

PURCHASE REAL PROPERTY

SEQRA RESOLUTION

A special meeting of the Onondaga County Industrial Development Agency was convened in public session on July 27, 2021 at 8:00 a.m. local time at 333 West Washington Street, Suite 130, 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
Steve Morgan
Susan Stanczyk
Fanny Villarreal

ABSENT: Kevin Ryan

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

The following resolution was offered by Janice Herzog, seconded by Victor Ianno, 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, the Agency currently owns White Pine Commerce Park (“Park”) located northeast of the intersection of NYS Route 31 and Caughdenoy Road in the Town of Clay, Onondaga County, New York; and

WHEREAS, to improve the Agency’s ability to market the Park to a larger, more diverse mix of large- and small-scale manufacturing and industrial developers, the Agency proposes to expand the existing Park to approximately 1,250+/- acres by acquiring additional acres to the north and east of the existing Park footprint, with such additional acreage comprised of certain parcels contiguous to the current Park, and which are generally located along NYS Route 31 and the east and west sides of Burnet Road (the “Project” or “Action”); and

WHEREAS, the Project includes the acquisition of additional acreage for the purpose of expanding the footprint of the Park; and

WHEREAS, certain persons (each a “Seller” and collectively, the “Sellers”) own certain parcels of real property located at 5181 State Route 31 (Tax ID No. 046.-02-05.1), 8501 Burnet Road (Tax ID No. 051.-01-10.6), and 8594 Burnet Road (Tax ID No. 049.-01-14.0) in the Town of Clay, County of Onondaga, State of New York which are located within the expanded footprint of the Park (each a “Property” and collectively, the “Properties”); and

WHEREAS, the Agency previously entered into Option Agreements with certain persons for certain parcels of real property owned by the Sellers located at 8664 Burnet Road (Tax ID No. 049.-01-11.0), 8668 Burnet Road (Tax ID No. 049.-01-10.1), and additional vacant land on Burnet Road (Lots 63 and 64, Tax ID Nos. 051.-01-10.7 and 051.-01-10.8) in the Town of Clay, County of Onondaga, State of New York which are located within the expanded footprint of the Park (the “Option Properties”); and

WHEREAS, the Agency wishes to exercise its option to purchase the Option Properties pursuant to the existing Option Agreements between the Agency and the Sellers

WHEREAS, the Sellers have each submitted to the Agency a real estate purchase agreement (collectively the “Purchase Agreements”) specifying the terms and conditions pursuant to which each Seller would agree to sell each Property and Option Property to the Agency; and

WHEREAS, the Executive Director has negotiated each 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 Properties and Option Properties from the Sellers pursuant to the terms of each Purchase Agreement;

WHEREAS, pursuant to 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 Properties and Option Properties constitutes such an action; and

WHEREAS, the Agency prepared and completed a Full Environmental Assessment Form (the “FEAF”) to aid in determining whether undertaking the Project, including acquisition of the Properties and Option Properties, requires a supplemental GEIS; and

WHEREAS, based upon an examination of the FEAF prepared for the Project, the criteria contained in 6 NYCRR §617.7(c), and based further upon the Agency’s knowledge of the area surrounding the Project, and such further investigation of the Project and its potential significant environmental impacts as the Agency has deemed appropriate, at a regularly scheduled meeting on December 8, 2020, the Agency: (i) determined that the Project constitutes a “Type I Action” (as said quoted term is defined in SEQRA), (ii) determined that the Project required a coordinated review under SEQRA, (iii) issued a positive declaration under SEQRA for the Project determining that the Project may result in one or more significant adverse impacts to the environment, and (iv) determined that the preparation of a Supplemental GEIS (“SGEIS”) was necessary to adequately identify and evaluate potential significant adverse impacts associated with the Project that are not addressed or were inadequately addressed in the existing DGEIS/FGEIS; and

WHEREAS, the Agency prepared a Draft SGEIS for the Project; and

WHEREAS, the Agency determined by resolution dated May 6, 2021 that the Draft SGEIS was complete and adequate for public review; and

WHEREAS, upon notice in a newspaper of general circulation in Onondaga County, public comments on the Project and the Draft SGEIS were received by the Agency at a public hearing, held virtually in accordance with the modifications to Article 7 of the Public Officers Law (the “Open Meetings Law”) as modified by New York Governor Andrew Cuomo’s Executive 202.79, on May 24, 2021; and

WHEREAS, written comments on the Project and the Draft SGEIS were received by the Agency during the public comment period from May 6, 2021 to June 11, 2021; and

WHEREAS, in consideration of and in response to the comments received, the Agency caused to be prepared a Final SGEIS; and

WHEREAS, the Agency subsequently reviewed, revised, and finalized the Final SGEIS, and, by resolution dated July 16, 2021, determined the Final SGEIS was complete; and

WHEREAS, the Final SGEIS and Notice of Completion of Final SGEIS were filed in accordance with SEQRA on July 16, 2021; and

WHEREAS, the Agency caused the Notice of Completion of Final SGEIS to be published in the Environmental Notice Bulletin on July 21, 2021 in accordance with SEQRA (6 N.Y.C.R.R. § 617.12(c)(1)); and

WHEREAS, more than ten days passed since the acceptance and filing of the Final SGEIS; and

WHEREAS, the Agency received and considered input from involved and interested agencies, legal and engineering consultants, and other relevant information; and

WHEREAS, by resolution dated July 27, 2021, as a result of its independent examination and review, the Agency found that, on balance, and after due consideration of all relevant documentation and related information, it had more than adequate information to evaluate the relevant benefits and potential impacts of the Project and to issue a Findings Statement concerning the Project, which is attached hereto as Exhibit A; and

WHEREAS, the facts and conclusions set forth in the Findings Statement are derived from the Draft SGEIS and Final SGEIS, other documents, reports, submittals and other relevant information, including the personal knowledge and familiarity of the Agency's members with the Project and surrounding area, comprising the record of the Agency's deliberations concerning the Project, and the Findings Statement serves as the basis of the Agency's decision; and

WHEREAS, the Project, from among reasonable alternatives, is one which minimizes or avoids adverse environmental effects to the maximum extent practicable; and

WHEREAS, consistent with social, economic and other essential considerations, to the maximum extent practicable, adverse environmental effects revealed in the Final SGEIS process will be minimized or avoided by incorporating as conditions those mitigative measures which are identified as practicable throughout the annexed SEQRA Findings Statement and Final SGEIS and to document the factors and standards considered by the Agency in making this decision; and

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 Project, the criteria contained in 6 NYCRR §617.7(c), and based further upon the Agency's knowledge of the

Properties, 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 acquisition of the Properties and Option Properties pursuant to SEQRA:

(a) The Project included the acquisition of the Properties and Option Properties, and such acquisition was included in the Agency's SEQRA review of the Project, including the evaluation of relevant impacts, facts, and conclusions associated with the expansion of the Park;

(b) The Draft SGEIS, Final SGEIS, and Findings Statement adopted by the Agency evaluated the relevant impacts, facts, and conclusions associated with the acquisition of additional acreage, including the Properties and Option Properties, to accommodate the expansion of the Park;

(c) The Agency determined that the Project (including the acquisition of additional acreage, including the Properties and Option Properties), from among reasonable alternatives, is one which minimizes or avoids adverse environmental effects to the maximum extent practicable;

(d) The acquisition of the Properties and Option Properties will be carried out in accordance with the conditions and thresholds established in the Final SGEIS and/or Findings Statement, thus avoiding, minimizing or mitigating, as reasonably practicable, adverse environmental impacts.

(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 27, 2021, 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"), as modified by New York State Executive Order 202.97, 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 27th day of July, 2021.

(SEAL)

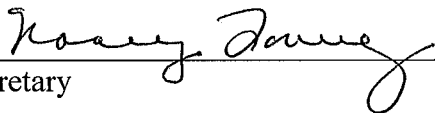

Secretary

Exhibit A