and the regulations of the Department of Environmental Conservation of the State of New York promulgated thereunder (collectively referred to hereinafter as “SEQRA”), the Agency is required to make a determination with respect to the environmental impact of any Type I or Unlisted “action” (as defined by SEQRA) to be taken by the Agency, and the acquisition of the Property constitutes such an action; and

WHEREAS, an Environmental Assessment Form (the “EAF”) has been prepared to aid the Agency in determining whether the acquisition of the Property may have a significant effect upon the environment; and

WHEREAS, the action is limited to the acquisition of the Property as the Agency does not have a project before it concerning the use of the Property, and the Agency has no current or proposed plans to develop the Property; and

WHEREAS, since the Agency currently has no project before it or plans to develop the Property in any way, any consideration of potential impacts associated with the future development of the Property at this time would be purely speculative; and

WHEREAS, should the Property be made available at some future date by the Agency for development, that future project or development would be required to undergo a complete and thorough environmental review pursuant to SEQRA; and

WHEREAS, the Agency's present environmental review of the acquisition of the Property will therefore be no less protective of the environment due to the project specific SEQRA review that would be necessary concerning any future development of the Property.

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

(1) Based upon an examination of the EAF prepared for the Action, the criteria contained in 6 NYCRR §617.7(c), and based further upon the Agency's knowledge of the Property, and such further investigation of the Project and its environmental effects as the Agency has deemed appropriate, the Agency makes the following findings and determinations with respect to the Project pursuant to SEQRA:

(a) The Project consists of the components described above;

(b) The Project constitutes a "Type 1" action (as said quoted term is defined in SEQRA);

(c) The Project (1) does not direct any subsequent development or commit the Agency to future actions, (2) potential future development, if it were to occur, would be dependent upon environmental conditions and other factors that are currently unknown, and (3) the Agency's review of the Project will be no less protective of the environment since any potential future development of the Property must undergo a thorough environmental review pursuant to SEQRA;

(d) The Agency, acting as "Lead Agency" (as said quoted term is defined in SEQRA), hereby determines that the Project will not have a significant adverse effect on the environment, and the Agency will not require the preparation of an Environmental Impact Statement with respect to the Project; and

(e) As a consequence of the foregoing, the Agency has prepared a Negative Declaration with respect to the Project, a copy of which is attached hereto as Exhibit "A".

(2) A copy of this Resolution, together with the attachments hereto, shall be placed on file in the office of the Agency where the same shall be available for public inspection during business hours.

(3) The Agency's counsel is hereby authorized and directed to distribute and file this Resolution in accordance with the requirements of SEQRA.

(4) This Resolution shall take effect immediately.

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

	<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Patrick Hogan	X		
Janice Herzog	X		
Victor Ianno	X		
Steve Morgan			X
Susan Stanczyk	X		
Kevin Ryan	X		
Fanny Villarreal			X

The foregoing resolution was thereupon declared duly adopted.

STATE OF NEW YORK)
) ss.:
COUNTY OF ONONDAGA)

I, the undersigned Secretary of the Onondaga County Industrial Development Agency, DO HEREBY CERTIFY that I have compared the foregoing extract of the minutes of the meeting of the members of the Agency, including the Resolution contained therein, held on July 21, 2022, with the original thereof on file in my office, and that the same is a true and correct copy of such proceedings of the Agency 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.

I 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 throughout said meeting.

I 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 my hand this 26 day of July, 2022.

(SEAL)



Secretary

Exhibit A