

## APPROVING RESOLUTION

A regular meeting of the City of Syracuse Industrial Development Agency was convened in public session on May 16, 2023 at 8:00 o'clock a.m., local time, 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, Kenneth Kinsey, Steven Thompson, Dirk Sonneborn

**EXECUSED:** Rickey T. Brown

**THE FOLLOWING PERSONS WERE ALSO PRESENT:** Staff Present: Eric Ennis, Susan Katzoff, Esq., Lori McRobbie; Others Present: Aggie Lane, Chuck Wallace, Genevieve Trigg, Paige Beyer

The following resolution was offered by Dirk Sonneborn and seconded by Kenneth Kinsey:

### **RESOLUTION AUTHORIZING THE EXPENDITURE OF ADDITIONAL FUNDS IN ACCORDANCE WITH THE TERMS OF A NYSDEC GRANT RECEIVED BY THE AGENCY TO FUND CERTAIN ENVIRONMENTAL REMEDIATION COSTS ON LAND OWNED BY THE AGENCY**

**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**, the Agency acquired title to certain real property, formerly known as the Syracuse Rigging Site, located at 341 Peat Street, Syracuse (the "**City**"), New York, a vacant approximately 7.6 acre site which is environmentally contaminated (the "**Property**"); and

**WHEREAS**, in 2003, the Agency entered into a State Assistance Contract with the New York State Department of Environmental Conservation ("**NYSDEC**") relative to the Property to allow the Agency to investigate the Property for contaminants; and

**WHEREAS**, in 2012, after substantial investigation and review, the NYSDEC issued a Record of Decision (the "**ROD**") outlining the selected remedy to return the Property to a productive use. The Agency began monitoring the Property in accordance with the ROD; and

**WHEREAS**, on July 26, 2019 NYSDEC and the Agency entered into an environmental restoration program grant agreement for the remediation, design and construction costs related to the Property (the "**Grant Agreement**"). Pursuant to the terms of the Grant Agreement, the State pays 90% of the cost of the remediation and the Agency pays 10% match/balance. At the time, based upon figures from 2018, the estimated costs of the remediation were \$1,667,778; and

**WHEREAS**, on or about September 10, 2021, NYSDEC notified the Agency that the costs of remediation increased since the original 2018 estimate from \$1,667,778 to approximately \$1,915,581 thereby increasing the Agency's allocable share under the Grant Agreement from approximately \$166,777 to approximately \$191,558, which the Agency previously authorized; and

**WHEREAS**, by correspondence dated December 17, 2021, NYSDEC notified the Agency that the costs of remediation further increased from \$1,915,581 to \$2,115,581 thereby increasing the Agency's allocable share under the Grant Agreement from \$191,558 to approximately \$211,558.10; and

**WHEREAS**, by correspondence dated August 15, 2022, NYSDEC again notified the Agency that the costs of remediation increased from \$2,115,581 to \$2,500,000 thereby increasing the Agency's allocable share under the Grant Agreement from \$211,558.10 to approximately \$250,000; and

**WHEREAS**, by correspondence dated April 13, 2023, NYSDEC again notified the Agency that the costs of remediation have again increased from \$2,500,000 to \$3,100,000 thereby increasing the Agency's allocable share under the Grant Agreement from \$250,000 to approximately \$310,000; and

**WHEREAS**, the Agency has approximately \$212,000 in unencumbered funds reserved to pay for its portion of the remediation ("**Remediation Funds**"). The Agency seeks authority to increase the Remediation Funds set aside for its obligations under the Grant Agreement by an amount not to exceed \$98,000 ("**Increased Funding**"); 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 action being taken by the Agency hereunder constitutes 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.** It is among the purposes of the Agency to promote 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 in furtherance of the purposes of the Act.

**Section 2.** Based upon the foregoing, the Agency hereby authorizes the Increased Funding and finds and determines that the Chair, Vice Chair, the Executive Director and any authorized representative of the Agency, acting individually, are each hereby authorized and directed, for and in the name and on behalf of the Agency, to execute and deliver any and all documents, agreements, certificates, instruments, or affidavits, if any, (collectively, the "***Documents***") as may be necessary or desirable to effect the Increased Funding under the Grant Agreement and to consummate the transactions contemplated by this Resolution.

**Section 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.

**Section 4.** Bousquet Holstein PLLC, as counsel to the Agency, is hereby authorized to work with the Agency and others to prepare, for submission to the Chair, Vice Chair and/or Executive Director, all Documents necessary to effect the intent of this Resolution.

**Section 5.** The Secretary and/or Executive Director of the Agency is hereby authorized to 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.

**Section 6.** This Resolution shall take effect immediately. A copy of this Resolution, together with the 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:

	<b><u>AYE</u></b>	<b><u>NAY</u></b>
Kathleen Murphy	X	
Kenneth Kinsey	X	
Steven Thompson	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 May 16, 2023, with the original thereof on file in the office of the Agency, 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.

6/9/2023 **IN WITNESS WHEREOF**, I have set my hand and affixed the seal of the Agency on \_\_\_\_\_.

City of Syracuse Industrial Development Agency

DocuSigned by:



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Rickey T. Brown, Secretary

(S E A L)