

## MINUTES OF PUBLIC HEARING

Oneida County Industrial Development Agency  
2021 Real Estate Lease  
63 Wurz Ave., LLC Facility

1. Mark Kaucher, representing the Oneida County Industrial Development Agency (the "Agency"), called the hearing to order. 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 220.1 issued on March 12, 2020 suspending the Open Meetings Law, the Public Hearing was held electronically via webinar instead of a public hearing open for the public to attend.
2. Mr. Kaucher also recorded the minutes of the hearing.
3. Mr. Kaucher then described the proposed project and related financial assistance as follows:

63 Wurz Ave., LLC, on behalf of itself and/or the principals of 63 Wurz Ave., LLC, and/or an entity formed or to be formed on behalf of any of the foregoing (collectively, the "Company") has applied to the Oneida County Industrial Development Agency (the "Agency") to enter into a transaction in which the Agency will assist in the construction of a 9,600± square foot, six-bay, state-of-the-art fleet maintenance facility together with all infrastructure to service the same (collectively, the "Improvements") situated on parcels of land measuring 4.50± acres in the aggregate located at 55 – 63 Wurz Avenue, City of Utica, Oneida County New York (the "Land") and the acquisition and installation of equipment in the Improvements (the "Equipment"), all for the purpose of providing specialized service and repair of equipment used in the related recycling and containerized shipping businesses operated by Empire Recycling Corporation ("Empire Recycling Corporation") and ERL Intermodal ("ERL Intermodal") (the Land, the Improvements and the Equipment are referred to collectively as the "Facility" and the construction and equipping of the Improvements is referred to as the "Project"). The Facility will be initially operated and/or managed by the Company.

The Company owns the Land and Existing Improvements, and will lease the Facility to the Agency. The Agency will lease the Facility back to the Company pursuant to a leaseback agreement. At the end of the lease term, the Agency will terminate its leasehold interest in the Facility. The Company will further sublease the Facility to Truck 63, LLC (the "Sublessee") for its operation pursuant to a sublease agreement. The Agency is contemplating providing financial assistance in the form of

exemptions from real property taxes for a period of ten years, during which time the Company will make fixed PILOT Payments and exemptions from sales tax on materials and equipment acquired and installed in connection with the Project, which financial assistance is a deviation from the Agency's Uniform Tax Exemption Policy, to be more particularly described in a Final Authorizing Resolution to be adopted by the Agency prior to the closing of the transactions described herein.

4. Mr. Kaucher then opened up the hearing for comments from the floor for or against the proposed financial assistance and the location and nature of the Facility. Attached is a listing of the persons heard and a summary of their views.
5. Mr. Kaucher then asked if there were any further comments, and, there being none, the hearing was closed at 9:08 a.m.



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Mark Kaucher

Anthony J. Picente Jr.  
County Executive

Shawna M. Papale  
Secretary/  
Executive Director

Jennifer Waters  
Assistant Secretary

ONEIDA COUNTY INDUSTRIAL  
DEVELOPMENT AGENCY



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Eugene Quadraro  
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TO: OCIDA Board of Directors

FROM: Mark Kaucher

DATE: June 9, 2020

RE: 63 Wurz Ave., LLC  
June 9, 2020 Public Hearing Minutes  
WebX Tele-conference due to COVID-19 Emergency

Representing the Agency: Jennifer Waters, Mark Kaucher

Attendance: Michael Way, 63 Wurz Ave., LLC

Public hearing opened at 8:58 AM.

Reading of the public hearing notice was waived. There were no comments made regarding the project.

Public Hearing was closed at 9:08 AM.


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

I, the undersigned Secretary of the Oneida County Industrial Development Agency, DO HEREBY CERTIFY:

That I have compared the foregoing copy of the minutes of a public hearing held by the Oneida County Industrial Development Agency (the "Agency") on June 9, 2020 at 9:00 a.m. local time, at 584 Phoenix Drive, City of Rome, New York, with the original thereof on file in the office of the Agency, and that the same is a true and correct copy of the minutes in connection with such matter.

I FURTHER CERTIFY that (i) pursuant to the Novel Coronavirus (COVID-19) Emergency and State and Federal bans on large meetings or gatherings and pursuant to Governor Cuomo's Executive Order 220.1 issued on March 12, 2020 suspending the Open Meetings Law, the public hearing was held electronically via webinar instead of a public hearing open for the public to attend and public notice of the call-in information for said hearing was duly given, (ii) the hearing in all respects was duly held, and (iii) members of the public had an opportunity to be heard.

IN WITNESS WHEREOF, I have hereunto set my hand as of April 28, 2021.

  
Secretary