

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 Wayne County Industrial Development Agency (the "Agency") on Monday, November 8, 2010, at 9:30 a.m. local time, in the Meeting Room at the Town of Huron Town Hall, 10880 Lummisville Road, Wolcott, NY 14590, in connection with the following matter:

EMPIRE FRUIT GROWERS CO-OP, INC. (the "Company"), on its own behalf, a related entity or entity to be formed, has submitted an application to the Agency requesting the Agency's assistance with a certain project (the "Project") consisting of (i) the acquisition by the Agency of fee title to, or a leasehold interest in, an approximately 4.98 acre unimproved parcel of land located in the Town of Huron, Wayne County (the "Land", being more particularly described as TMID No. 74117-00-026538); (ii) the construction on the Land of an approximately 70,000 square-foot facility (the "Improvements") for use by the Company as fresh fruit packing, warehousing and distribution space for the Company's apple and other fresh fruit packing, refrigerated storage and distribution operations; (iii) the acquisition of and installation in and around the Improvements by the Company of machinery, equipment, furniture, fixtures and other items of tangible personal property (the "Equipment" and, collectively with, the Land and the Improvements, the "Facility"); and (iv) through a straight lease transaction (within the meaning of subdivision (15) of Section 854 of the Act), pursuant to which the Agency will retain title to or a leasehold interest in the Facility for a period of time and sell or sublease such interest in the Facility back to the Company (the "Straight Lease Transaction").

The Agency will acquire 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 (the "Financial Assistance") to the Company 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 Company's project Application (including a cost-benefit analysis) and hear and accept written and oral comments from all persons with views in favor of or opposed to or otherwise relevant to the proposed Financial Assistance.

Dated: October 6, 2010

WAYNE COUNTY INDUSTRIAL
DEVELOPMENT AGENCY