

TESSY PLASTICS CORPORATION

AMENDED AND RESTATED ENVIRONMENTAL RESOLUTION

At a regular meeting of the Onondaga County Industrial Development Agency convened in public session on June 6, 2017 at 8:00 a.m. at 333 West Washington Street, Syracuse, New York 13202, the following members were:

PRESENT:

Patrick Hogan
Janice Herzog
Steve Morgan
Kevin Ryan
Victor Ianno

ABSENT:

Susan Stanczyk
Fanny Villarreal

ALSO PRESENT:

Julie Cerio, Executive Director
Anthony P. Rivizzigno, Esq., Agency Counsel

Upon motion duly made and seconded, the following resolution was duly adopted by the Agency with its members voting as follows:

Aye

Nay

Patrick Hogan
Janice Herzog
Steve Morgan
Kevin Ryan
Victor Ianno

**AMENDED AND RESTATED RESOLUTION DETERMINING THAT ACTION TO
UNDERTAKE A COMMERCIAL PROJECT FOR TESSY PLASTICS CORPORATION
IS A TYPE I ACTION AND WILL NOT HAVE A SIGNIFICANT EFFECT ON THE
ENVIRONMENT**

WHEREAS, the Onondaga County Industrial Development Agency (the “Agency”) is authorized and empowered by 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 1970 Laws of New York, and Chapter 676 of the 1975 Laws 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 industrial, manufacturing, warehousing, commercial, research and recreation facilities, including industrial pollution control facilities, educational or cultural facilities, railroad facilities, horse racing facilities and continuing care retirement communities, among others, for the purpose of promoting, attracting, encouraging and developing recreation, and 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 and to improve their recreation opportunities, 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, improve, maintain, equip or furnish one or more “projects” (as defined in the Act); to sell, convey, mortgage, lease, pledge, exchange or otherwise dispose of said projects; and to issue bonds and provide for the rights of the holders thereof; and

WHEREAS, Tessa Plastics Corporation (the “Company”) has presented an application (the “Application”) to the Agency, a copy of which was presented at this meeting and copies of which are on file at the office of the Agency, requesting the Agency consider undertaking a project (the “Project”) consisting of the following: construction of an additional 246,000 square foot manufacturing facility to the existing assembly and warehouse operation, the addition of resin silos, material handling systems, chillers, production equipment and upgrades to the existing electrical infrastructure located in the Town of Van Buren, County of Onondaga; and

WHEREAS, the Agency has given due consideration to the Application and to representations made by the Company that (A) the granting by the Agency of the Financial Assistance with respect to the Project will be an inducement to the Company to undertake the Project in Onondaga County, New York; and (B) the completion of the Project will not result in the removal of a facility or a plant of the Project occupant from one part of the State of New York to another area of the State of New York or in the abandonment of one or more plants or facilities of the Project occupant located within the State of New York; and

WHEREAS, in compliance with the provisions of Section 859-a of the Act and Section 147(f) of the Internal Revenue Code of 1986, as amended (the “Code”), the Assistant Secretary

of the Agency (A) caused a notice of a public hearing (the “Public Hearing”) of the Agency to hear all persons interested in the Project and the Financial Assistance being contemplated by the Agency with respect to the Project to be mailed to the chief executive officer of the county and of each city, town, village and school district in which the Project is to be located, (B) caused notice of the Public Hearing to be published in *The Post-Standard*, a newspaper of general circulation available to the residents of the Town of Van Buren, (C) conducted the Public Hearing on January 26, 2016 at the Town of Van Buren Town Hall located at 8220 Loop Road, in the Town of Van Buren, Onondaga County, New York, and (D) prepared a report of the Public Hearing which fairly summarized the views presented at the Public Hearing and distributed same to the members of the Agency; and

WHEREAS, the Agency is a local agency pursuant to the New York State Environmental Quality Review Act (“SEQRA”), ECL Section 8-0101, et seq., and implementing regulations, 6 NYCRR Part 617 (the “Regulations”); and

WHEREAS, undertaking the Project is an Action as defined by SEQRA; and

WHEREAS, a long-form Environmental Assessment Form (“EAF”), was submitted to the Town of Van Buren in August of 2015 to facilitate a review of the potential environmental impacts of the Project; and

WHEREAS, the Town determined that the Action was an Unlisted Action, as that term is defined in the Regulations, and on October 13, 2015 passed a resolution finding no adverse environmental impacts under SEQRA with regard to the Project; and

WHEREAS, on February 9, 2016 the Agency passed an Environmental Resolution that incorrectly classified the Project as a Type II and determined that no environmental review was required; and

WHEREAS, the Agency’s February 9, 2016 Environmental Resolution was in error as the Project is not a Type II action as that term is defined under SEQRA; and

WHEREAS, the Agency has reviewed the classifications of actions contained in the Regulations, and has compared the effects of the Project to the provisions of 6 NYCRR Part 617 which relate to the classification of actions under SEQRA and hereby determines that the Project is a Type I action under SEQRA; and

WHEREAS, the Agency has considered the Project and the EAF, together with the Town’s knowledge of the area surrounding the Project, and such further investigation of the Project and its potential environmental effects as the Town has deemed appropriate; and

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

Section 1. The Project is a Type I Action pursuant to SEQRA.

