

APPROVING RESOLUTION

As a result of the public health emergency created by COVID-19, the Federal, State and local bans on meetings or gatherings, and pursuant to the Governor's Executive Order 202.1 issued on March 12, 2020 suspending the Open Meetings Law, as extended on September 2, 2021, the City of Syracuse Industrial Development Agency (the "**Agency**") held a meeting on the 21st day of September, 2021, at 8:00 a.m., local time, electronically which was made available via Webex at: <https://syrgov.webex.com/syrgov/j.php?MTID=m68e0506ae935c870124e56ec0509ec24>; (or by accessing the link on the Agency's website) and using meeting number 2333 537 5163 and password wpDQu6wE5a6; or via telephone at (408) 418-9388 with access code: 2333 537 5163, in conjunction with the matter set forth below.

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

PRESENT VIA TELE/VIDEOCONFERENCE (in accordance with the Governor's Executive Order 202.1): Kathleen Murphy, Steven Thompson Rickey T. Brown and Kenneth Kinsey

EXCUSED: Dirk Sonneborn

THE FOLLOWING PERSONS WERE ALSO PRESENT VIA TELE/VIDEOCONFERENCE (in accordance with the Governor's Executive Order 202.1): **Staff Present:** Judith DeLaney, Susan Katzoff, Esq., Lori McRobbie and John Vavonese; **Others Present:** Bruce Smith, Esq., Dr. Benjamin McHone, John Lenio, Matthew Oja, Sarah Stevens, Timothy Lynn, Esq., Randy Hadzor, Christopher Bianchi, Irfan Elahi, Jeremy Thurston, Bill Hider, Rick Moriarty

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

RESOLUTION AUTHORIZING THE EXTENSION OF A LEASE WITH THE MUNICIPALITY FOR CERTAIN LAND; AND 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 THE LAND

WHEREAS, the City of Syracuse Industrial Development Agency (the "**Agency**" or "**SIDA**") 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 the former Syracuse Rigging Site located at 341 Peat Street 1999, 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 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 New York State Department of Environmental Conservation ("**NYSDEC**") issued a Record of Decision (the "**ROD**") outlining the selected remedy to return the Property to a productive use. Due to other pressing priorities, the expense, and the DPW occupation of the site (see below), beyond required monitoring, the Agency did not take any further action; and

WHEREAS, the Agency has continued to monitor the Property every three years (as required by the ROD) and in July 2018, C&S Engineers completed the 2018 Periodic Review Report and submitted it to the NYSDEC; 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 of 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 SIDA 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 have increased since the original estimation in 2018 from \$1,667,778 to approximately \$1,915,581 thereby increasing SIDA's allocable share under the Grant Agreement from approximately \$166,777 to approximately \$191,558; and

WHEREAS, the Agency previously set aside \$170,000 in unencumbered funds to pay for its portion of the remediation ("**Remediation Funds**"). To date, the Agency has expended only approximately \$2,593.39 of the Remediation Funds but seeks authority to increase the Remediation Funds set aside for its obligations under the Grant Agreement by an amount not to exceed \$25,000 ("**Increased Funding**"); and

WHEREAS, the Agency and the City of Syracuse, New York (the "**City**") have had an agreement since in or about 2010 to permit the City's Department of Public Works (the "**DPW**") to use the Property for its mulching operations. The most recent lease being entered on October 1, 2018 which is set to expire on September 30, 2021 (the "**Lease**"); and

WHEREAS, subject to the approval of common council, the parties are desirous of extending the Lease for the use of the Property for a term not to exceed three years on substantially the same terms as set forth in the Lease (the "**Lease Extension**"); and

WHEREAS, the executive director is working with the City in accordance with the terms of the Lease Extension to determine if the City can contribute to the Increased Funding by budgeting for same in its next fiscal budget or otherwise and reimbursing the Agency for same; 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 makes the following findings and determinations:

(a) The Increased Funding and the Lease Extension are hereby authorized and approved as set forth herein and the executive director is authorized to work with the City regarding the Lease Extension all as set forth herein.

(b) 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 the Lease Extension, subject to the terms hereof, as well as any and all other documents, agreements, certificates, instruments, or affidavits (collectively, the "**Documents**"), and to pay any such other fees, charges and expenses, or to make such other changes, omissions, insertions, revisions, or amendments to the Documents referred to herein and to do and cause to be done any such other acts and things, as they determine, on advice of counsel to the Agency, may be necessary or desirable 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:

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

The foregoing Resolution was thereupon declared duly adopted.

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

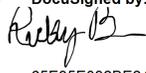
I, the undersigned Secretary of the City of Syracuse Industrial Development Agency, **DO HEREBY CERTIFY** that I have compared the annexed extract of the minutes of the meeting of the City of Syracuse Industrial Development Agency (the “**Agency**”) held on September 21, 2021, with the original thereof 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), as temporarily amended by Executive Order 202.1 issued on March 12, 2020 (“**EO 202.1**”), as amended and extended from time to time, such meeting was open to the general public and public notice of the time and how to participate in such meeting was duly given in accordance with such Section 104 and EO 202.1; (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.

10/19/2021 **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)