

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

**DATE:** August 9, 2023  
**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 Introduction of new Board Members**

Mr. Onesi introduced and welcomed the new Board Members Mr. Mark Berube, and Mr. Ryan Mahoney to the Board and guests present.

### **3.0 Roll Call**

Mark A. Onesi, Chairperson	Present
Kevin McCabe, 1st Vice Chairperson	Present
Jason Kremepa, 2 <sup>nd</sup> Vice Chairperson	Present – Arrived at 9:11 a.m.
William L. Ross, Secretary	Present
Scott Brydges, Assistant Secretary	Excused
Robert B. Cliffe, Member	Present
Clifford Scott, Member	Present
Mark Berube, Member	Present
Ryan Mahoney, Member	Present

### **4.0 Introduction of Guests**

Jonathan Epstein, Buffalo News  
Jim Fink, Freelance  
Robert Creenan, Niagara Gazette  
Dale Shoemaker, Investigative Post  
Jacob Tierney, Business First  
Kyle Brent, 9745 Rochester Road, LLC  
Alan Hastings, Sun Commercial Real Estate  
Mark Trammell, MHT Holdings  
Michael Battaglia, Network One Realty  
Robert Taylor, Resident

**5.0 Pledge of Allegiance**

Mr. Gabriele led the Pledge of Allegiance.

**6.0 Approval of Meeting Minutes**

**6.1 Regular NCIDA/NCDC/NADC – June 14, 2023**

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

**7.0 Finance & Audit Committee Reports**

**7.1 Agency Payables – June 30, 2023**

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. Cliffe seconded the motion. The motion passed.*

**7.2 Agency Payables – July 31, 2023**

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. Cliffe seconded the motion. The motion passed.*

**7.3 Budget Variance Report – June 30, 2023**

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. Cliffe seconded the motion. The motion passed.*

**7.4 Budget Variance Report – July 31, 2023**

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. Cliffe seconded the motion. The motion passed.*

## 8.0 Governance Committee

### 8.1 Apprenticeship Policy

Mr. Gabriele stated that the new policy will require the applicant to submit a report with the application to the Agency. The report has to show and include certification for all the contractors that had been certified under the Apprenticeship Program. If the project does qualify for the program, the project would receive the benefits.

Mr. Ross stated that the Governance Committee has recommended the passage and revision of the Apprenticeship Policy.

***Mr. Ross made a motion to approve the Apprenticeship Policy; Mr. McCabe 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>
Kevin McCabe	x			
William Ross	x			
Mark Berube	x			
Robert Cliffe	x			
Scott Brydges				x
Clifford Scott	x			
Jason Krempa	x			
Ryan Mahoney	x			
Mark Onesi	x			

The Resolution was thereupon duly adopted.

## 9.0 Unfinished Business

### 9.1 9745 Rochester Road, LLC

Mr. Gabriele stated that 9745 Rochester Road, LLC is requesting an Additional Sales Tax Exemption due to project increases because of inflation. The amount of the additional sales tax benefit is over \$100,000, which necessitates holding a Public Hearing.

**9.1.1 Additional Sales Tax Exemption**

RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY (i) ACCEPTING THE SUPPLEMENT TO THE EXISTING PROJECT APPLICATION OF 9745 ROCHESTER ROAD, LLC WITH RESPECT TO A CERTAIN PROJECT (AS MORE FULLY DEFINED BELOW) TO BE UNDERTAKEN BY THE AGENCY FOR THE BENEFIT OF 9745 ROCHESTER ROAD, LLC; (ii) AUTHORIZING A PUBLIC HEARING WITH RESPECT TO THE SUPPLEMENTAL BENEFITS TO THE PROJECT; (iii) DESCRIBING THE FORMS OF FINANCIAL ASSISTANCE BEING CONTEMPLATED BY THE AGENCY.

***Mr. McCabe made a motion to approve the Additional Sales Tax Exemption; 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>
Kevin McCabe	x			
William Ross	x			
Mark Berube	x			
Robert Cliffe	x			
Scott Brydges				x
Clifford Scott	x			
Jason Krempa	x			
Ryan Mahoney	x			
Mark Onesi	x			

The Resolution was thereupon duly adopted.

**9.1.2 Authorize Public Hearing**

*Mr. McCabe motioned to authorize the Public Hearing; Mr. Cliffe seconded the motion. The motion passed.*

**9.2 Amazon.com Services LLC**

Mr. Gabriele stated that Amazon.com Services LLC is requesting a six month Inducement Extension.

**9.2.1 Inducement Extension**

RESOLUTION AUTHORIZING THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY TO EXTEND THE INDUCEMENT TERM FOR AMAZON.COM SERVICES 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 AMAZON.COM SERVICES LLC OR AN ENTITY FORMED OR TO BE FORMED.

**Mr. Scott made a motion to approve the Final Resolution; Mr. Ross 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>
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.

**9.3 Greenpac Mill**

Mr. Gabriele stated that Greenpac Mill is requesting a Consent to Refinance their existing Mortgage. Because the benefit is over the \$100,000 threshold, a Public Hearing is necessary.

**9.3.1 Consent to Refinance Mortgage**

RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY (i) ACCEPTING THE SUPPLEMENT TO THE EXISTING PROJECT APPLICATION OF GREENPAC MILL LLC WITH RESPECT TO A CERTAIN PROJECT (AS MORE FULLY DEFINED BELOW) TO BE UNDERTAKEN BY THE AGENCY FOR THE BENEFIT OF GREENPAC MILL LLC; (ii) AUTHORIZING A PUBLIC HEARING WITH RESPECT TO THE SUPPLEMENTAL BENEFITS TO THE PROJECT; (iii) DESCRIBING THE FORMS OF FINANCIAL ASSISTANCE BEING CONTEMPLATED BY THE AGENCY.

**Mr. McCabe made a motion to approve the Final Resolution; Mr. Krempa 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>
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.

**9.3.2 Authorize Public Hearing**

*Mr. McCabe motioned to authorize the Public Hearing; Mr. Krempa seconded the motion. The motion passed.*

**9.4 Cataract Grant Fund**

Ms. Klyczek stated that the Cataract Committee was asked if Phase One of the Center for Kashmir, Inc. funds could be released. The majority of the Cataract Committee did approve the release of funds. Mr. Gabriele noted that the receipts for the expenditures have been reviewed and are in order.

**9.4.1 Center for Kashmir, Inc.**

*Mr. Scott made a motion to approve the Release of Funds; Mr. Ross 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>
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.

**9.5 MCM Landscaping**

Mr. Krempa stated that MCM Landscaping is requesting a loan re-amortization. He recommended that the payment be reduced to interest only until the end of this calendar year. After that, he also recommended making an adjustment to the interest to match the current market rate. The Board discussed and agreed with Mr. Krempa’s recommendation.

**9.5.1 Loan Re-Amortization**

***Mr. McCabe made a motion to approve the Loan Re-Amortization; Mr. Krempa 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>
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.

**9.6 TM Montante Development, LLC (500 3rd Street)**

Mr. Gabriele stated that TM Montante Development, LLC (500 3<sup>rd</sup> Street) is requesting an Additional Sales & Mortgage Tax Exemption. The request is due to increased costs because of Inflation.

**9.6.1 Additional Sales & Mortgage Tax Exemption**

RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY (i) UNDERTAKE A CERTAIN PROJECT FOR THE BENEFIT OF 500 3<sup>RD</sup> STREET NF 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.

**Mr. Scott made a motion to approve the Additional Sales & Mortgage Tax Exemption; Mr. Krempa 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>
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.

**9.7 TM Montante Development, LLC (512 3rd Street)**

Mr. Gabriele stated that TM Montante Development, LLC (512 3<sup>rd</sup> Street) is requesting an Additional Sales & Mortgage Tax Exemption. The request is due to increased costs because of Inflation.

**9.7.1 Additional Sales & Mortgage Tax Exemption**

RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY (i) UNDERTAKE A CERTAIN PROJECT FOR THE BENEFIT OF 512 3<sup>RD</sup> STREET NF 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.

**Mr. McCabe made a motion to approve the Additional Sales & Mortgage Tax Exemption; 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>
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.

**9.8 Bogart-Sinatra Development, LLC**

Mr. Gabriele stated that Bogart-Sinatra Development, LLC is requesting to refinance their existing mortgage.

**9.8.1 Consent to Mortgage Refinance**

RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF MORTGAGES, MORTGAGE TAX EXEMPTION AFFIDAVITS AND OTHER DOCUMENTS WITH REGARD TO THE 2023 FINANCING OF THE 428 ZIMMERMAN STREET, LLC PROJECT.

***Mr. McCabe made a motion to approve the Consent to Mortgage Refinance; Mr. Ross 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>
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.

**10.0 New Business**

**10.1 MHT Holdings Inc. – Brookside Commons**

Mr. Geartz stated that MHT Holdings Inc. plans to purchase and renovate 15 affordable units in the Town of Niagara from Brookside Commons LLC. The building was constructed in 1969 and totals 16,288 sq. ft. This rehabilitation will include HVAC, maintenance needs, appliances, and fixtures.

Mr. Trammell explained that this will be affordable housing and he is hoping to provide support for those assets here in Niagara County.

Mr. Krempa asked if Mr. Trammell could provide some insight or detail in regard to the sources of the project specifically to North Witham Drive. Mr. Krempa stated that the soft costs seem out of line. Mr. Trammell agreed to send specific financials to the Board before the next meeting for review.

**10.1.1 Preliminary Resolution**

RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY (i) ACCEPTING THE APPLICATION OF MHT HOLDINGS INC. (BROOKSIDE COMMONS) WITH RESPECT TO A CERTAIN PROJECT (AS MORE FULLY DEFINED BELOW) TO BE UNDERTAKEN BY THE AGENCY FOR THE BENEFIT OF MHT HOLDINGS INC. (BROOKSIDE COMMONS) OR AN ENTITY FORMED OR TO BE FORMED; (ii) AUTHORIZING A PUBLIC HEARING WITH RESPECT TO THE PROJECT; (iii) AUTHORIZING THE EXECUTIVE DIRECTOR OF THE AGENCY TO TAKE CERTAIN ACTIONS UNDER ARTICLE 8 OF THE ENVIRONMENTAL CONSERVATION LAW IN CONNECTION WITH THE PROJECT; (iv) DESCRIBING THE FORMS OF FINANCIAL ASSISTANCE BEING CONTEMPLATED BY THE AGENCY.

***Mr. Scott made a motion to approve the Preliminary Resolution; Mr. Ross 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>
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.

**10.1.2 Authorize Public Hearing**

*Mr. Cliffe motioned to authorize the Public Hearing; Mr. McCabe seconded the motion. The motion passed.*

**10.2 MHT Holdings Inc. – Niagara Falls**

Mr. Geartz stated that MHT Holdings, Inc. plans to purchase and renovate 60 affordable units in the town of Niagara. This building was constructed between 1956 and 1958 and totals 16,288 sq. ft. This rehabilitation will include HVAC, maintenance needs, appliances, and fixture.

Mr. Trammell explained that this will be affordable housing and he is hoping to provide support for those assets here in Niagara County.

Mr. Krempa asked if Mr. Trammell could provide some insight or detail in regard to the sources of the project specifically to North Witham Drive. Mr. Krempa stated that the soft costs seem out of line. Mr. Trammell agreed to send specific financials to the Board before the next meeting for review.

**10.2.1 Preliminary Resolution**

RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY (i) ACCEPTING THE APPLICATION OF MHT HOLDINGS INC. (NIAGARA FALLS) WITH RESPECT TO A CERTAIN PROJECT (AS MORE FULLY DEFINED BELOW) TO BE UNDERTAKEN BY THE AGENCY FOR THE BENEFIT OF MHT HOLDINGS INC. (NIAGARA FALLS) OR AN ENTITY FORMED OR TO BE FORMED; (ii) AUTHORIZING A PUBLIC HEARING WITH RESPECT TO THE PROJECT; (iii) AUTHORIZING THE EXECUTIVE DIRECTOR OF THE AGENCY TO TAKE CERTAIN ACTIONS UNDER ARTICLE 8 OF THE ENVIRONMENTAL CONSERVATION LAW IN CONNECTION WITH THE PROJECT; (iv) DESCRIBING THE FORMS OF FINANCIAL ASSISTANCE BEING CONTEMPLATED BY THE AGENCY.

***Mr. McCabe made a motion to approve the Preliminary Resolution; Mr. Ross 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>
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.

**10.2.2 Authorize Public Hearing**

*Mr. Mahoney motioned to authorize the Public Hearing; Mr. McCabe seconded the motion. The motion passed.*

**11.0 Agency Counsel**

Agency Counsel had no comments at this time.

**12.0 Information Items**

There were no information items at this time.

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

There were no issues the Board wished to discuss.

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

**DATE: September 13, 2023**

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

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

**15.0 Adjournment**

Ms. Ross made a motion to adjourn; Mr. McCabe seconded the motion. The meeting adjourned at 9:37 a.m.

Respectfully Submitted:

Reviewed By:

Approved By:

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Julie Lamoreaux  
Recording Secretary

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Susan C. Langdon  
Executive Director

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William L. Ross  
Secretary