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APPROVING RESOLUTION

A regular meeting of the City of Syracuse Industrial Development Agency was convened in public session on November 21, 2023, at 8:00 o'clock a.m. in the Common Council Chambers, City Hall, 233 East Washington Street, Syracuse, New York.

The meeting was called to order by the Chair and upon the roll being duly called, the following members were:

PRESENT: Kathleen Murphy, Rickey T. Brown, Steven Thompson, Kenneth Kinsey, Dirk Sonneborn

THE FOLLOWING PERSONS WERE ALSO PRESENT: Staff Present: Eric Ennis, Kyle DeMarco, Susan Katzoff, Esq., Lori McRobbie; Others Present: Wendy Lougnot, Esq., Merike Treier, Shawn Murphy, Dino Peios, John Michael Duby, Gary Ayers, Nayel Ashkar, Jeremy Boyer

The following resolution was offered by Rickey T. Brown and seconded by Steven Thompson:

RESOLUTION AUTHORIZING WAIVERS OF THE AGENCY'S LOCAL ACCESS POLICY

WHEREAS, the City of Syracuse Industrial Development Agency (the "***Agency***") is authorized and empowered by Title 1 of Article 18-A of the General Municipal Law of the State of New York (the "***State***"), as amended, together with Chapter 641 of the Laws of 1979 of the State of New York, as amended from time to time (collectively, the "***Act***"), to promote, develop, encourage and assist in the acquiring, constructing, reconstructing, improving, maintaining, equipping and furnishing of industrial, manufacturing, warehousing, commercial, research and recreation facilities, for the purpose of promoting economically sound commerce and industry to advance the job opportunities, health, general prosperity and economic welfare of the people of the State, to improve their recreation opportunities, prosperity and standard of living; and

WHEREAS, by application dated June 13, 2016 as supplemented on March 3, 2020 (collectively, the "***Application***"), Maguire Family Limited Partnership (the "***Company***") requested the Agency undertake a project (the "***Project***") consisting of: (A)(i) the acquisition of an interest in approximately 13.312 acres of real property located at 406-10 State Fair Boulevard and 959 Hiawatha Boulevard West ("***959 Hiawatha***"), which is improved by two (2) existing buildings, and approximately 3.825 acres of vacant land located at 1027 Hiawatha Boulevard West, 401 and 403 State Fair Boulevard and 101 and 103 Rusin Avenue and Harbor Street, each located in the City of Syracuse, New York (collectively, the "***Land***"); (ii) the renovation of the existing 7,152 square foot building located on 959 Hiawatha to include an approximately 1,641 sq. ft. addition and renovations to the existing approximately 37,958 sq. ft building located at 959 Hiawatha to include an approximately 9,500 sq. ft. addition, each to house some or all of the following: car dealership and show rooms, service and/or body shop(s) and related office space; and (iii) site improvements, including, but not limited to, landscaping, greenspace, "green" bio-

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retention and permeable stormwater treatment areas and new vehicle parking areas, all located on the Land ((i)-(iii) collectively, the "***Facility***"); (iv) the acquisition and installation in and at the Land and Facility of furniture, fixtures, inventory and equipment (the "***Equipment***" and together with the Land and the Facility, the "***Project Facility***"); (B) the granting of certain financial assistance in the form of exemptions from State and local sales and use tax, mortgage recording tax (except as limited by Section 874 of the General Municipal Law) and real property taxes (on some or all of the Land) (collectively the "***Financial Assistance***"); (C) the appointment of the Company or its designee as an agent of the Agency in connection with the acquisition, construction, renovation, equipping and completion of the Project Facility; and (D) the lease of the Land and Facility by the Agency pursuant to a lease agreement and the acquisition of an interest in the Equipment pursuant to a bill of sale from the Company, or Company's affiliate, to the Agency; and the sublease of the Project Facility back to the Company pursuant to a sublease agreement; and

WHEREAS, in December 2020, the Company and Agency entered into a lease transaction to effectuate the undertaking of the Project and the conference of the approved Financial Assistance (the "***Lease Transaction***"); and

WHEREAS, the Company represents that there are no events of default under the leases or any other documents executed and delivered by the Company in conjunction with the Lease Transaction (the "***Lease Documents***"), including but not limited to a Local Access Agreement whereby the Company acknowledged and agreed to be bound by the Agency's Local Access Policy which provides, in part, that the Company and its additional agents utilize local labor, contractors and suppliers for the construction, reconstruction, renovation, equipping and completion of the Project Facility. For purposes of the Local Access Policy, the term "***local***" shall mean Onondaga, Oswego, Oneida, Madison, Cayuga and Cortland Counties (the "***Approved Counties***"); and

WHEREAS, the Company indicated that as of October 3, 2023 date, they have used approximately $562,717 of the $771,408 sales tax exemption granted and that the Project is approximately 86% complete; and

WHEREAS, by correspondence dated November 15, 2023, the Company requested a waiver of the Agency's Local Access Policy (the "***Autel Waiver***") for Autel DCFC located at 36 Harbor Park Drive, Port Washington, New York ("***Autel***"). Autel is a manufacturer of EV Charging Stations. Autel is one of the world's leading providers of intelligent automotive products and services including the EV Charging and Energy Solutions product line. They offer solutions with the latest features, high quality standards and best-valued products in the industry. The Company plans to purchase these materials directly from the manufacturer. There are no manufacturers within the Approved Counties. The cost of the EV Chargers is approximately $620,000 which represents approximately 3.5% of the total Project costs; and

WHEREAS, by correspondence dated November 16, 2023, the Company also requested a waiver of the Agency's Local Access Policy for Flex Epoxy Flooring, Inc. (the "***Flex Epoxy Waiver***" and together with the Autel Waiver, the "***Waviers***") located at 136 N. Ogden Street, Buffalo, New York. This project was competitively bid to all qualified epoxy flooring

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subcontractors from inside and outside of the Approved Counties. Two qualified bids were received. One from Flex Epoxy Flooring and one from C.A. Reed Associates, Inc of Canandaigua, NY 14424. Flex Epoxy was $197,000 vs CA Reed was $242,706. Both bidders were outside of the Approved Counties. This subcontract represents approximately 1.2% of the total Project costs; and

WHEREAS, the services performed by the two (2) subcontractors listed above is collectively referred to as the "***Work***"; and

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law of the State of New York, as amended, and the regulations of the Department of Environmental Conservation of the State of New York promulgated thereunder (collectively referred to hereinafter as "***SEQRA***"), the Agency is required to make a determination as to whether the "action" (as said quoted term is defined in SEQRA) to be taken by the Agency may have a "significant impact on the environment" (as said quoted term is utilized in SEQRA). The Agency has classified the granting of the Waiver and the approval of the Transfers as a "Type II" action as that term is defined under SEQRA, and therefore no further review is required.

NOW, THEREFORE, be it resolved by the members of the City of Syracuse Industrial Development Agency as follows:

(1) Based upon the representations made by the Company to the Agency, the Agency hereby makes the following findings and determinations:

(a) the action authorized pursuant to this Resolution constitutes a Type II action under SEQRA and no further review is required; and

(b) the Agency authorizes the Waivers solely for the Work as set forth herein.

(2) The Waivers provided for herein shall apply only to the specific Work set forth herein and shall not be construed to waive any other requirements relative to any other contractors, subcontractors or suppliers under the Agency's Local Access Policy for any labor, equipment or supplies.

(3) No covenant, stipulation, obligation or agreement contained in this resolution or any document referred to herein shall be deemed to be the covenant, stipulation, obligation or agreement of any member, officer, agent or employee of the Agency in his or her individual capacity. Neither the members nor officers of the Agency, nor any person executing any documents referred to above on behalf of the Agency, shall be liable thereon or be subject to any personal liability or accountability by reason of the execution or delivery thereof.

(4) The Secretary and/or the Executive Director of the Agency is hereby authorized and may distribute copies of this Resolution and do such further things or perform such acts as may be necessary or convenient to implement the provisions of this Resolution.

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(5) This Resolution shall take effect immediately. A copy of this Resolution, together with any attachments hereto, shall be placed on file in the office of the Agency where the same shall be available for public inspection during business hours.

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

	AYE	**NAY**
Kathleen Murphy	X	
Steven Thompson	X	
Rickey T. Brown	X	
Kenneth Kinsey	X	
Dirk Sonneborn	X	

The foregoing Approving Resolution was thereupon declared duly adopted.

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STATE OF NEW YORK)
) **SS.:**
COUNTY OF ONONDAGA)

I, the undersigned Secretary of the City of Syracuse Industrial Development Agency, **DO HEREBY CERTIFY** that I have compared the annexed extract of the minutes of the meeting of the City of Syracuse Industrial Development Agency (the "***Agency***") held on November 21, 2023, with the original thereof on file in my office, and that the same (including all exhibits) is a true and correct copy of the proceedings of the Agency and of the whole of such original insofar as the same relates to the subject matters referred to therein.

I FURTHER CERTIFY that: (i) all members of the Agency had due notice of such meeting, (ii) pursuant to Section 104 of the Public Officers Law (Open Meetings Law), such meeting was open to the general public and public notice of the time and place of such meeting was duly given in accordance with such Section 104, (iii) the meeting was in all respects duly held, and (iv) there was a quorum present throughout.

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 set my hand and affixed the seal of the Agency on 11/30/2023.

City of Syracuse Industrial Development Agency

DocuSigned by:
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Rickey T. Brown, Secretary

(S E A L)