



**SCHENECTADY METROPLEX DEVELOPMENT
AUTHORITY**

RESOLUTION 452-07

**CLINTON SOUTH PARKING LOT REMEDIATION — AUTHORIZATION TO AMEND
STATE ASSISTANCE CONTRACT ASSOCIATED WITH THE NYS DEC
ENVIRONMENTAL RESTORATION PROGRAM**

WHEREAS, on September 27, 2004 via Resolution 273-04 the Schenectady Metroplex Development Authority ("Metroplex" or the "Authority") authorized making an application (the "ERP Application") for project funding and State assistance ("State Assistance") through the New York State Department of Environmental Conservation ("DEC") Environmental Restoration Program relating to two surface parking lots located at 314 Clinton Street ("Clinton South Lot") and 312 Broadway ("Broadway South Lot") in downtown Schenectady (collectively the "Parking Lots"); and

WHEREAS, the Parking Lots are owned by the City of Schenectady (the "City") and leased to a wholly owned subsidiary of the Authority consistent with the rights and obligations agreed upon via Resolution 234-04 dated February 23, 2004; and

WHEREAS, the City is co-applicant with the Authority in sponsoring the ERP Application; and

WHEREAS, the City's and Authority's project consultant, C. T. Male has determined in consultation with DEC, and presented a proposed scope of work for implementing an Interim Remedial Measure ("IRM") at the Clinton Street Lot to address and alleviate contaminants identified at concentrations exceeding applicable regulatory standards, criteria and guidance levels; and

WHEREAS, the City and the Authority deem it to be in the public interest and benefit under Environmental Conservation Law Article 56, Title 5 to seek State Assistance for Clinton South Lot the by amending State Assistance Contract (the "Amended SAC") therewith; therefore be it

RESOLVED, that:

1. The Authority is authorized to act in all matters related to State Assistance under ECL Article 56, Title 5 to execute an Amended SAC, submit Project documentation, and otherwise act on behalf of the City and the Authority in all matters related to the Amended SAC and to secure State Assistance;

2. The Authority agrees that it will coordinate with the City, as co-applicant, to fund the municipal portion of costs associated with the approval of the Amended SAC by DEC;
3. One certified copy of this Authorization will be prepared and sent to the Albany office of DEC together with the request for State Assistance;
4. This Authorization will take effect immediately; be it further

RESOLVED, that the Chairman and/or his designee is authorized to take all actions and execute all documents necessary to effectuate the foregoing resolution.

Motion By: Art Brassard

Seconded By: Sharon Jordan

AYES 9 NOES 0 PRESENT ABSTAIN ABSENT 2

March 26, 2007

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

I, the undersigned Secretary of the Schenectady Metroplex Development Authority (the "Authority"), do hereby certify that I have compared the foregoing copy with the original Resolution adopted by the Authority at a meeting held March 26, 2007, on file in my office, and that the same is a true and correct copy of said original 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 Authority 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 Authority 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 and affixed the seal of the Authority this 31st day of May, 2007.


Secretary

(SEAL)

