

AGRANA FRUITS US, INC.
ENVIRONMENTAL RESOLUTION
3101-13-02A

At a special meeting of the Onondaga County Industrial Development Agency convened in public session on March 27, 2013 at 12:00 p.m. at 333 West Washington Street, Syracuse, New York, the following members were:

PRESENT:

Donna DeSiato
Dan Queri
Victor Ianno
Mike Allen
Janice Herzog
Jessica Crawford

ABSENT:

Dale Sweetlnd

ALSO PRESENT:

Anthony P. Rivizzigno, Esq., Agency Counsel

Upon motion duly made and seconded, the following resolution was duly adopted by the Agency with its members voting as follows:

Aye

Nay

Donna DeSiato
Dan Queri
Victor Ianno
Mike Allen
Janice Herzog
Jessica Crawford

**RESOLUTION DETERMINING THAT ACTION TO UNDERTAKE A COMMERCIAL
PROJECT FOR AGRANA FRUITS US, INC. WILL NOT HAVE A SIGNIFICANT
EFFECT ON THE ENVIRONMENT**

WHEREAS, the Onondaga County Industrial Development Agency (the “Agency”) is authorized and empowered by Title 1 of Article 18-A of the General Municipal Law, Chapter 24 of the Consolidated Laws of New York, as amended (the “Enabling Act”), Chapter 435 of the 1970 Laws of New York, and Chapter 676 of the 1975 Laws of New York, as amended, constituting Section 895 of said General Municipal Law (said Chapter and the Enabling Act being hereinafter collectively referred to as the “Act”) to promote, develop, encourage and assist in the acquiring, constructing, reconstructing, improving, maintaining, equipping and furnishing of industrial, manufacturing, warehousing, commercial, research and recreation facilities, including industrial pollution control facilities, educational or cultural facilities, railroad facilities, horse racing facilities and continuing care retirement communities, among others, for the purpose of promoting, attracting, encouraging and developing recreation, and economically sound commerce and industry to advance the job opportunities, health, general prosperity and economic welfare of the people of the State of New York and to improve their recreation opportunities, prosperity and standard of living, and to prevent unemployment and economic deterioration; and

WHEREAS, to accomplish its stated purposes, the Agency is authorized and empowered under the Act to acquire, construct, reconstruct, improve, maintain, equip or furnish one or more “projects” (as defined in the Act); to sell, convey, mortgage, lease, pledge, exchange or otherwise dispose of said projects; and to issue bonds and provide for the rights of the holders thereof; and

WHEREAS, Agrana Fruits US, Inc. (the “Company”) has presented an application (the “Application”) to the Agency, a copy of which was presented at this meeting and copies of which are on file at the office of the Agency, requesting the Agency consider undertaking a project (the “Project”) consisting of the following: (A) land acquisition, preparation and construction of an approximate 100,000 square foot manufacturing facility in the Town of Lysander; and (B) the granting of certain “financial assistance” (within the meaning of Section 854(14) of the Act) with respect to the foregoing, including potential exemptions from certain sales taxes, real property taxes and mortgage recording taxes (collectively, the “Financial Assistance”); and

WHEREAS, the Agency has given due consideration to the Application and to representations made by the Company that (A) the granting by the Agency of the Financial Assistance with respect to the Project will be an inducement to the Company to undertake the Project in Onondaga County, New York; and (B) the completion of the Project will not result in the removal of a facility or a plant of the Project occupant from one part of the State of New York to another area of the State of New York or in the abandonment of one or more plants or facilities of the Project occupant located within the State of New York; and

WHEREAS, in compliance with the provisions of Section 859-a of the Act and Section 147(f) of the Internal Revenue Code of 1986, as amended (the “Code”), the Assistant Secretary of the Agency (A) caused notice of a public hearing (the “Public Hearing”) of the Agency to hear all persons interested in the Project and the Financial Assistance being contemplated by the Agency with respect to the Project to be mailed to the chief executive officer of the county and of each city,

town, village and school district in which the Project is to be located, (B) caused notice of the Public Hearing to be published in *The Post-Standard*, a newspaper of general circulation available to the residents of the Town of Lysander, (C) conducted the Public Hearing at the Town of Lysander Town Hall located at 8220 Loop Road in the Town of Lysander, Onondaga County, New York, and (D) prepared a report of the Public Hearing which fairly summarized the views presented at the Public Hearing and distributed same to the members of the Agency; and

WHEREAS, the Agency is a local agency pursuant to the New York State Environmental Quality Review Act (“SEQRA”), ECL Section 8-0101, *et. seq.*, and implementing regulations, 6 NYCRR Part 617 (the “Regulations”); and

WHEREAS, undertaking the Project is an Action as defined by SEQRA; and

WHEREAS, a long-form Environmental Assessment Form (“EAF”), dated February 6, 2013, was submitted to the Agency to facilitate a review of the potential environmental impacts of the Project; and

WHEREAS, the Agency has preliminarily determined that the Action is a Type I Action, as that term is defined in the Regulations, and that a coordinated environmental review is required and appropriate under SEQRA; and

WHEREAS, the Agency has considered the Project and the EAF, together with the Agency’s knowledge of the area surrounding the Project, and such further investigation of the Project and its potential environmental effects as the Agency has deemed appropriate; and

WHEREAS, the Agency has reviewed the classifications of actions contained in the Regulations, and has compared the effects of the Project to the provisions of 6 NYCRR Part 617 which relate to the classification of actions under SEQRA; and

WHEREAS, the Agency has reviewed the Project against the criteria for determining significance contained in 6 NYCRR Part 617 in order to determine whether the Project may result in a significant environmental impact; and

WHEREAS, the Agency has determined that the Project will not result in an impact of the type illustrated in 6 NYCRR Section 617.7 or any other type of significant environmental impact.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONONDAGA COUNTY INDUSTRIAL DEVELOPMENT AGENCY AS FOLLOWS:

Section 1. The Project is a Type I Action pursuant to SEQRA.

Section 2. The Agency has undertaken an uncoordinated environmental review of the Project.

Section 3. The Project will result in no significant adverse environmental impact.

Section 4. An Environmental Impact Statement (EIS) will not be required for the Project.

Section 5. The basis for this determination is set forth in the Negative Declaration and Criteria for Determining Significance, attached as Schedule A hereto and incorporated by reference herein.

Section 6. The Negative Declaration shall be filed at the Agency as required by 6 NYCRR Section 617.12(b)(2).

Section 7. This resolution shall take effect immediately.

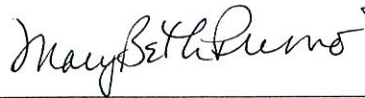
STATE OF NEW YORK)
) ss.:
COUNTY OF ONONDAGA)

I, the undersigned, Executive Director of the Onondaga County Industrial Development Agency, **DO HEREBY CERTIFY** that I have compared the forgoing extract of the minutes of the meeting of the members of the Agency, including the Resolution contained therein, held on March ____, 2013 with the original thereof on file in my office, and that the same is a true and correct copy of the proceedings of the Agency and of such Resolution set forth therein and of the whole of said original insofar as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that (A) all members of the Agency had due notice of the meeting; (B) the meeting was in all respects duly held; (C) pursuant to Article 7 of the Public Officers Law (the "Open Meetings Law"), such meeting was open to the general public and due notice of the time and place of said meeting was duly given in accordance with such Open Meetings Law; and (D) there was a quorum of the members of the Agency 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 rescinded.

IN WITNESS WHEREOF, I have hereunto set my hand this 8th day of ~~March~~^{April}, 2013.



MARY BETH PRIMO, Executive Director