

REGULAR NCIDA/NCDC/NADC BOARD MEETING

DATE: May 11, 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 Mark Onesi at 9:00 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	Present
William L. Ross, Secretary	Present
Scott Brydges, Assistant Secretary	Present
Robert B. Cliffe, Member	Present
Jason Krempa, Member	Present
Clifford Scott, Member	Present
Maria V. Lopez, Member	Present

3.0 Introductions

Guest Present:

Jim Fink, Business First
Tim Kolb, Niacet Corporation
Amarinder Grewal, Kerry Group
Edwin Lee, Deloitte
Anthony Szymelewicz, Deloitte

Staff Present:

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

4.0 Pledge of Allegiance

Mr. Krempa led the pledge of allegiance.

5.0 Approval of Meeting Minutes

5.1 Regular NCIDA/NCDC/NADC – April 13, 2022

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

6.0 Finance & Audit Committee Reports

6.1 Agency Payables – April 30, 2022

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. Ross seconded the motion. The motion Passed.

6.2 Budget Variance Report – April 30, 2022

Mr. McCabe stated that the Budget Variance Report has been reviewed and found to be in order.

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

7.0 Governance Committee

7.1 Solar Project Policy

Mr. Gabriele stated that the Agency placed a six month moratorium on solar projects in the month of March, 2022. Since then, staff has been meeting with the County and discussed the policy. Based on those discussions, staff proposes a new Solar Project Policy that states that the Agency will upon consent from the local municipality, entertain an application for financial assistance. The financial assistance would consist of only the county's portion of the sales tax benefit. The Agency would not entertain PILOTS, but would leave that to the local municipalities to enter into and negotiate on their own behalf. The financial assistance would be limited to solar projects on sites located on or within ½ mile of a capped landfill, a remediated brownfield site, or a site accepted into the New York State Brownfield cleanup program.

Mr. Wolfgang states that the Governance Committee recommended the new policy for approval.

7.1.1 Solar Energy Policy Resolution

RESOLUTION WHEREBY THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY ADOPTS AN UPDATED SOLAR ENERGY POLICY.

7.1.1 Solar Energy Policy Resolution (Continued)

Mr. Wolfgang made a motion to approve the Solar Project Policy; 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 Local Labor Policy

Mr. Wolfgang stated that this policy was reviewed in the Governance Committee Meeting, members of the Committee decided this policy should be tabled. He stated that the Committee wanted to schedule a work session to further review the policy.

8.0 Unfinished Business

8.1 Niacet Corporation

Mr. Gabriele stated that Niacet Corporation previously applied for benefits for a small project located in the City of Niagara Falls. That project is continuing to move forward. It appears that the project may not close by the end of its expiration date since the current inducement ends in June of this year. The resolution proposed would extend the resolution for six months. This is the first time an extension is being considered by the Board.

8.1.1 Inducement of Extension

RESOLUTION AUTHORIZING THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY TO EXTEND THE INDUCEMENT TERM FOR NIACET CORPORATION 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 NIACET CORPORATION OR AN ENTITY FORMED OR TO BE FORMED.

Niacet Corporation – Inducement of Extension (Continued)

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

8.2 Eleanor Apartments (Eleanor Apartments at Niagara, LLC)

Mr. Gabriele stated that the Agency already approved the Assignment of the Eleanor Apartments to what was previously Niagara Creek LLC. The company is no longer using the name Niagara Creek LLC, they will be using the name Eleanor Apartments at Niagara, LLC. The Agency needs to get Board approval because it is a different entity, even though ownership is the same.

8.2.1 Assignment and Assumption

RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY AUTHORIZING THE ASSIGNMENT OF AND ASSUMPTION OF THE ELEANOR APARTMENTS LLC PROJECT TO ELEANOR APARTMENTS AT NIAGARA, LLC INCLUDING THE ORIGINAL LEASE, LEASEBACK, PILOT AGREEMENT, TOGETHER WITH ALL ASSOCIATED DOCUMENTS RELATING TO THE FACILITY CURRENTLY RECEIVING BENEFITS FROM THE AGENCY.

Mr. Scott made a motion to approve the Assignment and Assumption; Mr. Wolfgang seconded the motion. The motion passed.

9.0 New Business

9.1 Niacet Corporation (NxTD Project)

Ms. Klyczek stated that Niacet Corporation is a leading global chemical manufacturer of propionates and acetates primarily for the pharmaceutical, and food industries. In September of 2021, Niacet was acquired by Kerry Group, an Ireland based global and food company with extensive offering in dairy, beverage, and prepared food productions.

Kerry Group and Niacet Corporation are contemplating possible expansion projects at the Niagara Falls facility. This specific project (NxTD), is a novel production process utilizing a proprietary new liquid dyeing technology to more efficiently produce acetate and propionate salt preservatives. The NxDT expansion would include a 25,000-35,000 sq. ft. building, as well as a capital investment of \$48.75M. The project is expected to create 51 new jobs.

Tim Kolb from Niacet Corporation stated that NxDT is the next generation of dryer technology. This will improve Niacet's processes and products and allow them to expand the workforce. It will also enable the company to move forward 20. This is a new technology to the Country, and the company is excited about the change at the Niagara Falls facility.

Mr. Scott questioned the environmental concerns to the local neighborhood located by the facility. Mr. Kolb stated that there were no environmental concerns to the local neighborhood because it is a fully organic chemistry.

9.1 Niacet Corporation (NxTD Project) (Continued)

Mr. Wolfgang asked if Niacet Corporation has an international basis for customers. Mr. Kolb responded that they are a global company. Mr. Wolfgang asked if there are possibilities of the company expanding and staying in Niagara Falls. Mr. Kolb responded that they are definitely considering a second location in Niagara Falls.

Mr. Krempa asked Mr. Kolb to explain more of what they will be doing with the 48 million dollars, and 35,000 square ft. of space. Mr. Kolb explained that there will be a lot of equipment, investments, storage space, and engineering. The average salary for employees will be about \$70,000 annually.

9.1.1 Preliminary Resolution

RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY (i) ACCEPTING THE APPLICATION OF NIACET CORPORATION WITH RESPECT TO A CERTAIN PROJECT (AS MORE FULLY DEFINED BELOW) TO BE UNDERTAKEN BY THE AGENCY FOR THE BENEFIT OF NIACET CORPORATION FOR ITSELF OR ON BEHALF OF 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) PROVIDE SALES TAX EXEMPTION FOR PURCHASES AND RENTALS RELATED TO THE CONSTRUCTION AND EQUIPPING OF THE PROJECT; AND (v) DESCRIBING THE FORMS OF FINANCIAL ASSISTANCE BEING CONTEMPLATED BY THE AGENCY.

Mr. Scott made a motion to approve the Preliminary Resolution; Mr. Krempa 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 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.

9.1 Niacet Corporation (NxTD Project) (Continued)

9.1.2 Authorize Public Hearing

Mr. Wolfgang motioned to authorize the Public Hearing; Mr. Brydges seconded the motion. The motion passed.

9.2 COVID Relief for Small Business Grant Approvals

Ms. Barone stated that for each of the following grant applications, our consultants from H. Sicherman, along with IDA staff reviewed all the documents submitted for grant eligibility criteria.

9.2.1 T's YOU-nique Hair & Beauty, LLC

Ms. Barone stated that T's You-nique Hair & Beauty, LLC is a retail beauty supply store that opened on Main Street in Niagara Falls in March 2020, just days before the government-ordered COVID shutdown. This business was shut down for four months after the initial opening. When the company re-opened the company incurred additional expenses to be in compliance with COVID safety measures. Although they had a lack of revenue, they continued to operate with temporary limited hours. The business has seen increasing sales in the past year, which demonstrates a market for their products and services.

The owner is qualified as a low-to-moderate income owned business. The grant request is for \$47,000. The use of funds will be for inventory, and for working capital to be used to pay past and current monthly expenses.

The agency recommends approval of this Grant Request as the applicant qualifies based on meeting all Grant eligibility requirements.

9.2.1 T's YOU-nique Hair & Beauty, LLC

RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY APPROVING GRANT TO T's YOU-NIQUE HAIR & BEAUTY, LLC UNDER THE COVID-19 RELIEF SMALL BUSINESS PROGRAM.

Mr. Scott made a motion to approve the Grant under the Covid-19 Relief Small Business Program; Mr. Krempa seconded the motion.

9.2.1 T’s YOU-nique Hair & Beauty, LLC (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 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.

9.2.2 Willie A. Price Speaks, LLC

Ms. Barone stated that Willie A. Price Speaks, LLC is a Niagara Falls Business that provides physical, personal, and financial development workshops to youth and families in at-risk living situations. The majority of the programs are co-sponsored by community organizations and schools.

Since these programs are presented in school and community settings, the business saw a significant loss during COVID due to remote learning, and community gathering restrictions. The business has continued to present some programs in person, but in order to increase revenue, they will be investing in presenting the programs virtually.

The owner qualifies as a low-to-moderate income owned business. The grant request is for \$8,400 to be used for working capital, inventory, and technology equipment.

The agency recommends approval of this Grant Request as the applicant qualifies based on meeting all Grant eligibility requirements.

9.2.2 Willie A. Price Speaks, LLC

RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY APPROVING GRANT TO WILLIE A.PRICE SPEAKS, LLC UNDER THE COVID-19 RELIEF SMALL BUSINESS PROGRAM.

9.2.2 Willie A. Price Speaks, LLC (Continued)

Mr. Krempa made a motion to approve the Grant under the Covid-19 Relief Small Business Program; Mr. Ross 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 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

Mr. Gabriele requested that the Board go into executive session.

Mr. Krempa made a motion to go into executive session; Mr. McCabe seconded the motion.

Ms. Langdon stated that while in executive session, the Board made a motion to extend Mr. Gabriele’s contract for five years. The Board also gave Ms. Langdon permission to negotiate an hourly rate on the contract.

Mr. Wolfgang made a motion to approve the five year contract with Mr. Gabriele with a rate change of up to \$200 per hour; Mr. Scott seconded the motion. The motion passed.

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: June 8, 2022

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

PLACE: Niagara County Center for Economic Development

13.0 Adjournment

Mr. Onesi made a motion to adjourn; Mr. Krempa seconded the motion. The meeting adjourned at 9:42 a.m.

Respectfully Submitted:

Reviewed By:

Approved By:

Julie Lamoreaux
Recording Secretary

Susan C. Langdon
Executive Director

William L. Ross
Secretary