

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 the roll being duly 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 Kevin Ryan, to wit:

RESOLUTION AFFIRMING THE DECLARATION OF AN EMERGENCY ACTION TO REMOVE PROPERTY TO PROTECT LIFE, HEALTH AND PROPERTY

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 several parcels of property comprising the White Pine Commerce Park (the “Park”) located northeast of the intersection of NYS Route 31 and Caughdenoy Road in the Town of Clay, Onondaga County, New York; and

WHEREAS, the Agency acquired the Park consistent with a prior Generic Environmental Impact Statement (the “GEIS”) and actions outlined in the 2021 Supplemental GEIS (the

“SGEIS”) and pursuant to multiple duly adopted resolutions, to support economic development in Onondaga County (the “County”); and

WHEREAS, certain parcels constituting the Park were improved with homes and other structures (the “Improved Parcels”); and

WHEREAS, the purchase and sale agreements by which the Agency took title to the Improved Parcels were duly executed and delivered by the Agency pursuant to resolutions authorizing such execution and delivery adopted between 2021 and 2023, each such purchase agreement requiring homeowners to vacate the Improved Parcels subject to several post-possession, life estates and fixture removal conditions; and

WHEREAS, between 2021 and 2023, in connection with the Agency’s acquisition of the Improved Parcels, the homeowners vacated the Improved Parcels and removed various fixtures and possessions, including but not limited to windows, exterior and interior doors, cabinets, plumbing, heating and cooling systems; and

WHEREAS, the Agency thereafter secured the structures vacated by the former owners of the Improved Parcels (the “Abandoned Structures”) by boarding up windows and doors and posting no trespassing notices; and

WHEREAS, at the time it resolved to acquire the Park, the Agency intended to create a shovel ready site to stimulate economic growth and general prosperity for the people of the County such that it would be necessary to remove the Abandoned Structures to enable Park development; and

WHEREAS, on November 8, 2022 the Agency authorized the Executive Director: (i) to commence the development of bid/procurement package(s) for demolition and removal of the Abandoned Structures with the help of an engineer; and (ii) to utilize the County Division of Purchase to manage such public bidding related to Agency public bids for the removal of Abandoned Structures within the Park; and

WHEREAS, in May of 2023, the Agency owned over thirty-five (35) parcels with Abandoned Structures within the Park; and

WHEREAS, in May of 2023, the Agency partnered with Habitat for Humanity to allow for the removal of any remaining materials from several of the Abandoned Structures that would support the mission of Habitat for Humanity; and

WHEREAS, on June 29, 2023 the Agency, in connection with the County Division of Purchase and Agency Engineer Barton & Loguidice, D.P.C. (“B&L”), issued an advertisement for public bids (the “Request for Public Bid”), to qualified persons to provide all or a portion of the removal of Abandoned Structures; and

WHEREAS, despite the Agency’s best efforts to secure the Abandoned Structures, vandalism and a host of illegal activities, including theft, illicit drug use, underage drinking and trespass, ensued; and

WHEREAS, on May 9, 2023 the Agency issued a press release (the “Press Release”) advising the public to remain off the Park property, including, in particular, the Abandoned Structures, following incidents of trespass, discharge of firearms and theft; and

WHEREAS, the Press Release resulted in four news stories concerning dangerous and criminal activities in or about the Abandoned Structures and advising the public to stay away from the Park property; and

WHEREAS, on July 14, 2023, Micron New York Semiconductor Manufacturing LLC (“Micron”) submitted an application to the Agency detailing its intent to invest over \$100 billion in the Park to build a semiconductor chip manufacturing facility, thereby creating over 4,000 jobs in the initial phase of facility completion, and simulating significant economic growth to the County (the “Proposed Micron Project”); and

WHEREAS, the Proposed Micron Project resulted in an increase of legitimate activity within the Park by representatives of Micron performing due diligence activities and undertaking environmental studies in connection with the State Environmental Quality Review Act, including various subsurface investigations (the “Investigative Work”); and

WHEREAS, despite the Press Release and related news stories, reports of trespass, theft and illegal activities within the Park increased, creating a public safety concern for remaining residents within and in the vicinity of the Park as well as for those trespassing into the Abandoned Structures and the areas of the Investigative Work; and

WHEREAS, on August 10, 2023 the Agency selected Gorick Construction Company, Inc. to commence demolition and removal of the Abandoned Structures; and

WHEREAS, in September of 2023 the Agency owned forty-one (41) parcels with Abandoned Structures; and

WHEREAS, in late August and early September 2023 the County Department of Emergency Management issued demolition permits for removal of the Abandoned Structures located on forty-one (41) parcels within the Park; and

WHEREAS, on October 27, 2023 the County Sheriff (the “Sheriff”) apprehended over forty (40) trespassers at a vacant home within the Park with the Sheriff reporting that upon arrival the trespassers ran in different directions requiring the Sheriff’s Office to use helicopter support to locate the trespassers; and

WHEREAS, the Sheriff reported to the Agency on October 30, 2023 that juveniles are using internet social media threads to organize events at the Abandoned Structures within the Park; and

WHEREAS, despite the Agency’s best efforts, the Abandoned Structures within the Park are an attractive nuisance resulting in illegal activity within the Park that threatens life, health and property for residents within and adjacent to the Park.

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

Section 1. Consistent 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” and collectively with the SEQR Act, “SEQRA”) the Agency hereby affirms and ratifies a declaration of an emergency action under SEQRA to remove the Abandoned Structures for the protection of life, health and property.

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 take the all necessary steps on a temporary basis to remove the Abandoned Structures to protect life, health and property consistent with the requirements of SEQRA.

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)

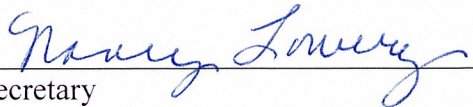
I, the undersigned Secretary of the Onondaga County Industrial Development Agency, DO HEREBY CERTIFY that I have compared the foregoing extract of the minutes of the meeting of the members of the Agency, including the Resolution contained therein, held November 9, 2023, with the original thereof on file 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 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 9 day of November, 2023.

(SEAL)


Secretary