

REGULAR NCIDA/NCDC/NADC BOARD MEETING MINUTES

Wednesday, April 12, 2017 – 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, First Vice Chairman	Excused
Joan G. Aul, Second Vice Chairman	Present
Kevin McCabe, Secretary	Present
Jerald I. Wolfgang, Assistant Secretary	Present
Michael W. McNally, Member	Present
Willie C. Dunn, Member	Excused
William L. Ross, Member	Present
Arthur G. Pappas, Member	Present

3.0 Chairman Brady led the Pledge of Allegiance.

4.0 Introductions

Guest Present:

Tom Prohaska	Buffalo News
Matthew Shriver	YMCA

Staff Present:

Susan C. Langdon, Director of Projects & Finance
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 March 8, 2017

Chairman Brady stated that he had reviewed the meeting minutes and found them to be in order.

Mr. Wolfgang made a motion to approve the meeting minutes; Mr. McNally seconded the motion. The motion passed.

6.0 Finance & Audit Committee Reports

6.1 Agency Payables

Chairman Brady stated that he had reviewed the Payables and found them to be in order.

Mr. McCabe made a motion to approve the payables; Mr. McNally seconded the motion. The motion passed.

6.2 Budget Variance Report

Chairman Brady stated that he had reviewed the Budget Variance Report and found the report to be in order.

Mr. McCabe made a motion to approve the report; Mayor Pappas seconded the motion. The motion passed.

6.3 Airbag Dock Levelers

6.3.1 Replacement of Manual Dock Levelers

Roxanne Morgan, Property Associate, stated that last year the Agency received quotes to replace the current manual dock levelers with airbag dock levelers for Vantage Center. The docks are old and parts are wearing and getting harder to find. The plan is to replace the current dock levelers with airbag dock levelers on all six (6) docks in the rear of Vantage Center.

The Audit Committee has recommended that the Agency move forward with Buffalo Materials Handling who submitted the lowest bid of \$34,110.00. The bid includes all parts, wiring, and installation. A memorandum and spreadsheet are attached to, and made a part of, these minutes.

Mr. McCabe made a motion to approve the hiring of Buffalo Materials Handling; Mr. McNally seconded the motion. The motion passed.

6.4 HVAC RFP Bids

6.4.1 Watt Master HVAC/Replacement Components

Roxanne Morgan, Property Associate, told the Board that thirty (30) Requests for Proposals were sent out to local heating and air conditioning vendors for quotes to replace and install HVAC components. The building has a system which is very specialized and the Agency has endured heating and cooling issues from the onset.

Only one (1) quote, out of the thirty (30), was submitted from H. W. Bryk for \$26,024.41. Staff is requesting recommending H. W. Bryk for the HVAC repair and replacement of parts.

6.0 Finance & Audit Committee Reports Continued

6.4 HVAC Continued

6.4.1 Watt Master Continued

The Audit Committee has recommended that the Agency move forward with the hiring of H. W. Bryk.

Mr. McCabe made a motion for approval; Ms. Aul seconded the motion. The motion passed.

7.0 Unfinished Business

7.1 Summit Outlets LP

The project includes renovating and repurposing approximately 48,540 square feet of the existing area inside the mall, with the erection of two 96,000 square foot sports domes, on the east side of the existing mall in the rear parking area. These domes will also be used during the off season for trade shows and conventions to continue to bring traffic into the area.

Ms. Langdon stated that the Public Hearing was held on March 30, 2017 here at the Agency offices; there was one (1) attendee along with representatives of the company.

7.1.1 Final Resolution

RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY (i) UNDERTAKE A CERTAIN PROJECT FOR THE BENEFIT OF SUMMIT OUTLET, LP 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. Ross motioned to approve the Final Resolution; Mr. Onesi seconded the motion. The motion passed.

7.0 Unfinished Business Continued

7.1 Summit Outlets Continued

7.1.1 Final Resolution 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]
Joan G. Aul	[X]	[]	[]	[]
Michael W. McNally	[X]	[]	[]	[]
Kevin McCabe	[]	[]	[]	[X]
Jerald I. Wolfgang	[X]	[]	[]	[]
Willie C. Dunn	[X]	[]	[]	[]
William L. Ross	[X]	[]	[]	[]
Arthur G. Pappas	[X]	[]	[]	[]

The Resolution was thereupon duly adopted.

8.0 New Business

8.1 YMCA Buffalo Niagara

Susan Langdon stated that the YMCA needs to replace its current building in Lockport with a new, fully accessible facility with the capacity to serve large numbers of individuals of all ages. The building will be used to provide traditional YMCA membership and program services such as fitness activities for people of all ages, swim lessons, youth sports, after school programs, and much more.

The facilitation of a tax-exempt bond and mortgage recording tax abatement will enable the YMCA to finance the large capital investment necessary to construct such a facility. Currently there are twenty-three (23) existing jobs with plans to create nineteen (19) new jobs within 3 years.

8.1.1 Preliminary Resolution

Mr. Wolfgang motioned to approve the Preliminary Resolution; Mayor Pappas seconded the motion. The motion passed.

8.0 New Business Continued

8.1 YMCA Continued

8.1.1 Preliminary Resolution

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]
Joan G. Aul	[X]	[]	[]	[]
Michael W. McNally	[X]	[]	[]	[]
Kevin McCabe	[]	[]	[]	[X]
Jerald I. Wolfgang	[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

Mayor Pappas motioned to authorize the Public Hearing; Ms. Aul seconded the motion. The motion passed unanimously.

8.2 Rupal Corporation

8.2.1 Inducement Resolution Extension Request

In a letter to the Agency, the company has requested an extension of their Inducement Resolution due to numerous challenges they have faced in trying to move their project forward.

RESOLUTION AUTHORIZING THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY TO EXTEND THE INDUCEMENT TERM FOR RUPAL CORPORATION FOR A ONE-YEAR PERIOD WITH RESPECT TO A CERTAIN PROJECT (AS MORE FULLY DEFINED BELOW) TO BE UNDERTAKEN BY THE AGENCY FOR THE BENEFIT OF RUPAL CORPORATION OR AN ENTITY FORMED OR TO BE FORMED.

Mayor Pappas motioned to approve the extension request; Mr. McCabe seconded the motion. The motion passed unanimously.

8.0 New Business Continued

8.2 Rupal Continued

8.2.1 Inducement Request 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]
Joan G. Aul	[X]	[]	[]	[]
Michael W. McNally	[X]	[]	[]	[]
Kevin McCabe	[]	[]	[]	[X]
Jerald I. Wolfgang	[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

There were no other matters at this time.

11.0 Report from Executive Director

Mr. Ferraro stated that the Agency is compliant with the Paris reporting which was due to be completed by March 31, 2017. He also told the Board Members that he, along with Agency staff, are beginning to work on the 2018 budget which will be finalized sometime in the Fall.

Lastly, he stated that on Tuesday, May 16, 2017 at 7 p.m., Katherine Lance will present the 2016 Economic Development Address. Agency staff will email the Board Members as it gets closer to that date.

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12.0 Next Regular NCIDA/NCDC/NADC Meeting:

DATE: May 10, 2017

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

PLACE: Niagara County Center for Economic Development

13.0 Adjournment

Chairman Brady asked for a motion to adjourn the meeting.

Ms. Aul motioned to adjourn; Mayor Pappas seconded the motion. The meeting adjourned at 9:20 a.m.

Respectfully submitted:

Reviewed by:

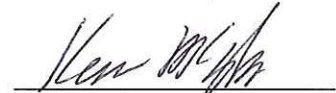
Approved by:



Barbara A. Gill
Recording Secretary



Samuel M. Ferraro
Executive Director



Kevin McCabe
Secretary