

Economic Development Advisory Services Resolution, Nunc Pro Tunc

A regular meeting of the Nassau County Industrial Development Agency (the “Agency”) was convened in public session, electronically, pursuant to Executive Order No. 202.11, 202.28, 202.48, 202.55, 202.60 and 202.67 - Continuing Temporary Suspension And Modification Of Laws Relating To The Disaster Emergency - by Governor Andrew M. Cuomo of the State of New York on November 19, 2020 at 6:45 p.m., local time.

The meeting was called to order by the Chairman and, upon roll being called, the following members of the Agency were:

PRESENT:

Richard Kessel	Chairman
Lewis M. Warren	Vice Chairman
Anthony Simon	2nd Vice Chairman
Amy Flores	Treasurer
John Coumatos	Asst. Treasurer
Chris Fusco	Asst. Secretary

EXCUSED:

Timothy Williams	Secretary
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THE FOLLOWING ADDITIONAL PERSONS WERE PRESENT:

Harry Coghlan	Chief Executive Officer / Executive Director
Danielle Oglesby	Chief Operating Officer/ Deputy Executive Director
Anne LaMorte	Chief Financial Officer
Catherine Fee	Director of Business Development/Chief Marketing Officer
Colleen Pereira	Administrative Director
Carlene Wynter	Compliance Assistant
Nicole Gil	Administrative Assistant -- Excused
Thomas D. Glascock, Esq.	General Counsel
Andrew D. Komaromi, Esq.	Bond/Transactional Counsel

The attached resolution no. 2020-98 was offered by Lewis M. Warren, seconded by Anthony Simon.

RESOLUTION OF THE NASSAU COUNTY INDUSTRIAL
DEVELOPMENT AGENCY AUTHORIZING THE EXECUTIVE
DIRECTOR TO ENGAGE CAMOIN ASSOCIATES, INC. TO
PROVIDE CERTAIN ECONOMIC DEVELOPMENT
ADVISORY SERVICES, NUNC PRO TUNC

WHEREAS, the Nassau County Industrial Development Agency (the “Agency”) is authorized and empowered by the provisions of Chapter 1030 of the 1969 Laws of New York, constituting Title I 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 674 of the 1975 Laws of New York, as amended, constituting Section 922 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, industrial and commercial 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, to improve their prosperity and standard of living, and to prevent unemployment and economic deterioration; and

WHEREAS, the Agency from time to time requires the services of qualified firms (“Firms”) to provide certain economic development advisory services, to promote economic development within Nassau County; and

WHEREAS, therefore, the Agency has previously engaged Camoin Associates, Inc. (“Camoin”), an affiliate of Camoin Associates 360 Marketing, to provide certain economic development research services and related services; and

WHEREAS, pursuant to its mission and purpose to promote, develop, encourage and assist in the acquiring, constructing, reconstructing, improving, maintaining, equipping and furnishing of manufacturing, industrial and commercial 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, to improve their prosperity and standard of living, and to prevent unemployment and economic deterioration, the Agency has worked to assist the County of Nassau with redevelopment of the “Nassau HUB” and Coliseum facility; and

WHEREAS, in keeping with the foregoing, the Agency wishes to engage Camoin to assist its efforts in connection with the “Nassau HUB” and Coliseum facility by the providing of certain economic development advisory services, and Camoin wishes to be so engaged.

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

Section 1. The Agency hereby ratifies and confirms all actions as described above taken by the Agency's staff to date.

Section 2. The Agency hereby determines that the procurement of the services described in Exhibit "A" hereto (the "Services") constitutes a procurement of professional services involving the application of specialized expertise and a high degree of creativity and, therefore, is not subject to the competitive bidding requirements of the Agency's State of Procurement Policy and Procedures.

Section 3. The Agency hereby determines that the proposed action is a Type II Action pursuant to Article 8 of the New York Environmental Conservation Law (including the regulations thereunder, "SEQRA") involving "continuing agency administration" which does not involve "new programs or major reordering of priorities that may affect the environment" (6 NYCRR §617.5(c)(20)) and therefore no findings or determination of significance are required under SEQRA.

Section 4. The Agency hereby authorizes and directs the Executive Director, Deputy Executive Director and/or Administrative Director to enter into an agreement with Camoin Associates, Inc., nunc pro tunc, for it to provide the Services and for the fee amounts described in Exhibit "B" hereto, on such terms and subject to such conditions as the Executive Director, Deputy Executive Director and/or Administrative Director may deem advisable or necessary, subject to the terms of this resolution, the Agency's budget for the type of services required and the requirements of the RFQ, as applicable. The Executive Director's, Deputy Executive Director's or Administrative Director's execution of any such agreement or contract shall evidence the Agency's approval of the terms thereof.

Section 5. This Resolution shall take effect immediately.

ADOPTED: November 19, 2020

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

Richard M. Kessel	VOTING Aye
Lewis M. Warren	VOTING Aye
Anthony Simon	VOTING Aye
Timothy Williams	VOTING Excused
Chris Fusco	VOTING Aye
Amy Flores	VOTING Aye
John Coumatos	VOTING Aye

The foregoing Resolution was thereupon declared duly adopted.

STATE OF NEW YORK

) SS.:

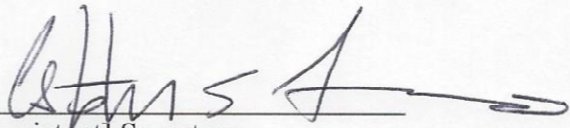
COUNTY OF NASSAU

We, the undersigned [Vice] Chairman and [Assistant] Secretary of the Nassau County Industrial Development Agency (the "Agency"), do hereby certify that we 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 19, 2020 with the original thereof on file in our office, and that the same is a true and correct copy of said original 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.

WE 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 5 of the Public Officers Law (the "Open Meetings Law") as modified pursuant to Executive Order No. 202.11, 202.28, 202.48, 202.55, 202.60, 202.67 and 202.72 - Continuing Temporary Suspension And Modification Of Laws Relating To The Disaster Emergency - by Governor Andrew M. Cuomo of the State of New York, 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.

WE 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, we have hereunto set our respective hands and affixed the seal of the Agency this 19th day of November, 2020.


[Assistant] Secretary

[Vice] Chairman

(SEAL)

STATE OF NEW YORK

) SS.:

COUNTY OF NASSAU

We, the undersigned [Vice] Chairman and [Assistant] Secretary of the Nassau County Industrial Development Agency (the "Agency"), do hereby certify that we 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 19, 2020 with the original thereof on file in our office, and that the same is a true and correct copy of said original 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.

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[Assistant] Secretary

A handwritten signature in dark ink, appearing to be "J. M. [unclear]", written over a horizontal line.

[Vice] Chairman

(SEAL)

Exhibit “A”

Scope of Services

PHASE 1: STATE OF THE INDUSTRY

Robert Gutkowski will use his industry expertise and dialogues with executives in the sports, concert promotion, talent agencies, and music managers to answer questions about the current conditions and expectations of when sports and performance facilities will reopen. Executives may include individuals from the NBA and NHL (sports), Live Nation, AEG Presents (promoters), CAA, WME Entertainment, ICM, Paradigm and other talent agencies, and music managers such as Jon Landau, who handles major performers such as Bruce Springsteen. Issues to be explored include:

- When the NHL will return to play the 20/21 season.
- Anticipated attendance at NHL games and potential to increase access as season progresses.
- Estimated date for when the music concert and family entertainment industry expect facilities to reopen so touring can begin.
- What percentage of seats can be filled.
- How reliant the industry is on other openings in the region, nation, and where applicable internally, for example a critical mass of state re-openings, major market or major venue re-openings, or other indicators of industry-wide thresholds.
- When executives at Madison Square Garden, Prudential Center, and Barclays Arena expect to reopen facilities, and at what capacity they expect to reopen, including whether a limited reopening is anticipated.
- What is the anticipated timeline or “gear up” time for tours and events to be planned and performed once facilities reopen.
- Upon reopening, what are the prospects for this arena, which seats approximately 13,900 for hockey and 16,800 for music concerts, to be included in touring productions.
- Where the Nassau Coliseum ranks in terms of a tiered class structure: First / Best Tier, Second Tier, etc. Answer will include defining characteristics of the tier in which it is classified.
- Where the Nassau Coliseum ranks in terms of desirability to touring productions, against the other metro-NY venues such as Madison Square Garden, Prudential Center, Barclays Arena and others.

Camoin 310 will conduct supporting research and develop quantitative estimates and calendars as needed, and prepare the interim report.

Deliverable: A readable report in executive summary format with supporting research as an appendix.

Schedule: We will submit the State of the Industry report in mid-November of 2020.

Exhibit “B”

Compensation and Payment

As remuneration for the scope of services attached as Exhibit “A”, the Agency shall pay Camoin a fixed fee of TWENTY ONE THOUSAND SIX HUNDRED NINETY & XX/100 (\$21,690.00) DOLLARS, such fee to include all labor, expenses, travel time, and mileage. The Fee for Services provided under this Agreement will be allocated and charged monthly on a progress-to-completion basis.

For services not included in the scope of services described in Exhibit “A” and requested by the Agency in writing, the Agency shall pay Camoin on a time-and-expenses basis, charged as follows:

a. Hourly labor rates

- President / Senior VP \$95.00 per hour
- Principal \$250.00 per hour
- Senior Professional \$190.00 per hour
- Professional \$155.00 per hour
- Rate in travel status \$95.00 per hour (all personnel)

b. Travel by private automobile will be charged at the maximum federal reimbursement rate per mile.

c. All other expenses (e.g. purchase of proprietary data, travel related expenses, etc.) will be charged at cost.