



Auburn Industrial  
Development Authority

**REGULAR MEETING MINUTES  
AUBURN INDUSTRIAL DEVELOPMENT AUTHORITY  
Wednesday, July 17, 2019 @ 5:00pm**

**First Floor Meeting Room  
Chamber of Commerce, 2 State Street, Auburn, NY 13021**

- Board Present:** James Dacey (Chair & Member of Business)  
William Andre (Vice-Chair & Member of Labor)  
Tricia Kerr (Secretary & Member at Large)  
Brandon Gravius (Member of Industry)  
Roger Beer (Member at Large)  
Ron LaVarnway (Member at Large)  
Terry Cuddy (Council Member)  
Jeff Gasper (School Board Member)
- Board Excused:** Michael Quill (Council Member)
- Staff & Guests:** Tracy Verrier, Executive Director  
Samantha Frugé, Assistant Treasurer  
Rick Cook (Hancock Estabrook)  
Tom Haag (Deputy District Director Office of Congressman John Katko)  
Jim Keib (District Director Office of Congressman John Katko)  
David Wilcox (Citizen Reporter)

Mr. Dacey, Chairman, called the meeting to order at 5:01pm, noting the presence of a quorum.

**MEETING MINUTES**

Mr. Andre moved to accept the minutes from the June 19<sup>th</sup> Regular Meeting, seconded by Mr. LaVarnway. All members present voted in favor; motion carried.

**BILLS AND COMMUNICATIONS**

Ms. Frugé presented a bill from CEDA for the second quarter administrative services (\$6,028.45). Mr. Beer motioned to approve and pay the bill, seconded by Ms. Kerr. All members present voted in favor, motion carried.

**REPORT OF THE TREASURER**

Mr. Beer reviewed the July profit and loss and balance sheet, noting that the financial position had not changed substantially from the month prior. Ms. Verrier noted that Volpi would be closing on their benefits shortly and the administrative fee would follow. Mr. LaVarnway motioned to approve the report of the treasurer, seconded by Mr. Gravius. All members present voted in favor, motion carried.

**UNFINISHED BUSINESS**

**AUTHORIZING RESOLUTION: Prison City:** Ms. Verrier advised that the SEQR was completed by the City, however they would be motioning to approve one prepared by AIDA staff as well. Mr. Cook explained that the City never declared themselves as the lead agent, therefore Prison City and AIDA staff completed a short form. He added that they would append the SEQR prepared by the City in the approval process. Ms. Verrier reviewed the benefit request, noting Prison City was seeking a sales & use tax

James A. Dacey  
Chairman

2 State Street  
Auburn, NY 13021

PHONE  
(315) 252-3500

FAX  
(315) 255-3077

exemption, mortgage recording tax exemption, and a PILOT (standard 10% over 10 years). Mr. Andre asked if Prison City had an issue meeting the local labor requirement? Ms. Verrier said that they signed the policy and did not anticipate having an issue meeting the requirement.

Mr. Cook then presented the following SEQR Resolution to the Board:

**“RESOLUTION OF THE AUBURN INDUSTRIAL DEVELOPMENT AUTHORITY (“AUTHORITY”) ISSUING “NEGATIVE DECLARATION” PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT RELATIVE TO THE BREWERY – SECOND LOCATION PROJECT AT 251 NORTH STREET, AUBURN, NY”**

Mr. LaVarnway moved to accept the SEQR Resolution, seconded by Mr. Cuddy. The resolution was voted upon roll call vote as follows:

NAME	Yes	Nay	Absent	Abstain
JAMES DACEY	X			
WILLIAM ANDRE	X			
JEFF GASPER	X			
ROGER BEER				X
TERRY CUDDY	X			
MICHAEL QUILL			X	
TRICIA KERR				X
RON LAVARNWAY	X			
BRANDON GRAVIUS	X			

Motion passed.

Mr. Cook presented the following Authorizing Resolution to the Board:

**“RESOLUTION APPROVING THE GRANT OF FINANCIAL ASSISTANCE AND THE EXECUTION BY THE AUBURN INDUSTRIAL DEVELOPMENT AUTHORITY OF AN AGENT AGREEMENT, LEASE AGREEMENT, LEASEBACK AGREEMENT, ENVIRONMENTAL AGREEMENT, PILOT AGREEMENT, MORTGAGE AND RELATED DOCUMENTS WITH RESPECT TO PRISON CITY FARMHOUSE, LLC AND PRISON CITY BEVERAGES, LLC.”**

Mr. LaVarnway moved to accept the Authorizing Resolution, seconded by Mr. Cuddy. The resolution was voted upon roll call vote as follows:

NAME	Yes	Nay	Absent	Abstain
JAMES DACEY	X			
WILLIAM ANDRE	X			
JEFF GASPER	X			
ROGER BEER				X
TERRY CUDDY	X			

MICHAEL QUILL		X	
TRICIA KERR			X
RON LAVARNWAY	X		
BRANDON GRAVIUS	X		

Motion passed.

CEDA Staff Updates: Ms. Verrier introduced Tom Haag and Jim Keib from the office of Congressmen John Katko and explained she and Ms. Reister met with them earlier to discuss programs of the Chamber & CEDA and discuss economic activity within the County. Both Mr. Haag and Mr. Keib thanked the Board for having them attend the meeting and reminded them that they are available to help with anything, particularly letters of support and anything having to do with federal offices.

Ms. Verrier advised she had been in conversations with Jenny Haines in the City Planning Office who reached out in regards to the UDAG loan that was previously approved for AIDA but never disbursed. She explained that the loan was approved for \$27,151 to cover costs of the Bergmann Associates studies done for the Tech Park. The loan terms were for a period of 5 years at a rate of 3%, payable upon a land sale. Ms. Verrier added that Ms. Haines also discussed a loan previously granted for \$23,000 for parcels that were purchased. She explained the loan was in interest only repayment but had a sizeable interest accrual growing on the balance sheet (\$690 a year for 11 years - \$7,700 in total). Ms. Haines was looking to clear some of that interest up and asked how the IDA wanted to handle the interest payable? Mr. Dacey asked if it might be in the Board's best interest to pay on a yearly basis or pay in full? Mr. Beer advised he could look into those scenarios. Ms. Verrier said that moving forward, the City would hopefully be billing annually for the interest, which had not been happening to this point. Mr. Beer asked if the \$27,151 loan could be drawn upon like a line of credit? Ms. Verrier said that Ms. Haines was willing to be flexible on when the loan was disbursed, but did not want it to sit open for a long period of time. Mr. Cuddy asked what the preferable time frame was? Ms. Verrier said the term was for 5 years with a payoff upon a land sale if that happened within the 5 years. Mr. LaVarnway asked if there was any cost if they did not decide to take the loan? Ms. Verrier said that if they were not going to use the loan, Ms. Haines would like to have it available for other projects. She just wanted to confirm if this body was still interested in taking the loan? Mr. Dacey asked if there were specific restrictions on the funds? Ms. Verrier said there were none beyond the regular terms. Mr. Cook noted that fronting the cost for the land studies is part of the reason for the current cash position of the IDA. Ms. Verrier asked that if the projects coming in were earning administrative fees, did they need that cash or did they want to pay on interest for the loan they may not need? Ms. Kerr suggested that they don't incur the debt if they didn't need the cash. She added that, alternatively, they could always use the cash to assess some of the other parcels. Ms. Verrier said it may be worth re-appraising several of the parcels, since some had not been appraised since 2011 and used comparables from prior to 2008. Mr. Dacey suggested that they could use the cash to pay off the other loan or the interest for the other loan. Mr. Beer said that he thought it could be beneficial to have the cash to be flexible as opposed to having a tight budget. Ms. Verrier asked if they wished to pursue the loan as offered? The Board was agreeable. Mr. LaVarnway motioned to pay the interest payable in full (\$7,700) and to accept the \$27,151 loan as offered, seconded by Mr. Gravius. All members present voted in favor; motion carried.

Ms. Verrier said that she, Ms. Riester, and Mr. Dacey had attended meetings held by the City with the Tech Park tenants. The meetings were to discuss lighting and signage upgrades to help with safety and aesthetics. Design concepts for the signage were presented and the tenants seemed happy with them.

Ms. Verrier discussed a new business who will be headquartering in the Tech Park near Volpi. The business builds scaffolding used in construction for large-scale buildings and skyscrapers.

## **NEW BUSINESS**

Renewable Energy PILOTs: Ms. Verrier provided an overview of the NYS RPTL 487, noting the law provides a 15-year real property tax exemption for renewable energy systems in an effort to incentivize solar development (which generally have very thin margins and are often uneconomical due to taxing structures). Jurisdictions have the option to opt out of the exemption, however, those who do not opt out can issue PILOT agreements with the solar projects to generate tax revenue. Although it would be up to each jurisdiction to create their own policies and PILOTs, NYSERDA provided a PILOT toolkit that has a model PILOT resolution, PILOT agreement, PILOT rate calculator, and PILOT property tax calculator. Ms. Verrier explained that this body would determine the standard language in the agreements which could be adjusted on a case-by-case basis for projects. Not all projects will be the same size or produce the same amount of energy. Mr. Cuddy noted that reference to power purchase agreements in the CCIDA policies was concerning. Ms. Verrier explained that the point of the language was to indicate that is a point of consideration in a PILOT negotiations since projects with a defined revenue source could likely afford a higher rate. Mr. Beer asked when the decommissioning occurred? Ms. Verrier said the decommissioning was generally around 20-25 years, but would be delineated in the lease terms. She added that they could require bonding or upfront payment to ensure there would be funds available if the developer did not decommission the site. Mr. Dacey asked if the 15-year PILOT was dictated? Ms. Verrier said RPTL 487 dictated a 15 year term for municipalities, but that the IDA could be more flexible. Mr. Cook asked if the local municipalities have opted out of the exemption? Ms. Verrier said that so far none have opted out to her knowledge but that some were discussing it. She added that ideally, the municipalities would tell the developer to contact the IDA to negotiate a PILOT. She said they were trying to facilitate notifying municipalities about looking out for notices from developers so they don't get overlooked. Mr. Dacey suggested they table the discussion until the next meeting to allow the Board members to review the PILOT toolkit and other related information. The Board was agreeable.

## **ADJOURNMENT**

Motion to adjourn made by Mr. Cuddy, seconded by Mr. LaVarnway. All members present voted in favor; meeting adjourned at 6:08pm.

Next regularly scheduled meeting Wednesday, September 21<sup>st</sup>, 2019 @ 5:00pm at 2 State Street.

## CLOSING RESOLUTION

*(Prison City Farmhouse, LLC/Prison City Beverages, LLC)*

A special meeting of Auburn Industrial Development Authority was convened at 2 State Street, Auburn, New York 13021 on July 17, 2019 at 5:00 p.m.

The following resolution was duly offered and seconded, to wit:

**RESOLUTION APPROVING THE GRANT OF FINANCIAL ASSISTANCE AND THE EXECUTION BY THE AUBURN INDUSTRIAL DEVELOPMENT AUTHORITY OF AN AGENT AGREEMENT, LEASE AGREEMENT, LEASEBACK AGREEMENT, ENVIRONMENTAL AGREEMENT, PILOT AGREEMENT, MORTGAGE AND RELATED DOCUMENTS WITH RESPECT TO PRISON CITY FARMHOUSE, LLC AND PRISON CITY BEVERAGES, LLC.**

**WHEREAS**, the Auburn Industrial Development Authority (the "**Authority**") is authorized and empowered by the provisions of the Auburn Industrial Development Authority Act, Chapter 915 of the 1969 Laws of New York constituting Title 15 of Article 8 of the Public Authorities Law, Chapter 43-A of the Consolidated Laws of New York, as amended (the "**Act**"), to promote, develop, encourage and assist in the acquiring, constructing, reconstructing, improving, maintaining, equipping and furnishing of industrial, manufacturing, warehousing, commercial and research facilities, and facilities for use by a federal agency or medical facility, among others, and thereby to advance the job opportunities, health, general prosperity and economic welfare of the people of the City of Auburn and improve their medical care and standard of living; and

**WHEREAS**, Prison City Farmhouse, LLC and Prison City Beverages, LLC (collectively, the "**Company**") has requested the Authority's assistance with a certain project (the "**Project**") consisting of (i) the acquisition of approximately 5.5 acres of land located 251 North Street in the City of Auburn, County of Cayuga, New York (the "**Land**") improved with an 8,000 square foot barn ("**Building 1**"), (ii) renovations to Building 1, (iii) construction on the Land of a new 20,000 square foot building for brewing, indoor/outdoor tasting, sales and office space ("**Building 2**", and together with Building 1, the "**Buildings**"), and (iv) equipping of the Buildings with machinery, equipment and other tangible personal property for use as a brewery and related functions (the "**Equipment**", and together with the Land and Buildings, the "**Facility**"); and

**WHEREAS**, the Authority desires to encourage the Company to preserve and advance the job opportunities, health, general prosperity and economic welfare of the people of the City of Auburn, New York by undertaking the Project in the City of Auburn, New York; and

**WHEREAS**, pursuant to Section 2307 of the Act, the Authority has held a public hearing with respect to the Project; and

**WHEREAS**, the Authority will appoint the Company as its true and lawful agent to undertake and complete the Project pursuant to the terms of an Agent Agreement to be dated as of July 1, 2019 (the "**Agent Agreement**") by and between the Authority and the Company; and

**WHEREAS**, the Company has requested the Authority to enter into a PILOT Agreement to be dated as of July 1, 2019 (the "**PILOT Agreement**") requiring the Company to make payments in lieu of taxes with respect to the Facility; and

**WHEREAS**, the Authority will acquire a leasehold interest in the Facility pursuant to the terms of a Lease Agreement to be dated as of July 1, 2019 (the "**Lease Agreement**") by and between the Authority and the Company; and

**WHEREAS**, the Company has requested the Authority to enter into a Leaseback Agreement to be dated as of July 1, 2019 (the "**Leaseback Agreement**") whereby the Company will lease the Facility from the Authority on the terms and conditions set forth therein; and

**WHEREAS**, the Company has requested the Authority to enter into an Environmental Compliance and Indemnity Agreement to be dated as of July 1, 2019 (the "**Environmental Agreement**"); and

**WHEREAS**, in connection with the undertaking of the Project, the Authority will join with the Company in a mortgage and other security documents (collectively, the "**Mortgage**") in favor of a lender or lenders reasonably satisfactory to the Company; and

**WHEREAS**, the execution of the Agent Agreement, the PILOT Agreement, the Lease Agreement, the Leaseback Agreement, the Environmental Agreement and the Mortgage will help to improve the Project and enhance opportunities for the citizens of the City of Auburn.

**NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE AUBURN INDUSTRIAL DEVELOPMENT AUTHORITY AS FOLLOWS:**

Section 1. The Company has presented an application in a form acceptable to the Authority. Based upon the representations made by the Company to the Authority in the Company's application, the Authority hereby finds and determines that:

(A) By virtue of the Act, the Authority has been vested with all powers necessary and convenient to carry out and effectuate the purposes and provisions of the Act and to exercise all powers granted to it under the Act;

(B) The Authority has the authority to take the actions contemplated herein under the Act;

(C) The action to be taken by the Authority will further the purposes of the Authority under the Act by increasing employment opportunities in the City of Auburn, preventing economic deterioration and otherwise furthering the purposes of the Authority as set forth in the Act;

(D) The Project will not result in the removal of a civic, commercial, industrial, or manufacturing plant of the Company or any other proposed occupant of the Facility from one area of the State of New York (the "**State**") to another area of the State or result in the abandonment of

{H3673117.1}

one or more plants or facilities of the Company or any other proposed occupant of the Facility located within the State; and the Authority hereby finds that, based on the Company's application, to the extent occupants are relocating from one plant or facility to another, the Project is reasonably necessary to discourage the Facility occupants from removing such other plant or facility to a location outside the State and/or is reasonably necessary to preserve the competitive position of the Facility occupants in their respective industries; and

(E) Although more than one-third (1/3) of the total project costs will be spent for facilities or property that are primarily used in making retail sales to customers who personally visit the Project, the Project is likely to attract a significant number of visitors from outside the counties of Cayuga, Onondaga, Madison, Cortland and Oswego, New York. In addition, the Project is located in a census tract or tracts or block numbering areas or areas or such census tract or block numbering area contiguous thereto which, according to the most recent census data available, has: (i) a poverty rate of at least twenty percent for the year to which the data relates or at least twenty percent of households receiving public assistance and (ii) An unemployment rate of at least 1.25 times the statewide unemployment rate for the year to which the data relates.

Section 2. The Authority hereby approves financial assistance for the Project including (A) an exemption from all mortgage recording taxes with respect to any qualifying mortgage on the Facility to secure financings undertaken in furtherance of the Project; (B) an exemption from all state and local sales and use taxes with respect to the qualifying personal property included in or incorporated into the Facility or used in the acquisition, construction, renovation and equipping of the Facility; and (C) an exemption from real property taxes, subject to the Company making payments in lieu thereof pursuant to the PILOT Agreement.

Section 3. The Authority hereby appoints the Company as its true and lawful agent to (A) acquire, construct and equip the Project; (B) to make, execute, acknowledge and deliver any contracts, orders, receipts, writings, instructions, as the agent for the Authority, with the authority to delegate such agency, in whole or in part, to agents, subagents, contractors, and subcontractors, and to such other parties as the Company reasonable designates; and (C) to do all other things that may be requisite and proper for completing the Project, with the same powers and validity vested in the Authority; provided, however, that the agency shall expire on July 1, 2021, unless extended by the Authority.

Section 4. The Authority may, pursuant to Section 2326-a of the Act, recover or recapture from the Company, its agents, subagents, contractors, subcontractors, or any other party authorized to make purchases for the benefit of the Project (each a "**Company Party**" and, collectively, the "**Company Parties**"), any sales and use tax exemption benefits obtained or purported to be obtained by the Company Parties if it is determined that: (A) any Company Party is not entitled to sales and use tax exemption benefits; (B) the sales and use tax exemption benefits are in excess of the amounts authorized to be taken by any Company Party; (C) the sales and use tax exemption benefits are for property or services not authorized by the Authority as part of the Project; (D) the Company has made a material false statement in its application for financial assistance; (E) the sales and use tax exemption benefits are taken in cases where a Company Party fails to comply with a material term or condition to use property or services in the manner approved by the Authority in connection with the Project; and/or (F) the Company obtains mortgage recording tax abatement benefits or real property tax abatements and fails to comply with a material term or condition to use property or services in a manner approved by the Authority in connection with the Project (each a "**Recapture Event**").

As a condition precedent to receiving the financial assistance set forth in Section 2, above, the Company must, upon the Authority's determination that a Recapture Event has occurred, (A) cooperate with the Authority in its efforts to recapture any sales and use tax benefits and mortgage recording tax abatement benefits; and (B) pay over to the Authority, on demand, any amounts required to be recaptured.

Section 5. The Chairman, Vice Chairman and/or any other officer of the Authority and are hereby authorized, on behalf of the Authority, to execute and deliver the Agent Agreement, Lease Agreement, Memorandum of Lease Agreement, Leaseback Agreement, Memorandum of Leaseback Agreement, Environmental Agreement, Mortgage, mortgage recording affidavit, and related documents (collectively, the "**Authority Documents**") in such form as shall be reasonably approved by the Chairman and/or Vice Chairman upon execution, with the advice of counsel.

Section 6. The Chairman, Vice Chairman and/or any other officer of the Authority and are hereby authorized, on behalf of the Authority, to execute and deliver the Authority Documents and any such other documents and agreements as may be necessary to carry out the intent of these resolutions; and, where appropriate, the Secretary or Assistant Secretary of the Authority is hereby authorized to affix the seal of the Authority to the Authority Documents and to attest the same, all with such changes, variations, omissions and insertions as the Chairman and/or Vice Chairman of the Authority shall approve, the execution thereof by the Chairman and/or Vice Chairman of the Authority to constitute conclusive evidence of such approval; provided in all events recourse against the Authority is limited to the Authority's interest in the Project.

Section 7. The officers, employees and agents of the Authority are hereby authorized and directed for and in the name and on behalf of the Authority to do all acts and things required and to execute and deliver all such certificates, instruments and documents, to pay all such fees, charges and expenses and to do all such further acts and things as may be necessary or, in the opinion of the officer, employee or agent acting, desirable and proper to effect the purposes of the foregoing resolutions and to cause compliance by the Authority with all of the terms, covenants and provisions of the documents executed for and on behalf of the Authority.

Section 8. These Resolutions shall take effect immediately.

The question of the adoption of the foregoing Resolution was duly put to a vote which resulted as follows:

	<u>Yea</u>	<u>Nay</u>	<u>Absent</u>	<u>Abstain</u>
James A. Dacey, Chairman	✓			
William Andre, Member	✓			
Ronald LaVarnway, Member	✓			
Terry Cuddy, Member	✓			
Michael Quill, Member			✓	
Tricia Kerr, Member				✓
Roger Beer, Member				✓
Jeff Gasper, Member	✓			
Brandon Gravius, Member	✓			

This Resolution was thereupon duly adopted.

STATE OF NEW YORK     )  
COUNTY OF CAYUGA    ) SS:

I, the undersigned Secretary of the Auburn Industrial Development Authority, DOES HEREBY CERTIFY:

That I have compared the annexed extract of minutes of the meeting of the Auburn Industrial Development Authority (the "**Authority**"), including the resolution contained therein, held on July 17, 2019, with the original thereof on file in my office, and that the same is a true and correct copy of the proceedings of the Authority and of such resolution set forth therein and of the whole of said original insofar as the same related to the subject matters therein referred to.

I FURTHER CERTIFY, that all members of said Authority had due notice of said meeting, that the meeting was in all respects duly held and that, pursuant to Article 7 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public, and that public notice of the time and place of said meeting was duly given in accordance with such Article 7.

I FURTHER CERTIFY, that there was a quorum of the members of the Authority 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 modified.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Authority this 17<sup>th</sup> day of July, 2019.

  
\_\_\_\_\_  
Tricia Kerr, Secretary

[SEAL]

## SEQRA RESOLUTION

*(Prison City Farmhouse, LLC/Prison City Beverages, LLC)*

A regular meeting of Auburn Industrial Development Authority was convened at 2 State Street in the City of Auburn, on July 17, 2019 at 5:00 p.m.

The following resolution was duly offered and seconded, to wit:

### RESOLUTION OF THE AUBURN INDUSTRIAL DEVELOPMENT AUTHORITY ("AUTHORITY") ISSUING "NEGATIVE DECLARATION" PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT RELATIVE TO THE BREWERY – SECOND LOCATION PROJECT AT 251 NORTH STREET, AUBURN, NY

WHEREAS, Prison City Farmhouse, LLC and Prison City Beverages, LLC (collectively, the "**Company**") has requested the Authority's assistance with a certain project (the "**Project**") consisting of (i) the acquisition of approximately 5.5 acres of land located 251 North Street in the City of Auburn, County of Cayuga, New York improved with an 8,000 square foot barn ("**Building 1**"), (ii) renovations to Building 1, (iii) construction on the Land of a new 20,000 square foot building for brewing, indoor/outdoor tasting, sales and office space ("**Building 2**", and together with Building 1, the "**Buildings**"), and (iv) equipping of the Buildings with machinery, equipment and other tangible personal property for use as a brewery and related functions (the "**Equipment**", and together with the Land and Buildings, the "**Facility**"); and

WHEREAS, pursuant to the State Environmental Quality Review Act (hereinafter "SEQRA"), the Company prepared Part 1 of a Short Environmental Assessment Form (hereinafter "SEAF") for the Project dated May 14, 2019 attached as Exhibit 1; and

WHEREAS, Part 1 of the SEAF, having been reviewed by the Authority, was deemed adequate and accurate relative to the Project; and

WHEREAS, based upon the foregoing, the Authority has determined that the Project constitutes an unlisted Action under SEQRA pursuant to 6 NYCRR §617.2(ak), because it does not appear on either the Type I list set forth at 6 NYCRR 617.4, or the Type II list set forth at 6 NYCRR 617.5; and

WHEREAS, the Authority is not obligated to conduct coordinated review under SEQRA; and

WHEREAS, pursuant to SEQRA, the City of Auburn Planning Board prepared a Part 2 and Part 3 of the SEAF and issued a Negative Declaration for the Project on July 2, 2019; and

WHEREAS, on July 17, 2019 the Authority reviewed the findings of the Planning Board's Negative Declaration under SEQRA; and

WHEREAS, the Authority now desires to make its determination of significance in accordance with the SEQRA regulations at 6 NYCRR §617.7.

**NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE AUBURN INDUSTRIAL DEVELOPMENT AUTHORITY AS FOLLOWS:**

1. Based upon the foregoing investigation of the potential environmental impacts of the Project and considering both the magnitude and importance of each environmental impact therein indicated, the Authority makes the following findings and determinations with respect to the Project:
  - a. The Project constitutes an "Unlisted Action" as said quoted term is defined in the SEQRA regulations at 6 NYCRR §617.2(ak);
  - b. The Authority concurs with the Planning Board that the location is a site with previous ground disturbance from the construction of the house and barn; AND that stormwater runoff will be mitigated by the developed final drainage plan and Stormwater Pollution Prevention Plan; and
  - c. The Authority prepared and accepts Part 2 of the an SEAF attached as Exhibit 2 hereto;
  - d. The Project will result in no significant environmental impacts and, therefore, is one which will not have a significant effect on the environment and the Authority will not require the preparation of an "Environmental Impact Statement" with respect to the Project;
  - e. As a consequence of the foregoing, the Authority has decided to prepare a "Negative Declaration" with respect to the Project;
  - f. The Authority hereby accepts the Negative Declaration set forth in Part 3 of the SEAF, attached as Exhibit 3, hereto and authorizes it to be executed.
2. The Executive Director of the Authority is hereby directed to file a "Negative Declaration" with respect to the Project in the main office of the Authority.
3. This Resolution shall take effect immediately.

**THE FOREGOING RESOLUTION**, was put to vote as follows:

	<u>Yea</u>	<u>Nay</u>	<u>Absent</u>	<u>Abstain</u>
James A. Dacey, Chairman	<u>✓</u>	_____	_____	_____
William Andre, Member	<u>✓</u>	_____	_____	_____
Jeff Gasper, Member	<u>✓</u>	_____	_____	_____
Roger Beer, Member	_____	_____	<u>✓</u>	_____
Terry Cuddy, Member	<u>✓</u>	_____	_____	_____
Michael Quill, Member	_____	_____	_____	<u>✓</u>
Tricia Kerr, Member	<u>✓</u>	_____	_____	<u>✓</u>
Ronald LaVarnway, Member	<u>✓</u>	_____	_____	_____
Brandon Gravius, Member	<u>✓</u>	_____	_____	_____

This Resolution was thereupon duly adopted.

STATE OF NEW YORK     )  
COUNTY OF CAYUGA    ) SS:

I, the undersigned Secretary of the Auburn Industrial Development Authority, DO HEREBY CERTIFY:

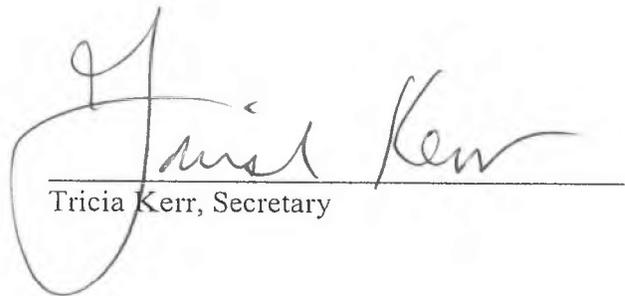
That I have compared the annexed extract of minutes of the meeting of the Auburn Industrial Development Authority (the "**Authority**"), including the resolution contained therein, held on July 17, 2019, with the original thereof on file in my office, and that the same is a true and correct copy of the proceedings of the Authority and of such resolution set forth therein and of the whole of said original insofar as the same related to the subject matters therein referred to.

I FURTHER CERTIFY, that all members of said Authority had due notice of said meeting, that the meeting was in all respects duly held and that, pursuant to Article 7 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public, and that public notice of the time and place of said meeting was duly given in accordance with such Article 7.

I FURTHER CERTIFY, that there was a quorum of the members of the Authority 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 modified.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Authority this 17<sup>th</sup> day of July, 2019.

  
Tricia Kerr, Secretary

[SEAL]