

NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a public hearing pursuant to Article 18-A of the New York General Municipal Law will be held by the Niagara County Industrial Development Agency (the "Agency") on the **2nd day of April, 2012 at 4:00 p.m.**, local time, in the Meeting Room at the Town of Newfane, Town Hall, 2737 Main Street, Newfane, New York 14108, in connection with the following matter:

SOPS, LLC (Sun Orchard Fruit Company), a New York limited liability company, with offices at 2087 Transit Road, Burt, New York 14028, for itself or on behalf of an entity formed or to be formed (the "Company"), has submitted an application to the Agency, a copy of which is on file at the office of the Agency, requesting that the Agency consider undertaking a project (the "Project") consisting of: (A) the acquisition (or retention) by the Agency of fee title to or other interest in a parcel of land located at 2087 Transit Road in the Town of Newfane, Niagara County, New York (the "Land"); (B) the construction of an approximately 24,000 square foot addition to the existing facility to be used for the expansion of the Company's fresh apple packing and shipping facility (the "Improvements"); and (C) the acquisition of and installation in and around the Improvements of certain manufacturing machinery, equipment and items of personal property (the "Equipment") and collectively, with the Land and the Improvements, the "Facility").

The Agency will acquire or retain title to, or a leasehold interest in, the Facility and lease the Facility back to the Company. The Company will operate the Facility during the term of the lease. At the end of the lease term, the Company will purchase the Facility from the Agency, or if the Agency holds a leasehold interest, the leasehold interest will be terminated. The Agency contemplates that it will provide financial assistance to the Company for qualifying portions of the Project in the form of sales and use tax exemptions and a mortgage recording tax exemption, consistent with the policies of the Agency, and a partial real property tax abatement.

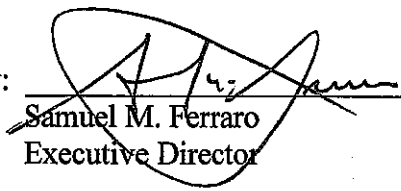
A representative of the Agency will be at the above-stated time and place to present a copy of the Application and hear and accept written and oral comments from all persons with views in favor of or opposed to the proposed financial assistance.

This public hearing is being conducted in accordance with Subdivision 2 of Section 859-a of the New York General Municipal Law.

DATED: March 12, 2012

**NIAGARA COUNTY INDUSTRIAL
DEVELOPMENT AGENCY**

By: _____


Samuel M. Ferraro
Executive Director