

**ACS System Associates, Inc. (Project II)
Resolution Issuing a Negative Declaration under the New York State
Environmental Quality Review Act**

A regular meeting of the Nassau County Industrial Development Agency (the "Agency") was convened in public session at the offices of the Agency located at 1550 Franklin Avenue, Mineola, Nassau County, New York on December 12, 2018 at 6:30 PM, local time.

The meeting was called to order by the Chairman, upon roll being called, the following members of the Agency were:

PRESENT:

Richard Kessel	Chairman
Lewis M. Warren	Vice Chairman
Anthony Simon	2nd Vice Chairman
Timothy Williams	Secretary
Amy Flores	Treasurer
John Coumatos	Asst. Treasurer

NOT PRESENT:

Chris Fusco	Asst. Secretary
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THE FOLLOWING ADDITIONAL PERSONS WERE PRESENT:

Joseph J. Kearney	Executive Director
Colleen Pereira	Administrative Director
Joseph Foarile	Chief Financial Officer

The attached resolution no. 2018-82 was offered by Timothy Williams, seconded by Amy Flores:

Resolution No. 2018-82

RESOLUTION FINDING THAT ACTION TO UNDERTAKE A CERTAIN PROJECT FOR ACS SYSTEM ASSOCIATES, INC. (PROJECT II) WILL NOT HAVE A SIGNIFICANT ADVERSE IMPACT ON THE ENVIRONMENT

Project Name: ACS System Associates, Inc.

Location: 118-130 Swalm Street, Town of North Hempstead, County of Nassau, New York, 11590

SEQR Status: Type I Unlisted XX

Determination of Significance: Negative Declaration XX Positive Declaration

WHEREAS, the Nassau County Industrial Development Agency (the "Agency") is authorized and empowered by the provisions of Chapter 1030 of the 1969 Laws of New York, constituting Title I of Article 18-A of the General Municipal Law, Chapter 24 of the Consolidated Laws of New York, as amended (the "Enabling Act"), and Chapter 674 of the 1975 Laws of New York, as amended, constituting Section 922 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 manufacturing, industrial and commercial facilities, among others, for the purpose of promoting, attracting and developing 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, to improve their 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 and install one or more "projects" (as defined in the Act) or to cause said projects to be acquired, constructed, reconstructed and installed and to convey said projects or to lease said projects with the obligation to purchase; and

WHEREAS, ACS SYSTEM ASSOCIATES, INC., a corporation organized and existing under the laws of the State of New York (the "Applicant"), has submitted an application for financial assistance (the "Application") to the Agency requesting that the Agency consider undertaking a project (the "Project") consisting of the following: (A)(1) the acquisition of an interest in an approximately 1.1065 acre parcel of land located at 118-130 Swalm Street, Westbury (unincorporated), Town of North Hempstead, Nassau County, New York (Section: 11; Block 164; Lot 19) (the "Land"), (2) the renovation of the existing approximately 28,549 square foot building (collectively, the "Building") on the Land, together with related improvements to the Land, and (3) the acquisition of certain furniture, fixtures, machinery and equipment (the "Equipment") necessary for the completion thereof (collectively, the "Project Facility"), all of the foregoing for use by the Applicant as a machine shop and manufacturing facility; (B) the granting of certain "financial assistance" (within the meaning of Section 854(14) of the General

Municipal Law) with respect to the foregoing in the form of potential exemptions or partial exemptions from real property taxes, mortgage recording taxes and sales and use taxes (collectively, the “Financial Assistance”); and (C) the lease (with an obligation to purchase), license or sale of the Project Facility to the Applicant or such other entity as may be designated by the Applicant and agreed upon by the Agency; and

WHEREAS, pursuant to Article 8 of the New York 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 N.Y.C.R.R. Part 617, et. seq., as amended (the “Regulations”) (the Regulations together with applicable legislation and statutes including the SEQR Act, shall be referred to collectively as “SEQRA”), the Agency must satisfy the requirements contained in SEQRA prior to making a final determination whether to undertake the Project; and

WHEREAS, pursuant to SEQRA, the Agency is required among other things perform an environmental review determine if the Project will have a significant adverse impact on the environment. In order to complete its responsibility under SEQRA, the Agency has determined the Project constitutes an unlisted action under SEQRA, and in order to complete a review of the Project, the Agency has completed, received and/or reviewed: (1) Part 1 of a Short Environmental Assessment Form , dated September 9, 2018 (the “EAF”); (2) NYSDEC’s Environmental Resource Mapper, including reviewing such mapper results for both the Short Environmental Assessment Form and the Long Environmental Assessment Form; (3) New York State Historic Preservation Office’s Cultural Resources Mapper; (4) Site Management Plan for NYSDEC Site Number: 1-30-043-P (“Site Management Plan” or “SMP”) and (5) other relevant information (collectively, 1, 2, 3, 4, and 5 shall be referred to as the “Environmental Information”); and

WHEREAS, pursuant to SEQRA, the Agency has undertaken an uncoordinated review of the Project to determine whether the Project may have a significant adverse impact on the environment and whether an Environmental Impact Statement must be prepared with respect to the Project.

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

Section 1. Based upon a thorough review and examination of the Environmental Information and upon the Agency’s knowledge of the area surrounding the Land and such further review and analysis of the Project and its environmental effects as the Agency has deemed appropriate, the Agency makes the following findings with respect to the Project:

- (1) The Agency is undertaking an uncoordinated review of the Project in accordance with the requirements of SEQRA and each of the Whereas Clauses in this Resolution is incorporated by reference as specific findings of this Resolution and shall have the same effect as the other findings herein;

(2) Prior to making a determination of the environmental significance of the Project, the Agency has consulted several information sources, and has considered the list of activities which are Type I Actions outlined in Section 617.4 of the Regulations, the list of activities that are Type II Actions outlined in Section 617.5 of the Regulations, and the criteria for determining significance outlined in Section 617.7 of the Regulations;

(3) The Agency has considered the Project pursuant to the parameters and criteria set forth in applicable law and regulations, including but not limited to those set forth in 6 NYCRR §§617.1 and 617.3;

(4) In doing so, the Agency determined that the Project is an Unlisted Action pursuant to SEQRA as that term is defined by 6 NYCRR §617.2(a) as Project involves the acquisition of an interest in Land and the renovation of certain existing buildings on the Land for use as a corporate office and manufacturing facility. The Project does not meet or exceed any threshold for a Type I Action;

(5) The Agency has considered the significance of the potential environmental impacts of the Project by: (i) carefully reviewing and examining the responses to the EAF, including the information in Part 1 of the EAF and EAF Mapper results and various database results assessing impacts or potential impacts associated with the Project, completing the analyses for Parts 2 and 3 of the EAF for the Project, together with examining other available supporting information and documents concerning the Project, including the plans and other documents referenced previously concerning the Project, to identify the relevant areas of environmental concern with respect to potential impacts to land, stormwater and groundwater, wetlands, historic, archaeological and other recognized and/or protected resources, threatened or endangered species, community character, contaminated sites and cumulative impacts, if any, and other potential impacts as required by applicable regulation; (ii) considering the criteria set forth in 6 NYCRR § 617.7(c); and (iii) thoroughly analyzing the identified areas of relevant environmental concern; and

(6) Based upon a thorough and comprehensive review by the Agency of the EAF, including Parts 1, 2 and 3 thereof, pertinent documents from various databases assessing impacts and potential impacts from the Project, the plans and any other documents concerning the Project, the Agency hereby finds that the Project will result in no potential significant adverse environmental

impacts requiring the preparation of an environmental impact statement for the action at issue. The Agency, having conducted an uncoordinated review of the Project pursuant to SEQRA, thus issues a Negative Declaration for the action pursuant to 6 NYCRR 617.7.

Section 2. The Agency approves, adopts and incorporates by reference the responses to the EAF, including Parts 1, 2 and 3 thereof with its supporting written elaboration, and finds that the Project will not result in any significant adverse impact on the environment for the following reasons:

1. Impact on Land. The Project is not anticipated to create any potentially significant adverse impacts to land resources or land use. The Land associated with the Project is proposed for a commercial and industrial use. The Project consists of the acquisition of the Land and the renovation of the Building on the Land for use as a machine shop and manufacturing facility. The zoning and land use classification will not change as a result of the Project. The Project is consistent with surrounding uses, which are industrial and commercial in nature. Further, as discussed below, while the Land associated with the Project is subject to an Environmental Easement and Site Management Plan, such easement and plan contemplate the uses associated with the Project, including as a machine shop and manufacturing facility. Accordingly, the Project is not anticipated to create any potentially significant adverse impacts to land resources or land use.
2. Impact on Water. There are no wetlands on site, nor is the Project located within the one-hundred foot buffer area of any wetland. The Project will not create a new water body. The Project is not located in a designated 100 or 500 year floodplain. The Land has been previously disturbed and will not physically alter, or encroach into, any existing wetland or waterbody. According to the Site Management Plan, the most recent New York State Department of Environmental Conservation (“NYSDEC”) acquired groundwater quality data indicates that no soil or groundwater remediation is required. However, as noted below the Site Management Plan also notes that the use of groundwater underlying the property is prohibited without necessary water quality treatment as determined by the New York State Department of Health or the Nassau County Department of Health to render it safe for use as drinking water or for industrial purposes. The Applicant will be required to obtain such consent in order to proceed with the Project and comply with the Site Management Plan. Accordingly, the Project is not anticipated to create any potentially significant adverse impacts to water.
3. Impact on Air. The Project will not be a significant source of air emissions. The Project does not entail the types of activities or operations

that require the Applicant to acquire an Air Facility Permit or that are associated with a significant potential for air emissions. According to the Site Management Plan, the potential for vapor intrusion must be evaluated in the Building and appropriate action to address any exposure must be implemented. However, the Site Management Plan also observes that the NYSDEC has reported that no further action is required with respect to soil vapor intrusion. Since the Applicant will be required to comply with the Site Management Plan, and any potential impact on air as a result of construction activities will be minor and temporary in nature, the Project will not create any significant adverse impacts to air resources.

4. Impact on Plants and Animals. The Land in the area of the Project does not possess significant ecological value as it is within a well-developed industrial and commercial area. The NYSDEC Mapper indicates that the Land does not contain a species of animal, or associated habitat listed as threatened or endangered. Accordingly, the Project will not create significant adverse impacts to plants, animals or natural communities, wildlife habitat or wetlands.
5. Impact on Agricultural Land Resources. The Project is located in an area currently used for industrial and commercial purposes, and, according to the Site Management Plan, may be used for such purposes. The Project will not involve the conversion or loss of agricultural land resources. Accordingly, the Project will not create any significant adverse impacts to agricultural land resources.
6. Impact on Aesthetic Resources. The Project will not be visible from any officially designated federal, state or local scenic or aesthetic resource. The Land is situated in a well-developed industrial and commercial area and is consistent with surrounding uses. The Project does not create a new use, but rather is the expansion of an existing use. Accordingly, the Project is not anticipated to create any significant adverse impacts to aesthetic resources.
7. Impact on Historic and Archeological Resources. The Land and Project do not contain, nor are they adjacent to, a building, archeological site as designated by the NYS Historic Preservation Office or district which is listed on, or that has been nominated to, the State or National Register of Historic Places. Areas near the Project have been previously developed and lack the characteristics that would suggest the potential presence of any significant archaeological resources. Accordingly, the Project will not create any significant adverse impacts to historical or archaeological resources.
8. Impact on Open Space and Recreation. The Land does not comprise public open space nor is the Land or surrounding area currently used for public

recreation. Accordingly, the Project will not create any significant adverse impacts to open space or recreational resources.

9. Impact on Critical Environmental Areas. The Land is not located in or substantially contiguous to any Critical Environmental Area (“CEA”). Accordingly, the Project will not create any significant adverse impacts to any CEA.
10. Impact on Transportation. The Project will not result in a substantial increase in traffic above historic levels or generate substantial new demand for transportation facilities or services. Any impacts to transportation from construction activities associated with the Project will be minor and temporary in nature. Accordingly, it is not anticipated that that Project will create any significant adverse impacts to transportation.
11. Impact on Energy. The Project may result in a slight increase in energy usage, however, existing utility lines serve the Project Facility and no significant improvements are necessary to accommodate the Project. Accordingly, the Project will not create any significant adverse impacts to energy.
12. Impact on Noise and Odor. The Project is not expected to appreciably increase ambient noise levels or to create odors. The Project does not involve the types of activities that create significant noise or odors. Any impacts to noise and/or odor from construction activities will be minor, and temporary in nature. Accordingly, the Project will not create any significant adverse impacts to noise or odors.
13. Impact on Public Health. The Project does not entail the types of activities or operations that are associated with a significant potential for affecting public health, such as storing large amounts of hazardous or toxic materials. Any solid waste generated at the Project Facility will be properly disposed of pursuant to Federal, State and local laws and regulations. Accordingly, the Project will not create any significant adverse impact to public health. . The Land is located in areas that are adjacent to sites identified on one or more DEC remediation or spills databases and/or the Land or portions of the Land has been the subject of remedial actions and investigations, but none of those sites is believed to impact the Land at issue or the Project.

The Land is part of the New Cassel Industrial area (NCIA) and it includes a total of some seventeen (17) sites within the NCIA were listed as Class 2 sites in the New York State Registry of Inactive Hazardous Waste Disposal Sites (the Registry). The listing of the 17 Class 2 sites, occurred between May 1995 and September 1999. Of the 17 Class 2 sites, three (3) were investigated and delisted from the Registry. Two sites were

investigated, remediated and delisted from the Registry. Another site was investigated, remediated and reclassified as a Class 4 site (meaning its closed and remediated, but requires further monitoring). It appears the other sites not associated with the Land (but in proximity to it) do not pose a threat to occupants of the Land and Project, nor pose a significant threat of any additional property damage to the Land associated with the Project (as detailed below). The Land associated with the Project has been the subject of remediation efforts and such land is burdened by a site management plan and environmental easement.

Further, the Land associated with the Project is burdened by an environmental easement running with the land and issued in connection with the remediation completed under the New York State Brownfield Cleanup Program bearing DEC Site No. 1-30-043 P or 118-130 Swalm Street Site including a Brownfield Site Cleanup Agreement for such site (the "Environmental Easement"). In accordance with applicable law, the Environmental Easement and the SMP, and as confirmed herein, the Agency will require that anyone operating at the referenced site as part of the Land associated with the Project undertake the actions and measures prescribed by the Environmental Easement and SMP that are subject to such easement and SMP, including (among other requirements) complying with the environmental controls and institutional controls prescribed by such easement, SMP and associated documents, i.e. by not utilizing groundwater at the site, and by not undertaking proscribed activities on it and by limiting site uses to commercial and industrial uses as well as not allowing any vegetable gardening or farming on the area encompassed by the Environmental Easement and SMP. In addition, to the extent Land associated with the Project is located on the referenced site subject to the SMP and the Environmental Easement, annual site-wide inspections shall be performed as prescribed. Further, if identified buildings in the area subject to the referenced SMP and Environmental Easement that are currently vacant are demolished and/or become occupied, an active sub slab vapor intrusion system shall be installed in the existing structure (should any new structures that are constructed in that area).

Further, the Agency shall require any entity operating any portion of the Land which is subject to the Environmental Easement and SMP including the Applicant to undertake any maintenance, monitoring and reporting measures for the engineering controls and institutional controls in effect on those portions of the Land subject to Environmental Easement, including requiring that periodic inspections of the areas associated with the Land encumbered by the Environmental Easement and SMP are undertaken. Copies of the Environmental Easement and SMP are incorporated by reference and are included with the record of proceedings in this matter. Among other measures, the SMP also requires implementation and management of environmental controls and industrial

controls, as well as certain inspection requirements and submittal of periodic review reports. The Agency will direct anyone operating the Land associated with any such Environmental Easement and SMP to comply with each of the foregoing requirements associated with the Environmental Easement and SMP to the extent same apply to the Land associated with the Project. In summarizing the foregoing requirements of the Environmental Easement, including the SMP, the Agency emphasizes that it shall require any operator on the Land, including the Applicant follow and implement such requirements to the extent same are applicable to the Land pursuant to the Project including those as referenced above. In undertaking the requirements of the Environmental Easement as set forth above, to the extent applicable to the Land, the Agency shall require each operator of the Land at issue under the Project to follow the plans developed for such site, the engineering and institutional controls, the monitoring plan requirements, and the operation and maintenance plan as well as other requirements identified in the Environmental Easement and SMP as applicable to the Land and portions of the Land burdened by such easement and SMP.

14. Impact on Growth and Character of the Community and Neighborhood. The Project will not result in significant population growth, and is in character with surrounding uses. Accordingly, the Project will not create any significant adverse impacts to the growth or character of the community.
15. Cumulative Impacts. There will be no significant adverse environmental impacts associated with any potential cumulative impact. The Agency has considered cumulative impacts, including other simultaneous or subsequent actions which are included in any long range plans of which the Project under consideration is a part; likely to be undertaken as a result of the Project; or dependent on the Project. Any potential impacts of future applications and proposals associated with the Land will be reviewed under SEQRA and zoning, land use and other applicable law when a future development is proposed

Section 3.

Based on the foregoing, the Agency finds that the Project will not result in any potential significant adverse impact on the environment in accordance with the New York State Environmental Quality Review Act, Article 8 of the New York Environmental Conservation Law and, in particular, pursuant to the criteria set forth at 6 NYCRR §617.7(b)-(c) of the SEQRA regulations and as such, no environmental impact statement shall be prepared. The Agency thus issues this Negative Declaration pursuant to SEQRA, and directs the following be undertaken and makes the following additional findings:

1. A Notice of Negative Declaration shall be filed and/or published to the extent required by the SEQRA regulations, and as the Agency may deem advisable. The findings and conclusions relating to the determination of significance contained within this Negative Declaration and this notice hereof are hereby adopted and incorporated by reference into this Resolution as applicable, including the Agency adopting by reference the completed EAF (including parts 1, 2 and 3 of it).
2. The Chairman, the Vice Chairman, the Executive Director and the Administrative Director of the Agency are hereby further authorized on behalf of the Agency, or acting together or individually, to distribute copies of this Resolution to the Applicant and to do such further things or perform such acts as may be necessary or convenient to implement the provisions of this Resolution, including filing the Negative Declaration in accordance with the applicable provisions of the law and this resolution shall also constitute a notice of Negative Declaration.
3. The members, officers, employees and agents of the Agency (including general, special, and/or transaction counsel to the Agency) are hereby authorized and directed for and in the name and on behalf of the Agency to do all acts and things required and to execute and deliver all certificates, instruments and documents, to pay all fees, charges and expenses and to do all further acts and things as may be necessary or, in the opinion of the member, officer, employee or agent of the Agency, desirable and proper to effectuate the purposes of the foregoing resolutions and to cause compliance by the Agency with all of the terms, covenants and provisions of any documents executed for and on behalf of the Agency for purposes of effectuating any of the foregoing.
4. The requirements of SEQRA have been satisfied. This resolution and notice of negative declaration shall take effect immediately.

Section 4. This Resolution shall take effect immediately.

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

Richard Kessel	VOTING Aye
Lewis M. Warren	VOTING Aye
Anthony Simon	VOTING Aye
Timothy Williams	VOTING Aye
Chris Fusco	NOT PRESENT
Amy Flores	VOTING Aye
John Coumatos	VOTING Aye

The foregoing Resolution was thereupon declared duly adopted.

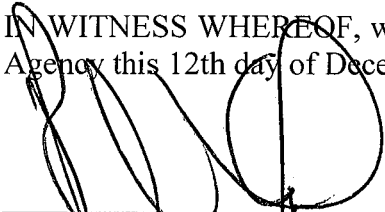
STATE OF NEW YORK)
) SS.:
COUNTY OF NASSAU)

We, the undersigned [Assistant] Secretary and [Vice] Chairman of the Nassau County Industrial Development Agency (the "Agency"), do hereby certify that we have compared the foregoing extract of the minutes of the meeting of the members of the Agency, including the Resolution contained therein, held on December 12, 2018 with the original thereof on file in our office, and that the same is a true and correct copy of said original and of such Resolution set forth therein and of the whole of said original so far as the same relates to the subject matters therein referred to.

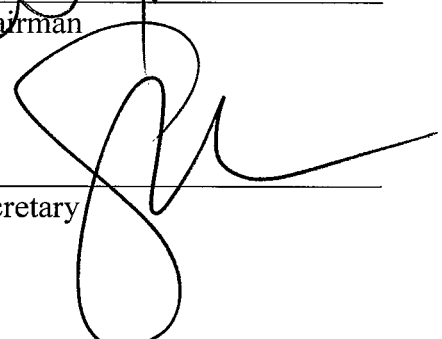
WE FURTHER CERTIFY that (A) all members of the Agency had due notice of said meeting; (B) said meeting was in all respects duly held; (C) pursuant to Article 7 of the Public Officers Law (the "Open Meetings Law"), said meeting was open to the general public, and due notice of the time and place of said 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.

WE 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, we have hereunto set our respective hands and affixed the seal of the Agency this 12th day of December, 2018.



[Vice] Chairman



[Asst.] Secretary

(SEAL)