

**SEQR RESOLUTION – UNLISTED ACTION  
ALFRED UNIVERSITY PROJECT**

A regular meeting of Allegany County Capital Resource Corporation (the “Issuer”) was convened in public session at the office of the Issuer located at Crossroads Commerce & Conference Center, 6087 State Route 19 North, Belmont, New York on April 11, 2024 at 10:00 o’clock a.m., local time.

The meeting was called to order by the (Vice) Chairperson and, upon roll being called, the following members of the board of directors of the Issuer (the “Board of Directors”) were:

PRESENT:

Judy Hopkins	Chairperson
Randy Shayler	Vice-Chairperson
Douglas Frank	Treasurer
Randy Shayler	Secretary
John Ricci	Director

ABSENT:

ISSUER STAFF PRESENT INCLUDED THE FOLLOWING:

Craig R. Clark	Executive Director
Barbara Benjamin	Operations Director
Christopher C. Canada, Esq.	Bond Counsel

The following resolution was offered by John Ricci , seconded by Randy Shayler, to wit:

Resolution No. 4-24-2

**RESOLUTION DETERMINING THAT ACTION TO UNDERTAKE A PROJECT FOR  
THE BENEFIT OF ALFRED UNIVERSITY WILL NOT HAVE A SIGNIFICANT  
EFFECT ON THE ENVIRONMENT.**

WHEREAS, pursuant to the provisions of Section 1411 of the Not-For-Profit Corporation Law of the State of New York, as amended (the “Enabling Act”) and Revenue Ruling 57-187 and Private Letter Ruling 200936012, the board of legislators (the “Board of Legislators”) of Allegany County, New York (the “County”) adopted a resolution on August 24, 2009 (the “Sponsor Resolution”) (A) authorizing the incorporation of Allegany County Capital Resource Corporation (the “Issuer”) under the Enabling Act and (B) appointing the initial members of the Board of Directors; and

WHEREAS, on August 28, 2009, a certificate of incorporation was filed with the New York Secretary of State’s Office (the “Certificate of Incorporation”) creating the Issuer as a public instrumentality of the County; and

WHEREAS, the Issuer is authorized and empowered by the provisions of the Enabling Act to relieve and reduce unemployment, promote and provide for additional and maximum employment, better and maintain job opportunities, and lessen the burdens of government and act in the public interest, and in carrying out the aforesaid purposes and in exercising the powers conferred in the Enabling Act, the Enabling Act declares that the Issuer will be performing essential governmental functions; and

WHEREAS, to accomplish its stated purposes, the Issuer is authorized and empowered under the Enabling Act to acquire real and personal property; to borrow money and issue negotiable bonds, notes and other obligations therefore; to lease, sell, mortgage or otherwise dispose of or encumber any of its real or personal property upon such terms as it may determine; and otherwise to carry out its corporate purposes in the territory in which the operations of the Issuer are principally to be conducted; and

WHEREAS, Alfred University, a New York not-for-profit education corporation (the "Institution"), has submitted an application (the "Application") to the Issuer, a copy of which Application is on file at the office of the Issuer, which Application requested that the Issuer consider undertaking a project (the "Initial Project") for the benefit of the Institution, said Project consisting of the following: (A) the financing of a portion of the costs of (i) the construction on approximately 41 acres of land owned by the Institution, to be known as the "Saxon Hill Sports Complex" and located at Jericho Hill Road and Kenyon Road, Town of Alfred, Allegany County, New York, containing (a) a new outdoor artificial multipurpose turf field, (b) a 400 meter track (and/or other track and field facilities), (c) a field event area, (d) a rugby field, (e) a dual two-tier press box with restrooms, concessions area, and grandstands, (f) a baseball field with press box, locker room, restrooms and concessions area, (g) driveways, (h) five parking lots, (i) sidewalks and (j) a sports center featuring locker rooms, athletic training room, and offices, and a maintenance and storage facility (collectively, the "Facility") and (ii) the acquisition and installation thereon and therein of various machinery and equipment (collectively, the "Equipment") (the Facility and the Equipment are collectively referred to hereinafter as the "Project Facility"), all of the foregoing to constitute an educational facility and other directly and indirectly related activities for use by the Institution; (B) the financing of all or a portion of the costs of the foregoing by the issuance of tax-exempt and/or taxable revenue bonds of the Issuer in one or more issues or series in an aggregate principal amount sufficient to pay the cost of undertaking the Initial Project, together with necessary incidental costs in connection therewith, presently estimated to be \$20,000,000 and in any event not to exceed \$21,000,000 (the "Obligations"); (C) the paying a portion of the costs incidental to the issuance of the Obligations, including issuance costs of the Obligations and any reserve funds as may be necessary to secure the Obligations; and (D) the making of a loan of the proceeds of the Obligations to the Institution or such other person as may be designated by the Institution and agreed upon by the Issuer; and

WHEREAS, pursuant to the authorization contained in a resolution adopted by the members of the board of directors of the Issuer on March 14, 2024 (the "Public Hearing Resolution"), the Executive Director of the Issuer (A) caused notice of a public hearing of the Issuer (the "Public Hearing") pursuant to Section 859-a of the GML, to hear all persons interested in the Initial Project and the financial assistance being contemplated by the Issuer with respect to the Initial Project, to be mailed on March 21, 2024 to the chief executive officers of the county and of each city, town, village and school district in which the Initial Project Facility is to be located, (B) caused notice of the Public Hearing to be posted on March 22, 2024 on the Issuer's website, (C) caused notice of the Public Hearing to be published on March 27, 2024 in The Spectator, a newspaper of general circulation available to the residents of Town of Alfred, Allegany County, New York, (D) conducted the Public Hearing on April 8, 2024 at 7:00 o'clock p.m., local time at the Town of Alfred Town Hall located at 6340 Shaw Road in the Town of Alfred, Allegany County, New York, and (E) prepared a report of the Public Hearing (the "Report") fairly summarizing the views presented at such Public Hearing and caused copies of said Report to be made available to the members of the board of directors of the Issuer and to the Board of Legislators; 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 (the “Regulations”) adopted pursuant thereto by the Department of Environmental Conservation of the State of New York (collectively with the SEQR Act, “SEQRA”), the Issuer must satisfy the requirements contained in SEQRA and the Regulations prior to making a final determination whether to undertake the Project; and

WHEREAS, to aid the Issuer in determining whether the Project may have a significant effect upon the environment, the Institution has prepared and submitted to the Issuer an environmental assessment form (the “EAF”) with respect to the Project, a copy of which EAF was presented to and reviewed by the Issuer at this meeting and a copy of which is on file at the office of the Issuer; and

WHEREAS, pursuant to SEQRA, the Issuer has examined the EAF in order to make a determination as to the potential environmental significance of the Project; and

WHEREAS, the Project does not appear to constitute a “Type I Action” (as said quoted term is defined in the Regulations), and therefore coordinated review and notification is optional with respect to the actions contemplated by the Issuer with respect to the Project; and

WHEREAS, the Issuer desires to conduct an uncoordinated review of the Project and to determine whether the Project may have a “significant effect on the environment” and therefore require the preparation of an environmental impact statement;

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE BOARD OF DIRECTORS OF ALLEGANY COUNTY CAPITAL RESOURCE CORPORATION, AS FOLLOWS:

Section 1. The Issuer has received copies of, and has reviewed, the Application and the EAF submitted to the Issuer by the Institution with respect thereto (collectively, the “Reviewed Documents”) and, based upon said Reviewed Documents and the representations made by the Institution to the Issuer at this meeting, and based further upon the Issuer’s knowledge of the area surrounding the Project Facility and such further investigation of the Project and its environmental effects as the Issuer has deemed appropriate, the Issuer makes the following findings and determinations with respect to the Project:

A. The project (the “Project”) consists of the following: (1) the financing of a portion of the costs of (i) the construction on approximately 41 acres of land owned by the Institution, to be known as the “Saxon Hill Sports Complex” and located at Jericho Hill Road and Kenyon Road, Town of Alfred, Allegany County, New York, containing (a) a new outdoor artificial multipurpose turf field, (b) a 400 meter track (and/or other track and field facilities), (c) a field event area, (d) a rugby field, (e) a dual two-tier press box with restrooms, concessions area, and grandstands, (f) a baseball field with press box, locker room, restrooms and concessions area, (g) driveways, (h) five parking lots, (i) sidewalks and (j) a sports center featuring locker rooms, athletic training room, and offices, and a maintenance and storage facility (collectively, the “Facility”) and (ii) the acquisition and installation thereon and therein of various machinery and equipment (collectively, the “Equipment”) (the Facility and the Equipment are collectively referred to hereinafter as the “Project Facility”), all of the foregoing to constitute an educational facility and other directly and indirectly related activities for use by the Institution (the “Obligations”); (2) the paying a portion of the costs incidental to the issuance of the Obligations, including issuance costs of the Obligations and any reserve funds as may be necessary to secure the Obligations; and (3) the making of a loan of the proceeds of the Obligations to the Institution or such other person as may be designated by the Institution and agreed upon by the Issuer.

B. The only potential impacts on the environment noted in the EAF or otherwise known to the Issuer, and the Issuer's evaluation of the potential significance of same, are as follows:

1. The Project will not adversely affect any publicly-owned open space, public recreation and/or critical environmental areas.

2. It is not anticipated that the Project will have any adverse impact on threatened or endangered aquatic species or other plant or animal resources.

3. It is not anticipated that any archeological or historical resources will be impacted by the proposed Project.

4. It is not anticipated that the Project will result in the generation of traffic significantly above current traffic levels and, as a result, the Project is not expected to cause any significant adverse impact on transportation.

5. It is not anticipated that the Project will have a significant adverse impact upon public health and safety.

C. No other potentially significant impacts on the environment are noted in the EAF, and none are known to the Issuer.

Section 2. 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 Issuer 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 Regulations) and therefore coordinated review and notification of other involved agencies is strictly optional. The Issuer hereby determines not to undertake a coordinated review of the Project, and therefore will not seek lead agency status with respect to the Project;

B. The Project will result in no major impacts and, therefore, is one which will not cause significant damage to the environment. Therefore, the Issuer hereby determines that the Project will not have a significant effect on the environment, and the Issuer will not require the preparation of an environmental impact statement with respect to the Project; and

C. As a consequence of the foregoing, the Issuer has decided to prepare a negative declaration with respect to the Project, the form of which negative declaration is attached hereto as Exhibit A.

Section 3. The Chief Executive Officer of the Issuer is hereby directed to file a copy of this resolution with respect to the Project in the office of the Issuer.

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:

Judy Hopkins	VOTING	AYE _____
Randy Shayler	VOTING	AYE _____
Richard Ewell	VOTING	AYE _____
Douglas Frank	VOTING	AYE _____
John Ricci	VOTING	AYE _____

The foregoing resolution was thereupon declared duly adopted.

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

I, the undersigned Secretary of Allegany County Capital Resource Corporation (the "Issuer"), do hereby certify that I have compared the foregoing extract of the minutes of the meeting of the members of the board of directors of the Issuer (the "Board of Directors") held on April 11, 2024 with the original thereof on file in my office, and that the same is a true and correct copy of said original and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that (A) all members of the Board of Directors 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 Board of Directors 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 and affixed the seal of the Issuer this 11<sup>th</sup> day of April, 2024.

BY:  \_\_\_\_\_  
Secretary



## EXHIBIT A

### NOTICE OF DETERMINATION OF NO SIGNIFICANT EFFECT ON THE ENVIRONMENT

TO ALL INTERESTED AGENCIES, GROUPS AND PERSONS:

In accordance with Article 8 (State Environmental Quality Review) of the Environmental Conservation Law (the "Act"), and the statewide regulations under the Act (6 NYCRR Part 617) (the "Regulations"), notice is hereby given that Allegany County Capital Resource Corporation (the "Issuer") has reviewed an application and environmental assessment form from Alfred University (the "Institution") in connection with the proposed project described below (the "Project") and that the Issuer has determined (A) that the proposed Project is an "Unlisted Action" pursuant to the Regulations, and therefore that coordinated review and notification is optional with respect to said Project; (B) to conduct an uncoordinated review of the Project; (C) that the Project will result in no major impacts and therefore will not have a significant effect on the environment; and (D) therefore that an environmental impact statement is not required to be prepared with respect to the Project. THIS NOTICE IS A NEGATIVE DECLARATION FOR THE PURPOSES OF THE ACT.

1. Lead Agency: The Issuer has determined not to follow the coordinated review provisions of the Regulations. Therefore, there is no lead agency for the Project.

2. Person to Contact for Further Information: Craig R. Clark, Executive Director, Allegany County Capital Resource Corporation, 6087 Route 19N – Suite 100, Belmont, New York 14813; Phone: (607) 968-0214.

3. Project Identification: Proposed Alfred University Project.

4. Project Description: The Project (the "Project") consists of the following: (A) the financing of a portion of the costs of (i) the construction on approximately 41 acres of land owned by the Institution, to be known as the "Saxon Hill Sports Complex" and located at Jericho Hill Road and Kenyon Road, Town of Alfred, Allegany County, New York, containing (a) a new outdoor artificial multipurpose turf field, (b) a 400 meter track (and/or other track and field facilities), (c) a field event area, (d) a rugby field, (e) a dual two-tier press box with restrooms, concessions area, and grandstands, (f) a baseball field with press box, locker room, restrooms and concessions area, (g) driveways, (h) five parking lots, (i) sidewalks and (j) a sports center featuring locker rooms, athletic training room, and offices, and a maintenance and storage facility (collectively, the "Facility") and (ii) the acquisition and installation thereon and therein of various machinery and equipment (collectively, the "Equipment") (the Facility and the Equipment are collectively referred to hereinafter as the "Project Facility"), all of the foregoing to constitute an educational facility and other directly and indirectly related activities for use by the Institution;;(B) the financing of all or a portion of the costs of the foregoing by the issuance of tax-exempt and/or taxable revenue bonds of the Issuer in one or more issues or series in an aggregate principal amount sufficient to pay the cost of undertaking the Project, together with necessary incidental costs in connection therewith, presently estimated to not exceed \$20,000,000 and in any event not to exceed \$21,000,000 (the "Obligations"); (C) the paying a portion of the costs incidental to the issuance of the Obligations, including issuance costs of the Obligations and any reserve funds as may be necessary to secure the Obligations; and (D) the making of a loan of the proceeds of the Obligations to the Institution or such other person as may be designated by the Institution and agreed upon by the Issuer.

5. Project Location: The Project Facility will be located at Jericho Hill Road and Kenyon Road in the Town of Alfred, Allegany County, New York.

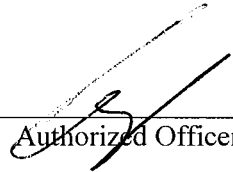
6. Reasons for Determination of Non-Significance: By resolution adopted by the members of the board of directors of the Issuer on April 11, 2024, no significant environmental impacts were identified by the Issuer in its review of the environmental assessment form submitted to the Issuer by the Institution with respect to the Project and, based upon the Issuer's knowledge of the area surrounding the Project Facility and such further investigation of the Project and its environmental effects as the Issuer has deemed appropriate, no significant environmental impacts are known to the Issuer.

7. Comment Period: All interested parties, groups and persons disagreeing with or otherwise desiring to comment upon the Issuer's environmental determination with respect to this Project are invited to submit written comments for consideration by the Issuer. All such comments should be sent by mail addressed to Craig R. Clark, Executive Director at the address specified in paragraph two hereof.

Dated: April 11, 2024

ALLEGANY COUNTY CAPITAL  
RESOURCE CORPORATION

BY:



Authorized Officer