

Niagara County Industrial Development Agency

REGULAR NCIDA/NCDC/NADC BOARD MEETING MINUTES

Meeting Date: Wednesday, October 21, 2020
Meeting Time: 9:00 a.m.
Meeting Place: Niagara County Industrial Development Agency
6311 Inducon Corporate Drive, Suite One
Sanborn, New York 14132

1.0 Meeting Called to Order

The regular meeting of the Niagara County Industrial Development Agency was called to order by Chairperson Onesi at 9:05 a.m.

2.0 Roll Call

Mark A. Onesi, Chairperson	Present
Jerald I. Wolfgang, 1 st Vice Chairperson	Present
Kevin McCabe, 2 nd Vice Chairperson	Excused
William L. Ross, Secretary	Excused
Mary Lynn Candella, Assistant Secretary	Present
Robert B. Cliffe, Member	Present
Clifford Scott, Member	Present
Scott Brydges, Member	Present
Jason Krempa, Member	Present

3.0 Introductions

Guests Present:

Jim Fink, Business First
John Simon, Stavatti Aerospace
John Scherrer, IBEW Local 237
Nick Coyle, IBEW Local 237
Ed Gasielcki, ICC Commonwealth Corp/Global Dominion

Staff Present:

Susan C. Langdon, Executive Director
Andrea Klyczek, Assistant Director
Dmitri Liadski, Economic Developer
Michael S. Dudley, Finance Manager
Caroline Caruso, Accounting Associate
Susan Barone, Administrative Assistant
Mark J. Gabriele, Agency Counsel

4.0 Mr. Onesi led the Pledge of Allegiance.

5.0 Approval of NCIDA Meeting Minutes

5.1 Meeting Minutes of September 9, 2020

Ms. Candella motioned to approve the meeting minutes; Mr. Wolfgang seconded the motion. The motion passed.

6.0 Finance & Audit Committee Reports

6.1 Agency Payables

Mr. Onesi stated that the monthly payables have been reviewed and found to be in order.

Mr. Cliffe made a motion to approve the monthly payables; Mr. Brydges seconded the motion. The motion passed.

6.2 Budget Variance Report

Mr. Onesi stated that the reports have been reviewed and found to be in order.

Mr. Cliffe made a motion to approve the reports; Mr. Brydges seconded the motion. The motion passed.

6.3 2021 Proposed Budgets

Mr. Dudley stated that the three Budgets were reviewed in the previous Audit and Finance committee meeting with several of the Board members and the objective of the board is to approve these budgets, then they will be sent to the Niagara County Clerk and Legislature for a mandatory 20 day review. The Board will then be asked to formally adopt the 2021 Budgets at the November 18, 2020 Regular Board Meeting.

Ms. Candella made a motion to approve the proposed budgets; Mr. Krempa seconded the motion. The motion passed.

7.0 Unfinished Business

7.1 Stavatti Aerospace Ltd.

Mr. Liadski stated that a public hearing was held on October 2, 2020 and there was one comment in support of the project from John Scherrer, Business Manager of IBEW Local 237. No other comments made.

7.1 (continued)

7.1.1 Final Resolution

Ms. Candella made a motion to approve the Final Resolution; Mr. Cliffe seconded the motion. The motion passed.

RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY (i) UNDERTAKE A CERTAIN PROJECT FOR THE BENEFIT OF STAVATTI AEROSPACE LTD. AND/OR AN INDIVIDUAL(S) OR AFFILIATE, SUBSIDIARY, OR ENTITY FORMED OR TO BE FORMED ON ITS BEHALF (AS MORE FULLY DEFINED BELOW); (ii) DETERMINE THAT THE PROJECT WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT; (iii) NEGOTIATE AND EXECUTE A LEASE AGREEMENT, LEASEBACK AGREEMENT, PAYMENT-IN-LIEU-OF-TAX AGREEMENT, PILOT MORTGAGE AND RELATED DOCUMENTS; AND (iv) PROVIDE FINANCIAL ASSISTANCE TO THE COMPANY IN THE FORM OF (A) A SALES TAX EXEMPTION FOR PURCHASES AND RENTALS RELATED TO THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF THE PROJECT, (B) A MORTGAGE RECORDING TAX EXEMPTION FOR THE FINANCING RELATED TO THE PROJECT; AND (C) A MORTGAGE RECORDING TAX EXEMPTION FOR THE MORTGAGE RELATED TO THE PILOT AGREEMENT.

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

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Mark Onesi	X			
Jerald I. Wolfgang	X			
Kevin McCabe				X
William L. Ross				X
Mary Lynn Candella	X			
Robert B. Cliffe	X			
Scott Brydges	X			
Clifford Scott	X			
Jason Krempa	X			

The Resolution was thereupon duly adopted.

7.2 DLC Diversified Holdings LLC

Mr. Gabriele stated that the company has requested a six month inducement extension. This project was approved by the Board approximately a year ago. We anticipate this project to close in the next couple months.

7.2.1 Inducement Extension

Mr. Krempa made a motion to approve the Inducement Extension; Mr. Wolfgang seconded the motion. The motion passed.

7.2.1 (Continued)

RESOLUTION AUTHORIZING THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY TO EXTEND THE INDUCEMENT TERM FOR D.L.C. DIVERSIFIED HOLDINGS LLC FOR A SIX-MONTH PERIOD WITH RESPECT TO A CERTAIN PROJECT (AS MORE FULLY DEFINED BELOW) TO BE UNDERTAKEN BY THE AGENCY FOR THE BENEFIT OF D.L.C. DIVERSIFIED HOLDINGS LLC OR AN ENTITY FORMED OR TO BE FORMED.

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

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Mark Onesi	X			
Jerald I. Wolfgang	X			
Kevin McCabe				X
William L. Ross				X
Mary Lynn Candella	X			
Robert B. Cliffe	X			
Scott Brydges	X			
Clifford Scott	X			
Jason Krempa	X			

The Resolution was thereupon duly adopted.

8.0 New Business

8.1 ICC Commonwealth - Global Dominion Access USA Corp.

Mr. Gabriele stated that ICC Commonwealth is under the entity Global Dominion Access USA Corp. They are requesting to step into the existing NCIDA project known as Ascension Industries. There are about three years left in the existing PILOT and there would be no additional benefits that weren't already approved by the Board as part of the original PILOT. In return they would continue to operate this location with the workforce as indicated in the application.

Mr. Ed Gasiiecki, Vice President of ICC Commonwealth, explained to the Board that ICC Commonwealth was established in 2008 from International Chimney Corp. which was one of the original companies started in 1927. They do heavy construction, move buildings, moved lighthouses, like Cape Hatteras, etc. Their main business was industrial chimneys and they are now branching into other types of construction, and restoration, and chimney demolitions.

8.1 (Continued)

They have also patented scaffolding systems for the outside of the chimneys. The Wurlitzer property fits their needs with the space and overhead cranes. They have an engineering staff and project managers and when on a job send core people then go to local unions for additional assistance. They have several buildings in Buffalo, including a fabrication building, warehouse, and office space. It will be somewhat costly moving in as they will be making improvements to combine all of these into one area so they can become more efficient and reduce some overhead and appreciate the opportunity and assistance to make this happen.

8.1.1 Assignment and Assumption of Lease

*Mr. Brydges made a motion to approve the Assignment Resolution;
Ms. Candella seconded the motion. The motion passed.*

RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY AUTHORIZING THE ASSIGNMENT OF AND ASSUMPTION OF THE ASCENSION INDUSTRIES INC. PROJECT TO GLOBAL DOMINION ACCESS USA CORP. INCLUDING THE EXISTING LEASE, LEASEBACK, PILOT AGREEMENT, TOGETHER WITH ALL ASSOCIATED DOCUMENTS RELATING TO THE FACILITY CURRENTLY RECEIVING BENEFITS FROM THE AGENCY.

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

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Mark Onesi	X			
Jerald I. Wolfgang	X			
Kevin McCabe				X
William L. Ross				X
Mary Lynn Candella	X			
Robert B. Cliffe	X			
Scott Brydges	X			
Clifford Scott	X			
Jason Krempa	X			

The Resolution was thereupon duly adopted.

9.0 Agency Counsel

9.1 Green Energy Policy

Mr. Gabriele stated that the NCIDA had adopted a Green Energy Policy several years ago. There has been ongoing discussion between the County and NCIDA regarding this policy.

9.1 Continued

There is a provision within NYS section 487 of the Real Property Tax Law which automatically grants Green Energy projects such as wind farms and solar farms immediate tax exempt PILOTS for their projects. A number of years ago, the State allowed taxing jurisdictions to opt out of this section which means they didn't automatically get this 487 PILOT benefit. What has recently taken place, is the Company goes around the municipality and comes to an agency for a PILOT. The previous policy adopted stated that the Agency would not move forward with a green energy project without the approval of the involved municipality.

Niagara County has opted out of Section 487 as of October 20, 2020. The County's opt-out language would allow the local municipalities to make the decision on whether to allow these types of projects in their community. The NCIDA will not support these green energy projects if the municipality doesn't support them. However, if the municipality opts out and then wants to allow a specific project, the municipality can give written consent which will allow the company to come to our Agency for a PILOT. The PILOT Scale set forth will be used as a reference for the Agency for these types of projects.

Mr. Wolfgang made a motion to approve the updated Green Energy Policy and Pilot Scale; Mr. Cliffe seconded the motion. The motion passed.

RESOLUTION WHEREBY THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY ADOPTS AN UPDATED GREEN ENERGY POLICY AND PILOT SCALE.

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

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Mark Onesi	X			
Jerald I. Wolfgang	X			
Kevin McCabe				X
William L. Ross				X
Mary Lynn Candella	X			
Robert B. Cliffe	X			
Scott Brydges	X			
Clifford Scott	X			
Jason Krempa	X			

The Resolution was thereupon duly adopted.

10.0 Information Items

10.1 M & T Bank Public Funds Certified Resolution and Additional Signors Rider

Mr. Dudley noted that we need to do a new resolution for check signors for all of our bank accounts. He explained that we need to prepare a form with all 9 board members and the NCIDA executive director's signatures and other pertinent information for verification. When completed it will be submitted to M&T Bank and applied to all bank accounts. This will allow for more availability for check signors since we need to have two signatures on all checks. He requested they complete the form after the Board meeting is adjourned today.

11.0 Any Other Matters the Board Wishes to Discuss

Mr. Wolfgang questioned the status on the close of the Stavatti project. Mr. Gabriele explained that with our approval of the Final Resolution today they can proceed to close. They will have one year to close on the project.

Mr. Gabriele explained that the Vincent Properties project was moved to the November Board Meeting at the request of the applicant to give them an opportunity to work out some concerns with the City of Lockport. The public hearing was held and a letter of concerns from the City of Lockport was read, along with comments from a Lockport Alderman. A copy of the public hearing transcript and letter will be shared with the Board Members.

12.0 Next: NCIDA/NCDC/NADC Board Meeting:

DATE: NOVEMBER 18, 2020

TIME: 9:00 a.m.

PLACE: Niagara County Center for Economic Development

13.0 Adjournment

Mr. Onesi made a motion to adjourn; Mr. Scott seconded the motion. The meeting adjourned at 9:34 a.m.

Respectfully submitted:

Reviewed by:

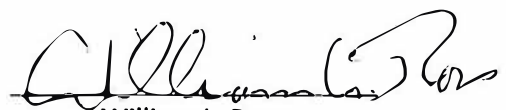
Approved by:



Susan L. Barone
Administrative Assistant



Susan C. Langdon
Executive Director



William L. Ross
Secretary