

REGULAR NCIDA/NCDC/NADC BOARD MEETING MINUTES

Wednesday, October 11, 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 Chairperson Brady at 9 a.m.

Roll Call

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

3.0 Chairperson Brady led the Pledge of Allegiance.

4.0 Introductions

Guest Present:

| | |
|------------------|---|
| Michael DiCienzo | American Niagara Hospitality |
| Doug Nickerson | American Niagara Hospitality |
| Tom Prohaska | Buffalo News |
| Tim Freundschuh | Bobcat of Buffalo |
| Senator Rob Ortt | 62 nd District, New York State |

Staff Present:

Samuel M. Ferraro, Executive Director
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 September 13, 2017

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

Mr. McCabe 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

Mr. McCabe 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

Mr. McCabe 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; Mr. McNally seconded the motion. The motion passed.

6.3 NCIDA/NCDC/NADC Budgets for 2018

Mike Dudley, Finance Manager, briefly summarized the draft budgets for 2018, and stated that the Audit Committee has recommended approval of the budgets at their Committee Meeting that was held prior to this meeting. At the Audit Committee Meeting, Mr. Dudley went through the various draft budgets and answered questions that the committee had.

The Audit Committee Members were then asked to review the budgets and recommend their approval to the full Board at the Regular Board Meeting.

Once approved by the Board at the Regular Board Meeting, the budgets will be sent to the Niagara County Clerk and Legislature for a mandatory 20 day review. The Board will then be asked to formally adopt the 2018 budget at the November 8, 2017 Regular Board Meeting.

6.0 Finance & Audit Committee Reports

6.3 NCIDA/NCDC/NADC Budgets for 2018

6.3.1 Approval of Budgets

Mr. McCabe made a motion to approve the 2018 Budgets; Mayor Pappas seconded the motion. The motion passed.

The question of the approval of the 2018 Budgets was duly put to a vote on roll call, which resulted as follows:

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

The 2018 Budgets were thereupon duly approved.

7.0 Unfinished Business

7.1 Voss Manufacturing, Inc.

Ms. Langdon stated that the company builds tooling, equipment, fabrications and machined components for the heat transfer and custom machinery market. They are requesting a fifteen (15) year property tax abatement and sales tax and mortgage recording tax abatements for an addition to be constructed next to their current manufacturing facility. The Public Hearing was held on October 3, 2017 with no speakers.

7.1.1 Final Resolution

Mr. Ross motioned to approve the Final Resolution; Ms. Aul seconded the motion. The motion passed.

7.0 Unfinished Business Continued

7.1 Voss Manufacturing Continued

7.1.1 Final Resolution Continued

RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY (i) UNDERTAKE A CERTAIN PROJECT FOR THE BENEFIT OF VOSS MANUFACTURING, INC. 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.

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

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

The Resolutions were thereupon duly adopted.

7.0 Unfinished Business Continued

7.2 Indian Ocean, LLC

The project is the Courtyard by Marriott, located at 900 Buffalo Avenue in the City of Niagara Falls, New York. The company has been in the process of obtaining permanent financing now that the construction has been completed.

Mayor Pappas motioned to approve the mortgage consent and refinance; Mr. McNally seconded the motion. The motion passed.

7.2.1 Mortgage Consent/Refinance

RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF A MORTGAGE, MORTGAGE TAX EXEMPTION AFFIDAVIT AND OTHER DOCUMENTS WITH REGARD TO THE 2013 INDIAN OCEAN LLC PROJECT.

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

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

The Resolutions were thereupon duly adopted.

8.0 New Business

8.1 Bobcat of Buffalo (Freundschuh Property, LLC)

In 1998 the Freundschuh family purchased the Bobcat of Buffalo dealership, currently located at 6511 S. Transit Road in the Town of Lockport. The company is a full-line Bobcat dealer and also sells the Finn line of hydroseeders, straw blowers, and bark blowers, Exmark mowers, and much more. Approximately 95% of the company's customers are contractors, commercial accounts and municipalities.

8.0 New Business Continued

8.1 Bobcat of Buffalo Continued

Ms. Langdon stated that the company has purchased a property located at 6830 S. Transit Road in the Town of Pendleton where a 13,000 square foot building will be constructed as an addition to the existing building, with combined total square footage of approximately 16,200 square feet. This location enables the company to service their customers through a large warehousing facility for in-stock parts inventory, multiple service bays, an indoor display area, and over 3 acres for equipment display and demos.

The company is requesting a ten (10) year property tax abatement and sales tax and mortgage recording tax abatements.

Tim Freunds Schuh attended the meeting and briefly spoke about the projects, the need for the additional space, and also the retention and creation of jobs. Twenty (20) full time jobs will be retained and three (3) new jobs will be created within three (3) years.

8.1.1 Preliminary Resolution

Ms. Aul motioned to approve the Preliminary Resolution; Mr. Ross seconded the motion. The motion passed.

RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY (i) ACCEPTING THE APPLICATION OF FREUNDSCHUH PROPERTY LLC WITH RESPECT TO A CERTAIN PROJECT (AS MORE FULLY DEFINED BELOW) TO BE UNDERTAKEN BY THE AGENCY FOR THE BENEFIT OF FREUNDSCHUH PROPERTY LLC 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.

8.0 New Business Continued

8.1 Bobcat of Buffalo Continued

8.1.1 Preliminary Resolution

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

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

The Resolutions were thereupon duly adopted.

8.1.2 Authorize Public Hearing

Mayor Pappas motioned to authorize a Public Hearing; Mr. McCabe seconded the motion. The motion passed.

8.2 Niagara Falls Tourism Target Zone Fund Committee

Senator Ortt gave a brief introduction of the fund and told the Board Members that he secured a \$3 million grant from New York State to be used for projects with a 1-2 mile radius of the Seneca Casino in the City of Niagara Falls. He stated that the first (1st) Committee Meeting was held two (2) weeks ago to discuss the applicants, their projects, the total projects costs and the dollar amount they are requesting. The fund allows for five percent (5%) of the total projects costs. Four (4) applicants were recommended at the Committee meeting and two (2) were tabled for further information.

The Senator then thanked the Board Members for overseeing the fund and administering and monitoring the grants as they are approved.

8.0 New Business Continued

8.2 Target Zone Fund Continued

8.2.1 324 Niagara St. Landlord – Savarino Companies

The project involves the renovation of two (2) vacant buildings to house Community Beer Works and ten (10) market rate apartments. The location is 320 and 324 Niagara Street in Niagara Falls. The project is set to begin January of 2018 with an approximate completion date of July 2018. The construction project will create 27 jobs and the business will employ 11 full-time employees. Total project costs will be approximately \$3,421,506 and they are requesting a grant of \$155,000 to be used for construction.

Mr. Ross made a motion to approve the grant request of \$155,000; Mr. McNally seconded the motion. The motion passed unanimously.

The question of the approval of the above grant request was duly put to a vote on roll call, which resulted as follows:

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

The grant request was thereupon approved.

8.2.2 NFNY Hotel Management

The grant request is for the construction of a waterpark at 300 Third St. in Niagara Falls that will be open all year long and will attract tourists to the area. The project is a 12 – 16 month build out construction that will commence in the Fall of 2018. This project will create 40 full-time jobs. Total project costs amount to \$10,278,000 and the company is requesting a grant in the amount of \$3,000,000.00 to be reimbursed toward the construction.

At a meeting on September 25, 2017, the N.F. Tourism Target Fund Committee had recommended that the grant request be reduced to \$1,000,000.

Mr. Ross motion to approve the lesser amount as recommended by the Committee; Mayor Pappas seconded the motion.

8.0 New Business Continued

8.2 Target Zone Funds Continued

8.2.2 NFNy Hotel Management

The question of the approval of the above grant request was duly put to a vote on roll call, which resulted as follows:

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

The grant request was thereupon approved.

8.2.3 Niagara County Dept. of Economic Development

The department is requesting funds to provide for a feasibility study on numerous areas in Niagara Falls for a multi-use facility. The draft study will be done by the end of October 2017. The grant request is for \$37,667 and total project costs are expected to be \$113,000.00.

Mayor Pappas made a motion to approve the grant request \$37,667; Mr. McCabe seconded the motion. The motion passed.

The question of the approval of the above grant request was duly put to a vote on roll call, which resulted as follows:

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

The grant request was thereupon approved.

8.0 New Business Continued

8.2 Target Zone Funds Continued

8.2.4 Merani Hotel Group

The principals have responded to an RFP from the City of Niagara Falls to construct an ice rink with food and beverage stations on a vacant lot at Rainbow Boulevard and 1st Avenue.

Total project costs are expected to be \$1,062,090 and the amount being requested is \$50,000.

Ms. Aul made a motion to approve the grant request of \$50,000; Mr. Ross seconded the motion. The motion passed unanimously.

The question of the approval of the above grant request was duly put to a vote on roll call, which resulted as follows:

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

The grant request was thereupon approved.

9.0 Information Items

There were no informational items at this time.

10.0 Agency Counsel

Mark Gabriele stated that there is a need to hold an executive session to discuss contractual issues. He stated that no Board action will be taken during this time.

11.0 Report from Executive Director

At this time, the staff and visitors left the Board Room and Executive Session began.

12.0 Any Other Matters the Board Wishes to Discuss

Ms. Aul motioned to enter into Executive Session; Mayor Pappas seconded the motion. Executive Session began at 9:30 a.m.

Mr. Ross motioned to come out of Executive Session; Mayor Pappas seconded the motion. Executive Session ended at 9:43 a.m.

13.0 Next NCIDA/NCDC/NADC Meeting:

DATE: Next Regular Meeting November 8, 2017

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

PLACE: Niagara County Center for Economic Development

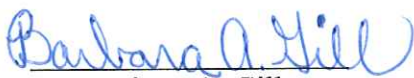
14.0 Adjournment

Ms. Aul motioned to adjourn; Mayor Pappas seconded the motion. The meeting adjourned at 9:45 a.m.

Respectfully submitted:

Reviewed by:

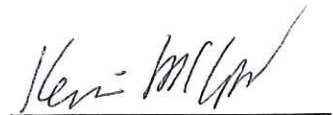
Approved by:



Barbara A. Gill
Recording Secretary



Samuel M. Ferraro
Executive Director



Kevin McCabe
Secretary