

## INITIAL RESOLUTION

A regular meeting of the County of Oswego Industrial Development Agency (the "Agency") was convened in public session on January 21, 2010 at 2:00 p.m., at 44 West Bridge Street, Oswego, New York.

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

Present: Jonathan Daniels, Arthur W. Ospelt, Carolyn A. Rush, H. Leonard Schick, and Gary T. Toth

Absent: Donald H. Kunzwiler and Morris Sorbello

Also Present: L. Michael Treadwell, David S. Dano, and Kevin Caraccioli

The following resolution was duly offered and seconded:

**RESOLUTION DETERMINING THAT THE ACQUISITION, RECONSTRUCTION AND EQUIPPING OF A COMMERCIAL FACILITY AT THE REQUEST OF HOUSING VISIONS CONSULTANTS, INC. ON BEHALF OF AN ENTITY TO BE FORMED FOR USE AS AFFORDABLE RENTAL HOUSING CONSTITUTES A PROJECT AND DESCRIBING THE FINANCIAL ASSISTANCE REQUESTED IN CONNECTION THEREWITH AND AUTHORIZING A PUBLIC HEARING**

**WHEREAS**, the County of Oswego 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 234 of the Laws of 1973 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 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**, Housing Visions Consultants, Inc., a New York not-for-profit corporation (“*Applicant*”), on behalf of Oswego Hamilton Homes, LLC (“*OHH, LLC*) and two (2) entities either formed or to be formed and named or intended to be named Oswego Hamilton Homes Phase III, LLC (“*Phase III, LLC*”) and Oswego Hamilton Homes Phase IV, LLC (“*Phase IV, LLC*”) and together with Phase III, LLC and OHH, LLC collectively referred to herein as the “*Companies*”), submitted an a second supplemental application (“*Second Supplemental Application*”) dated January 15, 2010, which application supplements a previous application submitted December 4, 2006, as amended, which culminated in an inducement resolution dated February 16, 2007 (the “*Inducement Resoluiton*”), granting to OHH, LLC certain financial assistance (“*Financial Assistance*”) in the form of exemptions to real property tax (“*PILOT*”), mortgage recording tax and sales and use taxation in connection with a project (“*Project*”) consisting of (i) OHH, LLC’s acquisition and lease to the Agency of 14 acres of improved real property (“*Land*”) located at 91 and 96 Hamilton Street, in the City of Oswego, Oswego County; (ii) the interior demolition of 27 residential buildings and reconstruction and rehabilitation thereof for use as an approximately 189 unit affordable housing facility and incidental administrative office space (the “*Facility*”), all located on the Land; and (iii) the acquisition of and installation in the Facility of various machinery, equipment and furnishings (the “*Equipment*”) (the Land, Facility and Equipment are hereinafter collectively referred to as the “*Project Facility*”). The Inducement Resolution contemplated that the Project would be accomplished in three (3) phases;

**WHEREAS**, following the Inducement Resolution, OHH, LLC submitted a first Supplemental Application to the Agency on November 14, 2007 (“*First Supplemental Application*”) which specifically set forth the subdivision of the Land and conveyance thereof to the separate, single purpose entities wholly controlled by OHH, LLC; namely, Phase I, LLC, Phase II, LLC and Phase III, LLC, and requested the bifurcation, then trifurcation of the PILOT, and delineated the financial assistance with respect to each phase. The First Supplemental Application resulted in an amended inducement resolution dated December 11, 2007 (the “*Amended Inducement Resolution*”) which clarified the identity and scope of each of the three phases and the financial assistance being provided for each phase; and

**WHEREAS**, the Second Supplemental Application now requests: (i) the ability to develop the Project in up to four (4) phases by bifurcating what was identified as Phase III in the Amended Inducement Resolution into a Phase III and Phase IV (which phases may be developed separately or jointly); (ii) the further bifurcation of the PILOT to allow for Phase III and Phase IV, if applicable; and (iii) a delineation of the financial assistance with respect to Phase III and Phase IV as follows:

Phase III: convey approximately 2.15 acres of the Land to Phase III, LLC. This section of the Land shall consist of five (5) of the original 27 buildings; approximately thirty-six (36) of the 189 affordable housing units associated with the Project at a total Phase III - Project Facility reconstruction and rehabilitation cost of approximately \$9,807,597; and

Phase IV: convey the remaining Land to Phase IV, LLC. The remaining Land shall consist of all remaining buildings; all remaining of the 189 affordable housing units at a total

Phase IV - Project Facility reconstruction and rehabilitation cost of approximately \$6,012,322.

**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 defined by SEQRA) to be taken by the Agency and the preliminary agreement of the Agency to undertake the Project constitutes such an action; and

**WHEREAS**, the Agency has not approved undertaking the requested amendments to the Project or the requested amendments to the Financial Assistance;

**WHEREAS**, the grant of the amended Financial Assistance to the Project is subject to 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; and

**NOW, THEREFORE**, Be It Resolved by the Members of the County of Oswego Industrial Development Agency as follows:

**Section 1.** Based upon the representations made by the Company to the Agency, the Agency hereby makes and/or ratifies the following findings and determinations:

- (a) The Project Facility constitutes a “project” within the meaning of the Act.
- (b) The Financial Assistance contemplated with respect to the Project consists of exemption from real property tax, mortgage recording tax and sales and use taxation.

**Section 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 shall further be sent to affected tax jurisdictions within which the Project is located.

**Section 3.** 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.

**Section 4.** The Chief Executive Officer of the Agency is hereby authorized and directed 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.

**Section 5.** This Resolution shall take effect immediately.

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

	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Jonathan Daniels	X			
Donald H. Kunzwiler				X
Arthur W. Ospelt	X			
Carolyn A. Rush	X			
H. Leonard Schick	X			
Morris Sorbello				X
Gary T. Toth	X			

The resolution was thereupon declared duly adopted.

