

RESOLUTION OF THE ONEIDA COUNTY INDUSTRIAL DEVELOPMENT AGENCY DETERMINING THAT ACTION TO PROVIDE FINANCIAL ASSISTANCE RELATING TO A PROJECT FOR THE BENEFIT OF MATT BREWING CO., INC. WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT

WHEREAS, the Agency previously provided financial assistance to the Company in connection with (i) demolition of a portion of and renovations to the 15,732± square foot existing second floor of the bottling facility and the construction of a new 25,000± square foot finished goods warehouse facility after the 2008 fire at the Company (collectively, the "2009 Improvements"), all situated on a 7.1± acre parcel of land located at 811 Edwards Street, City of Utica, Oneida County, New York (the "Land"); and the acquisition and installation of equipment in the Improvements (the "2009 Equipment" and together with the Land and the 2009 Improvements, the "2009 Facility"); (ii) construction on the Land of a compact Anaerobic Fluidized Bed Digester system for wastewater treatment and on-site energy generation and a small control building (collectively, the "2012 Improvements"); and the acquisition and installation of equipment in the 2012 Improvements (the "2012 Equipment" and together with the Land and the 2012 Improvements the "2012 Facility"); and (iii) a capacity expansion and brewery modernization project consisting of (a) construction of a 15,000± square foot fermenting and aging cellar (the "Aging Cellar") situated on a 1± acre vacant parcel of land located at 806 – 832 (consolidated to 814) Edward Street, City of Utica, New York (the "2017 Land"); (b) construction on the Land of a two-story, 4,800 square foot addition to the existing brew house (the "Brew House Addition"); (c) construction of an overhead pipe bridge over Edward Street to connect the Aging Cellar with the Existing Facility (the "Pipe Bridge"); (d) removal of a portion of the parking lot and restriping of the parking lot (the "Parking Lot" and together with the Aging Cellar, the Brew House Addition and the Pipe Bridge, the "2018 Improvements"); and (d) acquisition and installation of equipment in the 2018 Improvements and the Existing Improvements, including but not limited to a new centrifuge, malt cooker, brew kettle, and sixteen vertical fermenting and aging tanks (the "2018 Equipment" and together with the 2018 Land and the 2018 Improvements, the "2018 Facility" and together with the 2009 Facility and the 2012 Facility, the "Existing Facility"); and

WHEREAS, the Company has applied to the Agency to enter into a transaction in which the Agency will assist with a capital project consisting of (a) renovations and infrastructure enhancements within the Existing Facility and the 2018 Facility, including but not limited to construction of a ±300 square foot distilled spirits handling facility (collectively, the "Improvements"), and (b) acquisition and installation of equipment in the Improvements (collectively, the "Equipment"), all for the purpose of expanding operations to increase production and creating jobs (the Improvements and the Equipment are referred to collectively as the "2021 Facility," and the construction, renovation and equipping of the Improvements is referred to collectively as the "2021 Project"); and

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law, Chapter 43B 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, renovation and equipping of the Facility may have a "significant effect on

the environment" (as said quoted term is defined in the SEQRA 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, renovation, and equipping of the 2021 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, pursuant to the Regulations, the Agency has examined the EAF and the in order to make a determination as to the potential environmental significance of the 2021 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 and the EAF, 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 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 July 16, 2021 at 8:07 a.m. local time, at 584 Phoenix Drive, Rome, New York at which the following members were:

Members Present: David Grow; Kirk Hinman; Mary Faith Messenger, E. Quadraro; Steve Zogby.

Members Present Webex/Teleconference: Ferris Betrus, L. Michael Fitzgerald

EDGE Staff Present: Shawna Papale; Mark Kaucher; Steve DiMeo; Maureen Carney; Bill Van Shufflin

Others Present: Rome Mayor Jackie Izzo; Jesse Plumley, Plumley Engineering

Others Present Webex/Teleconference: Linda Romano & Laura Ruberto, Bond, Schoeneck & King; Mark Levitt & Jenna Peppenelli, Levitt & Gordon; Matt Andrews, City of Rome; Amanda Zurla and Olivia Sproviero, GSPP 7024 Fox Rd (Marcy Solar) Genevieve Trigg, Barclay Damon; Fred Matt and Karl Lindhorst, Matt Brewing Co., Inc.; Matt Andrews, City of Rome

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

- F. Betrus
- K. Hinman
- M.F. Messenger
- D. Grow
- M. Fitzgerald
- E. Quadraro
- S. Zogby

and, therefore, the resolution was declared duly adopted.

I FURTHER CERTIFY that (i) all directors of the Agency had due notice of said meeting, (ii) pursuant to Sections 103a and 104 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public and public notice of the time and place of said meeting was duly given in accordance with such Sections 103a and 104, (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 the 21st day of December, 2021



Shawna Papale, Secretary