

SEQR Resolution

RESOLUTION OF THE ONEIDA COUNTY INDUSTRIAL DEVELOPMENT AGENCY DETERMINING THAT ACTION TO PROVIDE FINANCIAL ASSISTANCE RELATING TO A PROJECT FOR THE BENEFIT OF SQ1 HOLDINGS, LLC WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT

WHEREAS, SQ1 Holdings, LLC, on behalf of itself and/or the principals of SQ1 Holdings, LLC and/or an entity formed or to be formed on behalf of any of the foregoing (collectively, the "Company") previously applied to the Oneida County Industrial Development Agency (the "Agency") to enter into a lease-leaseback transaction in which the Agency will assist in the acquisition and renovation of a 14,000± square foot, one-story manufacturing/office building, parking lot and two loading docks (collectively, the "Existing Improvements") situated on a 5.5± acre parcel of land located at 170 Base Road, Town of Whitestown, County of Oneida (the "Land") and acquired and installed equipment in the Existing Improvements (the "Existing Equipment"), all for the purpose of providing metal finishing services (the Land, Existing Improvements and Existing Equipment is referred to as the "2017 Facility" and the acquisition, renovation and equipping of the 2017 Facility is referred to as the "2017 Project"); and

WHEREAS, the Company leases the 2017 Facility to the Agency pursuant to a Lease Agreement dated as of February 27, 2017 (the "2017 Lease Agreement") and the Agency leases the 2017 Facility back to the Company pursuant to a Leaseback Agreement dated as of February 27, 2017 (the "2017 Leaseback Agreement"); and

WHEREAS, the Company subleases the 2017 Facility to Square One Coating Systems, LLC (the "Sublessee") for its operation pursuant to a lease agreement dated February 27, 2017 (the "2017 Sublease Agreement"); and

WHEREAS, the Company now desires to construct a 15,000± square foot addition to the Existing Improvements (the "Addition") and acquire and install furniture and equipment in the Addition (the "Equipment"), all for the purpose of increasing efficiency and expanding production (the Addition and the Equipment is referred to as the "2021 Facility" and the construction and equipping of the Addition is referred to as the "Project"); 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"), the Agency desires to determine whether the acquisition, construction and equipping of the 2021 Facility may have a "significant effect on the environment" (as said quoted term is defined in the SEQR Act and the Regulations) and therefore require the preparation of an environmental impact statement; and

WHEREAS, to aid the Agency in determining whether the acquisition, construction, and equipping of the Facility may have a significant effect upon the environment, the Company has prepared and submitted to the Agency a short environmental assessment form (the "EAF"), a copy of which was presented to and reviewed by the Agency at this meeting and copies of which are on file at the office of the Agency; and

WHEREAS, to aid the Agency in determining whether the acquisition, construction, and equipping of the Facility may have a significant effect upon the environment, the Agency has reviewed the determinations made by the Town of Whitestown Planning Board (the "Lead Agency") and the negative declaration contained in the minutes of the February 24, 2021 meeting of the Lead Agency and Parts 2 and 3 EAF signed by the Lead Agency on March 24, 2021 (collectively, the "Lead Agency Determination"); and

WHEREAS, pursuant to the Regulations, the Agency has examined the EAF and the Lead Agency Determination in order to make a determination as to the potential environmental significance of the Facility.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE ONEIDA COUNTY INDUSTRIAL DEVELOPMENT AGENCY AS FOLLOWS:

Section 1. Based on an examination of the Application, the EAF, the Lead Agency Determination, and based further upon the Agency's knowledge of the area surrounding the 2021 Facility and such further investigation of the 2021 Facility and its environmental effects as the Agency has deemed appropriate, the Agency makes the following findings and determinations with respect to the 2021 Facility:

- (A) The 2021 Facility is as described in the Application and the EAF;
- (B) The 2021 Facility constitutes an "Unlisted Action" (as defined in the Regulations);
- (C) No potentially significant impacts on the environment are noted in the EAF for the 2021 Facility, and none are known to the Agency;
- (D) The 2021 Facility will not result in (i) substantial adverse change in existing air quality; ground or surface water quality or quantity, traffic or noise levels; a substantial increase in solid waste production; or a substantial increase in potential for erosion, flooding, leaching or drainage problems; (ii) the removal or destruction of large quantities of vegetation or fauna; substantial interference with the movement of a resident or migratory fish or wildlife species; impacts on a significant habitat area; substantial adverse impacts on threatened or endangered species of animal or plant, or the habitat of such species; or (iii) other significant adverse impacts to natural resources;
- (E) The 2021 Facility will not affect a critical environmental area as designated pursuant to 6 NYCRR 617.14(g);
- (F) The 2021 Facility will not conflict with the community's current plans or goals as officially approved or adopted;
- (G) The 2021 Facility will not result in the impairment of the character or quality of important historical, archeological, architectural, or aesthetic resources or of existing community or neighborhood character;
- (H) The 2021 Facility will not result in a major change in the use of either the quantity or type of energy;

(I) The 2021 Facility will not result in the creation of a hazard to human health;

(J) The 2021 Facility will not result in a substantial change in the use, or intensity of use, of land including architectural, open space or recreational resources, or in its capacity to support existing uses;

(K) The 2021 Facility will not result in encouraging or attracting of a large number of people to a place or places for more than a few days, compared to the number of people who would come to such place absent the action;

(L) The 2021 Facility will not result in the creation of a material demand for other actions that would result in one or more of the above consequences;

(M) The 2021 Facility will not result in changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment; and

(N) The 2021 Facility will not result in two or more related actions undertaken, funded or approved by an agency, none of which has or would have a significant impact on the environment, but when considered cumulatively would meet one or more of the criteria in 6 NYCRR Section 617.7(c).

Section 2. The Agency hereby determines that the 2021 Facility will not have a significant impact on the environment and the Agency will not require the preparation of an environmental impact statement with respect to the 2021 Facility. As a result, the Agency has prepared a negative declaration with respect to the 2021 Facility.

Section 3. The Executive Director of the Agency is hereby directed to file in the Agency's records a negative declaration with respect to the 2021 Facility (said negative declaration to be substantially in the form and substantially to the effect of the negative declaration attached hereto).

Section 4. This resolution shall take effect immediately.

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

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

I have compared the foregoing copy of a resolution of the Oneida County Industrial Development Agency (the "Agency") with the original thereof on file in the office of the Agency, and the same is a true and correct copy of such resolution and of the proceedings of the Agency in connection with such matter.

Such resolution was passed at a meeting of the Board of Directors of the Agency duly convened in public session on March 26, 2021 at 8 a.m. local time, at 584 Phoenix Drive, Rome, New York at which the following members were:

Members Present: Webex: David Grow, L. Michael Fitzgerald; Mary Faith Messenger; Steve Zogby; Ferris Betrus, Kirk Hinman, Gene Quadraro.

EDGE Staff Present: Webex: Steven DiMeo, Shawna Papale, Maureen Carney, Bill Van Shufflin, Jennifer Waters, Mark Kaucher, Tim Fitzgerald.

Other Attendees: Webex/Teleconference: Linda Romano, Bond, Schoeneck & King; Mark Levitt & Jenna Peppenelli, Levitt & Gordon; Rome Mayor Jackie Izzo; Gregg Evans and Michelle Lesser, Bonadio & Associates; Barry Carrigan, Nixon Peabody; Genevieve Trigg and Kevin McCauliffe, Barclay Damon, and Peter McCauliffe, Omni Navitas

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

Voting Aye

Voting Nay

Ferris Betrus
L. Michael Fitzgerald
David Grow
Kirk Hinman
Mary Faith Messenger
Eugene Quadraro
Steven Zogby

and, therefore, the resolution was declared duly adopted.

I FURTHER CERTIFY that (i) all members of the Agency had due notice of said meeting, (ii) 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 meeting was held electronically via webinar instead of a public meeting open for the public to attend and public notice of the call-in information for said meeting was duly given, (iii) the meeting in all respects was duly held, and (iv) there was a quorum present throughout.

IN WITNESS WHEREOF, I have hereunto set my hand as of this 22nd day of September 2021.



Shawna Papale, Secretary