

## RESOLUTION

A regular meeting of the County of Oswego Industrial Development Agency was convened in public session on March 27, 2009 at 9:00 a.m., at 44 West Bridge Street, Oswego, New York.

The meeting was called to order by Vice Chair Toth and, upon the roll being duly called, the following members were:

**PRESENT:** Donald H. Kunzwiler, Arthur W. Ospelt, Carolyn A. Rush, H. Leonard Schick, Morris Sorbello, Gary T. Toth and L. Michael Treadwell

**ABSENT:** None

**ALSO PRESENT:** Kevin C. Caraccioli and David S. Dano

The following resolution was duly offered and seconded:

### **RESOLUTION DETERMINING PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT THAT A CERTAIN PROJECT WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT**

**WHEREAS**, the County of Oswego Industrial Development Agency (the "**Agency**") is authorized and empowered by Title 1 of Article 18-A of the General Municipal Law of the State of New York (the "**State**"), as amended, together with Chapter 234 of the Laws of 1973 of the State of New York, as amended from time to time (collectively, 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, railroad facilities and certain horse racing facilities, 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, 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 grant "financial assistance" (as defined in the Act) in connection with the acquisition, reconstruction and equipping of one or more "projects" (as defined in the Act); and

**WHEREAS**, Oneida Lake Ready-Mix, LLC, a New York limited liability company, (the

“*Company*”), submitted an application to the Agency on or about February 18, 2009 (“*Application*”), a copy of which is on file at the office of the Agency, requesting that the Agency consider undertaking a project (the “*Project*”) consisting of (A) (i) the acquisition of a leasehold interest in approximately four acres of vacant land located at 2915 State Route 49 in the Town of West Monroe, New York, Oswego County (the “*Land*”); (ii) the construction of an approximate 4,800 square foot building for use as a heavy equipment repair shop, the construction of an approximate 500 square foot office building for use as a concrete plant office, and the construction an approximate 2,000 square foot plant building for use in the production of concrete (collectively, the “*Facility*”), all located on the Land; (iii) the acquisition of and installation in the Facility of various machinery, equipment and furnishings (the “*Equipment*”) (the Land, Facility and Equipment are hereinafter collectively referred to as the “*Project Facility*”); (B) the granting of certain financial assistance in the form of exemption from real property tax, mortgage recording tax and sales and use taxation, as well as a loan from the Agency’s Economic Development Fund in a principal amount not to exceed \$400,000 (collectively, the “*Financial Assistance*”); and (C) the lease of the Project Facility by the Agency pursuant to a lease agreement and the lease of the Project Facility back to the Company pursuant to a sublease agreement; and

**WHEREAS**, pursuant to SEQRA, the Agency is required to make a determination with respect to the environmental impact of any “action” (as defined by SEQRA) to be taken by the Agency, and the approval of the Project and grant of Financial Assistance constitute such an action; and

**WHEREAS**, to aid the Agency in determining whether the acquisition, demolition and construction of the Project may have a significant effect upon the environment, the Company has prepared and submitted to the Agency an Environmental Assessment Form (the “*EAF*”), a copy of which is attached hereto as **Exhibit “A”**, and copies of said EAF are on file in the office of the Agency and are readily accessible to the public; and

**WHEREAS**, the Agency has examined and reviewed the EAF in order to classify the Project and make a determination as to the potential significance of the Project pursuant to SEQRA; and

**NOW, THEREFORE**, be it resolved by the members of the County of Oswego Industrial Development Agency, as follows:

(1) Based upon an examination of the EAF prepared by the Company, the criteria contained in 6 NYCRR §617.7(c), and based further upon the Agency’s knowledge of the area surrounding the Project Facility, all the representations made by the Company in connection with the Project, 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 in the third Whereas clause of this resolution;

(b) The Project constitutes an “Unlisted Action” (as said quoted term is defined in SEQRA);

(c) The Project will not have a significant effect on the environment, and the Agency will not require the preparation of an Environmental Impact Statement with respect to the Project; and

(d) 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 “B”**, which shall be filed in the office of the Agency in a file that is readily accessible to the public.

(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 Secretary of the Agency is hereby authorized and directed to distribute copies of this Resolution to the Company and to do such further things or perform such acts as may be necessary or convenient to implement the provisions of this Resolution.

(4) The Agency hereby authorizes the Secretary to sign the Negative Declaration on the Agency’s behalf and authorizes Agency staff to take all further actions deemed necessary and appropriate to fulfill the Agency’s responsibilities under SEQRA.

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

	Aye	Nay	Abstain	Absent
Donald H. Kunzwiler	X			
Arthur W. Ospelt	X			
Carolyn A. Rush	X			
H. Leonard Schick	X			
Morris Sorbello	X			
Gary T. Toth	X			
L. Michael Treadwell	X			

The resolution was thereupon declared duly adopted.

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

I, the undersigned Secretary of the County of Oswego Industrial Development Agency, Do Hereby Certify that (i) I have compared the annexed extract of the minutes of the meeting of the County of Oswego Industrial Development Agency (the “**Agency**”) held on March 27, 2009, with the original thereof on file in my office, and that the same is a true and correct copy of the proceedings of the Agency and of the whole of such original insofar as the same relates to the subject matters referred to therein.

I Further Certify that (i) all members of the Agency had due notice of such meeting, (ii) pursuant to Section 104 of the Public Officers Law (Open Meetings Law), such meeting was open to the general public and public notice of the time and place of such meeting was duly given in accordance with such Section 104, (iii) the meeting was in all respects duly held, and (iv) there was a quorum present throughout.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the seal of the Agency on March 27, 2009.

\_\_\_\_\_  
Secretary

(SEAL)

**EXHIBIT “A”**

**ENVIRONMENTAL ASSESSMENT FORM**

**EXHIBIT "B"**

**NEGATIVE DECLARATION**

**NEGATIVE DECLARATION**

Notice of Determination of Non-Significance

Project Number: \_\_\_\_\_

Date: 3-27-09

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The County of Oswego Industrial Development Agency as lead agency, has determined that the proposed action described below will not have a significant environmental impact and a Draft Impact Statement will not be prepared.

**Name of Action:** Oneida Ready-Mix, LLC Project

**SEQR Status:** Type 1 \_\_\_\_\_  
Unlisted X

**Conditioned Negative Declaration:** \_\_\_\_\_ Yes  
X No

**Description of Action:**

The project consists of (A) (i) the acquisition of a leasehold interest in approximately four acres of vacant land located at 2915 State Route 49 in the Town of West Monroe, New York, Oswego County (the "Land"); (ii) the construction of an approximate 4,800 square foot building for use as a heavy equipment repair shop, the construction of an approximate 500 square foot office building for use as a concrete plant office, and the construction an approximate 2,000 square foot plant building for use in the production of concrete (collectively, the "Facility"), all located on the Land; (iii) the acquisition of and installation in the Facility of various machinery, equipment and furnishings (the "Equipment") (the Land, Facility and Equipment are hereinafter collectively referred to as the "Project Facility"); (B) the granting of certain financial assistance in the form of exemption from real property tax, mortgage recording tax and sales and use taxation, as well as a loan from the Agency's Economic Development Fund in a principal amount not to exceed \$400,000 (collectively, the "Financial Assistance"); and (C) the lease of the Project Facility by the Agency pursuant to a lease agreement and the lease of the Project Facility back to the Company pursuant to a sublease agreement.

**Location:** (Include street address and the name of the municipality/county. A location map of appropriate scale is also recommended.)

2915 State Route 49 in the Town of West Monroe, Oswego County, State of New York

SEQR Negative Declaration

**Reasons Supporting This Determination:**

(See 617.7(a)-(c) for requirements of this determination; see 617.7(d) for Conditioned Negative Declaration)

This determination is based upon an examination of the Full Environmental Assessment Form prepared by the Company, correspondence obtained from other involved agencies, the criteria contained in 6 NYCRR Section 617.7(c), and based further upon the County of Oswego Industrial Development Agency's knowledge of the area surrounding the Project Facility, other representations made by the Company in connection with the Project, and such further investigation of the Project and its environmental effects as the Agency has deemed appropriate.

**If Conditioned Negative Declaration**, provide on attachment the specific mitigation measures imposed, and identify comment period (not less than 30 days from date of publication in the ENB)

**For Further Information:**

Contact Person: Michael Treadwell

Address: County of Oswego Industrial Development Agency  
44 West Bridge Street  
Oswego, New York 13216

Telephone Number: (315) 343-1545

**For Type 1 Actions and Conditioned Negative Declarations, a Copy of this Notice is sent to:**

Chief Executive Officer, Town/City/Village of

Other involved agencies (if any)

Applicant (if any)

Environmental Notice Bulletin, 625 Broadway, Albany, NY 12233-1750 (Type One Actions only)