

# Niagara County Industrial Development Agency

Niagara County Center for Economic Development • 6311 Inducon Corporate Drive, Ste. 1 • Sanborn, NY 14132

## **REGULAR NCIDA/NCDC/NADC BOARD MEETING**

**DATE:** July 14, 2021  
**MEETING TIME:** 9:00 a.m.  
**MEETING PLACE:** Niagara County Industrial Development Agency  
Vantage Center, Suite One  
6311 Inducon Corporate Drive  
Sanborn, NY 14132

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### **1.0 Meeting Called to Order**

The regular meeting of the Niagara County Industrial Development Agency was called to order by Chairperson Onesi at 9:00 a.m.

### **2.0 Roll Call**

Mark A. Onesi, Chairperson	Present
Jerald I. Wolfgang, 1 <sup>st</sup> Vice Chairperson	Present – Arrived at 9:03 a.m.
Kevin McCabe, 2nd Vice Chairperson	Present
William Ross, Secretary	Excused
Mary Lynn Candella, Asst. Secretary	Present – Arrived at 9:05 a.m.
Robert B. Cliffe, Member	Present
Scott Brydges, Member	Present
Clifford Scott, Member	Present – Arrived at 9:23 a.m.
Jason Krempa, Member	Present

### **3.0 Introduction of Guests**

#### **Guests Present**

Jim Fink, Business First  
Tom Prohaska, Buffalo News  
Mike Scheer, Investigative Post

#### **Staff Present**

Susan C. Langdon, Executive Director  
Andrea Klyczek, Assistant Director  
Michael S. Dudley, Finance Manager  
Caroline Caruso, Accounting Associate  
Susan Barone, Project Manager  
Mark J. Gabriele, Agency Counsel  
Julie Lamoreaux, Administrative Assistant

**4.0 Mr. Onesi led the Pledge of Allegiance.**

**5.0 Approval of Meeting Minutes**

**5.1 Regular NCIDA/NCDC/NADC – June 9, 2021**

*Mr. Cliffe motioned to approve the meeting minutes; Mr. Krempa seconded the motion. The motion passed.*

**6.0 Finance & Audit Committee Reports**

**6.1 Agency Payables – June 30, 2021**

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

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

**6.2 Budget Variance Report – June 30, 2021**

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

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

**7.0 Unfinished Business**

**7.1 TM Montante Development LLC – 500 3<sup>rd</sup> Street**

Ms. Klyczek stated that a public hearing was held on July 1, 2021 at Niagara Falls City Hall. In attendance was, John Schoemaker from Niagara County Real Property, Wesley Walker from TM Montane, and Mike Scheer, and Ms. Dowdell from investigative post. There were no comments.

**7.1.1 Final Resolution**

RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY (i) UNDERTAKE A CERTAIN PROJECT FOR THE BENEFIT OF TM MONTANTE DEVELOPMENT LLC 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.

**7.1 Final Resolution TM Montante Development LLC – 500 3<sup>rd</sup> Street  
(Continued)**

***Mr. Krempa made a motion to approve the Final Resolution; Mr. Brydges seconded the motion.***

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

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
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			
Mark A. Onesi	X			

The Resolution was thereupon duly adopted.

**7.2 TM Montante Development LLC – 512 3<sup>rd</sup> Street**

Ms. Klyczek stated that a public hearing was held on July 1, 2021 at Niagara Falls City Hall. In attendance was John Schoemaker from Niagara County Real Property, Wesley Walker from TM Montane, Mr. Bird from the City of Niagara Falls, and Mike Scheer, and Ms. Dowdell from Investigative post. There were no comments.

After the vote, Mr. McCabe inquired if the NCIDA gives money to TM Montane Development. Mr. Gabriele explained that the Agency does not give money, but provides real property, sales tax, and mortgage recording tax abatements. He also informed the Board that if the project does not move forward, no benefits are provided.

Mr. Wolfgang also inquired if any of this money goes to salaries. Mr. Gabriele responded by saying we do not give money, we help companies with incentives. He followed by saying after the PILOT payments are made, the money they have is operational and up to the company how to disburse it.

**7.2.1 Final Resolution**

RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY (i) UNDERTAKE A CERTAIN PROJECT FOR THE BENEFIT OF TM MONTANTE DEVELOPMENT LLC 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,

**7.2.1 Final Resolution TM Montante Development LLC – 512 3<sup>rd</sup> Street  
(Continued)**

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.

***Mr. Wolfgang made a motion to approve the Final Resolution; Mr. McCabe seconded the motion.***

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

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
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			
Mark A. Onesi	X			

The Resolution was thereupon duly adopted.

**8.0 New Business**

**8.1 Diversified Manufacturing Acquisition, Inc. – Assumption of PILOT**

Mr. Gabriele stated that we received an application from Diversified RE Holdings for Assumption of the existing PILOT for Costello Investors in Lockport. The company is not asking for any additional PILOT benefits. They are requesting to “step into the shoes” off Costello Inventors, LLC. The new company would take over and be responsible for all the obligations of the original company, including jobs at the current level, PILOT payments or costs associated with the project.

***Mr. Cliffe made a motion to approve the Final Resolution; Mr. McCabe seconded the motion.***

**8.1 Diversified Manufacturing Acquisition, Inc. – Assumption of PILOT – (Continued)**

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

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
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	
Mark A. Onesi	X			

The Resolution was thereupon duly adopted.

**8.2 EDA H.E.L.P Loan Request**

**8.2.1 Rupal Corporation**

Ms. Klyczek stated that we received two HELP Loans for the Board to consider. HELP loans are set at 120% of the annual real property tax liability for the company. She informed the Board that we verified that Rupal Corporation, and Indian Ocean, LLC paid their 2019 & 2020 taxes along with their normal PILOT payments. A credit check was deemed satisfactory for both companies. Rupal Corporation operates as Cadence and is located at 200 Rainbow Boulevard. They are requesting a loan in the amount of \$56,055.

Mr. Gabriele added that these monies are first to be used for the 2021, and 2022 school, and the 2022 town and City PILOTS. Any additional money after that can be used for working capital.

Mr. Wolfgang asked the current status of the construction. Mr. Gabriele responded by saying the construction is done at both sites.

***Mr. Krempa made a motion to approve the HELP Loan Request; Mr. Brydges seconded the motion.***

## 8.2 EDA H.E.L.P Loan Request (Continued)

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

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
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			
Mark A. Onesi	X			

The Resolution was thereupon duly adopted.

During the vote, Mr. Wolfgang questioned the UCC Liens against the properties.

### 8.2.2 Indian Ocean, LLC

Ms. Klyczek stated that Indian Ocean, LLC is located at Buffalo Avenue and operates as Courtyard Marriott. Their loan request is in the amount of \$93, 208.

Mr. Onesi questioned how the loan would be paid back. Mr. Gabriele stated the loan is interest only for one year, and is amortized over the following 4 years. The loan is paid off over a period of four years.

***Mr. Krempa made a motion to approve the HELP Loan Request; Mr. Brydges seconded the motion.***

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

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
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			
Mark A. Onesi	X			

The Resolution was thereupon duly adopted.

**9.0 Agency Counsel**

Agency counsel had no comments at this time.

**10.0 Information Items**

There were no information items at this time.

**11.0 Any Other Matters the Board Wishes to Discuss**

**12.0 Next Regular NCIDA/NCDC/NADC Meeting:**

**DATE: August 11, 2021**

**TIME: \*\* 9:00 a.m. \*\***

**PLACE: Niagara County Center for Economic Development**

**13.0 Adjournment**

***Mr. Onesi made a motion to adjourn; Mr. McCabe seconded the motion. The meeting adjourned at 9:20 a.m.***

Respectfully Submitted:

Reviewed by:

Approved by:

\_\_\_\_\_  
Julie Lamoreaux  
Recording Secretary

\_\_\_\_\_  
Susan C. Langdon  
Executive Director

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William L. Ross  
Secretary