

REGULAR NCIDA/NCDC/NADC BOARD MEETING MINUTES

Wednesday, December 7, 2016 – 9:00 a.m.

Meeting Place: Niagara County Industrial Development Agency
6311 Inducon Corporate Drive, Suite One
Sanborn, New York 14132

1.0 Meeting Called to Order

The regular meeting of the Niagara County Industrial Development Agency was called to order by Chairman Brady at 9:00 a.m.

2.0 Roll Call

Stephen F. Brady, Acting Chairman	Present
Mark A. Onesi, Second Vice Chairman	Present
Kevin McCabe, Secretary	Present
Jerald I. Wolfgang, Assistant Secretary	Present
Michael W. McNally, Member	Present
Joan G. Aul, Member	Excused
Willie C. Dunn, Member	Present
William L. Ross, Member	Present
Arthur G. Pappas, Member	Present

3.0 Chairman Brady led the Pledge of Allegiance.

4.0 Introduction of Guests

Guests Present:

Tom Celik	Rock One Development
Lou Visone	Rock One Development
Karen Fiala	ECIDA
Michael Piette	Covanta
Tom Prohaska	Buffalo News

Staff Present:

Susan C. Langdon, Director of Projects & Finance
Andrea Klyczek, Director of Regional & International Marketing
Michael S. Dudley, Finance Manager
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 12, 2016

Chairman Brady asked for a motion to approve the meeting minutes.

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

6.0 NCIDA/NCDC/NADC Committee Reports

6.1 Finance & Audit Committee

6.1.1 Agency Payables

6.1.1.1 October 2016

Mr. Onesi stated that he had reviewed the October Payables and found them to be in order.

Mayor Pappas motioned to approve the payables; Mr. McNally seconded the motion. The motion passed.

6.1.1.2 November 2016

Mr. Onesi stated that he had reviewed the November Payables and found them to be in order.

Mayor Pappas motioned to approve the payables; Mr. McNally seconded the motion. The motion passed unanimously.

6.1.2 Budget Variance Report

6.1.2.1 October 2016

Mr. Onesi stated that he had reviewed the Budget Variance Report for October and found it to be in order.

Mr. Onesi motioned to approve the report; Mr. Wolfgang seconded the motion. The motion passed unanimously.

6.1.2.2 November 2016

Mr. Onesi stated that he had reviewed the Budget Variance Report for November and found it to be in order.

Mr. Onesi made a motion to approve the report; Mr. McNally seconded the motion. The motion passed.

6.0 NCIDA/NCDC/NADC Committee Reports

6.1.3 Chamber Lease Agreement

At the October 12, 2016 Board Meeting, the Board Members approved a lease for the Niagara USA Chamber for a one (1) year term from January 2017 ending December 31, 2017 with two (2) one (1) year option renewals.

The actual request from the Chamber was for a three (3) year term commencing January 2017 with two (2) one (1) year option renewals.

6.1.3.1 Lease Agreement

Mr. Ross motioned to approve the lease renewal terms; Mr. Onesi seconded the motion. The motion passed unanimously.

6.1.4 Adopt NCIDA, NCDC, & NADC 2017 Budgets

The Budgets were approved at the October 12, 2016 Regular Board Meeting and were sent to the Niagara County Clerk and Legislature for a mandatory 20 day review. There have not been any comments from the Clerk nor the Legislature so the Board Members are now being requested to formally adopt the 2017 budgets at this time.

6.1.4.1 Adoption of the 2017 Budgets

Mayor Pappas motioned to adopt the budgets for 2017; Mr. McCabe seconded the motion. The motion passed.

The question of the approval of the budgets was duly put to a vote which resulted as follows:

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Chairman Brady	[X]	[]	[]	[]
Mark A. Onesi	[X]	[]	[]	[]
Michael W. McNally	[X]	[]	[]	[]
Kevin McCabe	[X]	[]	[]	[]
Jerald I. Wolfgang	[X]	[]	[]	[]
Joan G. Aul	[X]	[]	[]	[X]
Willie C. Dunn	[X]	[]	[]	[]
William L. Ross	[X]	[]	[]	[]
Arthur G. Pappas	[X]	[]	[]	[]

The 2017 Budgets were thereby adopted.

6.0 NCIDA/NCDC/NADC Committee Reports

6.1.5 Open NIIA Escrow Account

Mike Dudley of Agency Staff stated that there is a need to open an interest bearing NIIA account in order to deposit escrow checks from the tenants in the Rainbow Industrial Centre. A check from the tenant in Unit #16 was recently received and will be deposited in this account.

Mr. Wolfgang motioned to approve opening the new escrow account; Mr. Onesi seconded the motion. The motion passed.

The question of opening a new bank account was duly put to a vote which resulted as follows:

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Chairman Brady	[X]	[]	[]	[]
Mark A. Onesi	[X]	[]	[]	[]
Michael W. McNally	[X]	[]	[]	[]
Kevin McCabe	[X]	[]	[]	[]
Jerald I. Wolfgang	[X]	[]	[]	[]
Joan G. Aul	[]	[]	[]	[X]
Willie C. Dunn	[X]	[]	[]	[]
William L. Ross	[X]	[]	[]	[]
Arthur G. Pappas	[X]	[]	[]	[]

The new bank account was approved.

6.2 Governance Committee

6.2.1 Senior Housing Policy/Market-Rate Housing Policy

Mr. Wolfgang, Chairman of the Governance Committee, stated that the Agency has had to discuss the current policies due to the fact that the Agency received an application from a company who purchased a parcel to be used for residential and commercial development.

Mr. Gabriele, Agency Counsel, stated that the Agency's policies needed clarification on projects going forward as to the length of the PILOTs. Discussion at the Governance Committee Meeting was focused on two (2) components, senior housing vs. market rate housing.

Subsequently the Governance Committee has recommended the Policy going forward will be (10) year PILOTs on senior housing and five (5) year PILOTs on market rate housing.

This item is for informational purposes only, and Mr. Gabriele will revise the policy according to the above guidelines to be reviewed at the next Governance Committee Meeting.

7.0 Unfinished Business

There was no unfinished business at this time.

8.0 New Business

8.1 Rock One Development, LLC – S. Langdon

Ms. Langdon stated that the company located in North Tonawanda is requesting a ten (10) year Brownfield property tax abatement and sales and mortgage tax abatement.

The 6 acre parcel located at 600 River Road was purchased by the company for residential and commercial development. The company’s proposed development project consists of 100 residential market-rate apartment rental units consisting of (2) four-story 36-unit apartment buildings and (3) 8 to 10 unit single story buildings. The property will also have (2) 3,000 commercial/retail buildings, which will comprise less than 10% of the total square footage of the project.

Lou Visone and Tom Celik, representatives of the company, gave a brief summary of the project and showed renderings of the site plans.

Eleven (11) new jobs will be created.

8.1.1 Preliminary Resolution

Mr. Ross motioned to approve the Preliminary Resolution; Mr. Onesi seconded the motion.

The question of the adoption of the foregoing Resolution was duly put to a vote, which resulted as follows:

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Chairman Brady	[X]	[]	[]	[]
Mark A. Onesi	[X]	[]	[]	[]
Michael W. McNally	[X]	[]	[]	[]
Kevin McCabe	[X]	[]	[]	[]
Jerald I. Wolfgang	[X]	[]	[]	[]
Joan G. Aul	[]	[]	[]	[X]
Willie C. Dunn	[X]	[]	[]	[]
William L. Ross	[X]	[]	[]	[]
Arthur G. Pappas	[X]	[]	[]	[]

The Resolution was thereupon duly adopted.

8.1.2 Authorize Public Hearing

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

8.0 New Business Continued

8.2 Niagara Charter School

Mark Gabriele stated that, in a letter dated November 14, 2016, the company has requested consent for a new mortgage and mortgage tax exemption as they are refinancing on the school property on Lockport Road in Wheatfield, New York. The premises are subject to a 20 year PILOT Agreement and Lease & Leaseback Agreement with the Agency.

8.2.1 Consent to Mortgage

RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF A MORTGAGE, MORTGAGE TAX EXEMPTION AFFIDAVIT AND OTHER DOCUMENTS WITH REGARD TO THE 2006 WHEATFIELD DEVELOPMENT II PROJECT.

The question of the adoption of the foregoing Resolution was duly put to a vote, which resulted as follows:

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Chairman Brady	[X]	[]	[]	[]
Mark A. Onesi	[X]	[]	[]	[]
Michael W. McNally	[X]	[]	[]	[]
Kevin McCabe	[X]	[]	[]	[]
Jerald I. Wolfgang	[X]	[]	[]	[]
Joan G. Aul	[]	[]	[]	[X]
Willie C. Dunn	[X]	[]	[]	[]
William L. Ross	[X]	[]	[]	[]
Arthur G. Pappas	[X]	[]	[]	[]

The Resolution was thereupon duly adopted.

8.3 Merani Hospitality, Inc.

Mark Gabriele stated that the company is requesting consent for a new mortgage and also a sales tax exemption extension on their property on Buffalo Ave. in Niagara Falls. In their letter the company stated that they are nearing completion of the DoubleTree Hotel Project and they plan to be open by the end of December or shortly thereafter.

8.0 New Business Continued

8.3 Merani Continued

8.3.1 Consent to Mortgage

8.3.2 Sales Tax Exemption Extension Request

RESOLUTION AUTHORIZING THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY TO EXTEND THE SALES TAX EXEMPTION LETTER ISSUED TO MERANI HOSPITALITY, INC., TOGETHER WITH THE CONSENT AND DELIVERY OF A MORTGAGE, MORTGAGE TAX EXEMPTION AFFIDAVIT AND OTHER DOCUMENTS WITH REGARDS TO THE MERANI HOSPITALITY, INC. PROJECT.

The question of the adoption of the foregoing Resolution was duly put to a vote, which resulted as follows:

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Chairman Brady	[X]	[]	[]	[]
Mark A. Onesi	[X]	[]	[]	[]
Michael W. McNally	[X]	[]	[]	[]
Kevin McCabe	[X]	[]	[]	[]
Jerald I. Wolfgang	[X]	[]	[]	[]
Joan G. Aul	[]	[]	[]	[X]
Willie C. Dunn	[X]	[]	[]	[]
William L. Ross	[X]	[]	[]	[]
Arthur G. Pappas	[X]	[]	[]	[]

The Resolution was thereupon duly adopted.

8.4 Niagara Falls Hospitality, Inc.

In a letter dated November 4, 2016, the company has requested a sales tax exemption extension on the Microtel Inn & Suite currently under construction on Niagara Falls Boulevard in Niagara Falls due to delays in construction. The construction is moving slower than anticipated, but they hope to be finished in the Spring of 2017.

8.4.1 Sales Tax Exemption Extension Request

RESOLUTION AUTHORIZING THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY TO EXTEND THE SALES TAX EXEMPTION LETTER ISSUED TO NIAGARA FALLS HOSPITALITY, INC. AND EXECUTE AND DELIVER RELATED DOCUMENTS.

8.0 New Business Continued

8.4 Niagara Falls Hospitality, Inc.

8.4.1 Sales Tax Exemption Extension Request

The question of the adoption of the foregoing Resolution was duly put to a vote, which resulted as follows:

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Chairman Brady	[X]	[]	[]	[]
Mark A. Onesi	[X]	[]	[]	[]
Michael W. McNally	[X]	[]	[]	[]
Kevin McCabe	[X]	[]	[]	[]
Jerald I. Wolfgang	[X]	[]	[]	[]
Joan G. Aul	[]	[]	[]	[X]
Willie C. Dunn	[X]	[]	[]	[]
William L. Ross	[X]	[]	[]	[]
Arthur G. Pappas	[X]	[]	[]	[]

The Resolution was thereupon duly adopted.

8.5 Covanta Niagara

In a letter dated November 22, 2016, the company has requested a sales tax exemption extension due to the acquisition of additional equipment for the facility.

8.5.1 Sales Tax Exemption Extension Request

RESOLUTION AUTHORIZING THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY TO EXTEND THE SALES TAX EXEMPTION LETTER ISSUED TO COVANTA NIAGARA, L.P. AND EXECUTE AND DELIVER RELATED DOCUMENTS.

8.0 New Business Continued

8.5 Covanta Niagara Continued

8.5.1 Sales Tax Exemption Extension Request

The question of the adoption of the foregoing Resolution was duly put to a vote, which resulted as follows:

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Chairman Brady	[X]	[]	[]	[]
Mark A. Onesi	[X]	[]	[]	[]
Michael W. McNally	[X]	[]	[]	[]
Kevin McCabe	[X]	[]	[]	[]
Jerald I. Wolfgang	[X]	[]	[]	[]
Joan G. Aul	[]	[]	[]	[X]
Willie C. Dunn	[X]	[]	[]	[]
William L. Ross	[X]	[]	[]	[]
Arthur G. Pappas	[X]	[]	[]	[]

The Resolution was thereupon duly adopted.

8.6 Courtyard by Marriott

In a letter to the Agency dated, November 28, 2016, the company has requested a sales tax abatement in order to reach their goal of completion for a grand opening to be held in the Summer of 2017. The request is due to a delay the company has encountered with sourcing of the finish products that are custom and unique to the Courtyard and are integral to the opening of the hotel.

8.6.1 Sales Tax Exemption Extension Request

RESOLUTION AUTHORIZING THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY TO EXTEND THE SALES TAX EXEMPTION LETTER ISSUED TO INDIAN OCEAN LLC AND EXECUTE AND DELIVER RELATED DOCUMENTS.

8.0 New Business Continued

8.6 Courtyard Continued

8.6.1 Sales Tax Extension Continued

The question of the adoption of the foregoing Resolution was duly put to a vote, which resulted as follows:

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Chairman Brady	[X]	[]	[]	[]
Mark A. Onesi	[X]	[]	[]	[]
Michael W. McNally	[X]	[]	[]	[]
Kevin McCabe	[X]	[]	[]	[]
Jerald I. Wolfgang	[X]	[]	[]	[]
Joan G. Aul	[]	[]	[]	[X]
Willie C. Dunn	[X]	[]	[]	[]
William L. Ross	[X]	[]	[]	[]
Arthur G. Pappas	[X]	[]	[]	[]

The Resolution was thereupon duly adopted.

8.7 Jai Devi, Inc.

In a letter dated November 25, 2016, the company has requested approval to place a second mortgage against its real property located on Buffalo Ave. in Niagara Falls, New York. The company currently has a Lease/Leaseback Agreement with the Agency.

8.7.1 Consent to Mortgage

RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF A MORTGAGE, MORTGAGE TAX EXEMPTION AFFIDAVIT AND OTHER DOCUMENTS WITH REGARD TO THE 2011 JAI DEVI, INC. PROJECT.

8.0 New Business Continued

8.7 Jai Devi Continued

8.7.1 Consent to Mortgage

The question of the adoption of the foregoing Resolution was duly put to a vote, which resulted as follows:

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Chairman Brady	[X]	[]	[]	[]
Mark A. Onesi	[X]	[]	[]	[]
Michael W. McNally	[X]	[]	[]	[]
Kevin McCabe	[X]	[]	[]	[]
Jerald I. Wolfgang	[X]	[]	[]	[]
Joan G. Aul	[]	[]	[]	[X]
Willie C. Dunn	[X]	[]	[]	[]
William L. Ross	[X]	[]	[]	[]
Arthur G. Pappas	[X]	[]	[]	[]

The Resolution was thereupon duly adopted.

9.0 Agency Counsel

There were no items at this time.

10.0 Any Other NCIDA Matters the Board Wishes to Discuss

Chairman Brady stated that, in discussion with Mark Gabriele, the Agency Policy allows that companies requesting Consents to Mortgage or Sales Tax Extension Requests can be approved solely by the Executive Director, as long as there are no new benefits requested. Therefore, going forward these items will not be on the agenda.

11.0 Next Regular NCIDA/NCDC/NADC Meeting:

DATE: January 11, 2017

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

PLACE: Niagara County Center for Economic Development

12.0 Adjourment

The Chairman asked for a motion to adjourn.

Mr. Onesi motioned to adjourn; Mr. Wolfgang seconded the motion. The meeting adjourned at 9:40 a.m.

Respectfully submitted:

Reviewed by:

Approved by:



Barbara A. Gill
Recording Secretary



Susan C. Langdon
Director of Projects & Finance



Kevin McCabe
Secretary