

**PRELIMINARY SEQR RESOLUTION  
ERS ROUSES POINT LLC PROJECT**

A regular meeting of County of Clinton Industrial Development Agency (the "Agency") was convened in public session in the offices of the Agency located at 137 Margaret Street, Suite 208 in the City of Plattsburgh, Clinton County, New York on October 7, 2019 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      |
| David Hoover     | Vice Chairperson |
| Michael E. Zurlo | Secretary        |
| Keith Defayette  | Treasurer        |
| Mark Leta        | Member           |
| John VanNatten   | Member           |

ABSENT:

|            |                     |
|------------|---------------------|
| Kim Murray | Assistant Secretary |
|------------|---------------------|

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 D. Hoover, seconded by J. VanNatten, to wit:

Resolution No. 10-19-01

RESOLUTION DIRECTING THE EXECUTIVE DIRECTOR OF COUNTY OF CLINTON INDUSTRIAL DEVELOPMENT AGENCY TO TAKE CERTAIN ACTIONS UNDER ARTICLE 8 OF THE ENVIRONMENTAL CONSERVATION LAW IN CONNECTION WITH A PROPOSED PROJECT TO BE UNDERTAKEN FOR THE BENEFIT OF ERS ROUSES POINT LLC.

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 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, ERS Rouses Point LLC, a New York State limited liability company (the “Company”), has presented an application (the “Application”) to the Agency, a copy of which Application is on file at the office of the Agency, requesting 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 five (5) parcels of land containing approximately 80 acres located at 64 Maple Street and Academy Street (Tax Map Numbers 20.14-1-3.3, 20.14-1-3.1, 20.14-1-5, 20.14-1-27 and 20.14.1-28) in the Village of Rouses Point, Town of Champlain, Clinton County, New York (collectively, the “Land”), together with three (3) buildings located thereon containing in the aggregate approximately 233,876 square feet of space (collectively, the “Facility”), (2) the renovation and reconstruction of the Facility, (3) the further construction on the Land of a rail spur and the making of other infrastructure improvements (collectively, the “Improvements”) and (4) the acquisition and installation therein and thereon of related fixtures, machinery, equipment and other tangible personal property, including without limitation, tenant improvement and finish (collectively, the “Equipment”) (the Land, the Facility, the Improvements and the Equipment hereinafter collectively referred to as the “Project Facility”), all of the foregoing to constitute various manufacturing, warehouse, industrial and office space to be owned by the Company and leased to various tenants, 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 estate 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, 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 adopted pursuant thereto by the Department of Environmental Conservation of the State of New York, being 6 NYCRR Part 617, as amended (the “Regulations”, and collectively with the SEQR Act, “SEQRA”), the Agency must satisfy the requirements contained in SEQRA prior to making a final determination whether to undertake the Project; and

WHEREAS, Section 617.6(b) of the Regulations provides that (A) for all “Type I actions”, a lead agency must be established, and (B) for any “unlisted action” which involves more than one “involved agency”, a lead agency must be established if the Agency determines that there will be a coordinated review of such “unlisted action” (as such quoted terms are defined in the Regulations);

WHEREAS, pursuant to the Regulations, the Agency has examined the Application in order to make an initial determination as to the potential environmental significance of the Project and the number of agencies that may be involved with respect to the Project;

WHEREAS, based upon a review of the Application, the Agency wishes to explore the desirability of following the coordinated review procedures outlined in the Regulations with respect to the Project;

WHEREAS, 6NYCRR Section 617.6 requires that the Agency review a completed environmental assessment form (an “EAF”) prior to making a determination as to the potential environmental significance of the Project; and

WHEREAS, the Agency has been informed that the Agency will be receiving an EAF from the Company 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 reviewed the Application and, based upon the representations made by the Company to the Agency in the Application and at this meeting, the Agency wishes to investigate the advisability of undertaking a coordinated review with respect to the Project.

Section 2. For purposes of investigating the advisability of undertaking a coordinated review with respect to the Project and determining whether the Project may have a “significant effect on the environment” (as such quoted terms are defined under SEQRA), the Executive Director of the Agency is hereby authorized and directed to take the following actions:

(A) To obtain an EAF with respect to the Project from the Company;

(B) To review the EAF with counsel to the Agency, and prepare proceedings to allow the Agency to comply with the requirements of SEQRA that apply to the Project;

(C) To contact all other “involved agencies” with respect to the Project for the purpose of ascertaining whether they are interested in undertaking a coordinated review with respect to the Project (as such quoted term is defined under SEQRA);

(D) In the event that (1) all other “involved agencies” indicate that they are interested in undertaking a coordinated review of the Project, (2) one of the other “involved agencies” indicates that it desires to be designated as “lead agency” with respect to the Project and (3) the other “involved agencies” are amenable to designating such involved agency as “lead agency”, to take all necessary steps to indicate the concurrence of the Agency that such “involved agency” be designated as “lead agency” (as such quoted terms are defined under SEQRA);

(E) In the event that all other “involved agencies” indicated that they are interested in undertaking a coordinated review of the Project and none of the other “involved agencies” indicates that it desires to be designated as the “lead agency” with respect to the Project, to take all necessary steps to arrange for the Agency to be designated as “lead agency” with respect to the Project (as such quoted terms are defined under SEQRA); and

(F) Upon completion of the foregoing steps, to report to the Agency at its next meeting on the status of the environmental review process with respect to the Project.

Section 3. 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  | <u>YES</u>     |
| David Hoover     | VOTING  | <u>YES</u>     |
| Michael E. Zurlo | VOTING  | <u>YES</u>     |
| Keith Defayette  | VOTING  | <u>YES</u>     |
| Kim Murray       | EXCUSED | <u>EXCUSED</u> |
| Mark Leta        | VOTING  | <u>YES</u>     |
| John VanNatten   | VOTING  | <u>YES</u>     |

The foregoing Resolution was thereupon declared duly adopted.

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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 October 7, 2019 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 7<sup>th</sup> day of October, 2019.

  
(Assistant) Secretary

(SEAL)