

## **NCIDA/NCDC/NADC GOVERNANCE COMMITTEE AGENDA**

**Date: Wednesday, June 8, 2022**

**Time: 8:30 a.m.**

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

**6311 Inducon Corporate Drive**

**Sanborn, NY 14132**

### **NCIDA Governance Committee Members:**

Jerald Wolfgang, Chairperson	Present
Clifford Scott	Present
Robert B. Cliffe	Present

### **Copies to:**

Mark Onesi	Susan Langdon, Executive Director
William L. Ross	Andrea Klyczek, Assistant Director
Jason Krempa	Michael S. Dudley, Finance Manager
	Caroline Caruso, Accounting Associate
	Mark J. Gabriele, Agency Counsel
	Julie Lamoreaux, Administrative Assistant

---

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

Mr. Wolfgang called the meeting to order at 8:30 a.m.

### **2.0 Roll Call**

Ms. Lamoreaux called the roll; a quorum was established.

### **3.0 Approval of Meeting Minutes**

#### **3.1 May 11, 2022**

***Mr. Wolfgang stated that he had reviewed the meeting minutes and he made a motion for approval; Mr. Cliffe seconded the motion. The motion passed.***

#### 4.0 Local Labor Policy

Mr. Wolfgang stated that for the first time in the history of the NCIDA, the Board held a Work Session on June 2, 2022 to discuss the Local Labor Policy. Mr. Wolfgang said that the session went well, and that there was much productive discussion. Mr. Wolfgang stated for the record, that after the work session he was contacted by a number of businesses and legislators in regard to the local labor policy. He stated that, since the Board was appointed by the County Legislature, the Board is a talented diverse group including business people, financial experts, educators, former municipal officials, and labor representation. With these skill sets, expertise and experience, the Board is fully equipped and capable of making and carrying out the Policies of the Agency. The Board concurred with his observations.

Mr. Gabriele stated that there were four items that the Board agreed unanimously on at the Work Session. One was the language in the introduction regarding the NCIDA mission. The second was the elimination of Monroe County in the Local Labor area, pending dismissal of the existing lawsuit. Mr. Gabriele notes that he received notice that the lawsuit had been dropped as of today.

The third item was the Agency, on an annual basis, will select a completed project, either randomly or based upon information proved to the Agency, to conduct an investigation into whether the Company was compliant with the Agency's Local Labor Policy. The Agency, or its designated agents, shall during normal business hours, examine and copy the applicable books and wage records of the Company, Contractor and/or Subcontractor as related to work performed on the Project. If the Agency determines that the local labor requirement is found to be below 90 percent, the Agency may terminate or modify any and all Financial Assistance being proved to the Project in accordance with the terms of the underlying agreements between the Agency and the Company with respect to the project. Mr. Cliffe requested that the language be amended to "at least one company" annually.

Finally, it is understood that at certain times, Workers residing within the Local Labor Area may not be available with respect to a project. Under this condition, the Company is required to contact the Agency to request a waiver of the Local Labor Requirement (the "Local Labor Waiver Request") based on the following circumstances: (i) warranty issues related to installation of specialized equipment or materials whereby the manufacturer requires installation by only approved installers; (ii) specialized construction for which qualified Local Labor Area Workers are not available, (iii) lack of workers that would allow the Company to meet the Local Labor Area requirement. The Agency's Executive Director, in consultation with the Chairman, or Vice Chairman related thereto based upon information received may grant such waiver request.

Mr. Gabriele stated that the staff will make every attempt to compare head count at a project to the number of hours worked to try to ascertain if any issues exist. The Agency will also continue to monitor a potential for abuse by local contractors if they inflate project costs by at least 20 percent, compared to those of out of area Contractors.

Mr. McCabe stated that this Board represents the tax payers of Niagara County and will do what is best for them.

***Mr. Wolfgang made a motion to accept the new local labor policy based on the above elements. Mr. Cliffe seconded the motion. The motion passed.***

## **5.0 Apprenticeship Policy**

Mr. Gabriele stated that when this policy was drafted several years ago, staff struggled with how to base the benefit of how to base the benefits. He stated that there are now certified apprentice programs including union and non-union, these are listed in the State directory. If a company hires Contractors that are part of those programs, the Board could give the company 5 percent additional abatement for a period of five years.

***Mr. Cliffe made a motion to approve the apprenticeship program; Mr. Scott seconded the motion. The motion passed.***

## **6.0 Any Other Matters the Committee Wishes to Discuss**

Mr. Gabriele stated that the Agency has followed the federal guidelines for paid holidays. Juneteenth is now a Federal Holiday and the Committee would have to formally accept that in order for Agency staff to add that to the list of Holidays.

***Mr. Scott made a motion to approve the added holiday, Mr. Cliffe seconded the motion. The motion passed.***

## **7.0 Adjournment**

***Hearing no other comments, Mr. Cliffe made a motion to adjourn the meeting; Mr. Wolfgang seconded the motion. The motion passed.***

***Respectfully Submitted***

***Reviewed By:***

---

Julie Lamoreaux  
Administrative Assistant

---

Susan C. Langdon  
Executive Director