

REGULAR NCIDA/NCDC/NADC BOARD MEETING

DATE: October 12, 2022
MEETING TIME: 9:00 a.m.
MEETING PLACE: Niagara County Industrial Development Agency
Vantage Center, Suite One
6311 Inducon Corporate Drive
Sanborn, NY 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 9:00 a.m.

2.0 Roll Call

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

3.0 Introduction of Guests

Jim Fink, Business First
Jonathan Epstein, Buffalo News

Staff Present

Susan C. Langdon, Executive Director, Excused
Andrea Klyczek, Assistant Director
Michael S. Dudley, Finance Manager
Carrie Caruso, Accounting Associate
Jeremy Geartz, Project Manager
Susan Barone, Grants & Operations Manager
Julie Lamoreaux, Administrative & HR Officer
Mark J. Gabriele, Agency Counsel

4.0 Pledge of Allegiance

Mr. Onesi led the Pledge of Allegiance.

5.0 Approval of Meeting Minutes

5.1 Regular NCIDA/NCDC/NADC – September 14, 2022

Mr. Ross motioned to approve the meeting minutes; Mr. Scott seconded the motion. The motion passed.

6.0 Finance & Audit Committee Reports

6.1 Agency Payables – September 30, 2022

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

Mr. Ross made a motion to approve the monthly payables; Mr. Krempa seconded the motion. The motion passed.

6.2 Budget Variance Report – September 30, 2022

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

Mr. Ross made a motion to approve the Budget Variance Report; Mr. Krempa seconded the motion. The motion passed.

6.3 2023 Proposed Budgets

Mr. Dudley stated that three Budgets were reviewed in the previous Audit and Finance Committee meeting with several of the Board members. The objective of the Board is to approve the 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 2023 Budgets at the November 9, 2022 Regular Board Meeting.

Mr. Ross made a motion to approve the proposed budgets, Mr. Brydges seconded the motion. The Motion passed.

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 Wolfgang				x
Kevin McCabe				x
William Ross	x			
Maria V. Lopez				x
Robert Cliffe	x			
Scott Brydges	x			
Clifford Scott	x			
Jason Krempa	x			
Mark Onesi	x			

The Resolution was thereupon duly adopted.

7.0 Unfinished Business

7.1 Cerrone Estate Properties LLC

Mr. Gabriele stated that Cerrone Estate Properties LLC is asking for a second and final inducement extension which would extend the project inducement through March 31, 2023. The company is asking the Board for approval of this extension.

7.1.1 Inducement Extension

RESOLUTION AUTHORIZING THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY TO EXTEND THE INDUCEMENT TERM FOR CERRONE ESTATE PROPERTIES 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 CERRONE ESTATE PROPERTIES LLC OR AN ENTITY FORMED OR TO BE FORMED.

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

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 Wolfgang				x
Kevin McCabe				x
William Ross	x			
Maria V. Lopez				x
Robert Cliffe	x			
Scott Brydges	x			
Clifford Scott	x			
Jason Krempa	x			
Mark Onesi	x			

The Resolution was thereupon duly adopted.

7.2 Kilmer Solar, LLC

Mr. Gabriele stated this project has had some delays from the Town of Lewiston. Due to the delay from the Town, the company has reached out to the Agency to ask the Board increase the inducement amount and modify the resolution due to project price increases. The company is asking to add an additional \$94,234.00 in sales and mortgage tax.

7.2.2 Additional Sales Tax

AMENDED RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY (i) UNDERTAKE A CERTAIN PROJECT FOR THE BENEFIT OF KILMER SOLAR 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) ADOPTED FINDINGS THAT THE PROJECT WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT; (iii) NEGOTIATE AND EXECUTE A LEASE AGREEMENT AND LEASEBACK AGREEMENT, 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.

Mr. Krempa made a motion to approve the additional sales tax; Mr. Scott seconded the motion. The motion passed.

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 Wolfgang				x
Kevin McCabe				x
William Ross	x			
Maria V. Lopez				x
Robert Cliffe	x			
Scott Brydges	x			
Clifford Scott	x			
Jason Krempa	x			
Mark Onesi	x			

The Resolution was thereupon duly adopted.

8.0 New Business

8.1 Snow Removal RFP

Ms. Lamoreaux stated the Agency issued an RFP for Snow Removal services at 6311 Inducon Corporate Drive, Sanborn, NY 14132. The Agency mailed out RFP's to nine companies and published the information in the local newspapers. The Agency received responses back from S & R Landscape and Snowplowing Inc., Mike Sinatra Landscaping & Snowplowing, and Laraba Enterprises. Staff recommended that the Board approve the proposal from Mike Sinatra Landscaping & Snowplowing, as their bid proposal was competitive and they had very positive feedback from references.

8.1.1 Snow Removal for Center for Economic Development

Mr. Krempa made a motion to approve the Snow Removal RFP from Mike Sinatra Landscaping & Snowplowing; Mr. Scott seconded the motion. The motion passed.

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 Wolfgang				x
Kevin McCabe				x
William Ross	x			
Maria V. Lopez				x
Robert Cliffe	x			
Scott Brydges	x			
Clifford Scott	x			
Jason Krempa	x			
Mark Onesi	x			

The Resolution was thereupon duly adopted.

9.0 Agency Counsel

There were no comments from Agency Counsel 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

There were no other matters the Board wished to discuss.

12.0 Next Regular NCIDA/NCDC/NADC Meeting:

DATE: November 9, 2022

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

PLACE: Niagara County Center for Economic Development

13.0 Adjournment

Mr. Onesi made a motion to adjourn; Mr. Brydges seconded the motion. The meeting adjourned at 9:15 a.m.

Respectfully Submitted:

Reviewed by:

Approved by:

Julie Lamoreaux
Recording Secretary

Andrea Klyczek
Assistant Director

William L. Ross
Secretary