

## RESOLUTION

A regular meeting of the City of Syracuse Industrial Development Agency was convened in public session on May 21, 2019 at 8:00 a.m. in the Common Council's Chambers, City Hall, 233 East Washington Street, Syracuse, New York.

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

**PRESENT:** Michael Frame, Steven Thompson, Kathleen Murphy, Rickey T. Brown, Kenneth Kinsey

**THE FOLLOWING PERSONS WERE ALSO PRESENT:** Staff: Judith DeLaney, Susan R. Katzoff, Esq., Debra Ramsey-Burns, John Vavonese; Others: Lauryn LaBorde, Anthony D'Elia, Esq., Theresa Morgan

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

**RESOLUTION APPROVING (1) AN AGREEMENT FOR STREETScape REPAIR IN THE FRANKLIN SQUARE AREA IN AN AMOUNT NOT TO EXCEED \$80,000; AND (2) THE PURCHASE OF TREE PLANTINGS IN AN AMOUNT NOT TO EXCEED \$3,400**

**WHEREAS**, the policy of the State of New York (the "*State*") set forth in Title 1 of Article 18-A of the General Municipal Law of the State, as amended (the "*IDA Act*"), is to promote the economic welfare, recreation opportunities and prosperity of its inhabitants and to actively promote, attract, encourage and develop recreation, economically sound commerce and industry through governmental action for the purpose of preventing unemployment and economic deterioration by the creation of industrial development agencies and to protect and promote the health of the inhabitants of the State and to increase trade through promoting the development of facilities to provide recreation for the citizens of the State and to attract tourists from other states; and

**WHEREAS**, City of Syracuse Industrial Development Agency (the "*Agency*") constitutes an industrial development agency established under the IDA Act and Chapter 641 of the Laws of 1979 of the State of New York, as amended from time to time (together with the IDA Act, the "*Act*") and is thereby authorized and empowered 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, educational or cultural facilities, railroad facilities and certain horse racing facilities, thereby advance the job opportunities, health, general prosperity and economic welfare of the people of the State and 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 acquire, hold and dispose of personal property for its corporate purposes; with the consent of the municipality, to use agents, employees and facilities of the municipality and pay the municipality its agreed proportion of the compensation or costs therefor; to appoint officers, agents and employees and pay their compensation out of funds of the Agency; make contracts and leases; to use gifts, grants, loans or contributions for any of its corporate purposes; and to all things necessary or convenient to carry out its purposes and exercise the powers expressly given in the IDA Act; and

**WHEREAS**, the Agency received funds in connection with the 2007 bond closing on the Destiny USA Project ("**Lakefront Funds**") which were restricted for use in the revitalization in and around the inner harbor and lakefront areas including but not limited to the Franklin Square area of the City of Syracuse (the "**City**") (collectively, the "**Lakefront Redevelopment Area**") as part of the Carousel Center Mall expansion project (the "**Project**"); and

**WHEREAS**, the Agency also receives certain payment in lieu of taxes payments from one or more other projects previously undertaken by the Agency where some or all of the PILOT payment(s) are restricted to the improvement of the Lakefront Redevelopment Area (the "**Restricted PILOT**" and together with the Lakefront Funds, collectively, the "**Restricted Funds**"); and

**WHEREAS**, the Agency is interested in replacing and repairing damaged hardscape, including but not limited to, sidewalks, curbing and tree grates on public property in the Franklin Square area of the City of Syracuse (the "**City**") as further described in the document attached hereto as **Exhibit "A"** (the "**Work**") to further promote the economic welfare, recreational opportunities and prosperity of its inhabitants and to actively promote, attract, encourage and develop recreation, economically sound commerce and industry in the area; and

**WHEREAS**, the Agency also desires to utilize Restricted Funds to purchase tree plantings for use in the Lakefront Redevelopment Area in an amount not to exceed \$3,400 (the "**Advance**") pursuant to a contract the City currently has in place with a landscaping company. The actual planting of the trees will be done by the City's park's department (the "**Planting**"); and

**WHEREAS**, the Agency is desirous of entering into a contract to undertake the Work with Ballard Construction, Inc. (the "**Company**"), a company currently under contract with the City to perform similar work in other areas of the City (the "**Contract**"); and

**WHEREAS**, the Agency desires to contract with the Company to perform the Work in an amount not to exceed \$80,000 to be paid solely from Restricted Funds; and

**WHEREAS**, consistent with the Agency's procurement policy, the Agency is permitted to contract with vendors already under contract with the City to perform similar services; and

**WHEREAS**, pursuant to Article 8 of the Environmental Conservation Law of the State of New York, as amended, and the regulations of the Department of Environmental Conservation

of the State of New York promulgated thereunder (collectively referred to hereinafter as “**SEQRA**”), the Agency is required to make a determination as to whether the “action” (as said quoted term is defined in SEQRA) to be taken by the Agency may have a “significant impact on the environment” (as said quoted term is utilized in SEQRA). The Agency has classified the execution and delivery of the Contract and the Advance and the performance of the Work and the Planting as a “Type II” action as that term is defined under SEQRA, and therefore no further review is required; and

**NOW, THEREFORE**, be it resolved by the members of the City of Syracuse Industrial Development Agency as follows:

**Section 1.** It is the policy of the State to promote the economic welfare, recreation opportunities and prosperity of its inhabitants and to actively promote, attract, encourage and develop recreation and economically sound commerce and industry for the purpose of preventing unemployment and economic deterioration.

**Section 2.** It is among the purposes of the Agency to promote, develop, encourage and assist in the acquiring, constructing, reconstructing, improving, maintaining, equipping and furnishing of certain facilities, including commercial facilities, and thereby advance the job opportunities, health, general prosperity and economic welfare of the people of the State and to improve their recreation opportunities, prosperity and standard of living.

**Section 3.** The Agency makes the following findings and determinations:

(a) the action authorized pursuant to this Resolution constitutes a Type II action under SEQRA and no further review is required;

(b) the Agency has the statutory authority to enter into the Contract and make the Advance for the performance of the Work and the Planting and hereby authorizes same provided that the source of the funds necessary to pay for the Contract, the Advance and the Work shall be paid solely from the Restricted Funds; and

(c) the Agency has the authority to purchase tree plantings in an amount not to exceed \$3,400; and

(d) the undertaking of the Advance, the Work and the execution and delivery of the Contract is in furtherance of the Agency’s corporate purposes and supports projects previously undertaken by the Agency in the area and helps prevent economic deterioration and promote economic development, recreational opportunities and prosperity of the inhabitants of the City and help attract, encourage and develop recreation, economically sound commerce and industry in the Lakefront Redevelopment Area as well as the general prosperity and economic welfare of the people of the City in furtherance of the purposes of the Act.

**Section 4.** No covenant, stipulation, obligation or agreement contained in this Resolution or any other 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. None of the members or officers of the Agency shall be liable or

be subject to any personal liability or accountability by reason of the execution of any document referred to above;

**Section 5.** The Agency hereby authorizes the undertaking of the Work, subject to the negotiation, execution and delivery of the Contract by and between the Agency and the Company upon acceptable terms and conditions to the Agency to perform the Work, as generally set forth on **Exhibit "A"** attached hereto. The Agency further authorizes the Advance to accomplish the Planting all in accordance with this Resolution. The Chairman, Vice Chairman and/or Executive Director of the Agency are each hereby authorized, on behalf of the Agency, to negotiate, execute and deliver the Contract in accordance with the terms hereof and substantially in the form attached hereto at Exhibit A and upon advice of counsel. The Agency's participation in any of the documents referenced herein is contingent upon counsel for the Agency's review and the Chairman or Vice Chairman's approval of any changes to Exhibit A. The execution thereof by the Chairman, Vice Chairman or Executive Director shall constitute conclusive evidence of such approval;

**Section 6.** Should any court of competent jurisdiction determine that the Agency is not authorized under the Act to participate in the Contract, this Resolution shall automatically become null, void and of no further force and effect with respect thereto;

**Section 7.** The Secretary and/or staff of the Agency are hereby authorized and directed to distribute copies of this Resolution and to do such further things or perform such acts as may be necessary or convenient to implement the provisions of this Resolution.

**Section 8.** 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:

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

The foregoing Resolution was thereupon declared duly adopted.

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

I, the undersigned Secretary of the City of Syracuse Industrial Development Agency, **DO HEREBY CERTIFY** that I have compared the annexed extract of the minutes of the meeting of the City of Syracuse Industrial Development Agency (the “**Agency**”) held on May 21, 2019, 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 16 day of July, 2019.

City of Syracuse Industrial Development Agency

  
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Riekey T. Brown, Secretary

(S E A L)

**EXHIBIT "A"**



**Ballard Construction, Inc.**  
 320 Bridge Street  
 Syracuse, NY 13209  
 315-468-6225 PHONE  
 315-468-6904 FAX

**QUOTATION**

<b>TO:</b>	City Parks Dept	<b>DATE:</b>	May13, 2019
<b>ATTN:</b>	Steve Harris	<b>PROJECT:</b>	Franklin Sq - SIDA
<b>PHONE:</b>		<b>ARCHITECT:</b>	
<b>FAX:</b>		<b>ADDENDUMS:</b>	

**DESCRIPTION OF WORK TO BE PERFORMED:**

City Parks Dept - SIDA: Franklin Sq

15	5x16 str granite over 1000 lf	35	LF	\$ 47.00	\$ 1,645.00
47	Gravel (ROC)	14	CY	\$ 75.00	\$ 1,050.00
52	PCC Sidewalks	750	SF	\$ 14.20	\$10,650.00
53	PCC Dvwys/Corners	0	SF	\$ 14.70	\$ -
51A	Asph Conc Dvwys	5	TN	\$ 240.00	\$ 1,200.00
72	Topsoil	15	CY	\$ 61.00	\$ 915.00
73	Seeding	90	SY	\$ 0.10	\$ 9.00
75S	Remove stumps	10	EA	\$ 90.00	\$ 900.00
	Remove and Reset Frame and Grate	20	EA	\$ 200.00	\$ 4,000.00
78R	Reset brick s'walk w/ conc base	650	SF	\$ 18.00	\$11,700.00
90	Earth excavation	167	CY	\$ 70.00	\$11,690.00
	Cu Soil for pits	200	CY	\$ 75.00	\$15,000.00
if req'd	Fr and Grate - 60"	10	EA	\$2,100.00	\$21,000.00
					\$79,759.00

**EXCLUSIONS:**

- permits and fees by owner/prime contractor
- unforeseen underground conditions
- utility structures and pipe
- foundation wall repairs

**TERMS:**

- Quotation is valid for a period of 45 days from above date
- payment terms of 100% upon completion

**ACCEPTED BY:**

**BALLARD CONSTRUCTION, INC.**

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