

RESOLUTION

A regular meeting of the Onondaga County Industrial Development Agency (the "Agency") was convened in public session on October 10, 2024, at 8:30 a.m., local time, at 335 Montgomery Street, Floor 2M, Syracuse, New York.

The meeting was called to order by the (Vice) Chairperson of the Agency and, upon roll being called, the following members of the Agency were:

PRESENT: Patrick Hogan
Janice Herzog
Susan Stanczyk
Fanny Villarreal
Cydney Johnson
Elizabeth Dreyfuss

ABSENT: Kevin Ryan

ALSO PRESENT: Robert M. Petrovich, Executive Director
Jeffrey W. Davis, Esq., Agency Counsel

The following resolution was offered by Susan Stanczyk, seconded by Fanny Villarreal, to wit:

RESOLUTION RATIFYING THE EXECUTION AND DELIVERY OF A CONTRACT FOR PROFESSIONAL ENGINEERING SERVICES

WHEREAS, the Agency is authorized and empowered by the provisions of Chapter 1030 of the 1969 Laws of New York, constituting Title 1 of Article 18-A of the General Municipal Law, Chapter 24 of the Consolidated Laws of New York, as amended (the "Enabling Act") and Chapter 435 of the Laws of 1970 of the State of New York and Chapter 676 of the Laws of 1975, as amended, constituting Section 895 of said General Municipal Law (said Chapter and the Enabling Act being hereinafter collectively referred to as the "Act") to promote, develop, encourage and assist in the acquiring, constructing, reconstructing, improving, maintaining, equipping and furnishing of manufacturing, warehousing, research, commercial and industrial facilities, among others, for the purpose of promoting, attracting and developing economically sound commerce and industry to advance the job opportunities, health, general prosperity and economic welfare of the people of the State of New York (the "State"), to improve their prosperity and standard of living, and to prevent unemployment and economic deterioration; and

WHEREAS, the Agency issued a request for proposals (the "RFP") from qualified contractors to provide professional engineering services to the Agency, including but not limited to advice and assistance to the Agency regarding site development, engineering needs of prospective companies seeking to locate in Onondaga County, environmental engineering relating to site investigation and remediation, SEQRA, traffic studies, site selection, permitting, and

representing the Agency in related project development matters, and related and similar services (collectively, the “Engineering Services”); and

WHEREAS, the Agency received proposals from Arcadis of NY, Inc., Barton & Loguidice, D.P.C., C&S Companies, CHA Consulting, Inc., JMT of New York, Inc. and Ramboll Group (collectively, the “Responding Firms”); and

WHEREAS, pursuant to a resolution duly adopted by the Agency on February 9, 2023, the Agency awarded the Responding Firms retainer agreements to provide Engineering Services to the Agency on an as-needed basis (each an “Engineering Services Retainer”); and

WHEREAS, the Agency entered into an Engineering Services Retainer with Barton & Loguidice, D.P.C. (“B&L”) with an effective date of March 17, 2023 (the “B&L Retainer”); and

WHEREAS, certain persons (collectively, the “Seller”) owned certain parcels of real property located at 8756 and 8765 Burnet Road in the Town of Clay, County of Onondaga, State of New York (collectively, the “Property”); and

WHEREAS, on August 24, 2021 the members of the Agency duly adopted a resolution authorizing the Agency to take all appropriate actions under the New York Eminent Domain Procedure Law (the “EDPL”) for the potential acquisition by purchase or eminent domain of real property interests, including portions of the Property from the Seller; and

WHEREAS, under the threat of condemnation, the Seller agreed to sell the Property to the Agency, in lieu of the Agency commencing proceedings under the EDPL seeking to acquire the Property via eminent domain; and

WHEREAS, to compromise and settle disputes between the Agency and Seller and to avoid uncertainty, expense and litigation, including litigation in connection with proceedings under the EDPL, the Agency agreed to acquire the Property pursuant to the terms and conditions of an agreement (the “Settlement Agreement”), the terms and conditions of which were discussed with members of the Agency in executive session at the August 8, 2024 meeting; and

WHEREAS, in connection with the acquisition of the Property pursuant to in the Settlement Agreement, B&L prepared a statement of work for an amount not to exceed \$4,300 (the “B&L Contract”) in which B&L would assist the Agency in its environmental review of the Property by completing a Phase I ESA report for the Agency’s review; and

WHEREAS, given the urgency with which the Agency and the Seller wished to finalize the terms of the Settlement Agreement, the Executive Director of the Agency executed and delivered the B&L Contract; and

WHEREAS, the members of the Agency desire to ratify the execution and delivery of the B&L Contract (the “Transaction”);

WHEREAS, in accordance with the requirements of Article 8 of the Environmental Conservation Law, Chapter 43-B of the Consolidated Laws of New York as amended (the “SEQR

Act”) and the regulations (the “Regulations”) adopted pursuant thereto by the Department of Environmental Conservation of the State of New York being 6 NYCRR Part 617, as amended (the “Regulations collectively with the SEQR Act, “SEQRA”), the Agency has reviewed the Transaction with respect to the Type II criteria set forth in 6 NYCRR Part 617.5(c).

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONONDAGA COUNTY INDUSTRIAL DEVELOPMENT AGENCY AS FOLLOWS:

Section 1. The Transaction is a Type II action under 6 NYCRR Part 617(c) such that no further review of the Transaction is required under SEQRA.

Section 2. The Agency hereby ratifies the execution and delivery of the B&L Contract by the Executive Director of the Agency.

Section 3. This Resolution shall take effect immediately upon adoption.

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

	<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Patrick Hogan	X		
Janice Herzog	X		
Cydney Johnson	X		
Elizabeth Dreyfuss	X		
Susan Stanczyk	X		
Kevin Ryan			X
Fanny Villarreal	X		

The Resolution was thereupon declared duly adopted.

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

I, the undersigned Secretary of the Onondaga County Industrial Development Agency, DO HEREBY CERTIFY that I have compared the foregoing extract of the minutes of the meeting of the members of the Agency, including the Resolution contained therein, held on October 10, 2024, with the original thereof on file in my office, and that the same is a true and correct copy of such proceedings of the Agency and of such Resolution set forth therein and of the whole of said original so far as the same relates to the subject matter therein referred to.

I FURTHER CERTIFY that (A) all members of the Agency had due notice of said meeting, (B) said meeting was in all respects duly held, (C) pursuant to Article 7 of the Public Officers Law (the "Open Meetings Law"), said meeting was open to the general public and due notice of the time and place of said meeting was duly given in accordance with such Open Meetings Law, and (D) there was a quorum of the members of the Agency present throughout said meeting.

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 hereunto set my hand this 10 day of October, 2024.

(SEAL)

Alejo Rodriguez
Secretary