

RESOLUTION

A regular meeting of the Onondaga County Industrial Development Agency (the “Agency”) was convened in public session on November 9, 2023, at 8:30 a.m., local time, at 335 Montgomery Street, 2nd Floor, 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
Kevin Ryan
Fanny Villarreal
Elizabeth Dreyfuss

ABSENT: Susan Stanczyk
Cydney Johnson

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

The following resolution was offered by Janice Herzog, seconded by Fanny Villarreal, to wit:

RESOLUTION AMENDING A CONTRACT WITH BARTON & LOGUIDICE, D.P.C. TO ASSIST WITH PROFESSIONAL ENGINEERING SERVICES IN CONNECTION WITH WHITE PINE COMMERCE PARK

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 currently owns and is developing White Pine Commerce Park (the “Park”) located northeast of the intersection of NYS Route 31 and Caughdenoy Road,

including the expansion to areas north and east generally located along NYS Route 31 and the east and west sides of Burnet Road, all in the Town of Clay, Onondaga County, New York; 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 and Barton & Loguidice, D.P.C. (“B&L”) entered into a Master Services Agreement for Professional Services effective as of March 17, 2023 (the “B&L Retainer”); and

WHEREAS, pursuant to a resolution duly adopted by the Agency on April 13, 2023 and the B&L Retainer, the Agency engaged B&L for Engineering Services with respect to the Park in an amount not to exceed \$193,600.00 (the “B&L White Pine Contract”) given B&L’s ability to deliver a final, substantive report on which the Agency can rely for further development of the Park; and

WHEREAS, pursuant to a resolution duly adopted by the Agency on June 22, 2023 and pursuant to the B&L Retainer, the Agency authorized the additional expenditure of \$12,138.00 and amended the B&L White Pine Contract to permit Engineering Services in an amount not to exceed \$205,738.00 (the “First Contract Amendment”); and

WHEREAS, pursuant to a resolution duly adopted by the Agency on July 20, 2023 and pursuant to the B&L Retainer, the Agency authorized the additional expenditure of \$50,000.00 and amended the B&L White Pine Contract to permit Engineering Services in an amount not to exceed \$255,738.00 (the “Second Contract Amendment”); and

WHEREAS, pursuant to a letter from B&L dated November 8, 2023, the cost of the Engineering Services to be provided pursuant to the B&L White Pine Contract will include an additional \$18,690.00 to account for the additional efforts needed to complete Engineering Services under the B&L White Pine Contract including but not limited to: onsite project monitoring and field activities, confirmation of contractor reported progress, documenting project files, project close out and report, and reviewing and processing: contractor payment authorizations, project change orders and credits and project submittals; and

WHEREAS, the Executive Director has recommended to the members of the Agency that, pursuant to the B&L Retainer, the Agency authorize the additional expenditure of \$18,690.00 and amend the B&L White Pine Contract to permit Engineering Services in an amount not to exceed \$274,428.00 (the "Third Contract Amendment"); and

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 Third Contract Amendment 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 Third Contract Amendment is a Type II action under 6 NYCRR Part 617(c) such that no further review of the Third Contract Amendment is required under SEQRA.

Section 2. The Executive Director of the Agency is hereby authorized, on behalf of the Agency and upon the advice of the Agency's counsel, to facilitate the Third Contract Amendment in such form or forms to be approved by the Executive Director, upon the advice of Agency counsel, the execution thereof to constitute conclusive evidence of such approval.

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		
Elizabeth Dreyfuss	X		
Janice Herzog	X		
Cydne Johnson			X
Kevin Ryan	X		
Susan Stanczyk			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 November 9, 2023, 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 matters 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 9 day of November, 2023.

(SEAL)

Nancy Lowrey
Secretary