

RESOLUTION

A regular meeting of the City of Syracuse Industrial Development Agency was convened in public session on February 18, 2020 at 8:00 a.m. in the Common Council's Chambers, 233 East Washington Street, Syracuse, New York.

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

PRESENT: Kathleen Murphy, Rickey T. Brown, Kenneth Kinsey

EXCUSED: Steven Thompson, Dirk Sonneborn

THE FOLLOWING PERSONS WERE ALSO PRESENT: Staff Present: Judith DeLaney, Susan Katzoff, Esq., John Vavonese, Debra Ramsey-Burns; Others Present: Aggie Lane, Timothy Lynn, Esq., Joe Gehm, Ted Trespaz, Esq., Rich Engel, Esq., Donna Harris, Tom IDizzo, Mitch Lattimer; Media: Rick Moriarty

The following Resolution was offered by Kenneth Kinsey and seconded by Rickey T. Brown:

RESOLUTION AUTHORIZING A MODIFICATION TO A PREVIOUSLY APPROVED AGREEMENT WITH THE DOWNTOWN COMMITTEE OF SYRACUSE

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 identified a need to enhance its ability to provide economic development resources in the downtown area of the City (as defined herein) to increase economic development for the benefit of commercial enterprises (both existing and prospective) and the recreation opportunities, prosperity and standard of living for the residents of the City of Syracuse, New York (the "*City*"); and

WHEREAS, Downtown Committee of Syracuse ("*DCS*") is a nonprofit organization, which undertakes programs to improve the City of Syracuse's downtown's image, 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. 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; and

WHEREAS, by resolutions adopted June 20, 2017 and September 19, 2017, the Agency resolved to undertake a project (the "**Original Project**") consisting of contracting with DCS to obtain within the downtown metropolitan area of the City (the "**Contract**") the following services for a two (2) year period: (A)(i) forty hours (40) per week of additional evening security patrols Monday - Friday between 4p.m. - 12:00 a.m. ("**Weekday Services**"); (ii) twenty-eight (28) hours per week of additional security patrols on Saturday between 11a.m. - 7p.m. and on Sunday between 10a.m. - 4p.m. ("**Weekend Services**"); (iii) performance of environmental maintenance and improvements to be conducted on Saturday -Sunday from 7a.m. - 3p.m. ("**Environmental Maintenance Services**" and together with Weekday Services and Weekend Services, collectively, the "**Acquired Services**"); and (iv) the installation of security cameras at various locations (the "**Acquired Equipment**" and together with the Acquired Services, collectively the "**Services**"), all of which will supplement these services currently being provided but not sufficient to achieve the Agency's goals as set forth herein; and (B)(i) the Weekday Services and such necessary expenses related thereto, including but not limited to uniforms, ammunition, fees for certification and costs associated with an increase in DCS' worker's compensation insurance ("**Patrol Expenses**"), shall be a total cost of \$62,000/year; (ii) the Weekend Services and Patrol Expenses shall be a total cost of \$51,000/year; (iii) the Environmental Maintenance Services shall be a total cost of \$30,000/year ((i) - (iii) hereof collectively, the "**Service Expenses**"); and (iv) the Acquired Equipment shall be a total cost of no more than \$73,000/year plus such necessary expenses related thereto, including but not limited to, installation, maintenance and repairs of such Acquired Equipment (collectively, the "**Equipment Expenses**") at an annual cost of no more than \$1,500/year; and

WHEREAS, on October 3, 2017, the Agency and the DCS entered into a two (2) year contract with respect to the Project, the services to be provided and the costs associated therewith (the "**Original Contract**"); and

WHEREAS, prior to the expiration of the Original Contract, the DCS requested, and by resolution dated October 15, 2019 the Agency approved, the undertaking of a new project (the "**New Project**") consisting of contracting with DCS for an additional two (2) years of services within the downtown metropolitan area of the City (the "**New Contract**") consisting of the following: (i) a typical forty hour per week of additional evening security patrols performed during the hours of 4-11 p.m. Monday through Friday for a total cost of \$63,860/year; (ii) twenty-eight hours per week of additional security patrols on Saturday between 11 a.m. - 7 p.m. and on Sundays between 10 a.m. - 4 p.m. for a total cost of \$52,600/year; and (iii) performance of environmental maintenance and improvements to be conducted on Saturday and Sunday from 7 a.m. - 3 p.m. for a total cost of \$30,000/year for an aggregate annual spend of \$146,460 for a contract total of \$292,920 ("**New Funding**"); and

WHEREAS, the Agency and the DCS entered into another two (2) year contract dated as of October 1, 2019 with respect to the New Project, the services to be provided and the costs associated therewith (the "**New Contract**"); and

WHEREAS, by correspondence dated January 27, 2020, the DCS reported that their final reconciliation under the Original Contract through the end of 2019 demonstrated remaining funds of \$2,989.19 resulting from an inability to previously fill a fulltime security position (the "*Excess Funds*"). DCS is requesting permission to retain the Excess Funds to use towards services under the New Contract to account for potential budget fluctuations and to maximize the impact of the funding in the community. The DCS is obligated and shall continue to demonstrate the use of funds in accordance with and throughout the term of the New Contract; and

WHEREAS, the DCS has further requested that the New Contract be revised to have a start date of January 1, 2020. As noted, the budget projections for the Original Contract were based on the calendar year and therefore to maximize the leveraging of the Agency's funds they request the New Contract run on a calendar year commencing with January 1, 2020; 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 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 use of the Excess Funds towards services to be provided under the New Contract, provided same are accounted for and reported on by the DCS under the New Contract all in accordance with the terms thereof; and further approves the amendment of the New Contract to provide for a start date of January 1, 2020 in accordance with the terms of this Resolution; and

(C) The Executive Director of the Agency is hereby authorized, on behalf of the Agency, to negotiate, execute and deliver any required amendment to the New Contract to provide for the amended start date and the use of the Excess Proceeds 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 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 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:

	<u>AYE</u>	<u>NAY</u>
Kathleen Murphy	X	
Rickey T. Brown	X	
Kenneth Kinsey	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 February 18, 2020, 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 4/23/2020.

City of Syracuse Industrial Development Agency

DocuSigned by:

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Rickey T. Brown, Secretary

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