
City of Syracuse
Industrial Development Agency
201 East Washington Street, 6th Floor
Syracuse, NY 13202
Tel (315) 473-3275

To: Board of Directors
City of Syracuse Industrial Development Agency

From: Judith DeLaney

Date: September 14, 2018

Re: Board of Directors Meeting Agenda – September 18, 2018

The City of Syracuse Industrial Development Agency will hold a Board of Directors Meeting on **Tuesday, September 18, 2018 at 8:30 a.m.** in the Common Council Chambers, 304 City Hall, 233 East Washington St., Syracuse, N.Y. 13202.

I. Public Hearing –

321 South Salina Street LLC – 1

Attachment:

1. *Public Hearing Notice.*

Call Meeting to Order –

II. Roll Call –

III. Proof of Notice – 2

IV. Minutes – 3

Approval of minutes from the August 21st, 2018 Board of Directors meeting.

V. New Business –

321 South Salina Street LLC – Sue Katzoff – 4

Approval of a resolution authorizing the Agency to enter into a PILOT agreement for the benefit of the Project.

Attachments:

1. *Cost Benefit Analysis.*

2. *PILOT Resolution.*

Deys Plaza LLC – Nora Spillane – 5

Approval of a resolution authorizing a Public Hearing on the Project.

Attachments:

1. *Application – Supplemental.*
2. *Resolution.*

Armory Boys LLC – Nora Spillane – 6

Approval of a resolution authorizing an extension of the Agency leases and Sales Tax Appointment through March 31, 2019

Attachments:

1. *Correspondence. (Under separate cover)*
2. *Resolution. (Under separate cover)*

VI. Adjournment –

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a public hearing pursuant to Section 859-a of the New York General Municipal Law, will be held by the City of Syracuse Industrial Development Agency (the "Agency") on the 18th day of September, 2018, at 8:30 a.m., local time, at 233 East Washington Street, Common Council Chambers, City Hall, Syracuse, New York, in connection with the following matter:

At the request of 321 South Salina Street, LLC, (the "Company"), the Agency previously undertook a project (the "Project") consisting of: (A)(i) the acquisition of an interest in approximately 6,172 square feet of real property located at 321 and 323 South Salina Street improved by two existing vacant buildings; namely, an approximately 17,138 sq. ft. five (5) story building at 321 South Salina Street (the "321 Building") and an approximately 19,895 sq. ft. five (5) story building at 323 South Salina Street (the "323 Building" and together with the 321 Building, collectively the "Buildings"), all in the City of Syracuse, New York (the "Land"); (ii) the reconstruction and renovation of the 321 Building for mixed-use to contain approximately 11,425 square feet of residential space and approximately 2,856 sq. ft of commercial space; and the reconstruction and renovation of the 323 Building for mixed-use to contain approximately 13,263 square feet of residential space and approximately 3,316 sq. ft of commercial space; such that the Buildings will contain approximately 16 apartments (in the aggregate), common areas, a gym as well as the commercial space used for, among other things, a restaurant, all located on the Land (collectively, the "Facility"); (iii) the acquisition and installation in and at the Land and Facility of furniture, fixtures 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 and mortgage recording tax (as limited by Section 874 of the General Municipal Law) (collectively the "Original Financial Assistance"); (C) the appointment of the Company or its designee as an agent of the Agency in connection with the acquisition, reconstruction, renovation, equipping and completion of the Project Facility; and 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 to the Agency; and the sublease of the Project Facility back to the Company pursuant to a sublease agreement.

The Company is now requesting the Agency consider and approve additional financial assistance for the benefit of the Project in the form of a fifteen (15) year payment in lieu of taxes agreement (the "Additional Financial Assistance").

The Company is the initial owner or operator of the Project Facility.

The Agency will at the above-stated time and place hear all persons with views with respect to the proposed Additional Financial Assistance to the Company, the proposed owner/operator, the location of the Project Facility and the nature of the Project.

A copy of the application filed by the Company with the Agency with respect to the Project, including an analysis of the costs and benefits of the Project, are available for public inspection during the business hours at the office of the Agency located at 201 East Washington Street, 6th Floor, Syracuse, New York.

Dated: August 29, 2018 CITY OF SYRACUSE INDUSTRIAL DEVELOPMENT AGENCY

City of Syracuse
Industrial Development Agency
201 East Washington Street, 6th Floor
Syracuse, NY 13202
Tel (315) 473-3275

PLEASE POST

PLEASE POST

PUBLIC MEETING NOTICE

THE SYRACUSE INDUSTRIAL DEVELOPMENT AGENCY

HAS SCHEDULED

A

BOARD OF DIRECTORS MEETING

FOR

TUESDAY SEPTEMBER 18, 2018

At 8:30 a.m.

IN THE
COMMON COUNCIL CHAMBERS
304 City Hall
233 East Washington Street
Syracuse, NY 13202

City of Syracuse
Industrial Development Agency
201 East Washington Street, 6th Floor
Syracuse, NY 13202
Tel (315) 473-3275

Minutes
Board of Directors Meeting
Tuesday August 21, 2018

Board Members Present: Kenneth Kinsey, Ricky T. Brown, Kathleen Murphy, Steven Thompson, Michael Frame

Staff Present: Honora Spillane, Meghan Ryan, Esq., Judith DeLaney, Sue Katzoff, Esq., Debra Ramsey-Burns.

Others Present: Lauryn LaBorde, Aggie Lane, Mitch Latimer, Mark Olsen, Bob Wilmott, Linda Malik, Rachel May, Gwen Cheffin, Lew Thomas, Mel Menan, Peter McCarthy, Ryan Benz, Pete King, Mike Irwin, Charlie Pierce-El, Emanuel Henderson, Mary Traynor, Loiose Poindexter, Kayla Kelchian, Rich Puchalski, Charlie Wallace, Dave Nutting, Scott Gerharz, Devonn Eure

I. Call Meeting to Order

Mr. Frame called the meeting to order at 8:30 a.m.

II. Roll Call

Mr. Frame acknowledged all Board members were present.

III. Proof of Notice

Mr. Frame noted notice of the meeting had been timely and properly provided.

IV. Minutes

Mr. asked for a motion to approve the minutes from the July 17, 2018 Board of Directors Meeting.

Mr. Kinsey made a motion. Mr. Brown seconded the motion. **ALL BOARD MEMBERS PRESENT UNANIMOUSLY APPROVED A MOTION APPROVING THE MINUTES FROM THE JULY 17, 2018 BOARD OF DIRECTORS MEETING.**

V. Reporting Requirements

Ms. Spillane reviewed the Agency's current reporting requirements relative to the projects it undertakes. She noted under NYS General Municipal Law the Agency is required to track the

performance of projects receiving financial assistance and said specifically this Agency wants to ensure the benefits awarded to Projects are also of benefit to the community.

She advised at Project closing the owners of the project enter into several agreements with the Agency requiring them to report yearly information for a minimum of five years on benefits received along with job creation and retention numbers. She said those documents also contain recapture remedies available to SIDA for non – compliance. SIDA staff monitors each Project via a reporting system and on an annual basis compiles a report required to be submitted to the NYS Authorities Budget Office on the data received - also available on the Agency’s website. Ms. Spillane further said any projects deemed insufficient or in default are referred to the Board of Directors for further action. Ms. Spillane said SIDA enters into various agreements job creation/job retention and benefits received. In addition, the Transactional Documents contain remedies available to SIDA in the event of non-compliance.

Additionally Ms. Spillane said staff also approves all requests for use of a sales tax exemption on a Project and noted that while Projects are required to use vendors located in the six county MSA in fact in 2017 more than 95% of vendors requesting approval were located in Onondaga County.

Ms. Katzoff advised the Agency currently does a substantial amount of monitoring and is in compliance with NYS municipal law.

Mr. Brown commented on the need for public transparency and delivery to the public of information in a format they understand. Ms. Katzoff advised that every project approved by SIDA was posted on the City’s website along with the Agency’s Annual Report and audited financial statements all available to the public.

Ms. Murphy said as a new Board member she appreciated the information and thanked Ms. Spillane for the presentation.

There being no further comments Mr. Frame asked for a motion to recess the meeting at 8:44 am to conduct two Public Hearings.

Mr. Kinsey made the motion. Mr. Brown seconded the motion. **ALL BOARD MEMBERS PRESENT UNANIMOUSLY APPROVED A MOTION TO RECESS THE MEETING AT 8:44AM TO CONDUCT TWO PUBLIC HEARINGS.**

VI. Public Hearings

101 North Salina St. LLC

Mr. Frame opened the Public Hearing at 8:44 a.m. and asked Ms. Spillane to read verbatim the Notice of Public Hearing on the Project. A copy of the notice is attached and included in the minutes.

After Ms. Spillane read the notice, Mr. Frame asked if anyone in attendance wished to speak in favor of the Project.

Dave Nutting who identified himself as Chairman of VIP Structures and an owner of the Project spoke in

favor. Mr. Nutting advised he and his partners purchased the building because they out grew the current office space the Company occupies. He indicated with the new space the Company would be able to locate to one floor said they anticipated hiring 30 additional employees in the next several years. He noted the Project entailed the addition of three new stories to the building with the upper two floors to be residential units including some with affordable rents. He also said his firm had worked with the Urban Job Task Force in the past and would do so with this project also.

Mr. Thompson asked about the portion of the building where the Post Standard continued to publish the newspaper. Mr. Nutting noted Advance Media had a five year lease on the space and should they not renew the Company had several ideas of how the space could be adapted for a different purpose.

Charlie Wallace President of VIP also spoke. Mr. Wallace thanked the Board for its consideration of the Project and noted the renovation of this under- utilized building would be a key improvement of downtown space.

Mr. Frame asked one more time if anyone wished to speak in favor of the project.

Deka Dancil President of the UTF (Urban Task Force), Aggie Lane and Emanuel Henderson also with the UTF and Linda Malik representing ACTs all spoke in favor of the Project. The speakers noted that local hiring on the projects was of critical importance to their organization.

Mr. Frame asked one last time if anyone wished to speak in favor of the Project. No one else spoke.

Mr. Frame then asked if anyone wished to speak in opposition of this project.

Rich Puchalski representing Syracuse United Neighbors spoke against the Project. Mr. Puchalski said as of 6/19/2018 the Land Bank had 904 vacant properties and lots in the Southwest neighborhoods. He said he believed that SIDA had a responsibility to the neighborhood and asked what it intended to do to rectify the situation.

Devonn Eure also spoke about the vacant housing and the need for action to address the situation.

Louise Poindexter also spoke saying she was not against new construction in the City however she expressed concern that there was no construction going on in the neighborhoods.

Mr. Frame asked for the last time if anyone else in attendance wished to speak in opposition to the Project.

No one else spoke.

Mr. Frame closed the Public Hearing at 9:05a.m.

Gerharz Equipment Inc.

Mr. Frame opened the Public Hearing at 9:05 a.m. and asked Ms. Spillane to read verbatim the Notice of Public Hearing on the Project. A copy of the notice is attached and included in the minutes.

Mr. Frame then asked if anyone in attendance wished to speak in favor of the Project.

Scott Gerharz owner of the Project spoke in favor. He thanked the Board for their consideration of the Project and said his company was consolidating with another local company and needed additional space. He said he would be relocating 30 employees from his current location in Dewitt along with an additional 20 employees from the north side and intended to invest over \$5,000,000 into the Project. He said he was competing against the internet, wanted to continue to grow his business and create jobs and promised to be a good neighbor for the City.

Ms. Murphy asked if they intended to occupy the entire Teall Avenue space. Mr. Gerharz said the space was bigger than his company required so the intent was to renovate the additional space for other tenants.

Mr. Frame than asked if anyone else in attendance wished to speak in favor of the Project.

No one spoke.

Mr. Frame asked for a final time if anyone else wished to speak in favor of the Project.

No one spoke.

Mr. Frame then asked if anyone in attendance wished to speak in opposition to the Project.

Deka Dancil President of the UTF (Urban Task Force) said she was not opposed to the Project she just hoped the tenants would not see a raise in their rents.

Aggie Lane from the UTF said the organization was not against the project but the community wanted to see City residents be hired for jobs.

Charles Pierce El from South Side TNT spoke. He also spoke about the need for City residents to be considered for jobs.

Mitch Lattimer from the Carpenters Labor spoke. He suggested an apprentice program should be instituted as a way to help City residents access jobs.

Mr. Frame asked if anyone wished to speak in opposition of the Project.

No one spoke.

Mr. Frame asked a final time if anyone else in attendance wished to speak in opposition to the Project.

No one spoke.

Mr. Frame closed the Public Hearing at 9:24 a.m.

Mr. Frame said the recess has adjourned and the meeting will resume at 9:24 a.m.

VII. New Business

101 North Salina St. LLC

Ms. Katzoff noting a Public Hearing had just concluded on the Project asked the Board to consider approval of a resolution authorizing the Agency to act as “Lead Agency” for purposes of SEQRA.

There being no discussion Mr. Frame asked for a motion to approve authorizing a resolution for the Agency to act as the Lead Agency in the Project.

Mr. Brown made the motion. Mr. Kinsey seconded the motion. **ALL BOARD MEMBERS PRESENT UNANIMOUSLY APPROVED A RESOLUTION CLASSIFYING A CERTAIN PROJECT AS A TYPE I ACTION AND DECLARING THE INTENT OF THE CITY OF SYRACUSE INDUSTRIAL DEVELOPMENT AGENCY TO BE LEAD AGENCY FOR PURPOSES OF A COORDINATED REVIEW PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT.**

Gerharz Equipment Inc.

Ms. Katzoff noting a Public Hearing had also just concluded on this Project asked the Board to consider resolutions authorizing the Agency to undertake the Project.

She noted the first resolution was a SEQRA Resolution saying the Project was an unlisted action with no significant environmental impact.

There being no discussion Mr. Frame asked for a motion to approve the resolution. Ms. Murphy made the motion. Mr. Kinsey seconded the motion. **ALL BOARD MEMBERS PRESENT UNANIMOUSLY APPROVED A RESOLUTION CLASSIFYING A CERTAIN PROJECT AS AN UNLISTED ACTION PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT, DECLARING THE AGENCY LEAD AGENCY FOR PURPOSES OF AN UNCOORDINATED REVIEW THEREUNDER AND DETERMINING THAT THE ACTION WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.**

Ms. Katzoff then asked the Board to consider an Inducement resolution for the Project approving both a sales tax exemption of \$96,000.00 and a mortgage tax exemption of \$37,500.

There being no discussion asked for a motion to approve the resolution.

Ms. Murphy made the motion. Mr. Brown seconded the motion. **ALL BOARD MEMBERS PRESENT UNANIMOUSLY APPROVED AUTHORIZING A RESOLUTION AUTHORIZING THE UNDERTAKING, ACQUISITION, RENOVATION, EQUIPPING AND COMPLETION OF A COMMERCIAL FACILITY; APPOINTING THE COMPANY AS AGENT OF THE AGENCY FOR THE PURPOSE OF THE ACQUISITION, RENOVATION, EQUIPPING AND COMPLETION OF THE PROJECT; AND AUTHORIZING THE EXECUTION AND DELIVERY OF AN AGREEMENT BETWEEN THE AGENCY AND THE COMPANY.**

Ms. Katzoff noting staff had just distributed the PILOT schedule to the members asked them to consider a PILOT resolution for the Project noting that it was a 10 Year standard PILOT with no deviation.

There being no discussion Mr. Frame asked for a motion to approve the resolution.

Ms. Murphy made the motion. Mr. Kinsey seconded the motion. **ALL BOARD MEMBERS PRESENT UNANIMOUSLY APPROVED AUTHORIZING A RESOLUTION APPROVING AN PAYMENT IN LIEU OF TAX SCHEDULE AND AUTHORIZING THE EXECUTION AND DELIVERY OF CERTAIN DOCUMENTS BY THE AGENCY IN CONNECTION WITH A PILOT AGREEMENT.**

Ms. Katzoff then asked the Board to approve a Final Resolution for the Project approving the execution and delivery of all documents.

There being no discussion Mr. Frame asked for a motion to approve the resolution.

Ms. Murphy made the motion. Mr. Brown seconded the motion. **ALL BOARD MEMBERS PRESENT UNANIMOUSLY APPROVED A RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF CERTAIN DOCUMENTS BY THE AGENCY IN CONNECTION WITH A COMMERCIAL PROJECT UNDERTAKEN AT THE REQUEST OF THE COMPANY.**

RPS Hotel Holdings, LLC

Prior to a discussion of the Project Ms. Murphy was excused due to a conflict of interest and left the meeting room.

Ms. Spillane then requested the Board approve a resolution authorizing a Public Hearing on the Project.

She reviewed the Project briefly noting the agency was in receipt of an updated application from the Company for a project to be located adjacent to St. Joseph's Hospital in the 400 block of Prospect Ave. She said the developers propose demolition of five vacant houses on Prospect Avenue and construction of a five story building to house a 53,673 sq. ft. 93 room extended stay hotel, 13 residential units, and a 63,442 sq. ft. parking garage with 126 spaces. She noted the Company had submitted an application for this Project in 2016 which was now being revised to eliminate additional commercial space and a larger amount of parking.

Mr. Kinsey asked if anyone was here to talk about the Project. Ms. Spillane said at the moment the owner was out of town and unable to make the meeting.

There being no further discussion Mr. Frame asked for a motion to approve the Resolution.

Mr. Brown made the motion. Mr. Kinsey seconded the motion. **ALL BOARD MEMBERS PRESENT UNANIMOUSLY APPROVED A RESOLUTION DETERMINING THAT THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF A COMMERCIAL FACILITY AT THE REQUEST OF THE COMPANY CONSTITUTES A PROJECT; DESCRIBING THE FINANCIAL ASSISTANCE IN CONNECTION THEREWITH; AUTHORIZING A PUBLIC HEARING; AND RATIFYING A PRIOR RESOLUTION.**

Ms. Murphy returned to the meeting.

321 South Salina Street LLC

Ms. Spillane requested the Board of Directors approve a resolution authorizing a Public Hearing on the

Project. She reminded the Board members that in January of 2018 they had authorized benefits in the form of mortgage and sales tax exemptions for the Project located at 321-323 South Salina which is now underway. She said the Project initially proposed the rehab of two adjacent five story buildings and to maintain the buildings separately in order to continue a 485a exemption that benefited one of the two and would be lost in the buildings were combined. However, due to building code issues, to maintain the buildings separately will entail significant expense including but not limited to separate and new water and sprinkler services.

She said because of the building issues and costs the Company is now requesting additional assistance to the Project in the form of a 15 year PILOT agreement under the Agency's UTEP Policy (Historic Rehabilitation).

There being no discussion Mr. Frame asked for a motion to approve the resolution.

Mr. Brown made the motion. Ms. Murphy seconded the motion. **ALL BOARD MEMBERS PRESENT UNANIMOUSLY APPROVED A RESOLUTION DESCRIBING THE ADDITIONAL FINANCIAL ASSISTANCE REQUESTED BY THE COMPANY IN CONJUNCTION WITH A COMMERCIAL PROJECT AND AUTHORIZING A PUBLIC HEARING WITH RESPECT THERETO.**

VIII. Committee Report

Ms. Murphy said the Finance Committee met this morning preceding the Board of Directors meeting and discussed two requests from staff relative to the former Syracuse Rigging Site at 341 Peat Street and 327 Montgomery St. and made motions on both to recommend the Board of Directors approve both requests.

VI. New Business (Continued)

Former Syracuse Rigging Site – 341 Peat Street (City Crossroads)

Ms. Spillane requested the Board members approve a resolution authorizing a lease between the Agency and the City of Syracuse on Agency for an annual rent of \$1.00 and further authorizing the submission of a grant application to the NYS Environmental Restoration Program (ERP) for funding in an amount not to exceed \$1,700,000.00 , including a 10% Agency match.

Ms. Spillane noted the Finance Committee met earlier and reviewed a memo (also attached in the Board's agenda) on the request and made a recommendation the Board approve the request as presented.

There being no discussion Mr. Frame asked for a motion to approve the resolution. Mr. Brown made the motion. Ms. Murphy seconded the motion. **ALL BOARD MEMBERS PRESENT UNANIMOUSLY APPROVED A RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF CERTAIN DOCUMENTS BY THE AGENCY IN CONNECTION WITH A LEASE WITH THE MUNICIPALITY FOR CERTAIN UNDEVELOPED LAND; AND AUTHORIZING THE EXECUTION AND SUBMISSION OF AN APPLICATION TO THE STATE FOR A GRANT TO FUND CERTAIN ENVIRONMENTAL REMEDIATION COSTS AND THE EXPENDITURE OF**

NECESSARY MATCHING FUNDS PURSUANT TO THE TERMS OF THE GRANT.

327 Montgomery Street

Ms. Spillane requested the Board approve a request authorizing an amendment to an existing lease between the Agency and the Media Unit for Agency property at 327 Montgomery Street and further approval to hire a consultant to provide an assessment of the building in an amount not to exceed \$10,000.00.

She advised the current lease for the tenant, the Media Unit expires December 31, 2018. She said after discussions with the tenant, staff was recommending the lease be extended on a month to month basis effective January 1, 2019 until the tenant can find another location. Additionally staff is requesting authorization to hire a consultant to make an assessment of the building. She noted this was also discussed at the Finance Committee meeting earlier this date (memo attached) and the Committee made a recommendation to the Board of Directors to approve the request.

After a brief discussion Mr. Frame asked for a motion to approve the resolution.

Mr. Brown made the motion. Mr. Kinsey seconded the motion. **ALL BOARD MEMBERS PRESENT UNANIMOUSLY APPROVED A RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF CERTAIN DOCUMENTS BY THE AGENCY IN CONNECTION WITH A LEASE; AND AUTHORIZING THE EXPENDITURE OF CERTAIN FUNDS TO PERFORM AN ASSESSMENT OF THE FACILITY.**

X. Executive Session

Mr. Frame asked for a motion to be made to go into executive Session at 9:40 am for the purpose of Litigation.

Mr. Brown made the motion. Mr. Thompson seconded the motion.

Mr. Brown made a motion to authorize the strategy recommended by eminent domain counsel for the next phase of the eminent domain litigation involving the Marriot Hotel (fka Hotel Syracuse). Mr. Kinsey seconded the motion. Mr. Frame, Mrs. Murphy, Mr. Kinsey, Mr. Thompson and Mr. Brown each voted in favor of the motion. The motion was unanimously carried.

Mr. Frame asked for a motion to come out of executive session at 10:10a.m.

Mr. Brown made the motion. Mr. Kinsey seconded the motion. The motion was unanimously carried.

XI. Adjournment

There being no further business to discuss Mr. Frame asked for a motion to adjourn the meeting.

Mr. Brown made the motion. Mr. Kinsey seconded the motion. **ALL BOARD MEMBERS PRESENT UNANIMOUSLY APPROVED TO ADJOURN THE MEETING AT 10:10AM.**

City of Syracuse
Industrial Development Agency
201 East Washington Street
Syracuse, NY 13202
Tel (315) 473-3275

EXECUTIVE SUMMARY

Agenda Item: 4

Title: 321 South Salina Street, LLC

Requested By: Sue Katzoff

OBJECTIVE: Approval a resolution authorizing a PILOT Agreement for the Project.

DESCRIPTION:

Direct expenditure of fund: Yes No

Type of financial assistance requested

PILOT

Sales Tax Exemption

Mortgage Recording Tax Exemption

Tax Exempt Bonds

Other

SUMMARY: The Board of Directors approved resolutions in January of 2018 authorizing this Project with approved benefits of a mortgage tax exemption valued at \$19,636.79 and a sales tax exemption valued at \$189,636.16. It subsequently closed in February of this year and is now well underway. The project located at 321 and 323 South Salina St proposes to rehab the two vacant five story buildings into a mixed use property to include 16 residential units on the upper floors, first floor retail (farm to table restaurant), and a "speakeasy" bar and tenant gym in the basement. The cost of the Project is estimated to be \$4,378,773.00. Initially the Company intended to maintain the buildings independently of each other. However due to code issues, to maintain the buildings separately will entail significant expense including but not limited to separate and new water and sprinkler services. As a result the Company is now requesting the Board consider additional assistance to the Project in the form of a 15 Year PILOT agreement under the Agency's UTEP Policy (Historic Rehabilitation). A cost benefit analysis is attached for review and a Public Hearing will be immediately preceding the Board meeting of 9/18/18.

ATTACHMENTS:

1. Cost Benefit Analysis.
2. PILOT Resolution.

REVIEWED BY:

- Executive Director
- Audit Committee
- Governance Committee
- Finance Committee

Meeting: September 18, 2018

Prepared By: J. A. DeLaney

Project Summary

1. Project: 321 South Salina Street, LLC **2. Project Number:**

3. Location: Syracuse **4. School District:** SCSD

5. Tax Parcel(s): 101.-06-08.0, 101.-06-09.0 **6. Type of Project:** Mixed Use

<p>7. Total Project Cost: \$ 4,378,773</p> <p>Land \$ 815,000</p> <p>Site Work \$ 118,498</p> <p>Building \$ 2,350,470</p> <p>Furniture & Fixtures \$ 212,938</p> <p>Equipment \$ 100,000</p> <p>Equipment Subject to NYS Production Exemption \$ -</p> <p>Engineering/Architecture Fees \$ 112,000</p> <p>Financial Charges \$ 154,030</p> <p>Legal Fees \$ 96,325</p> <p>Other \$ 419,512</p>	<p>8. Total Jobs 19</p> <p>8A. Job Retention 0</p> <p>8B: Job Creation 19</p> <p>(Next 5 Years)</p>
---	--

Cost Benefit Analysis:		321 South Salina Street, LLC
	Fiscal Impact (\$)	
Abatement Cost:		\$471,205
Sales Tax	\$189,636	
Mortgage Tax	\$19,637	
PILOT (15 yrs)	\$261,932	
New Investment:		\$9,063,848
PILOT Payments	\$732,581	
Project Wages (5 years)	\$2,796,945	
Construction Wages	\$1,218,840	
Employee Benefits (5 years)	\$559,389	
Project Capital Investment	\$3,708,906	
New Sales Tax Generated (5 years)	\$2,400	
Agency Fees	\$44,788	
Benefit:Cost Ratio	19.24 :1	

PILOT RESOLUTION

A regular meeting of the City of Syracuse Industrial Development Agency was convened in public session on September 18, 2018 at 8:30 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 _____ and upon roll being called, the following members of the Agency were:

PRESENT:

EXCUSED:

THE FOLLOWING PERSONS WERE ALSO PRESENT:

The following resolution was offered by _____ and seconded by _____:

RESOLUTION APPROVING A PAYMENT IN LIEU OF TAX SCHEDULE AND AGREEMENT AND AUTHORIZING THE EXECUTION AND DELIVERY OF CERTAIN DOCUMENTS OR AMENDMENTS BY THE AGENCY IN CONNECTION WITH THE PAYMENT IN LIEU OF TAX SCHEDULE AND AGREEMENT

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, including industrial pollution control facilities, railroad facilities and certain horse racing facilities, for the purpose of promoting, attracting, encouraging and developing recreation and 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 to prevent unemployment and economic deterioration; and

WHEREAS, to accomplish its stated purposes, the Agency is authorized and empowered under the Act to acquire, lease and sell real property and grant financial assistance in connection with one or more "projects" (as defined in the Act); and

WHEREAS, by application dated October 18, 2017 (the "*Application*"), 321 South Salina Street, LLC (the "*Company*"), requested the Agency undertake a project (the

"Project") consisting of: (A)(i) the acquisition of an interest in approximately 6,172 square feet of real property located at 321 and 323 South Salina Street improved by two existing vacant buildings; namely, an approximately 17,138 sq. ft. five (5) story building at 321 South Salina Street (the "**321 Building**") and an approximately 19,895 sq. ft. five (5) story building at 323 South Salina Street (the "**323 Building**") and together with the 321 Building, collectively the "**Buildings**"), all in the City of Syracuse, New York (the "**Land**"); (ii) the reconstruction and renovation of the 321 Building for mixed-use to contain approximately 11,425 square feet of residential space and approximately 2,856 sq. ft of commercial space; and the reconstruction and renovation of the 323 Building for mixed-use to contain approximately 13,263 square feet of residential space and approximately 3,316 sq. ft of commercial space; such that the Buildings will contain approximately 16 apartments (in the aggregate), common areas, a gym as well as the commercial space used for, among other things, a restaurant, all located on the Land (collectively, the "**Facility**"); (iii) the acquisition and installation in and at the Land and Facility of furniture, fixtures 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 and mortgage recording tax (as limited by Section 874 of the General Municipal Law) (collectively the "**Original Financial Assistance**"); (C) the appointment of the Company or its designee as an agent of the Agency in connection with the acquisition, reconstruction, renovation, equipping and completion of the Project Facility; and 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 to the Agency; and the sublease of the Project Facility back to the Company pursuant to a sublease agreement; and

WHEREAS, the Agency conducted a public hearing with respect to the Project and the Original Financial Assistance on January 16, 2018 pursuant to Section 859-a of the Act, notice of which was originally published on January 4, 2018, in the Post-Standard, a newspaper of general circulation in the City of Syracuse, New York and given to the chief executive officers of the affected tax jurisdictions by letters dated January 3, 2018; and

WHEREAS, by resolution adopted January 16, 2018 (the "**SEQRA Resolution**"), the Agency determined that the Project will not have a significant effect on the environment; and

WHEREAS, by resolutions adopted January 16, 2018 (the "**Approving Resolutions**"), the Agency undertook the Project and approved the Original Financial Assistance for the benefit of the Project; and

WHEREAS, on or about February 6, 2018, the Agency and the Company closed on the lease transaction for the Project (the "**Closing**"); and

WHEREAS, on or about August 7, 2018 the Company advised of certain unanticipated changes which significantly impacted the financial pro forma for the Project. As originally proposed, the Company intended to maintain the two historic buildings as independent buildings which would have benefited from a 485-a tax exemption under State law. However, a State variance mandates the Company *either*: (i)

undertake additional improvements to the separate properties (including but not limited to separate water and sprinkler service) at a cost in excess of \$200,000; or (ii) combine the adjacent buildings into one unit (the "*Re-Subdivision*"). The additional cost associated with the variance requirements was not included in the Company's budget for the Project. In addition, the combination of the buildings will result in the loss of all or part of the 485-a tax exemption previously relied upon by the Company. As a result, the Project's financial viability is in jeopardy. As such, the Company is requesting the Agency consider and approve additional financial assistance for the benefit of the Project in the form of a fifteen (15) year payment in lieu of taxes schedule and agreement (the "*Additional Financial Assistance*"), as more fully described on **Exhibit "A"** attached hereto, which payment in lieu of taxes (the "*PILOT*") schedule conforms with the Agency's Uniform Tax Exemption Policy ("*UTEP*") established pursuant to General Municipal Law Section 874(4); and

WHEREAS, the Agency conducted a public hearing with respect to the Company's request for the Additional Financial Assistance on September 18, 2018 pursuant to Section 859-a of the Act, notice of which was originally published on August 30, 2018, in the Post-Standard, a newspaper of general circulation in the City of Syracuse, New York and given to the chief executive officers of the affected tax jurisdictions by letters dated August 29, 2018; and

WHEREAS, the Agency has given due consideration to the Application and to representations by the Company that the proposed Additional Financial Assistance: (i) will allow the Company to develop the Project Facility in the City of Syracuse; and (ii) will not result in the removal of a commercial, industrial or manufacturing plant or facility of the Company or any other proposed occupant of the Project Facility from one area of the State to another area of the State or in the abandonment of one or more plants or facilities of the Company or any other proposed occupant of the Project Facility located in the State, except as may be permitted by the Act; (iii) will advance job opportunities in the State and promote the general prosperity and economic welfare of the inhabitants of the City of Syracuse in furtherance of the purposes of the Act.

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, and the reasons presented by the Company in support of its request for the Additional Financial Assistance, the Agency hereby ratifies all of its prior resolutions adopted in conjunction with the Project, including but not limited to, the SEQRA Resolution, the Inducement Resolution and the Final Approving Resolution.

(2) The approval of the Additional Financial Assistance and the execution and delivery of the documents related thereto will not result in a change to the Project as originally considered and therefore no further SEQRA action is required.

(3) The (Vice) Chairman and Executive Director, acting individually, are each hereby authorized to execute and deliver a PILOT agreement (the "*PILOT Agreement*") providing for the payment schedule attached as **Exhibit "A"** hereto, all in such form and substance as shall be substantially the same as approved by the Agency for other similar transactions and consistent with this Resolution and as approved by the Chairman or Vice Chairman of the Agency upon the advice of counsel to the Agency.

(4) The Agency hereby approves the execution and delivery of any and all amendments necessary to the documents executed by the Agency and/or the Company in conjunction with the Closing on the Project (the "*Lease Documents*") and/or any new documents necessary to incorporate the Additional Financial Assistance and to allow for the Re-Subdivision. The Chairman, Vice Chairman and/or Executive Director 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 amendments necessary to the Lease Documents and any and all such additional certificates, instruments, documents or affidavits, to pay any such other fees, charges and expenses, to make such other changes, omissions, insertions, revisions, or amendments to the documents referred to herein (as the Chairman and/or Vice Chairman so approve) 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; and

(5) 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.

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

(7) This Resolution shall take effect immediately, but is subject to execution by the Company of a PILOT Agreement and the Agreement (as defined in the Inducement Resolution) and all other resolutions and other related documents adopted and/or approved by the Agency and/or as set forth herein.

(8) 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:

AYE

NAY

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 18, 2018, with the original thereof on file in my office, and that the same (including any and 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 this ___ day of _____, 2018.

City of Syracuse Industrial Development Agency

Rickey T. Brown, Secretary

(S E A L)

EXHIBIT "A"

PROPOSED PILOT SCHEDULE

<i>Year</i>	<i>Amount</i>
1	\$32,435.41
2	\$33,084.12
3	\$33,745.80
4	\$34,420.72
5	\$35,109.14
6	\$38,579.55
7	\$42,174.75
8	\$45,898.32
9	\$49,753.96
10	\$53,745.47
11	\$57,876.73
12	\$62,151.75
13	\$66,574.62
14	\$71,149.54
15	\$75,880.83
Total	\$732,580.72

City of Syracuse
Industrial Development Agency
201 East Washington Street
Syracuse, NY 13202
Tel (315) 473-3275

EXECUTIVE SUMMARY

Agenda Item: 5

Title: Deys Plaza LLC

Requested By: Honora Spillane

OBJECTIVE: Approval of resolution authorizing a Public Hearing on the Project.

DESCRIPTION:

Direct expenditure of fund: Yes No

Type of financial assistance requested

PILOT

Sales Tax Exemption

Mortgage Recording Tax Exemption

Tax Exempt Bonds

Other

SUMMARY: In October 2017 the Agency received an application from the Company requesting financial assistance with an additional buildout of the Deys Plaza building. Acquired by the owners in late 2009, the Building currently has 61 fully rented residential units and an estimated 65,000 sq. ft. of commercial space. Due to the loss of a commercial tenant, 77,000 sq. ft. of additional commercial is now vacant. The owners proposed converting a portion of the vacant space to 23 residential units and an upgrade of the remaining commercial space. Although a Public Hearing was held on the Project the 2017 project did not move forward and in the interim additional changes have been made due to market conditions that require another public hearing. The new proposal consists of redeveloping a portion of the second floor and entire third floor into 34 residential units (63,000 feet) and the renovation of 7800 sq. ft. of commercial space. Cost of the Project is estimated to be \$5,400,000.00. The owner is requesting benefits from the Agency in the form of mortgage recording tax exemption valued at an estimated \$94,198 (it is their intent to refinance an existing mortgage along with new money total \$12,559,702) and a sales tax exemption valued at \$344,000.00.

ATTACHMENTS:

1. Application (Supplemental)
2. Public Hearing Resolution

REVIEWED BY:

- Executive Director
- Audit Committee
- Governance Committee
- Finance Committee

Meeting: September 18, 2018

Prepared By: J. A. Delaney

**City of Syracuse Syracuse Industrial Development Agency
Application**

I. APPLICANT DATA

A. Contact Information

Company Name:	Dey's Plaza, LLC			("Applicant")
Mailing Address:	108 West Jefferson Street, Suite 504			
City:	Syracuse	State:	NY	Zip: 13202
Phone:	315-422-53	Fax:	315-475565	
Contact Person:	Richard DeVito			
Email Address:	rdevito@rdrealty.com			
Industry Sector:	Real Estate			
NAICS Code:		Federal Employer Identification Number:	26-3117395	

B. Will the Applicant be the Project Beneficiary (i.e. Project tenant or owner/operator)

Yes No If No, Who will:

--

C. Principal Stakeholders

List principal owners/officers/directors owning 5% or more in equity holdings with percentage ownership. Public companies should list corporate officers.

Name	% Ownership	Business Address	Phone	Email
Richard DeVito	50	108 West Jefferson Street Syracuse, NY 13202	3154225381	rdevito@rdrealty.com
Robert Doucette	50	108 West Jefferson Street Syracuse, NY 13202	3154225381	rdcuse@gmail.com

D. Corporate Structure: Attach a schematic if Applicant is a subsidiary or otherwise affiliated with another entity.

Corporation

Private

Public

Date and Location of
Incorporation/Organization

11-09-2009

Partnership

General

Limited

If a foreign corporation, is the
Applicant authorized to do
business in the State of New
York?

	▼
--	---

Other

Sole Proprietorship

Limited Liability Company/Partnership

E. Applicant's Counsel:

Name:	James Messenger		
Firm:	Messenger Law		
Mailing Address:	440 South Salina Street, Suite 703		
City:	Syracuse	State:	NY Zip: 13202
Phone:	3154713030	Fax:	3154710899
Email Address:	jim@messengerlaw.net		

F. Applicant's Accountant:

Name:	Steve St. Amour		
Firm:	Grossman - St. Amour		
Mailing Address:	One Lincoln Center, 9th floor		
City:	Syracuse	State:	NY Zip: 13202
Phone:	3157016308	Fax:	3154223549
Email Address:	sstamour@gsacpas.com		

G. Applicant History: If the answer to any of the following is "Yes", please explain below. If necessary, attach additional information.

1. Is the Applicant, its management, or its principal owners now a plaintiff or defendant in any civil or criminal litigation? Yes No
2. Has any person listed in Section 1(c) ever been convicted of a criminal offense (other than a minor traffic violation)? Yes No
3. Has any person listed in Section 1 (C) or any concern with whom such person has been connected ever been in receivership or been adjudicated a bankrupt? Yes No

1) We are in litigation with Paul Ruggeri II regarding work that he performed while working for Dey's Construction.

H. Has the Applicant, or any entity in which the Applicant or any of its members or officers are members or officers, received assistance from SIDA in the past? If yes, please give year, Project name, description of benefits, and address of Project.

- Yes No

Two mortgages in the 2nd position totalling \$5.5 million for the redevelopment of Dey's Plaza, 401 South Salina Street.

II. PROJECT INFORMATION

A. Project Location

Address:	401 South Salina Street	Legal Address (if different)	108 West Jefferson Street
City:	Syracuse, NY		
Zip Code:	13202		
Tax Map Parcel ID(s):	101-8-7.0		
Current Assessment:	10,861,000	Square Footage /Acerage of Existing Site:	51,401 SF/1.18 acres
Square Footage of Existing Building, if any:	235,150	Census Tract: (Please See Appendix E for Census Tracts)	32

B. Type (Check all that apply):

- New Construction
 Commercial
 Expansion/Addition to Current Facility
 Brownfield/Remediated Brownfield
 Manufacturing
 Residential/Mixed Use
 Warehouse/Distribution
 Other

C. Description of Project: Please provide a detailed narrative of the proposed Project. This narrative should include, but not be limited to: (i) the size of the Project in square feet and a breakdown of square footage per each intended use; (ii) the size of the lot upon which the Project sits or is to be constructed; (iii) the current use of the site and the intended use of the site upon completion of the Project; (iv) the principal products to be produced and/or the principal activities that will occur on the Project site; and (v) an indication as to why the Applicant is undertaking the Project and the need for the requested benefits (Attach additional sheets if necessary). Attach copies of any site plans, sketches or maps.

The project consists of renovating partial 2nd floor and the entire 3rd floor of approximately 65,000 SF of office space into 34 apartments (see attached layout). Dey's Plaza currently has 61 apartments on floors 4-8. With the addition of the 2nd and 3rd floors, the building will house 95 residential units. Phase III of the project will also include the re-leasing of 7,800 SF on the 2nd floor. We have projected a cost of \$30 per square foot to renovate this space.

The schedule for completion is 8 months from beginning of construction (November 2018)

The stabilization and viability of Dey's Plaza is critical to the continued revitalization of Salina Street, Syracuse's "main street" These additional units will support the existing retail businesses.

D. Is the Applicant the owner of the property?

- Yes
 No

If not, who is the owner and by what means will the site be acquired? If leasing, when does the lease end?

E. Infrastructure: Please indicate whether the following are onsite, need to be constructed, or need to be renovated/expanded:

Water	<input type="text" value="Onsite"/>	Electric	<input type="text" value="Onsite"/>
Sanitary/Storm Sewer	<input type="text" value="Onsite"/>	Private Roads	<input type="text" value="Onsite"/>
Gas	<input type="text" value="Onsite"/>	Telecommunication	<input type="text" value="Onsite"/>

F. Zoning Classification: Please list the current zoning:

Current Zoning

CBD-R, CBD Retail District

G. Are variances needed to complete the Project?

Yes No

If yes, please describe nature of variances and if municipal approvals have been granted:

H. Will the Project generate sales tax for the community?

Yes No

If yes, what is the company's average annual sales or estimated annual sales?

I. In accordance with N.Y. GML Sec. 862(1):

1. Will any other companies or related facilities within the state close or be subjected to reduced activity as a result of this Project? If so please list the town and county of the location(s):

Yes No

2. Will the completion of the Project result in the removal of a plant or facility of the Applicant from one area of the State New York to another area of the State of New York?

Yes No

3. Will the completion of the Project result in the abandonment of one or more plants or facilities of the Applicant located in the State of New York?

Yes No

i. If any answer to questions 1, 2 or 3 above is yes, is the Project reasonably necessary to discourage the Applicant from removing such other plant or facility to a location outside the State of New York?

Yes No

ii. If any answer to questions 1, 2 or 3 above is yes, is the Project reasonably necessary to preserve the competitive position of the Applicant in its respective industry?

Yes No

4. Will the Project primarily consist of retail facilities?

Yes No

i. If yes, will the cost of these facilities exceed one-third of the total Project cost?

Yes No

J. Is the Project located in a distressed Census Tract?

Yes No

32

Please see Appendix E for the map of distressed census tracts in the city of Syracuse.

K. Is the Project site designated as an Empire Zone?

Yes No

L. Construction

1. Project Timeline (approximate):

Construction Commencement 11/01/2018 Construction Completion 06/30/2019 Date of Occupancy 06/30/2019

2. Please list any other key Project milestones:

3. Has work begun? Yes No

If so, indicate the amount of funds expended in the past 3 years?

\$0

III. PROJECT COSTS & FINANCING

A. Estimated Project Costs

i. State the costs reasonably necessary for the acquisition, construction, and/or renovation of the Project:

Description of Cost Type	Total Budget Amount
Land Acquisition	none
Site Work/Demo	\$165,000
Building Construction & Renovation	\$4,924,400
Furniture & Fixtures	\$100,000
Equipment	none
Equipment Subject to NYS Production Sales Tax Exemption (Manufacturing)	
Engineering/Architects Fees	\$75,000
Financial Charges	\$51,000
Legal Fees	\$80,000
Other	\$7,500
Management /Developer Fee	none
Total Investment	\$5,402,900

ii. State the amounts reasonably anticipated for the acquisition, construction, and/or renovation of the Project:

Amount of capital the Applicant has invested to date:	0
Amount of capital Applicant intends to invest in the Project through completion:	\$500,000
Total amount of public sector source funds allocated to the Project:	0
Identify each public sector source of funding:	
Percentage of the Project to be financed from private sector sources:	100%
Percentage of the Project to be financed from public sector sources:	0

B. Financial Assistance sought (estimated values):

Applicants requesting exemptions and/or abatements from SIDA must provide the estimated value of the savings they anticipate receiving. **New York State regulations require SIDA to recapture any benefit that exceeds the amount listed in this application.**

i. Is the Applicant expecting that the financing of the Project will be secured by one or mortgages? Yes No

If yes, amount requested and name of lender:

ii. Is the Applicant expecting to be appointed agent of the Agency for purposes of abating payments of NYS Sales and Use Tax? Yes No

If yes, what is the TOTAL amount of purchases subject to exemption based on taxable Project costs?

iii. Is the Applicant requesting a payment in lieu of tax agreement (PILOT) for the purpose of a real property tax abatement? Yes No

If yes, Category of PILOT requested:

iv. Is the Applicant requesting any real property tax abatement that is **Inconsistent** with the Agency's UTEP?

Yes No

If yes, please contact the Executive Director prior to submission of this Application.

v. Upon acceptance of this Application, the Agency staff will create a PILOT schedule and indicate the estimated amount of PILOT Benefit based on anticipated tax rates and assessed valuation and attach such information as Exhibit A hereto. At such time, the Applicant will certify that it accepts the proposed PILOT schedule and requests such benefit be granted by the Agency.

**** This Application will not be deemed complete and final until Exhibit A hereto has been completed and executed****

C. Type of Exemption/Abatement Requested:

Amount of Exemption/Abatement Requested:

<input type="checkbox"/>	Real Property Tax Abatement (PILOT)	
<input checked="" type="checkbox"/>	Mortgage Recording Tax Exemption (.75% of amount mortgaged)	\$40,500
<input checked="" type="checkbox"/>	Sales and Use Tax Exemption (\$4% Local, 4% State)	\$344,000
<input type="checkbox"/>	Tax Exempt Bond Financing (Amount Requested)	
<input type="checkbox"/>	Taxable Bond Financing (Amount Requested)	

D. Company's average yearly purchases or anticipated yearly purchases from vendors within Onondaga County, subject to sales tax:

NA

E. Estimated capital investment over the next 5 years, beyond this Project, if available:

NA

IV. EMPLOYMENT AND PAYROLL INFORMATION

*** Full Time Equivalent (FTE) is defined as one employee working no less than 40 hours per week or two or more employees together working a total of 40 hours per week.**

A. Are there people currently employed at the Project site?

Yes

No

If yes, provide number of full time equivalent (FTE) jobs at the facility:

3

B. Complete the following:

Estimate the number of full time equivalent (FTE) jobs to be retained as a result of this Project:	100
Estimate the number of construction jobs to be created by this Project:	30
Estimate the average length of construction jobs to be created (months):	8
Current annual payroll at facility:	\$130,000
Average annual growth rate of wages:	2%
Please list, if any, benefits that will be available to either full and/or part time employees:	Medical Insurance
Average annual benefit paid by the company (\$ or % salary) per FTE job:	\$16,000
Average growth rate of benefit cost:	12%
Amount or percent of wage employees pay for benefits:	0%
Provide an estimate of the number of residents in the Economic Development Region (Onondaga, Madison, Cayuga, Oneida, Oswego, and Cortland Counties) to fill new FTE jobs:	0

C. Complete the following chart indicating the number of FTE jobs presently employed at the Project and the number of FTE jobs that will be created at the Project site at the end of the first, second, third, fourth, and fifth years after the Project is completed. Jobs should be listed by title or category (see below), including FTE independent contractors or employees of independent contractors that work at the Project location. **Do not include construction workers.**

Current & Planned Full Time Occupations (Job Titles)	Current Number of FTEs	Salary (Annual or Hourly)	Estimated Number of FTE Jobs After Project Completion				
			End of Year 1	End of Year 2	End of Year 3	End of Year 4	Total New Jobs After 5 Years
Skilled	1	\$18.00 per hour	1	1	1	1	1

For purposes of completing the chart, refer to the following definitions, in lieu of current titles:

- **Professional/Managerial/Technical** - includes jobs which involve skill or competence of extraordinary degree and may include supervisory responsibilities (examples: architect, engineer, accountant, scientist, medical doctor, financial manager, programmer).
- **Skilled** - includes jobs that require specific skill sets, education, training, and experience and are generally characterized by high education or expertise levels (examples: electrician, computer operator, administrative assistant, carpenter, sales representative).
- **Unskilled or Semi-Skilled** - includes jobs that require little or no prior acquired skills and involve the performance of simple duties that require the exercise of little or no independent judgment (examples: general cleaner, truck driver, typist, gardener, parking lot attendant, line operator, messenger, information desk clerk, crop harvester, retail salesperson, security guard, telephone solicitor, file clerk).

D. Are the employees of your company currently covered by a collective bargaining agreement?

Yes No If yes, provide the Name and Local: _____

V. Environmental Information

***Please note an Environmental Assessment Form (EAF) MUST be completed and submitted along with this application. The Short Form EAF is included as Appendix B.**

A. Have any environmental issues been identified on the property?

Yes No

If yes, please explain:

Asbestos tiles between concrete floors

B. Has any public body issued a State Environmental Quality Review Act determination for this Project?

Yes No

If yes, please attach to this application.

VI. REPRESENTATIONS & AFFIRMATIONS BY THE APPLICANT

The Applicant understands and agrees with the Agency as follows:

A. Jobs Listings: Except as otherwise provided by collective bargaining agreements, new employment opportunities created as a result of the Project will be listed with the New York State Department of Labor Community Services Division (the "DOL") and with the administrative entity of the service delivery area created by the Workforce Investment Act ("WIA") in which the Project is located.

B. First Consideration for Employment: In accordance with §858-b (2) of the New York General Municipal Law, the Applicant understands and agrees that, if the Project receives any Financial Assistance from the Agency, except as otherwise provided by collective bargaining agreements, where practicable, the Applicant will first consider persons eligible to participate in WIA programs who shall be referred by the WIA for new employment opportunities created as a result of the Project.

C. Other NYS Facilities: In accordance with §862 (1) of the New York General Municipal Law, the Applicant understands and agrees that projects which will result in the removal of an industrial or manufacturing plant of the Project occupant from one area of the state to another area of the state or in the abandonment of one or more plants or facilities of the Project occupant within the state is ineligible for Agency Financial Assistance, unless otherwise approved by the Agency as reasonably necessary to preserve the competitive position of the Project in its respective industry.

D. City Human Right Law: The Applicant agrees to endeavor to comply with the provisions of Article XI, Division 2 of the City Code, entitled "The Omnibus Human Rights Law," which prohibits discrimination in employment based upon age, race, sex, creed, color, religion, national origin, sexual orientation, disability or marital status. The Applicant hereby agrees to adhere to this policy or equal opportunity employment in the requirement, hiring, training, promotion, and termination of employees.

E. City of Syracuse and MWBE Preference: The applicant understands and agrees that it is the preference of the Agency that the applicant provide, and use its best efforts to provide, opportunities for the purchase of equipment, goods and services from: (i) business enterprises located in the city of Syracuse; (ii) certified minority and/or women-owned business enterprises; and (iii) business enterprises that employ residents in the city of Syracuse. Consideration will be given by the Agency to the Project Applicant's efforts to comply, and compliance, with this objective at any time an extension of benefits awarded, or involvement by the Agency with the Project, is requested by the Project Applicant.

F. Local Labor Policy: The applicant understands and agrees that local labor and contractors will be used for the construction, renovation, reconstruction, equipping of the Project unless a written waiver is received from the Agency. Failure to comply may result in the revocation or recapture of benefits awarded to the Project by the Agency. For the purposes of the policy, "Local" is defined as Onondaga, Cayuga, Cortland, Madison, Oneida, and Oswego Counties.

G. Annual Sales Tax Filings: In accordance with §874(8) of the New York General Municipal Law, the Applicant understands and agrees that if the Project receives any sales tax exemptions as part of the Financial Assistance from the Agency, the Applicant agrees to file, or cause to be filed, with the New York State Department of Taxation and Finance, the annual form prescribed by the Department of Taxation and Finance, describing the value of all sales tax exemptions claimed by the Applicant and all consultants or subcontractors

H. Annual Employment Reports and Outstanding Bonds: The Applicant understands and agrees that, if the Project receives any Financial Assistance from the Agency, the Applicant agrees to file, or cause to be filed, with the Agency on an annual basis, reports regarding the number of FTE at this Project site. The Applicant also understands and agrees to provide on an annual basis any information regarding bonds, if any, issued by the Agency for the Project that is requested by the Comptroller of the State of New York.

I. Absence of Conflicts of Interest: The Applicant has received from the Agency a list of the members, officers and employees of the Agency. No member, officer or employee of the Agency has an interest, whether direct or indirect in any transaction contemplated by this Application, except as hereinafter described in Appendix B.

J. Compliance: The Applicant understands and agrees that it is in substantial compliance with applicable local, state, and federal tax, worker protection, and environmental laws, rules, and regulations.

K. False or Misleading Information: The Applicant understands and agrees that the submission of knowingly false or knowingly misleading information in this Application may lead to the immediate termination of any financial assistance and the reimbursement of an amount equal to all or part of any tax exemptions claimed by reason of Agency involvement in the Project.

L. GML Compliance: The Applicant certifies that, as of the date of the Application, the proposed project is in substantial compliance with all provisions of NYS General Municipal Law Article 18-A, including but not limited to Sections 859-a and 862(1).

M. SIDA's Policies: The Applicant is familiar with all of SIDA's policies posted on its website (http://www.syr.gov.net/Syracuse_Industrial_Development_Agency.aspx) and agrees to comply with all applicable policies.

N. Disclosure: The Applicant has read paragraph 6 of the instructions contained on the cover of this Application and understands that the Applicant must identify in writing to SIDA any information it deems proprietary and seeks to have redacted.

O. Reliance: THE APPLICANT ACKNOWLEDGES THAT ALL ESTIMATES OF PROJECTED FINANCIAL IMPACTS, VALUE OF FINANCIAL ASSISTANCE REQUESTED, AND OTHER INFORMATION CONTAINED IN THIS APPLICATION WILL BE RELIED UPON BY SIDA AND ANY CHANGES IN SUCH INFORMATION MUST BE MADE IN WRITING AND MAY IMPACT THE GRANT OF FINANCIAL ASSISTANCE TO THE PROJECT.

I have read the foregoing and agree to comply with all the terms and conditions contained therein as well as the policies of the City of Syracuse Industrial Development Agency.

Name of Applicant Company

Signature of Officer or Authorized Representative

Name & Title of Officer or Authorized Representative

Date

VI. HOLD HARMLESS AGREEMENT

Applicant hereby releases the City of Syracuse Industrial Development Agency and the members, officers, servants, agents and employees thereof (collectively the "Agency" from, agrees that the Agency shall not be liable for, and agrees to indemnify, defend, and hold the Agency harmless from and against any and all liability arising from or expense incurred by: (A) the Agency's examination and processing of, and action pursuant to or upon, the attached Application, regardless of whether or not the Application or the Project described therein or the tax-exemptions and other assistance requested therein are favorably acted upon by the Agency, (B) the Agency's acquisition, construction, and/or installation of the Project described therein and (C) any further action taken by the Agency with respect to the Project, including without limiting the generality of the foregoing, all cause of action and attorney's fees and any other expenses incurred in defending any suits or action which may arise as a result of any of the foregoing. If, for any reason, the Applicant fails to conclude or consummate necessary negotiations, or fails, within a reasonable or specified period of time, to take reasonable, proper or requested action, or withdraws, abandons, cancels or neglects the Application, or if the Agency or the Applicant are unable to reach final agreement with respect to the Project, or the inability of the Applicant, for any reason, to proceed with the Project, then, and in the event, upon presentation of an invoice itemizing the same, the Applicant shall pay to the Agency, its agents or assigns, all costs incurred by the Agency in the processing of or in connection with the Application, including attorney's fees, if any.

Name of Applicant Company

Signature of Officer or Authorized Representative

Name & Title of Officer or Authorized Representative

Date

**CITY OF SYRACUSE INDUSTRIAL DEVELOPMENT AGENCY APPLICATION
APPENDIX A
CONFLICT OF INTEREST STATEMENT**

Agency Board Members

1. Michael Frame
2. Kathleen Murphy
3. Steven P. Thompson
4. Rickey T. Brown
5. Kenneth J. Kinsey

Agency Officers/Staff

1. Honora Spillane
2. Judith DeLaney
3. Debra Ramsey-Burns

Agency Legal Counsel & Auditor

1. Susan Katzoff, Esq., Bousquet Holstein, PLLC
2. Grossman St. Amour, PLLC.

The Applicant has received from the Agency a list of members, officers and staff of the Agency. To the best of my knowledge, no member, officer or employee of the Agency has an interest, whether direct or indirect, in any transaction contemplated by this Application, except as hereinafter described:

Grossman - St, Amour

Signature:

Authorized Representative:

Title:

Date:

Appendix B

Short Form Environmental Assessment Form

Instructions for Completing

Part 1 - Project Information. The applicant or Project sponsor is responsible for the completion of Part 1 Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information. The NYS DEC provides an interactive EAF form at its website <http://www.dec.ny.gov/eafmapper/>, which may substitute for this form.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information			
Name of Action or Project: <b style="font-size: 1.2em;">Dey's Plaza - Phase III			
Project Location (describe, and attach a location map): <b style="text-align: center;">401 South Salina Street, Syracuse, NY 13020			
Brief Description of Proposed Action: <b style="text-align: center;">Redevelopment of partial 2nd floor and entire 3rd floor consisting of approximately 65,000 sf from office to residential use. Rehabilitation of approximately 7,800 square feet of office space on the 2nd floor.			
Name of Applicant or Sponsor: <b style="font-size: 1.2em;">Dey's Plaza, LLC		Telephone: 3154225381	
		E-Mail: rdevito@rdrealty.com	
Address: <b style="font-size: 1.2em;">108 West Jefferson Street			
City/PO: <b style="font-size: 1.2em;">Syracuse		<b style="font-size: 1.2em;">NY	<b style="font-size: 1.2em;">13020
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/> YES <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			NO <input type="checkbox"/> YES <input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		1.81	acres
b. Total acreage to be physically disturbed?		0	acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		100%	acres
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input checked="" type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input checked="" type="checkbox"/> Other (specify): <u>Residential urban</u>			
<input type="checkbox"/> Parkland			

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size:	NO	YES
_____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	NO	YES
_____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	NO	YES
_____	<input type="checkbox"/>	<input checked="" type="checkbox"/>
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor name: <u>Richard DeVito</u>		Date: <u>9/15/18</u>
Signature: <u>[Signature]</u>		

Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2 Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:		
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	No, or small impact may occur	Moderate to large impact may occur
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Part 3 - Determination of significance. The Lead Agency is responsible for the completion of Part 3 For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.
<input type="text"/>	<input type="text"/>
Name of Lead Agency	Date
<input type="text"/>	<input type="text"/>
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
<input type="text"/>	<input type="text"/>
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

PRINT

SYRACUSE INDUSTRIAL DEVELOPMENT AGENCY APPLICATION

APPENDIX C
Verification

STATE OF _____)
) SS.:
COUNTY OF _____)

Richard delitto, deposes and says that s/he is the
(Name of Individual)

member of Dog's Plaza, LLC
(Title) (Applicant Name)

that s/he has read the foregoing Application and knows the contents thereof and that the same is true, accurate, and complete to the best of her/his knowledge, as subscribed and affirmed under the penalties of perjury. The grounds of deponent's beliefs relative to all matters in the said Application which are not stated upon her/his own personal knowledge are investigations which the deponent has caused to be made concerning the subject matter of the Application as well as, if applicable, information acquired by deponent in the course of her/his duties/responsibilities for the Applicant and from the books and papers of the Applicant. The deponent also acknowledges the receipt of the schedules attached to the Application, including but not limited to the Agency's fee schedule and assumes responsibility for payment of any and all applicable fees as described therein. Deponent further acknowledges review and understanding of the Agency's published policies, including but not limited to the Agency's Recapture Policy, and agrees on behalf of the Applicant to be bound by and comply with, all such policies.

[Signature]
Applicant Representative's Signature
member
Title

Subscribed and sworn to before me this
5th day of SEPTEMBER, 20 18

[Signature]
Notary Public

APRIL VAN AUKEN
Notary Public in the State of New York
Qualified in Onondaga County
No. 01VA6264834
My Commission Expires June 24, 2021

Deys Centennial Plaza

Redevelopment Plan



Prepared by:

Paramount Realty Group Group, LLC

The Project

The Dey's Building, a 235,150 square foot historic structure in Downtown Syracuse is the object of a vital transformation from use strictly as an office building, to a residential retail and office development in this expanding sector of the downtown market. The property which comprises four connected buildings has approximately 100,000 square feet of office space and ground floor retail space and 61 luxury apartment units. The property is now poised to create 34 new residential units on a portion of the 2nd floor and the entire 3rd which had previously been office space. Once the new units are completed the building will have 95 residential units on floors 2 through 8.

History

The Dey Brother's Building was built in 1893 and occupied by the Dey Brothers Department Store. The building was renovated in 1995 by the City of Syracuse as a historic preservation project with Niagara Mohawk Power Corporation as the anchor tenant occupying 120,000 square feet, or approximately half of the building. The property was renamed The Dey's Centennial Plaza and leased out most of the building to other office tenants. The property was subsequently sold to Bob Doucette and Rich deVito who converted much of the upper stories to 45 apartments in phase I, and subsequently Phase II in 2016 added an additional 16 residential units. The developers released the ground floor to mostly retail tenants. office tenants include The Department of Immigration (Federal); SEFCU (retail bank operations); BTI Travel Consultants; and HOLT Architects. Retail tenants include Café Kubal; and N'Awlins Restaurant.

Redevelopment Plan

The redevelopment project consists of redeveloping a portion of the 2nd floor and the entire 3rd floor into 34 apartment units which will average approximately 1,700 square feet. The cost of the construction project is approximately \$5.4 million. Construction is slated to begin in November of 2018.

*The current debt of \$7,642,359 will be added to the \$5,400,000 cost of new construction for a total first mortgage of \$12,559,702.

Parking

The lower level of the building has approximately 100 indoor parking spaces for use by office tenants and residents of the buildings, with up to 100 additional spaces available at the Sibley's Garage.

DEYS CENTENNIAL PLAZA
Deys Plaza - Pro Forma 2016 - Apartments 2nd and 3rd Floors

OFFICE INCOME	OPERATION DATE	RENTAL RATE	USABLE AREA	TOTAL RENT
Second Floor				
Vacant	March 31 2024	12.00	1,080	12,000
Dept. of Immigration *	Vacant	17.73	1,705	30,230
Vacant (Former Escalator Space)	Dec 31 2016	12.00	1,006	12,060
Holt Architecture	Dec 31 2020	16.38	1,680	24,000
Essence of NY/Arts	Vacant	12.12	1,510	18,289
Vacant (Former SU Space)	Dec 31 2021	12.00	2,426	29,100
BTI	Dec 31 2021	15.37	2,895	41,297
Twined Images	Dec 31 2016	14.65	990	14,400
Metro PCS	March 31 2020	14.81	1,720	25,125
Carriotte	March 31 2018	17.78	810	14,400
Case Kidell	Sept 30 2017	18.30	1,985	32,520
SEFCU	Dec 31 2021	11.91	3,450	41,078
Floral Escorts	Month to Month	9.28	780	7,200
Vacant	Vacant	12.00	6,286	63,420
Storage Areas (non income producing)			2,270	
Third Floor				
BTI	Dec 31 2021	16.37	2,380	38,733
Vacant	March 31 2024	15.50	7,830	122,916
Immigration		17.73	5,181	91,859
Gross Commercial Income			55,316	617,205
Vacancy			10%	61,720
Net Office Income				555,484
Operating Expenses Reimbursement				15,000
CAN Charges				28,948
Electric Reimbursement				112,900
Parking Income - Building				188,448
Subtotal				711,982
TOTAL COMMERCIAL INCOME				711,982
Apartment Income				
Second Floor				
		No. of Units	Monthly Rental	Annual Rental
		111.00	1,800	211,200
Third Floor				
		23.00	1,800	441,800
Fourth Floor				
		17.00	1,800	328,400
Fifth Floor				
		17.00	1,800	328,400
Sixth Floor				
		17.00	1,800	328,400
Seventh Floor				
		6.00	1,180	99,800
Eighth Floor				
		5.00	1,220	73,200
Gross Apartment Income				1,774,800
Vacancy			6%	88,740
TOTAL APARTMENT INCOME				1,686,060

OPERATING EXPENSES	AMOUNT
Building Expenses	
Garage Expenses	30,794
Insurance	45,286
Security	90,000
Water & Sewer	13,483
Utilities - Gas	28,054
Utilities - Electric	146,000
Taxes	386,300
Subtotal	729,927
Building Maintenance	
Elevator Maintenance	23,763
Fire Protection	10,338
General Maintenance	26,000
HVAC Maintenance	24,000
Janitorial	31,888
Janitorial Supplies	4,489
Exterminting Contract	4,070
Snow/Window Maintenance	7,600
Telephone	3,800
Trash	12,188
Wigges	40,000
Insurance - Comp & Disability	8,170
Subtotal	198,873
Management Expenses	
Accounting & Bookkeeping	14,387
NYS Filing	3,000
Advertising & Marketing	4,800
Legal	1,083
Management Fee	74,802
3%	
Subtotal	97,282
TOTAL EXPENSES	1,023,982
TOTAL COMMERCIAL INCOME	711,982
TOTAL APARTMENT INCOME	1,686,060
LESS RESERVE	(47,980)
LESS TOTAL OPERATING EXP	(1,023,982)
EQUALS NET OPERATING INCOME	1,264,178
Current Mortgage Balances	7,642,369
New Commercial Construction	237,900
New Construction Apartments	5,179,443
Additional Equity	(600,000)
Amount to Finance	12,569,792
First Mortgage Financing	
Principal	\$ 12,569,792
Term	30 Yrs.
Interest Rate	5.30%
Payment	(845,179)
Second Mortgage Financing	
Principal	\$ 4,634,756
Term	30 Yrs.
Interest Rate	3.00%
Payment	(248,665)
Income After Debt	234,327
Debt Coverage Ratio	1.21

Building Income & Expense Projections										
	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>	<u>Year 4</u>	<u>Year 5</u>	<u>Year 6</u>	<u>Year 7</u>	<u>Year 8</u>	<u>Year 9</u>	<u>Year 10</u>
Income										
Commercial Income (Including vacancy)	555,484	555,484	561,039	561,039	561,039	572,260	572,260	583,705	572,260	572,260
Apartment Income (Including vacancy)	1,686,060	1,736,642	1,788,741	1,842,403	1,897,675	1,954,606	2,013,244	2,073,641	2,135,850	2,199,926
Subtotal	2,241,544	2,292,126	2,349,780	2,403,442	2,458,715	2,526,866	2,585,504	2,657,346	2,708,110	2,772,186
CAM Reimbursement	15,000	15,450	15,914	16,391	16,883	17,389	17,911	18,448	19,002	19,572
Electric Reimbursement	28,648	29,221	29,805	30,401	31,010	31,630	32,262	32,908	33,566	34,237
<u>Parking Income</u>	<u>112,800</u>	<u>115,056</u>	<u>117,357</u>	<u>119,704</u>	<u>122,098</u>	<u>124,540</u>	<u>127,031</u>	<u>129,572</u>	<u>132,163</u>	<u>134,806</u>
Subtotal	156,448	159,727	163,076	166,497	169,990	173,559	177,204	180,927	184,730	188,615
Gross Income Including vacancy	2,397,992	2,451,853	2,512,856	2,569,939	2,628,705	2,700,425	2,762,708	2,838,274	2,892,841	2,960,801
Operating Costs										
Building Operating Expenses	729,927	751,825	759,343	766,936	774,606	782,352	790,175	798,077	806,058	814,119
Building Maintenance	196,073	201,955	203,975	206,014	208,075	210,155	212,257	214,380	216,523	218,689
Management Expenses	97,862	100,798	101,806	102,824	103,852	104,891	105,940	106,999	108,069	109,150
<u>Total Operating Expenses</u>	<u>1,023,862</u>	<u>1,054,578</u>	<u>1,065,124</u>	<u>1,075,775</u>	<u>1,086,533</u>	<u>1,097,398</u>	<u>1,108,372</u>	<u>1,119,456</u>	<u>1,130,650</u>	<u>1,141,957</u>
Building Reserves	(47,960)	(48,919)	(49,897)	(50,895)	(51,913)	(52,952)	(54,011)	(55,091)	(56,193)	(57,316)
Total Building Expenses	1,071,822	1,005,659	1,015,226	1,024,879	1,034,619	1,044,446	1,054,361	1,064,365	1,074,458	1,084,640
Net Operating Income	1,326,170	1,446,194	1,497,630	1,545,060	1,594,086	1,655,978	1,708,347	1,773,909	1,818,383	1,876,161
First Mortgage Financing	845,178	845,178	845,178	845,178	845,178	845,178	845,178	845,178	845,178	845,178
SEDCO Financing	246,666	246,666	246,666	246,666	246,666	246,666	246,666	246,666	246,666	246,666
Total Debt Service	1,091,843									
Total Income After Debt	234,327	354,351	405,787	453,216	502,242	564,135	616,503	682,066	726,540	784,317

RESOLUTION

A regular meeting of the City of Syracuse Industrial Development Agency was convened in public session on September 18, 2018, at 8:30 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 _____ and upon the roll being duly called, the following members were:

PRESENT:

EXCUSED:

THE FOLLOWING PERSONS WERE ALSO PRESENT:

The following resolution was offered by _____ and seconded by _____:

RESOLUTION DETERMINING THAT THE ACQUISITION, CONSTRUCTION, RECONSTRUCTION, RENOVATION, EQUIPPING AND COMPLETION OF A COMMERCIAL FACILITY AT THE REQUEST OF THE COMPANY CONSTITUTES A PROJECT; DESCRIBING THE FINANCIAL ASSISTANCE IN CONNECTION THEREWITH; AND AUTHORIZING A PUBLIC HEARING

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, to accomplish its stated purposes, the Agency is authorized and empowered under the Act to grant “financial assistance” (as defined in the Act) in connection with the acquisition, reconstruction and equipping of one or more “projects” (as defined in the Act); and

WHEREAS, by application dated September 5, 2018 (the “*Application*”), Deys Plaza,

LLC, or an entity to be formed (the “*Company*”), requested the Agency undertake a project (the “*Project*”) consisting of: (A)(i) the acquisition of an interest in approximately 1.2 acres of real property improved by an existing approximately 235,000 sq. foot, eight-story building (the “*Existing Building*”) located at 401 South Salina Street, in the City of Syracuse, New York (the “*Land*”); (ii) the construction, reconstruction, renovation, equipping and completion of a portion of the Existing Building to include approximately 25,000 square feet on the second floor and approximately 38,311 square feet on the third floor to house 34 apartment units as well as approximately 7,800 square feet on the second floor for commercial space (collectively, the “*Facility*”) all located on the Land; (iii) the acquisition and installation in and at the Land as part of the Facility of furniture, fixtures 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 and mortgage recording tax (as limited by Section 874 of the General Municipal Law) (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, reconstruction, 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 to the Agency; and the sublease of the Project Facility back to the Company pursuant to a sublease agreement; 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 with respect to the environmental impact of any “action” (as said quoted term is defined in SEQRA) to be taken by the Agency and the approval of the Project constitutes such an action; and

WHEREAS, the Agency has not yet made a determination under SEQRA; and

WHEREAS, the Agency has not approved undertaking the Project or granting the Financial Assistance; and

WHEREAS, the grant of Financial Assistance to the Project is subject to, among other things, the Agency finding after a public hearing pursuant to Section 859-a of the Act that the Project will serve the public purposes of the Act by promoting economically sound commerce and industry to advance the job opportunities, health, general prosperity and economic welfare of the people of the State or increasing the overall number of permanent, private sector jobs in the State.

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 makes the following findings and determinations:

(A) The Project constitutes a “project” within the meaning of the Act;

(B) The Financial Assistance contemplated with respect to the Project consists of assistance in the form of exemptions from State and local sales and use taxation and mortgage recording tax; and

(2) The Agency hereby directs that pursuant to Section 859-a of the Act, a public hearing with respect to the Project and Financial Assistance shall be scheduled with notice thereof published, and such notice, as applicable, shall further be sent to affected tax jurisdictions within which the Project is located.

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

(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.

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

AYE

NAY

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 18, 2018, 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 this ____ day of _____, 2018.

City of Syracuse Industrial Development Agency

Rickey T. Brown, Secretary

(S E A L)

City of Syracuse
Industrial Development Agency
201 East Washington Street
Syracuse, NY 13202
Tel (315) 473-3275

EXECUTIVE SUMMARY

Agenda Item: 6

Title: Armory Boys LLC

Requested By: Sue Katzoff

OBJECTIVE: Approval of a resolution authorizing an extension of both the Agency agreement and Sales Tax appointment for the Project until March 31, 2019.

DESCRIPTION:

Direct expenditure of fund: Yes No

Type of financial assistance requested

PILOT

Sales Tax Exemption

Mortgage Recording Tax Exemption

Tax Exempt Bonds

Other

SUMMARY: In August of 2017 the Agency approved benefits for a proposed project at 229-37 West Fayette Street in the Armory Square neighborhood. The three story building known as the "Piper Phillips" Building is an 18,000 sq. ft. structure built around 1872. Mostly vacant at the time the owner proposed a gut renovation of the upper floors into 9 one bedroom residential units and renovation of the commercial units on the ground floor. Cost of the SIDA Project was estimated to be \$1,281,000.00. The Company received benefits from the Agency in the form of exemptions from mortgage tax valued at \$11,250.00 and sales tax valued at \$60,000.00. The Project closed in October 2017 and is fully underway. Due to a number of construction delays it is now anticipated not to be completed until the first quarter of 2019. The owners are requesting an extension through March 2019 to ensure they have enough time to complete the Project before the sales tax benefit runs out. There is no request for any further increase in benefits.

ATTACHMENTS:

1. Correspondence. (Under separate cover)
2. Resolution. (Under separate cover)

REVIEWED BY:

- Executive Director
- Audit Committee
- Governance Committee
- Finance Committee

Meeting: September 18, 2018

Prepared By: J. A. Delaney

CARACCIOLI & ASSOCIATES, PLLC
ATTORNEYS AT LAW

175 East Seventh Street
Oswego, New York 13126

Phone (315) 343-1939
Fax (315) 343-1822

VIA EMAIL & REGULAR MAIL

September 14, 2018

Judith DeLaney, Economic Development Specialist
City of Syracuse
City Hall Commons, 7th Floor
201 E. Washington Street
Syracuse, NY 13202

Re: Armory Boys, LLC – Extension of Exemption Benefits
229-37 West Fayette Street

Dear Ms. DeLaney:

On behalf of my client, Armory Boys, LLC, I am requesting an extension of the project end date granted by the Syracuse Industrial Development Agency (SIDA), as established on the ST-60, that was originally granted for the above-referenced project.

While the renovations are progressing, there is still much work to be performed and costs to be incurred for which the sales tax appointment letter would be most beneficial to my client.

I respectfully request SIDA grant an extension of time to March 31, 2019. The estimated value of New York State and local sales and use tax exemptions provided, as originally reported at \$60,000, remains on target. My client is not seeking an increase in the approved exemption value.

Thank you for considering this request. I look forward to hearing from you at your earliest opportunity.

Sincerely,



Kevin C. Caraccioli

KCC/dnp

Cc: Jeffrey A. Appel, Managing Member, Armory Boys, LLC
Susan R. Katzoff, Esq.



IDA Appointment of Project Operator or Agent For Sales Tax Purposes

ST-60

(4/13)

The industrial development agency or authority (IDA) **must** submit this form within 30 days of the appointment of a project operator or agent, whether appointed directly by the IDA or indirectly by the operator or another agent.

For IDA use only

Name of IDA City of Syracuse Industrial Development Agency		IDA project number (use OSC numbering system for projects after 1998) 31021711	
Street address 201 East Washington Street, 7th Floor		Telephone number (315) 448-8127	
City Syracuse		State NY	ZIP code 13202
Name of IDA project operator or agent Armory Boys LLC	Mark an X in the box if directly appointed by the IDA: <input checked="" type="checkbox"/>	Employer identification or social security number 82-0865967	
Street address 33 Church Street		Telephone number (917) 848-0152	Primary operator or agent? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
City Montclair		State NJ	ZIP code 07042
Name of project Armory Boys LLC Project		Purpose of project (see instructions) other - commercial	
Street address of project site 229-37 West Fayette Street			
City Syracuse		State NY	ZIP code
Description of goods and services intended to be exempted from New York State and local sales and use taxes building materials, equipment, fixtures and furnishings installed in the Project Facility			

Date project operator or agent appointed (mm/dd/yy) 10/01/17	Date project operator or agent status ends (mm/dd/yy) 09/01/18	Mark an X in the box if this is an extension to an original project: <input type="checkbox"/>
Estimated value of goods and services that will be exempt from New York State and local sales and use tax: \$750,000	Estimated value of New York State and local sales and use tax exemption provided: \$60,000	

Certification: I certify that the above statements are true, complete, and correct, and that no material information has been omitted. I make these statements with the knowledge that willfully providing false or fraudulent information with this document may constitute a felony or other crime under New York State Law, punishable by a substantial fine and possible jail sentence. I also understand that the Tax Department is authorized to investigate the validity of any information entered on this document.

Print name of officer or employee signing on behalf of the IDA William M. Ryan	Print title Chairman
Signature	Date 10-5-17
	Telephone number (315) 448-8127

Instructions

Filing requirements

An IDA must file this form within 30 days of the date the IDA appoints any project operator or other person as agent of the IDA, for purposes of extending any sales and compensating use tax exemptions.

The IDA must file a separate form for each person it appoints as agent, whether directly or indirectly, and regardless of whether the person is the primary project operator or agent. If the IDA authorizes a project operator or agent to appoint other persons as agent of the IDA, the operator or agent making such an appointment must advise the IDA that it has done so, so that the IDA can file a form within 30 days of the date of the new agent's appointment. The IDA should not file this form for a person hired to work on an IDA project if that person is not appointed as agent of the IDA. The IDA need not file this form if the IDA does not extend any sales or use tax exemption benefits for the project.

If an IDA modifies a project, such as by extending it beyond its original completion date, or by increasing or decreasing the amount of sales and use tax exemption benefits authorized for the project, the IDA must, within 30 days of the change, file a new form with the new information.

If an IDA amends, revokes, or cancels the appointment of an agent, or if an agent's appointment becomes invalid for any reason, the IDA must, within 30 days, send a letter to the address below for filing this form, indicating that the appointment has been amended, revoked, or cancelled, or is no longer valid, and the effective date of the change. It should attach to the letter a copy of the form it originally filed. The IDA need not send a letter for a form that is not valid merely because the "Completion date of project" has passed.

Purpose of project

For Purpose of project, enter one of the following:

- Services
- Agriculture, forestry, fishing
- Finance, insurance, real estate
- Transportation, communication, electric, gas, sanitary services
- Construction
- Wholesale trade
- Retail trade
- Manufacturing
- Other (specify)

Mailing instructions

Mail completed form to:

**NYS TAX DEPARTMENT
IDA UNIT
W A HARRIMAN CAMPUS
ALBANY NY 12227**

Privacy notification

The Commissioner of Taxation and Finance may collect and maintain personal information pursuant to the New York State Tax Law, including but not limited to, sections 5-a, 171, 171-a, 287, 308, 429, 475, 505, 697, 1096, 1142, and 1415 of that Law; and may require disclosure of social security numbers pursuant to 42 USC 405(c)(2)(C)(i).

This information will be used to determine and administer tax liabilities and, when authorized by law, for certain tax offset and exchange of tax information programs as well as for any other lawful purpose.

Information concerning quarterly wages paid to employees is provided to certain state agencies for purposes of fraud prevention, support enforcement, evaluation of the effectiveness of certain employment and training programs and other purposes authorized by law.

Failure to provide the required information may subject you to civil or criminal penalties, or both, under the Tax Law.

This information is maintained by the Manager of Document Management, NYS Tax Department, W A Harriman Campus, Albany NY 12227; telephone (518) 457-5181.

Need help?



Internet access: www.tax.ny.gov
(for information, forms, and publications)



Sales Tax Information Center: (518) 485-2889
To order forms and publications: (518) 457-5431



Text Telephone (TTY) Hotline
(for persons with hearing and speech disabilities using a TTY): (518) 485-5082

APPROVING RESOLUTION

A regular meeting of the City of Syracuse Industrial Development Agency was convened in public session on September 18, 2018 at 8:30 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 _____ and upon the roll being duly called, the following members were:

PRESENT:

EXCUSED:

THE FOLLOWING PERSONS WERE ALSO PRESENT:

The following resolution was offered by _____ and seconded by _____:

RESOLUTION APPROVING A RETROACTIVE EXTENSION OF THE SALES TAX APPOINTMENT OF ARMORY BOYS LLC AS AGENT OF THE AGENCY FROM SEPTEMBER 1, 2018 THROUGH MARCH 31, 2019 AS WELL AS THE TERM OF THE ASSOCIATED LEASE DOCUMENTS; AND AUTHORIZING THE EXECUTION OF ANY AND ALL NECESSARY DOCUMENTS

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, at the request of Armory Boys LLC (the "**Company**"), by resolution dated August 15, 2017 (the "**Inducement Resolution**") the Agency agreed to undertake a project (the "**Project**") consisting of: (A)(i) the acquisition of an interest in approximately 6,000 square feet of improved real property located at 229-37 West Fayette Street, in the City of Syracuse, New York (the "**Land**"); (ii) the renovation of an existing three story, approximately 18,000 square foot building for mixed-use consisting of approximately 4,000 square feet of usable space on the first floor for retail space and approximately 12,000 square feet comprised of approximately nine

(9) one- bedroom units on the second and third floor; all located on the Land (collectively, the "**Facility**"); (iii) the acquisition and installation in and at the Land and Facility of furniture, fixtures 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 and mortgage recording tax (as limited by Section 874 of the General Municipal Law) (collectively the "**Financial Assistance**"); (C) the appointment of the Company or its designee as an agent of the Agency in connection with the acquisition, reconstruction, 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 to the Agency; and the sublease of the Project Facility back to the Company pursuant to a sublease agreement; and

WHEREAS, in October 2017, 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**"). As part of the Lease Transaction the Company leased the Project Facility to the Agency and the Agency sub-leased the Project Facility back to the Company pursuant to certain lease documents (the "**Leases**") and, the Company was appointed as the agent of the Agency through September 1, 2018 (the "**Appointment**") for purposes of undertaking and completing the Project Facility and was awarded an amount not to exceed \$60,000 in exemptions from State and local sales and use tax (the "**Exemption Award**"); and

WHEREAS, the Leases were set to expire on September 1, 2018; and

WHEREAS, by letter dated September 14, 2018, the Company advised that while renovations are progressing, there is still a significant amount of work to be completed and requested the Agency approve a retroactive extension of their Appointment from September 1, 2018 to March 31, 2019 to provide them an opportunity to complete the Project (the "**Extension**"); and

WHEREAS, as the Company has advised that they do not need an increase in the Exemption Award. The Company is not requesting any additional financial assistance; 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**"); and

WHEREAS, the Extension is in furtherance of the Financial Assistance that was previously approved for the Project, which underwent an environmental review by the Agency pursuant to the State Environmental Quality Review Act ("**SEQRA**"), and the present sales tax appointment extension request is insubstantial and does not require reconsideration or further review by the Agency under SEQRA; and

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, including but not limited to there being no event of default under the Lease Documents, the Agency hereby makes the following findings and determinations:

(a) The granting of the Extension does not require reconsideration or further review by the Agency under SEQRA.

(b) The Agency authorizes the Extension of the Company's appointment as their agent for purposes of completing the Project and the extension of the Lease Documents through and including **March 31, 2019**. All other terms and conditions of the Lease Documents remain unchanged and in full force and effect.

(2) The Agency is authorized to execute and deliver all documents necessary to effectuate the Extension of any and all Lease Documents and the sales tax appointment agent status of the Company and/or its Additional Agents (as that term is defined in the Inducement Resolution) (collectively, the "***Extension Documents***") including but not limited to revisions or amendments of the Lease Documents, issuance of a new Sales Tax Appointment Letter and an amendment or extension of the appropriate "IDA Appointment of Project Operator or Agent for Sales Tax Purposes" (Form ST-60) for each of the entities; and each the Chairman, the Vice Chairman and/or the Executive Director of the Agency are hereby authorized, on behalf of the Agency, to execute and deliver the documents upon the advice of counsel to the Agency. The execution thereof by the Chairman, the Vice Chairman and/or the Executive Director constitutes conclusive evidence of such approval.

(3) As a condition of the Extension, the Company will: (i) confirm that all insurance executed and delivered in conjunction with the Project and the Lease Transaction remains in full force and effect and will submit to the Agency proof of insurance naming the Agency as an additional insured pursuant to the Agency's requirements under the Lease Documents; (ii) submit to the Agency any applicable information requested by the Agency with respect to the Extension so that they can accurately track and report as required under the Act; (iii) submit any applicable administrative fees and all legal fees incurred by the Agency in exchange for the Agency's grant of the Extension; and (iv) submit any proof required by the Agency demonstrating that the Company has not realized State and local sales and use tax exemptions in excess of the Exemption Award.

(4) The Company shall execute and deliver any and all documents required by the Agency in connection with the Extension and to carry out the intent of this Resolution; and

(5) The Company shall provide or cause its Additional Agents to provide, and the Agency shall maintain, records of the amount of State and local sales and use tax exemption benefits provided to the Project and the Company shall, and cause each Additional Agent, to make such records available to the Agency and the State Commissioner of Taxation and Finance

(the “*Commissioner*”) upon request. The Agency shall, within thirty (30) days of providing any State sales and use tax exemption benefits, report to the Commissioner the amount of such benefits for the Project, identifying the Project, along with any such other information and specificity as the Commissioner may prescribe. As a condition precedent to the Company or Project’s receipt of, or benefit from, any State or local sales and use tax exemptions, the Company must acknowledge and agree to make, or cause its Additional Agents to make, all records and information regarding State and local sales and use tax exemption benefits realized by the Project available to the Agency or its designee upon request.

(6) 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.

(7) Bousquet Holstein PLLC is authorized as counsel to the Agency to work with the Company and prepare all necessary documents to carry out the intent of this Resolution.

(8) The Secretary 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.

(9) 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

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 18, 2018, 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 this ____ day of September, 2018.

City of Syracuse Industrial Development Agency

Ricky T. Brown, Secretary

(S E A L)