# City of Syracuse Industrial Development Agency

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# Minutes

# Board of Directors Meeting

# Tuesday, April 18, 2023

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**Board Members Present:** Kathleen Murphy, Kenneth Kinsey, Rickey T. Brown, Steven Thompson, Dirk Sonneborn

**Staff Present:** Eric Ennis,Susan Katzoff, Esq., Lori McRobbie

**Others Present**: Philip Maguire, Aggie Lane, Peter King, Barry Lentz

# Call Meeting to Order

# Ms. Murphy called the meeting to order at 8:01 a.m.

# Roll Call

Ms. Murphy acknowledged that all board members were present.

# Proof of Notice

Ms. Murphy acknowledged that notice of the meeting had been duly and properly provided.

# Minutes

Ms. Murphy asked for a motion approving the minutes from the March 21, 2023 Board of Directors meeting, a copy of which was included in the Board's packet. Mr. Kinsey made the motion. Mr. Brown seconded the motion. There being no discussion, **THE MOTION TO APPROVE THE MINUTES FROM THE MARCH 21, 2023 BOARD OF DIRECTORS MEETING WAS UNANIMOUSLY APPROVED.**

# New Business

# 400 South Salina St. LLC

# Ms. Katzoff said the Agency was in receipt of correspondence from 400 South Salina St. LLC requesting the Agency participate in a second mortgage for the renovation of the old Sibley's building located at 400 South Salina Street. The Company took a first construction loan mortgage at the time of the December 2021 closing. They are looking to take a second mortgage to cover some cost overruns. No additional financial assistance is being requested. The lease documents anticipate this type of participation. There are no known defaults under any of the agreements and they have not exceeded the amount of their awarded sales tax exemption.

There being no discussion, Ms. Murphy asked for a motion to approve the resolution. Mr. Thompson made the motion. Mr. Brown seconded the motion. **ALL BOARD MEMBERS PRESENT UNANIMOUSLY APPROVED A RESOLUTION APPROVING THE AGENCY'S PARTICIPATION IN A SECOND MORTGAGE FOR THE PROJECT AND AUTHORIZING THE EXECUTION AND DELIVERY OF CERTAIN DOCUMENTS IN CONNECTION THEREWITH.**

# Ms. Katzoff said the Agency has a policy that requires projects to use local labor and materials. If for whatever reason a company cannot find the labor and materials locally, they need to come to the board for a waiver. 400 South Salina St. LLC is seeking a waiver for a sub-agent named DHF Developer LLC, located in Pennsylvania, who does spray fireproofing. The Company could not find anyone locally to meet their time constraints related to completion to the completion dates for their tenant obligations. The amount of the work is estimated at approximately $60,000 which is a relatively de minimis amount of the total project costs ($8,970,000). She believes this is the only waiver they have requested to date. Ms. Murphy confirmed.

# Mr. Brown asked if he could see who else the Company extended opportunities to. He is aware of one local MWBE fire company.

# Ms. Katzoff said we can ask, but it seemed to be more of a timing issue to meet their schedule.

# Mr. Brown said he knows of one MWBE compliant company (RH Fire, LLC) that is State certified that is often overlooked due to their specialty and wants to make sure folks are aware of them.

# Ms. Murphy said staff will get that data.

# Mr. Kinsey said in the future, if companies cannot find local sub-agents he would like to see the list of who locally the companies have asked as they may be able to suggest others.

There being no discussion, Ms. Murphy asked for a motion to approve the resolution for a waiver of the Agency's Local Access Policy for an amount not to exceed $60,000. Mr. Kinsey made the motion. Mr. Brown seconded the motion. **ALL BOARD MEMBERS PRESENT UNANIMOUSLY APPROVED A RESOLUTION AUTHORIZING A WAIVER OF THE AGENCY'S LOCAL ACCESS POLICY IN AN AMOUNT NOT TO EXCEED $60,000.**

# Maguire Family Limited Partnership

# Ms. Katzoff said the Agency closed on a project in December 2020 for Maguire Auto and their various entities. They were appointed as your agent for purposes of completing the project and taking advantage of the State and local sales tax exemption benefits. Sales tax exemption benefit set to expire March 31, 2023. They are seeking an extension through the end of November 2023. No additional financial assistance is being requested. Due to material shortages, it took them longer to obtain the materials they needed. They have not utilized all of the awarded sales tax benefit and are not asking for any more, they simply need the extension to be able to complete the project.

# Ms. Katzoff said that Phil Maguire is in attendance if anyone has questions.

# Mr. Maguire said the project is 65% complete.

There being no discussion, Ms. Murphy asked for a motion to approve the resolution. Mr. Sonneborn made the motion. Mr. Kinsey seconded the motion. **ALL BOARD MEMBERS PRESENT UNANIMOUSLY APPROVED A RESOLUTION AUTHORIZING AN EXTENSION OF THE APPOINTMENT OF THE COMPANY AND ITS SUB-AGENTS OF THE AGENCY UNTIL NOVEMBER 30, 2023 AND AUTHORIZING THE EXECUTION AND DELIVERY OF CERTAIN DOCUMENTS IN CONNECTION THEREWITH.**

# Discussion

# Downtown Committee request for summer maintenance for 2023 & 2024 at M. Lemp Park

# Mr. Ennis said as the board may recall the Agency has previously entered into two-year agreements with the Downtown Committee for maintenance services which includes mowing and plantings from May through October for M. Lemp Park located at the corner of Warren Street and East Fayette Street.

# Mr. Ennis said the Agency will be invoiced for the years 2023 and 2024 separately for a total of $2,980 ($1,490 per year). In addition, the Downtown Committee also does watering of flowers which is a separate contract for $1,400 ($700 per year). The board is being asked to extend each contact for another two years for this maintenance.

# Mr. Sonneborn asked if the park is owned by the City? Ms. Katzoff said the Agency owns M. Lemp Park.

# Ms. Katzoff said that traditionally, Ms. DeLaney signs the contracts as it is within her authority but in Ms. DeLaney's absence, the Chair wanted the Board to be aware that it was being done.

# Ms. Murphy asked for a motion to approve the two-year contract with the Downtown Committee. Mr. Sonneborn made the motion. Mr. Brown seconded the motion. ALL BOARD MEMBERS PRESENT UNANIMOUSLY APPROVED A MOTION TO APPROVE THE TWO-YEAR CONTRACT WITH THE DOWNTOWN COMMITTEE FOR MAINTENANCE AT M. LEMP PARK.

# Update on Legislation

Ms. Katzoff reported that two new provisions went into effect that amended the General Municipal Law.

1. Whenever there is a deviation from your PILOT, the Agency is obligated to notify the taxing jurisdictions before you vote on approval of a PILOT that deviates from your UTEP. The new amendment requires that the Agency send that notice via Certified Mail, Return Receipt Requested *or* via email with a read receipt.

Also, whenever the board authorizes a public hearing, the public hearing notice goes to all of the taxing jurisdictions. This legislation now requires the Agency also send the Inducement Resolution, once adopted, to the taxing jurisdictions via Certified Mail, Return Receipt Requested *or* via mail with a read receipt.

To address the new legislation a new proposed policy is in the agenda. The first part of the new policy sets forth the manner in which the Agency will give notice of those two events. The policy provides the Agency will send such notices via email with a read receipt, if the read receipt is not received back within 10 days, the Agency will follow-up with mailing via Certified Mail, Return Receipt Requested. This is the most cost-effective method.

1. The second piece of the new legislation is a new requirement that the IDAs give notice to affected taxing jurisdictions within two years of the stated expiration any PILOT Agreement.

Ms. Katzoff said staff is working to create a spreadsheet to track the PILOTs which will alert staff when to send out the notice to the affected taxing jurisdictions.

Ms. Murphy made a motion to approve the Notice Policy. Mr. Brown made the motion. Mr. Kinsey seconded the motion. **ALL BOARD MEMBERS PRESENT UNANIMOUSLY APPROVED A MOTION TO ADOPT THE NOTICE POLICY.**

Aggie Lane from Urban Jobs Taskforce (UTF) was recognized by the Chair and spoke regarding the monitoring of the Agency's Project Approval Policy and requested that a dashboard be placed on the Agency's website to show UJT and other citizens how the Agency is doing that would show 10% local hire and 10% MWBE. Otherwise, it is going to be hard to track.

Ms. Murphy said staff is in the process of working that out and plans to use the TLSP Coda project to iron out what works and will keep the board and the public as updated as possible with regards to compliance with the new policies. Ms. Murphy acknowledged the request but indicated that getting a dashboard on the Agency's website is going to be a longer term approach.

Ms. Lane said when they were monitoring JSCB they had LCP tracker and an outside company but every quarter a full report was provided. Maybe it is an option to do something similar and so people could come to a meeting where a report was given.

Ms. Murphy mentioned an event that Hueber Breuer is co-hosting geared towards . It is an employment match making event where general contractors and sub-agents would be present for people to meet.

Ms. Murphy will share the flyer with the board to share.

# Executive Session

# Ms. Murphy asked for a motion to move into Executive Session for the purposes of discussing personnel.

# At 8:23 a.m., Mr. Kinsey made a motion to enter executive session to discuss personnel. Mr. Brown seconded the motion. ALL BOARD MEMBERS PRESENT UNANIMOUSLY APPROVED A MOTION TO ADJOURN TO EXECUTIVE SESSION FOR THE PURPOSE OF DISCUSSING PERSONNEL.

# Ms. Murphy asked for a motion to adjourn out of executive session. At 9:00 a.m., Mr. Brown made a motion to leave executive session. Mr. Thompson seconded the motion. ALL BOARD MEMBERS PRESENT UNANIMOUSLY APPROVED A MOTION TO ADJOURN OUT OF EXECUTIVE SESSION.

# Adjournment

There being no further business to discuss, Ms. Murphy asked for a motion to adjourn the meeting. Mr. Thompson made a motion. Mr. Kinsey seconded the motion. **ALL BOARD MEMBERS PRESENT UNANIMOUSLY APPROVED A MOTION TO ADJOURN THE MEETING AT 9:01 AM.**