

SEQRA RESOLUTION

A regular meeting of the County of Oswego Industrial Development Agency (the "Agency") was convened in public session on May 8, 2009, at 3:00 p.m., at 44 West Bridge Street, Oswego, New York.

The meeting was called to order by the Chair and, upon the roll being duly called, the following members were:

Present: Donald H. Kunzwiler, Carolyn A. Rush, Morris Sorbello, Gary T. Toth and L. Michael Treadwell

Absent: Arthur W. Ospelt and H. Leonard Schick

Also Present: Kevin C. Caraccioli and David S. Dano

The following resolution was duly offered and seconded:

RESOLUTION CLASSIFYING THE ISSUANCE OF INDUSTRIAL DEVELOPMENT REVENUE BONDS IN AN AMOUNT SUFFICIENT TO FINANCE THE COST OF THE CONSTRUCTION OF AN ADDITION TO, AND EQUIPPING OF, AN EXISTING MANUFACTURING FACILITY AT THE REQUEST OF FULTON THERMAL CORPORATION AS AN UNLISTED ACTION PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT, DECLARING THE AGENCY LEAD AGENCY FOR PURPOSES OF AN UNCOORDINATED REVIEW THEREUNDER AND DETERMINING THAT THE PROJECT WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT

Whereas, the County of Oswego Industrial Development Agency (the "Agency") is authorized and empowered by Title 1 of Article 18-A of the General Municipal Law of the State of New York (the "State"), as amended, together with Chapter 234 of the Laws of 1973 of the State of New York, as amended from time to time (collectively, 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, railroad facilities and certain horse racing facilities, 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, 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 issue its industrial development revenue bonds to finance the cost of the acquisition, construction and equipping of one or more “projects” (as defined in the Act); and

Whereas, on March 23, 2009, Fulton Thermal Corporation, a corporation organized and existing under the laws of the State of New York (“Company”), 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 that the Agency undertake a project (the “Project”) consisting of: (A) the acquisition of a leasehold interest in approximately 18 acres of land located at 972 Centerville Road in the Town of Richland, County of Oswego, New York (the “Land”) and the construction of and acquisition and installation of machinery, equipment and other personal property (the “Equipment”) in an approximately 115,000 square foot addition (the “Facility”) to its existing manufacturing and industrial building on the Land (the Land, the Equipment and the Facility are collectively referred to as the “Project Facility”) for use in the manufacture of packaged boilers and accessories and other uses directly related and ancillary thereto; (B) financing of all or a portion of the costs of the foregoing by the issuance of the Agency’s tax-exempt and incidental taxable “Industrial Development Revenue Bonds” (the “Bonds”) in an amount, presently estimated to aggregate up to \$10,000,000; (C) funding a Debt Service Reserve Fund and capitalized interest, if any; (D) granting certain other financial assistance in the form of exemptions from real property taxation, mortgage recording tax, and sales and use taxation (collectively with the Bonds, the “Financial Assistance”); and (E) leasing of the Project Facility to the Company or its designee pursuant to a lease and sublease agreement; and

WHEREAS, pursuant to the State Environmental Quality Review Act (“SEQRA”), the Agency is required to make a determination with respect to the environmental impact of any “action” (as defined by SEQRA) to be taken by the Agency and the approval of the Project and grant of Financial Assistance constitute such an action; and

WHEREAS, to aid the Agency in determining whether the Project may have a significant effect upon the environment, the Company has prepared and submitted to the Agency an Environmental Assessment Form (the “EAF”), a copy of which is attached hereto as Exhibit “A”, and copies of said EAF are on file in the office of the Agency and are readily accessible to the public; and

WHEREAS, the Agency has examined and reviewed the EAF in order to classify the Project and make a determination as to the potential significance of the Project upon the environment pursuant to SEQRA;

NOW, THEREFORE, be it resolved by the members of the County of Oswego Industrial Development Agency, as follows:

- (1) Based upon an examination of the EAF prepared by the Company, the criteria

contained in 6 NYCRR §617.7(c), and based further upon the Agency’s knowledge of the area surrounding the Project Facility, all the representations made by the Company in connection with the Project, and such further investigation of the Project and its environmental effects as the Agency has deemed appropriate, the Agency makes the following findings and determinations with respect to the Project pursuant to SEQRA:

(a) The Project consists of the components described above in the third WHEREAS clause of this resolution;

(b) The Project constitutes an “Unlisted Action” (as said quoted term is defined in SEQRA);

(c) The Agency declares itself “Lead Agency” (as said quoted term is defined in SEQRA) with respect to an uncoordinated review of the Project pursuant to SEQRA; and

(d) The Project will not have a significant effect on the environment, and the Agency hereby issues a negative declaration for the Project pursuant to SEQRA, which shall be filed in the office of the Agency in a file that is readily accessible to the public.

(2) A copy of this Resolution, together with the attachment hereto, shall be placed on file in the office of the Agency where the same shall be available for public inspection during business hours.

(3) The Treasurer/Secretary of the Agency is hereby authorized and directed to distribute copies of this Resolution to the Company and to do such further things or perform such acts as may be necessary or convenient to implement the provisions of this Resolution.

(4) The Agency hereby authorizes the Treasurer/Secretary to sign the Negative Declaration on the Agency’s behalf and authorizes Agency staff to take all further actions deemed necessary and appropriate to fulfill the Agency’s responsibilities under SEQRA.

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

	Aye	Nay	Abstain	Recuse	Absent
Donald H. Kunzwiler	X				
Arthur W. Ospelt					X
Carolyn A. Rush				X	
H. Leonard Schick					X
Morris Sorbello	X				
Gary T. Toth	X				
L. Michael Treadwell	X				

The resolution was thereupon declared duly adopted.

State Of New York)
) ss.:
County of Oswego)

I, the undersigned Secretary of the County of Oswego Industrial Development Agency, Do Hereby Certify that (i) I have compared the annexed extract of the minutes of the meeting of the County of Oswego Industrial Development Agency (the “Agency”) held on May 8, 2009, 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 the whole of such original insofar as the same relates to the subject matters referred to therein.

I Further Certify that (i) all members of the Agency had due notice of such meeting, (ii) pursuant to Section 104 of the Public Officers Law (Open Meetings Law), such meeting was open to the general public and public notice of the time and place of such meeting was duly given in accordance with such Section 104, (iii) the meeting was in all respects duly held, and (iv) there was a quorum present throughout.

In Witness Whereof, I have hereunto set my hand and affixed the seal of the Agency on May 8, 2009.

Secretary

(SEAL)