

**RESOLUTION CONFIRMING SEQR DETERMINATION
MONAGHAN MEDICAL CORPORATION PROJECT**

A regular meeting of County of Clinton Industrial Development Agency (the "Agency") was convened in public session in the Clinton County Government Center located at 137 Margaret Street in the in the City of Plattsburgh, Clinton County, New York on November 26, 2018 at 12:00 o'clock p.m., local time.

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

PRESENT:

Trent Trahan	Chairperson
Michael E. Zurlo	Secretary
Kim Murray	Assistant Secretary
Keith Defayette	Treasurer
Mark Leta	Member

ABSENT:

David Hoover	Vice Chairperson
John VanNatten	Member

AGENCY STAFF PRESENT INCLUDED THE FOLLOWING:

Renee McFarlin	Executive Director
Toni Moffat	Executive Assistant
George W. Cregg, Jr., Esq.	Agency Counsel
Christopher C. Canada, Esq.	Agency Counsel

The following resolution was offered by M. Zurlo, seconded by K. Murray, to wit:

Resolution No. 11-18-01

RESOLUTION CONCURRING IN THE DETERMINATION BY TOWN OF
PLATTSBURGH PLANNING BOARD, AS LEAD AGENCY, FOR THE
ENVIRONMENTAL REVIEW OF THE MONAGHAN MEDICAL CORPORATION
PROPOSED PROJECT.

WHEREAS, County of Clinton 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") and Chapter 225 of the 1971 Laws of New York, as amended, constituting Section 895-f 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 commercial 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 and install one or more “ projects” (as defined in the Act) or to cause said projects to be acquired, constructed and installed, and to convey said projects or to lease said projects with the obligation to purchase; and

WHEREAS, in February, 2018, Monaghan Medical Corporation, a New York business corporation (the “Company”), submitted an application (the “Application”) to the Agency, a copy of which Application is on file at the office of the Agency, which Application requested that the Agency consider undertaking a project (the “Project”) for the benefit of the Company, said Project consisting of the following: (A) (1) the acquisition of an interest in an approximately 17 acre portion of an approximately 32.55 acre parcel of land located on Airport Road in the former Clinton County airport (being a portion of Tax Map No. 220.-1-3.1-1) in the Town of Plattsburgh, Clinton County, New York (the “Land”), (2) the construction on the Land of an approximately 60,000-65,000 square foot building and other site improvements (the “Facility”) and (3) the acquisition and installation therein and thereon of related fixtures, machinery, equipment and other tangible personal property (collectively, the “Equipment”) (the Land, the Facility, and the Equipment hereinafter collectively referred to as the “Project Facility”), all of the foregoing to constitute a medical device manufacturing and warehouse facility and other directly and indirectly related activities; (B) the granting of certain “financial assistance” (within the meaning of Section 854(14) of the Act) with respect to the foregoing, including potential exemptions from certain sales and use taxes, real property taxes, real property transfer taxes and mortgage recording taxes (collectively, the “Financial Assistance”); and (C) the lease (with an obligation to purchase) or sale of the Project Facility to the Company or such other person as may be designated by the Company and agreed upon by the Agency; and

WHEREAS, by resolution adopted by the members of the Agency on February 12, 2018 (the “Public Hearing Resolution”), the Agency authorized a public hearing to be held pursuant to Section 859-a of the Act with respect to the Project; and

WHEREAS, pursuant to the authorization contained in the Public Hearing Resolution, the Executive Director of the Agency (A) caused notice of a public hearing of the Agency (the “Public Hearing”) pursuant to Section 859-a of the Act, 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 or hand delivered on September 24, 2018 to the chief executive officers of the county and of each city, town, village and school district in which the Project Facility is to be located, (B) caused notice of the Public Hearing to be posted on (1) September 25, 2018 at the Town of Plattsburgh Town Hall located at 151 Banker Road in the Town of Plattsburgh, Clinton County, New York and (2) September 21, 2018 on the Agency’s website, (C) caused notice of the Public Hearing to be published on September 27, 2018 in The Press Republican, a newspaper of general circulation available to the residents of Clinton County, New York, (D) conducted the Public Hearing on October 12, 2018 at 9:00 a.m., local time at the Town of Plattsburgh Town Hall located at 151 Banker Road in the Town of Plattsburgh, Clinton County, New York, and (E) prepared a report of the Public Hearing (the “Public Hearing Report”) fairly summarizing the views presented at such Public Hearing and caused copies of said Public Hearing Report to be made available to the members of the Agency; and

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law, Chapter 43-B of the Consolidated Laws of New York, as amended (the “SEQR Act”) and the regulations (the “Regulations”) adopted pursuant thereto by the Department of Environmental Conservation of the State of New York (collectively with the SEQR Act, “SEQRA”), by resolution adopted by the members of the Agency on

February 12, 2018 (the "Preliminary SEQR Resolution"), the Agency (A) determined (1) that the Project involves more than one "involved agency", and (2) that, the Agency wished to investigate the advisability of undertaking a coordinated review with respect to the Project and (B) authorized the Executive Director of the Agency to contact all other "involved agencies" for the purpose of ascertaining whether such "involved agencies" were interested in undertaking a coordinated review of the Project and, if so, designating a "lead agency" with respect to the Project (as such quoted terms are defined in SEQRA); and

WHEREAS, further pursuant to SEQRA, the Agency has been informed that (1) the Town of Plattsburgh Planning Board (the "Planning Board") was designated to act as "lead agency" with respect to the Project, and (2) the Planning Board issued a Determination of Non Significance on November 20, 2018 (the "Negative Declaration"), attached hereto as Exhibit A, determining that the acquisition, construction and installation of the Project Facility will not have a "significant effect on the environment"; and

WHEREAS, the Agency is an "involved agency" with respect to the Project and the Agency now desires to concur in the determination by the Planning Board, as "lead agency" with respect to the Project, to acknowledge receipt of a copy of the Negative Declaration and to indicate whether the Agency has any information to suggest that the Planning Board was incorrect in determining that the Project will not have a "significant effect on the environment" pursuant to SEQRA and, therefore, that no environmental impact statement need be prepared with respect to the Project;

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

Section 1. The Agency has received copies of, and has reviewed, the Application, an environmental assessment form prepared by the Company and the Negative Declaration (collectively, the "Reviewed Documents") and, based upon said Reviewed Documents, the Agency hereby ratifies and concurs in the designation of the Planning Board as "lead agency" with respect to the Project under SEQRA (as such quoted term is defined in SEQRA).

Section 2. The Agency hereby determines that the Agency has no information to suggest that the Planning Board was incorrect in determining that the Project will not have a "significant effect on the environment" pursuant to the SEQRA and, therefore, that environmental impact statement need not be prepared with respect to the Project (as such quoted phrase is used in SEQRA).

Section 3. The members of the Agency are hereby directed to notify the Planning Board of the concurrence by the Agency that the Planning Board shall be the "lead agency" with respect to the Project, and to further indicate to the Planning Board that the Agency has no information to suggest that the Planning Board was incorrect in its determinations contained in the Negative Declaration.

Section 4. This Resolution shall take effect immediately.

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

Trent Trahan	VOTING	YES
David Hoover	EXCUSED	EXCUSED
Michael E. Zurlo	VOTING	YES
Kim Murray	VOTING	YES
Keith Defayette	VOTING	YES
Mark Leta	VOTING	YES
John VanNatten	EXCUSED	EXCUSED

The foregoing Resolution was thereupon declared duly adopted.

STATE OF NEW YORK)
) SS.:
COUNTY OF CLINTON)

I, the undersigned (Assistant) Secretary of County of Clinton Industrial Development Agency (the "Agency"), DO HEREBY CERTIFY that I have compared the foregoing annexed extract of the minutes of the meeting of the members of the Agency, including the Resolution contained therein, held on November 26, 2018 with the original thereof on file in my office, and that the same is a true and correct copy of said original and of such Resolution contained therein and of the whole of said original so far as the same relates to the subject matters 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 and affixed the seal of the Agency this 26th day of November, 2018.


(Assistant) Secretary

(SEAL)

EXHIBIT A
NEGATIVE DECLARATION

**TOWN OF PLATTSBURGH
PLANNING BOARD MEETING
NOVEMBER 20, 2018**

Resolution No. 18-61

Motioned by: Terry Senecal

WHEREAS, the Town of Plattsburgh's Planning Board has before it a project known as the:

MONAGHAN MEDICAL CORPORATION SITE PLAN 2018- Request to construct a 65,000 +/- sq. ft. light manufacturing facility and related site improvements. Located at 11 Airport Rd. with public water and public sewer; Zoned AD TB; Tax Map Parcel #220.-1-3.1-1. Owner: Clinton County Airport; Applicant: Monaghan Medical Corporation; Engineer: RMS **SEQR DETERMINATION**; and

WHEREAS, Part 617 of the Environmental Conservation Law - "State Environmental Quality Review Act", provides for the review of any "ACTION" to determine the effect of the action on the environment, along with any related administrative procedures for the implementation, authorization or approval of the action; and

WHEREAS, said Part 617 of the Environmental Conservation Law provides for an involved agency to review any action for the purpose of determining the effect of the action on the environment; and

WHEREAS, the Town's Planning Department received the Site Plan applications, maps, plans, the completed EAF, Part I, and other related project materials; and

WHEREAS, the Town's Planning Board reviewed the information filed with the application for the Project, including but not limited to the EAF Part 1 SEQRA Review, stormwater management plan dated October 29th, 2018 and additional information listed above as provided to supplement and clarify the same; and

WHEREAS, the Town's Engineering Consultant, Laberge Group reviewed the stormwater management plan for the project and provided a review letter dated, November 13, 2018. The project is required to comply with all review comments and update the Stormwater Management plan accordingly; and

WHEREAS, the Town's Planning Department and Planning Board conducted a detailed and comprehensive environmental review of the Project to determine whether there was a significant impact which would require the preparation of a Draft Environmental Impact Statement (DEIS); now, therefore be it

RESOLVED, that the Town's Planning Board does hereby determine that the Monaghan Medical Corporation Site Plan 2018 does constitute a "UNLISTED ACTION" in accordance with said Environmental Review procedures and a coordinated review has been conducted; and, be it further

RESOLVED, that the Town's Planning Board acting as the "Lead Agency" in a SEQRA Review does hereby receive and place on file the _____ Subdivision and/or _____ x _____ Site Plan applications, maps, plans, completed EAF and other related material submitted; and, be it further

RESOLVED, that the Town Planning Board has reviewed the Planning Department's recommendations and findings herein and does determine that:

- a) The overall scope of development for the site is less than the scope of the development permitted by the town's zoning regulations; and
- b) The access and traffic proposed in the Project were reviewed by the Town Planning Board and found to be acceptable; and
- c) The proposed impervious area in the Project Plan is significant, but will be mitigated with stormwater controls in accordance with the Towns Zoning Ordinance and NYSDEC regulations; and
- d) The erosion and sedimentation from the development and water quality during such development will be properly controlled as proposed by the storm water management plan submitted and accepted by the Town Planning Department, and it is further
- e) The project is located within close proximity to known wetlands. The project must identify the jurisdiction of such wetlands and implement the appropriate buffer zone as applicable.

RESOLVED, that the Project does not:

- a) involve a substantial adverse change in existing air quality, ground or surface water quality, traffic or noise levels, solid waste production, potential for erosion, flooding or drainage problems;
- b) involve the removal or destruction of large quantities of vegetation or the interference with plant or animal life or impacts on a significant habitat area; substantial adverse impacts on a threatened or endangered species of plant or animal, or the habitat area of such species, or other significant adverse

impacts to natural resources,

- c) conflict with the Town's current plans or goals for the area where the project is located
- d) impair the character or quality of the neighborhood;
- e) represent a major change in the use of energy;
- f) create any hazards to human health;
- g) represent a substantial change in the use of the land;
- h) Significantly increase the number of people who would come to the site absent such development that would create a negative impact on traffic flow. Yet, it is recognized a traffic study may be warranted during later phases of development; or
- i) impair the environmental characteristics of the area; and, it is further

RESOLVED, that any approval of detailed preliminary plans for this project will be subject to compliance with the provisions of this SEQRA analysis, including compliance with all Town and State stormwater regulations; and, be it further

RESOLVED, that the Town Planning Board of the Town of Plattsburgh after review of the said Subdivision and/or x Site Plan application, maps, plan, completed EAF, and related materials does hereby determine as "Lead Agency" for the SEQRA Review process that the "Project" will NOT have a significant effect on the environment. Therefore, the preparation of a DEIS is NOT required; and, be it further

RESOLVED, that the Town Planning Board does hereby declare that the Project and environmental review process considered for the development does adequately and sufficiently satisfy the requirements of the State Environmental Quality Review Act for the Project; and be it further

RESOLVED, that a copy of this resolution be forwarded to other involved agencies who may be reviewing the Project for their records and files, and be it further

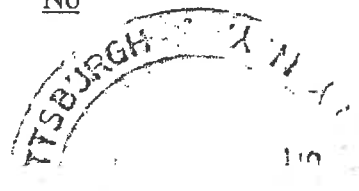
RESOLVED, that the Planning Board of the Town of Plattsburgh does hereby authorize and direct the Chairman of the Planning Board to have prepared and to execute a "Notice of No Significant Environmental Impact" (NEGATIVE DECLARATION) for this "Project"; and, be it further

RESOLVED, that the "Notice of No Significant Environmental Impact" (NEGATIVE DECLARATION) shall be disseminated to those involved Agencies and Governmental Units as required by said Environmental Conservation and all related material shall be maintained on file at the Town Hall Offices of the Planning Board and available for Public Inspection.

Seconded By: Anne Brandell

Discussion: Town Senior Planner, Trevor Cole informed the Planning Board that the project had submitted a complete SEQRA short form EAF Part I and that Staff had completed the Part II for their review. Mr. Cole indicated that no significant environmental issues associated with the project had been identified and recommended the Planning Board file a Negative Declaration of environmental significance for the project. The Planning Board unanimously agreed.

Roll Call:	<u>Yes</u>	<u>No</u>
Anne Brandell	X	
Jeff Wagner, Acting Chairman	X	
Tim Palmer, Chairman	Excused	
Terry Besaw	X	
Terry Senecal	X	
Maureen Faucher	X	
Debbie Blake (Alt.)	Present, not voting	
James Sherman (Alt.)	Present, not voting	



Amy J. Menard
Deputy Clerk

Carried: 5-0