

# REGULAR NCIDA/NCDC/NADC BOARD MEETING MINUTES

Wednesday, November 13, 2019

Meeting Time: 9 a.m.

Meeting Place: Niagara County Industrial Development Agency  
6311 Inducon Corporate Drive, Suite One  
Sanborn, New York 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 Second Vice Chairperson Aul at 9 a.m.

## 2.0 Roll Call

Mark A. Onesi, Acting Chairperson	Excused
Joan G. Aul, First Vice Chairperson	Present
Kevin McCabe, Secretary	Present
Jerald I. Wolfgang, Assistant Secretary	Present
William L. Ross, Member	Present
Arthur G. Pappas, Member	Present
Daryl Bodewes, Member	Present

## 3.0 Ms. Aul led the Pledge of Allegiance.

## 4.0 Introductions

### Guests Present:

Joseph McDougal  
Jim Fink, Business First  
Tom Prohaska, Buffalo News

### Staff Present:

Susan C. Langdon, Executive Director  
Andrea Klyczek, Assistant Director  
Michael S. Dudley, Finance Manager  
Caroline Caruso, Accounting Associate  
Mark J. Gabriele, Agency Counsel  
Barbara A. Gill, Administrative Coordinator/Recording Secretary

**5.0 Approval of NCIDA Meeting Minutes**

**5.1 Meeting Minutes of October 9, 2019**

*Mr. McCabe made a motion to approve the meeting minutes; Mr. Ross seconded the motion. The motion passed.*

**6.0 Finance & Audit Committee Reports**

**6.1 Agency Payables**

Mr. McCabe stated that he had reviewed the monthly payables and found them to be in order. *Mr. McCabe made a motion to approve the monthly payables; Mr. Bodewes seconded the motion. The motion passed.*

**6.2 Budget Variance Reports**

Mr. McCabe stated that he had reviewed the Budget Variance Report and found the report to be in order. *Mr. McCabe made a motion to approve the Report; Mr. Bodewes seconded the motion. The motion passed.*

**6.3 Adopt 2020 Budgets**

**6.3.1 Niagara County Industrial Development Agency**

**6.3.2 Niagara County Development Corporation**

**6.3.3 Niagara Area Development Corporation**

Michael Dudley, Finance Manager, stated that he sent the Budgets to the Niagara County Clerk and Legislature for a mandatory 20 day review. After hearing no comments or concerns, the Board is now being asked to formally adopt the 2020 Budgets.

*Mr. Wolfgang made a motion to adopt the three (3) Budgets; Mr. Bodewes seconded the motion. The motion passed.*

Mr. Dudley stated that three CDs were maturing today. He requested approval from the Board Members to reinvest the CDs for another six (6) month term at an interest rate double that of the current money market account rate.

*Mr. Wolfgang made a motion to approve renewal of the CDs for another six (6) months. Mr. Ross seconded the motion. Ms. Aul abstained. The motion passed.*

**7.0 Unfinished Business**

**7.1 Plati Niagara Inc.**

The project involves building a new 7-story Choice Hotel and three (3) two-story market rate residential apartment buildings on a vacant parcel that the company currently owns.

Ms. Langdon stated that the Public Hearing was held on November 4, 2019 with no speakers.

**7.1.1 Final Resolution**

*Mr. Bodewes made a motion to approve the Final Resolution; Mr. McCabe seconded the motion. The motion passed.*

RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY (i) UNDERTAKE A CERTAIN PROJECT FOR THE BENEFIT OF PLATI NIAGARA INC. 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 ]
Joan G. Aul	[ X ]	[    ]	[    ]	[    ]
Kevin McCabe	[ X ]	[    ]	[    ]	[    ]
Jerald I. Wolfgang	[ X ]	[    ]	[    ]	[    ]
William L. Ross	[ X ]	[    ]	[    ]	[    ]
Arthur G. Pappas	[ X ]	[    ]	[    ]	[    ]
Daryl Bodewes	[ X ]	[    ]	[    ]	[    ]

The Resolution was thereupon duly adopted.

**7.0 Unfinished Business Continued**

**7.2 Santarosa Holdings, Inc.**

The project consists of the acquisition of a building on Hyde Park Boulevard in the Town of Niagara. The building is currently vacant but was previously used as a warehouse/storage facility. Santarosa will acquire, upgrade, and renovate it for use as Buffalo Fuel Corp's Truck and Maintenance shop.

Ms. Langdon stated that the Public Hearing was held on November 4, 2019 with no speakers.

**7.2.1 Final Resolution**

*Mr. Wolfgang made a motion to approve the Final Resolution; Mayor Pappas seconded the motion. The motion passed.*

RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY (i) UNDERTAKE A CERTAIN PROJECT FOR THE BENEFIT OF SANTAROSA HOLDINGS, INC. 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 ]
Joan G. Aul	[ X ]	[ ]	[ ]	[ ]
Kevin McCabe	[ X ]	[ ]	[ ]	[ ]
Jerald I. Wolfgang	[ X ]	[ ]	[ ]	[ ]
William L. Ross	[ X ]	[ ]	[ ]	[ ]
Arthur G. Pappas	[ X ]	[ ]	[ ]	[ ]
Daryl Bodewes	[ X ]	[ ]	[ ]	[ ]

The Resolution was thereupon duly adopted.

7.0 Unfinished Business Continued

7.3 Merani Hospitality, LLC

The project consists of the construction of a five story mixed use building with 36 market rate apartments, a 68 room Holiday Inn Express, and a Tim Hortons and Circle K on the first floor. The company may also be seeking a 485-a property tax abatement from the City as opposed to a PILOT from the NCIDA. They are also requesting sales tax and mortgage recording tax abatements form the NCIDA.

Ms. Langdon stated that the Public Hearing was held on November 4, 2019 with no speakers.

7.3.1 Final Resolution

*Mr. Bodewes made a motion to approve the Final Resolution; Mr. Wolfgang seconded the motion. The motion passed.*

RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY (i) UNDERTAKE A CERTAIN PROJECT FOR THE BENEFIT OF MERANI HOSPITALITY, 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.

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 ]
Joan G. Aul	[ X ]	[ ]	[ ]	[ ]
Kevin McCabe	[ X ]	[ ]	[ ]	[ ]
Jerald I. Wolfgang	[ X ]	[ ]	[ ]	[ ]
William L. Ross	[ X ]	[ ]	[ ]	[ ]
Arthur G. Pappas	[ X ]	[ ]	[ ]	[ ]
Daryl Bodewes	[ X ]	[ ]	[ ]	[ ]

The Resolution was thereupon duly adopted.

**8.0 New Business**

**8.1 Town of Niagara Industrial Development Agency**

**8.1.1 Assumption of PILOT Agreements**

Mark Gabriele stated that the Town of Niagara IDA is down to minimal staff and they are finding it difficult to keep up with the PAAA and PARIS compliance issues. The Town of Niagara IDA may be dissolved in the very near future.

In preparation for closing, the Town has requested that the NCIDA assign and assume the current PILOTs, of which there are nine (9) projects. A copy of the list of Town of Niagara projects, is attached to, and made a part of these minutes.

*Mayor Pappas made a motion to approve the assumption of PILOT Agreements; Mr. Wolfgang seconded the motion. The motion passed.*

RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY AUTHORIZING THE ASSUMPTION OF ACTIVE PROJECTS CURRENTLY HELD BY THE TOWN OF NIAGARA INDUSTRIAL DEVELOPMENT AGENCY, INCLUDING THE EXISTING LEASE, LEASEBACK, PILOT AGREEMENTS, TOGETHER WITH ALL ASSOCIATED DOCUMENTS RELATING TO EACH OF THE PROJECTS CURRENTLY RECEIVING BENEFITS FROM THE TOWN OF NIAGARA INDUSTRIAL DEVELOPMENT 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 ]
Joan G. Aul	[ X ]	[ ]	[ ]	[ ]
Kevin McCabe	[ X ]	[ ]	[ ]	[ ]
Jerald I. Wolfgang	[ X ]	[ ]	[ ]	[ ]
William L. Ross	[ X ]	[ ]	[ ]	[ ]
Arthur G. Pappas	[ X ]	[ ]	[ ]	[ ]
Daryl Bodewes	[ X ]	[ ]	[ ]	[ ]

The Resolution was thereupon duly adopted.

**8.0 New Business**

**8.2 Cataract Tourism Fund Requests**

**8.2.1 Niagara Beach/Surf Club**

Ms. Klyczek told the Board Members that in a letter dated October 1, 2019, Mr. DiCienzo stated that the project has lost time due to delays and he has hope that with an extension of the grant commitment date along with a new administration coming to the City, the project will finally obtain the parcel of land and the title to the land and that will hopefully put the project on a faster track.

They are requesting an extension of the December 31, 2019 deadline to June 30, 2020.

**8.2.1.1 Request to Extend the Grant Commitment Condition Date**

*Mr. Ross made a motion to approve the extension date; Mr. Wolfgang seconded the motion. The motion passed.*

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 ]
Joan G. Aul	[    ]	[ X ]	[    ]	[    ]
Kevin McCabe	[ X ]	[    ]	[    ]	[    ]
Jerald I. Wolfgang	[ X ]	[    ]	[    ]	[    ]
William L. Ross	[ X ]	[    ]	[    ]	[    ]
Arthur G. Pappas	[ X ]	[    ]	[    ]	[    ]
Daryl Bodewes	[ X ]	[    ]	[    ]	[    ]

The Resolution was thereupon duly adopted.

## **8.0 New Business**

### **8.2.2 Niagara Falls Center for Tourism**

#### **8.2.2.1 Change in Project Costs**

Ms. Klyczek stated that the company has withdrawn this item from the agenda as they are modifying their financial projections with the removal of the costs for the installation of windows on the top floors.

Ms. Klyczek gave a brief description of the project and said there were currently 31 full time with plans to hire an additional thirteen (13) upon completion of the project. Phase I includes exterior improvements and a diamond museum. Phase II entails a rope course and a large theatre, and Phase 3 will be the hotel with a banquet facility.

Gordon Reger, President of the Company, told Ms. Klyczek that he was not able to attend the meeting on 11/12/19, but he will submit an updated application for the next meeting.

No action was necessary at this time.

## **9.0 Information Items**

There were no information items at this time.

## **10.0 Agency Counsel**

Mark Gabriele stated that Wheatfield Gardens had received approval from the NEDF Board to finance installation on the property of certain energy efficient and/or renewable energy improvements that will be permanently fixed to the property by their participating in the Energize NY Open C-PACE Financing Program.

The Niagara Economic Development Fund (“NEDF”) Board Members approved the PACE Program for Wheatfield Gardens at the November 1, 2019 Board Meeting.

Mr. Gabriele also stated that the company is up-to-date on its loan payments to the NEDF loan fund.

***Mr. Wolfgang motioned for approval; Mr. Bodewes seconded the motion. The motion passed unanimously.***

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

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

**DATE:** December 11, 2019

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

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

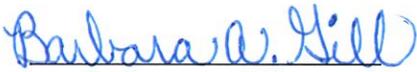
**13.0 Adjournment**

*Mr. Bodewes made a motion to adjourn; Mayor Pappas seconded the motion. The meeting adjourned at 9:30 a.m.*

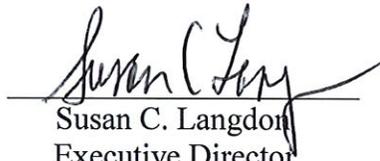
Respectfully submitted:

Reviewed by:

Approved by:



Barbara A. Gill  
Recording Secretary



Susan C. Langdon  
Executive Director



Jerald I. Wolfgang  
Assistant Secretary