

**NOTICE OF PUBLIC HEARING
PURSUANT TO NEW YORK GENERAL MUNICIPAL LAW §859-a
ON PROPOSED PROJECT AND FINANCIAL ASSISTANCE**

NOTICE IS HEREBY GIVEN that a public hearing pursuant to Section 859-a of the New York General Municipal Law will be held by the County of Oswego Industrial Development Agency (the “**Agency**”) on the 14th day of June, 2021 at 11:00 o’clock a.m., local time, by telephone conference with the call-in number indicated below, in connection with the following matter:

In 2011, the Agency undertook on behalf of Champlain Valley Specialty of New York, Inc., a New York business corporation (the “**Company**”), a project (the “**2011 Project**”) consisting of: (A)(i) the acquisition of a leasehold interest in approximately 5.68 acres of improved real property located at 8033 State Route 104 in the Town of Oswego, New York, Oswego County (the “**2011 Land**”); (ii) the reconstruction and renovation of an approximately 27,000 square foot building for use as a fresh fruit processing facility on the 2011 Land (collectively the “**2011 Facility**”); and (iii) the acquisition of and installation in the 2011 Facility of various machinery, equipment and furnishings, including but not limited to manufacturing equipment for slicing, coring and treatment of fruit and packaging equipment for the packaging of processed fruit (collectively the “**2011 Equipment**”) (the 2011 Land, 2011 Facility and 2011 Equipment are hereinafter collectively referred to as the “**2011 Project Facility**”); (B) granting certain financial assistance in the form of exemptions from real property tax, mortgage recording tax, and sales and use taxation (the “**2011 Financial Assistance**”); (C) the appointment of the Company or its designee as an agent of the Agency in connection with the acquisition, reconstruction, renovation and equipping of the 2011 Project Facility; and (D) the lease of the 2011 Project Facility by the Agency pursuant to a lease agreement and the sublease of the 2011 Project Facility back to the Company pursuant to a sublease agreement.

In connection with the 2011 Project, the Agency and the Company entered into a Payment in Lieu of Real Property Taxes Agreement dated as of December 1, 2011 (the “**2011 PILOT Agreement**”) whereby the Company agreed to make payments in lieu of real property taxes in the amounts set forth on the scheduled attached thereto (the “**2011 PILOT Schedule**”).

In 2013, the Agency undertook on behalf of the Company, a project (the “**2013 Project**”) consisting of: (A)(i) the acquisition of a leasehold interest in approximately 17 acres of improved real property located at 8011 State Route 104 in the Town of Oswego, New York, Oswego County (the “**2013 Land**”); (ii) the reconstruction and renovation of an approximately 70,000 square foot building primarily for use as a light manufacturing facility on the 2013 Land, including a pre-sorting line for apple processing, warehousing and storage (collectively the “**2013 Facility**”); and (iii) the acquisition of and installation in the 2013 Facility of various machinery, equipment and furnishings, including but not limited to manufacturing equipment for slicing, coring and treatment of fruit and packaging equipment for the packaging of processed fruit (collectively, the “**2013 Equipment**”) (the 2013 Land, 2013 Facility and 2013 Equipment are hereinafter collectively referred to as the “**2013 Project Facility**”); (B) granting certain financial assistance in the form of exemptions from real property tax, mortgage recording tax, and sales and use taxation (the “**2013 Financial Assistance**”); (C) the appointment of the Company or its

designee as an agent of the Agency in connection with the acquisition, reconstruction, renovation and equipping of the 2013 Project Facility; and (D) the lease of the 2013 Project Facility by the Agency pursuant to a lease agreement and the sublease of the 2013 Project Facility back to the Company pursuant to a sublease agreement.

In connection with the 2013 Project, the Agency and the Company entered into a Payment in Lieu of Real Property Taxes Agreement dated as of February 1, 2013 (the “**2013 PILOT Agreement**” and, together with the 2011 PILOT Agreement, the “**Prior PILOT Agreements**”) whereby the Company agreed to make payments in lieu of real property taxes in the amounts set forth on the scheduled attached thereto (the “**2013 PILOT Schedule**” and, together with the 2011 Payment Schedule, the “**Prior Payment Schedules**”).

In 2020, the Agency undertook on behalf of the Company, a project (the “**2020 Project**” and, collectively with the 2011 Project and the 2013 Project, the “**Project**”) consisting of: (A)(i) the continuation of a leasehold interest in the 2011 Land and the acquisition of a leasehold interest in approximately 23.3 acres of improved real property located at 8011 State Route 104 in the Town of Oswego, State of New York (collectively, the “**2020 Land**”); (ii)(1) the reconstruction and renovation of the 2011 Facility; and (2) the construction of a waste water treatment facility (collectively, the “**2020 Facility**”); and (iii) the acquisition of and installation in the 2020 Facility of various machinery, equipment and furnishings, including but not limited to manufacturing equipment for slicing, coring and treatment of fruit and packaging equipment for the packaging of processed fruit (collectively the “**2020 Equipment**”) (the 2020 Land, 2020 Facility and 2020 Equipment are hereinafter collectively referred to as the “**2020 Project Facility**” and, collectively with the 2011 Project Facility and the 2013 Project Facility, the “**Project Facility**”); (B) granting certain financial assistance in the form of exemptions from real property tax, mortgage recording tax and sales and use taxation (the “**2020 Financial Assistance**”); (C) the appointment of the Company *or* its designee as an agent of the Agency in connection with the acquisition, construction, reconstruction, renovation and equipping of the 2020 Project Facility; and (D) the lease of the 2020 Project Facility by the Agency pursuant to a lease agreement and the sublease of the 2020 Project Facility back to the Company pursuant to a sublease agreement.

In connection with the 2020 Project, the Agency and the Company entered into a Payment in Lieu of Real Property Taxes Agreement dated as of February 1, 2020 (the “**2020 PILOT Agreement**”) whereby the Prior Payment Schedules were combined with the payment schedule for the 2020 Project into a combined payment schedule (the “**Combined Payment Schedule**”) and the Company agreed to make payments in lieu of real property taxes in accordance with the Combined Schedule.

The Company filed for reorganization under Chapter 11 of the United States Bankruptcy Code and, as part of the bankruptcy proceedings, the Project Facility was sold to Stellex/CF Buyer (US) LLC or an entity formed or to be formed on behalf the foregoing (the “**New Company**”). Agency has consented to the assignment of the 2020 PILOT Agreement and the related straight lease agreements (collectively, the “**Existing Transaction Documents**”) from the Company to the New Company. The New Company has requested that the Agency approve the amendment of the 2020 PILOT Agreement and the Combined Payment Schedule to incorporate

the Prior PILOT Schedules.

The New Company will be the owner and operator of the Project Facility.

The Agency has not made a decision with respect to the amendment of the 2020 PILOT Agreement. .

Because of the Novel Coronavirus (COVID-19) Emergency and State and Federal bans on large meetings or gatherings and pursuant to Governor Cuomo's Executive Order 202.1, as extended, continuing the suspension of the Open Meetings Law, this Public Hearing will be held via telephone conference call instead of a public hearing open for the public to attend in-person. Members of the public may listen to the Public Hearing and comment on the Project and the Financial Assistance requested by the Company during the Public Hearing by **conference call (605) 313-5709; Passcode: 836369#**. Comments also may be submitted to the Agency in writing at 44 West Bridge Street, Oswego, NY 13126 or electronically at oooc@oswegocounty.org. Minutes of the Public Hearing will be transcribed and a copy of the transcription will be available at the office of the Agency for review by interested persons.

The Agency will at the above-stated time and place hear all persons with views in favor of or opposed to the amendment of the 2020 PILOT Agreement. A copy of the New Company's request to amend the 2020 Pilot Agreement is available at the office of the Agency for review by interested persons.

**COUNTY OF OSWEGO INDUSTRIAL
DEVELOPMENT AGENCY**

Dated: May 25, 2021