

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

WHEREAS, the Oneida County Industrial Development Agency (the "Agency") previously provided financial assistance to Nortek Powder Coating, LLC (the "Company") in connection with the acquisition and renovation of an 44,815± square foot manufacturing facility (the "Existing Improvements") located on the Land and the acquisition and installation of equipment in the Improvements (the "Existing Equipment"), all used for the purpose of formulating and manufacturing custom powder (the Land, the Existing Improvements and the Existing Equipment referred to collectively as the "Existing Facility");

WHEREAS, there was submitted to the Agency a proposal to undertake the providing and leasing of an industrial development facility to the Company (the "Project") consisting of construction of a 13,000± square foot addition to the Existing Facility (the "Addition") and the acquisition and installation of machinery, furnishings and equipment at the Addition (the "2016 Equipment"), all to increase production capabilities (the Addition and the 2016 Equipment are collectively referred to as the "2016 Facility," and the Existing Facility and the 2016 Facility are collectively referred to as the "Facility"), including the following as they relate to the construction and equipping of such buildings, whether or not any materials or supplies described below are incorporated into or become an integral part of such buildings: (i) all purchases, leases, rentals and other uses of tools, machinery and equipment in connection with the acquisition, construction and equipping, and (ii) purchases, rentals, uses or consumption of supplies, materials and services of every kind and description used in connection with the construction and equipping and (iii) all equipment, machinery, and other tangible personal property (including installation costs with respect thereto), installed or placed in, upon or under such building;

WHEREAS, the Agency leases the Existing Facility to the Company pursuant to a First Amended and Restated Lease Agreement dated as of June 1, 2013 (the "First Amended and Restated Lease Agreement") entered into by and between the Agency and the Company, a memorandum of which was recorded in the Oneida County Clerk's Office on June 10, 2013 at Instrument Number R2013-000712;

WHEREAS, the Agency and the Company will amend the First Amended and Restated Lease Agreement to add and include the 2016 Facility pursuant to a certain First Amendment to First Amended and Restated Lease Agreement by and between the Company and the Agency (the "First Amendment"); and

WHEREAS, the Agency by resolution duly adopted on March 18, 2016 (the "Resolution") decided to proceed under the provisions of the Act to acquire and lease the 2016 Facility and enter into the First Amendment; 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 construction and equipping of the 2016 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, renovation, and equipping of the 2016 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, the City of Rome Planning Board (the "City Planning Board"), based upon the EAF and other representations and information furnished by the Company regarding the 2016 Facility, determined on May 3, 2016, in an uncoordinated review, that the action relating to the construction, equipping and operation of the 2016 Facility is an unlisted action, as that term is defined in the SEQR Act and will not have a "significant effect" on the environment; and

WHEREAS, pursuant to the Regulations, the Agency has examined the EAF 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 City Planning Board's minutes, proceedings and findings, and based further upon the Agency's knowledge of the area surrounding the 2016 Facility and such further investigation of the Facility and its environmental effects as the Agency has deemed appropriate, the Agency makes the following findings and determinations with respect to the 2016 Facility:

(A) The 2016 Facility is as described in the Application, the EAF and the City Planning Board resolution;

(B) The 2016 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 2016 Facility or the City Planning Board resolution, and none are known to the Agency;

(D) The 2016 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 2016 Facility will not affect a critical environmental area as designated pursuant to 6 NYCRR 617.14(g);

(F) The 2016 Facility will not conflict with the community's current plans or goals as officially approved or adopted;

(G) The 2016 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 2016 Facility will not result in a major change in the use of either the quantity or type of energy;

(I) The 2016 Facility will not result in the creation of a hazard to human health;

(J) The 2016 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 2016 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 2016 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 2016 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 2016 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 2016 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 2016 Facility. As a result, the Agency has prepared a negative declaration with respect to the 2016 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 2016 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.

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 May 20, 2016 at 8 a.m. local time, at 584 Phoenix Drive, Rome, New York at which the following members were:

Members Present: S. Zogby, D. Grow, E. Quadraro, N. Brown, F. Betrus, M. Fitzgerald, M.F. Messenger

EDGE Staff Present: S. Papale, M. Carney, J. Waters, A. Gerardo, H. LaSalle, S. DiMeo, T. Fitzgerald

Others Present: J. Izzo, L. Ruberto, Peter Sloan, Bill Maxim, Melissa Cummings, Dan Guzewich, C. Levitt, William Jackson, Greg Evans, Mike Lennon, Paul Rayhill, Wade Abraham

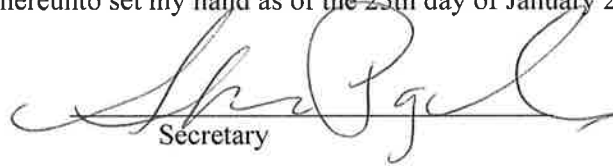
The question of the adoption of the foregoing resolution was duly put to vote on roll call, which resulted as follows:

F. Betrus voting aye;
N. Brown voting aye;
M. Fitzgerald voting aye;
D. Grow voting aye;
M.F. Messenger voting aye;
E. Quadraro voting aye;
S. Zogby voting aye.

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 25th day of January 2017.


Secretary