

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 roll being called, the following members of the Agency 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 Dirk Sonneborn and seconded by Kenneth Kinsey:

RESOLUTION AUTHORIZING THE DOWNTOWN COMMITTEE OF SYRACUSE TO REALLOCATE EXISTING FUNDS APPROVED WITH RESPECT TO A PROJECT AND AUTHORIZING ANY NECESSARY DOCUMENT AMENDMENTS

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, Downtown Committee of Syracuse ("**DCS**") is a nonprofit organization, that represents all property owners and tenants within the central business district of the City missioned to bring about improvement and revitalization to the properties within the Downtown Special Assessment District. The DCS undertakes programs to serve and improve the central business district within the City of Syracuse, strengthen its economic base, increase its attractiveness and assure that it's clean, safe and accessible. The DCS is at the nexus of the public and private partnership that brings about improvement and revitalization in this area; and

WHEREAS, the DCS is the only organization formed exclusively for this purpose and as part of their mission and authorization the DCS provides and coordinates, among other things, security and environmental maintenance in this designated area and the partnership envisioned by this Project (as defined herein) comports with the Agency's policies; and

WHEREAS, the DCS' mission supports and furthers the Agency's purposes of promoting economic development, providing residents opportunities to thrive as business owners and to improving the recreation opportunities, prosperity and standard of living for the residents of the City of Syracuse. The DCS is primarily funded through a budgetary line item from the City of Syracuse; and

WHEREAS, by resolution adopted on May 24, 2022, the Agency undertook a project at the request of the DCS (the "**Project**") consisting of contracting with DCS for a two (2) year period to obtain, within the central business district of the City, the following services: (i) an evening security patrol consisting of two security officers performed during the hours of 4-8 p.m. Monday through Friday with flexibility in hours to account for special events; (ii) a security patrol consisting of two security officers performed on Saturday between 10 a.m. - 6 p.m. and on Sundays between 11 a.m. - 5 p.m. with flexibility in hours to account for special events; and (iii) the retention of two part time environmental maintenance personnel to perform environmental maintenance and improvements to be conducted on Saturday and Sunday from 7 a.m. - 3 p.m. with flexibility in hours to account for special events (collectively, (i)-(iii) hereof the "**Services**") for a total cost of \$148,800 in the 1st year and \$151,700 in the second year for an aggregate spend of \$300,500 (the "**Commitment**"); and

WHEREAS, the Agency and the DCS entered into a two (2) year contract (the "**Contract**") for the Services which commenced on July 1, 2022 and runs through June 30, 2024 (the "**Term**"); and

WHEREAS, by correspondence dated August 11, 2023, DCS advised that it has been challenging to consistently fill the part-time weekend environmental maintenance positions, each of which form a part of the Services and were originally funded, in whole or in part, by the Commitment. At the same time, DTC is in need of resources to provide for marketing, advertising and promotion of the district to increase positive perceptions and patronage of the district. For these reasons, DCS is requesting the Agency consider a reallocation of \$29,781 from year one's allocation of the Commitment which was unspent due to staffing issues and \$16,700 from year two's allocation of the Commitment for a total of \$46,481 ("**Funds**") of the Commitment, originally slated to fund a portion of the above positions, to support much-needed marketing, advertising and promotion activities for the central business district ("**Marketing Efforts**"); and

WHEREAS, the DCS would continue to be obligated to demonstrate the use of the Funds for Marketing Efforts in accordance with the terms hereof and the Contract throughout the term of the Contract, as same may be amended from time to time; 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 award of the Additional Commitment, the Reallocation and the execution and delivery of the Contract 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:

Section 1. Based upon the representations made to the Agency, the Agency 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 and approves the reallocation of the Funds for the DCS' Marketing Efforts and approves and authorizes an amendment to the Contract, if necessary, to provide for the reallocation the Funds to be used for Marketing Efforts, as set forth herein, provided same are accounted for and reported on by the DCS under the Contract all in accordance with the terms thereof and hereof, including but not limited to, the requirement to provide proof of expenditure prior to the Agency's obligation to disburse any funds provided for herein or therein; and

(C) The Executive Director and/or the Chair of the Agency are each hereby authorized, on behalf of the Agency, to negotiate, execute and deliver any required amendment to the Contract to provide for the reallocation of the Funds, as set forth herein, upon review and advice of counsel; and to do such further things or perform such acts as may be necessary or convenient to implement the provisions of this Resolution. The execution thereof by the Executive Director and/or the Chair shall constitute conclusive evidence of such approval.

Section 2. Should any court of competent jurisdiction determine that the Agency is not authorized under the Act to provide the reallocation of the Funds as set forth herein, or to participate in the Contract, this Resolution shall automatically become null, void and of no further force and effect.

Section 3. No covenant, stipulation, obligation or agreement contained in this Resolution or any document referred to above 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.

Section 4. A copy of this Resolution shall be placed on file in the office of the Agency where the same shall be available for public inspection during business hours.

Section 5. The Secretary of the Agency is hereby authorized to and may distribute copies of this Resolution and to do such further things or perform such acts as may be necessary or convenient to implement the provisions of this Resolution.

Section 6. This Resolution shall take effect immediately.

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

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

	<u>AYE</u>	<u>NAY</u>
Kathleen Murphy	X	
Steven Thompson	X	
Rickey T. Brown	X	
Kenneth Kinsey	X	
Dirk Sonneborn	X	

The foregoing Resolution was thereupon declared duly adopted.

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

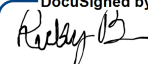
I, the undersigned Secretary of the City of Syracuse Industrial Development Agency, **DO HEREBY CERTIFY** that I have compared the annexed extract of the minutes of the meeting of the City of Syracuse Industrial Development Agency (the “**Agency**”) held on November 21, 2023, with the original thereof 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)