

## REGULAR NCIDA/NCDC/NADC BOARD MEETING MINUTES

Wednesday, April 11, 2018 – 9:00 a.m.

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

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### 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, Vice Chairperson         | Excused |
| Joan G. Aul, First Vice Chairperson     | Present |
| Kevin McCabe, Secretary                 | Present |
| Jerald I. Wolfgang, Assistant Secretary | Present |
| Willie C. Dunn, Member                  | Excused |
| William L. Ross, Member                 | Present |
| Arthur G. Pappas, Member                | Present |
| Daryl Bodewes, Member                   | Present |

### 3.0 Chairperson Brady led the Pledge of Allegiance.

### 4.0 Introductions

#### Guests Present:

Byron DeLuke, TM Montante  
Tom Prohaska, Buffalo News  
David Cloy, 460 Wheatfield Street  
David Sutton, 460 Wheatfield Street

#### Staff Present:

Susan C. Langdon, Interim Executive Director  
Andrea Klyczek, Director of Regional & International Marketing  
Michael S. Dudley, Finance Manager  
Caroline M. Caruso, Accounting Associate  
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 14, 2018**

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. Bodewes seconded the motion. The motion passed.*

**6.0 Finance & Audit Committee Reports**

**6.1 Agency Payables**

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

*Mr. McCabe made a motion to approve the payables; Mr. Ross 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. Bodewes seconded the motion. The motion passed.*

**6.3 Authorized Signer for Bank Accounts**

Mark Gabriele recommended at the Finance and Audit Committee Meeting that the Board Members may want to approve the Interim Executive Director as being an authorized signer for the Agency's bank accounts. The Audit Committee concurred.

*Mayor Pappas made a motion to approve the authorized signature; Mr. Bodewes seconded the motion. Ms. Aul abstained. The motion passed with five (5) ayes.*

**7.0 Unfinished Business**

**7.1 7<sup>th</sup> and Niagara Holdings LLC (TM Montante)**

TM Montante Development plans to develop a mixed-use residential and commercial project at the corner of 7<sup>th</sup> and Niagara Streets in the city of Niagara Falls.

The Public Hearing was held on April 3, 2018 with six (6) attendees and one (1) speaker who spoke in favor of the project.

7.0 Unfinished Business

7.1 7<sup>th</sup> and Niagara Holdings LLC (TM Montante)

7.1.1 Final Resolution

*Mr. Ross made a motion to approve the Final Resolution; Ms. Aul seconded the motion. The motion passed.*

RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY (i) UNDERTAKE A CERTAIN PROJECT FOR THE BENEFIT OF 7<sup>TH</sup> AND NIAGARA HOLDINGS LLC. 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 ]      | [ ]        | [ ]            | [ ]           |
| Kevin McCabe       | [ X ]      | [ ]        | [ ]            | [ ]           |
| Jerald I. Wolfgang | [ X ]      | [ ]        | [ ]            | [ ]           |
| Willie C. Dunn     | [ ]        | [ ]        | [ ]            | [ X ]         |
| William L. Ross    | [ X ]      | [ ]        | [ ]            | [ ]           |
| Arthur G. Pappas   | [ X ]      | [ ]        | [ ]            | [ ]           |
| Daryl Bodewes      | [ X ]      | [ ]        | [ ]            | [ ]           |

The Resolution was thereupon duly adopted.

**8.0 New Business**

**8.1 460 Wheatfield Street, LLC**

Ms. Langdon stated that the project consists of a conversion/renovation of an abandoned school building located in the City of North Tonawanda. The building has fallen into disrepair, has been subject to vandalism, and has become an eyesore and a safety concern to the neighborhood.

The project will bring the building back to life by converting the interior to thirty-seven (37) market rate apartments, while restoring the exterior and preserving the original architectural style and details. Many of the interior details and character shall also be preserved to create a unique and safe living environment.

The applicants have provided architectural and engineering services to Western New York and the surrounding areas for over thirty (30) years.

The company is requesting a fifteen (15) year property tax abatement and sales and mortgage recording tax abatements.

***Mayor Pappas made a motion 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 460 WHEATFIELD STREET, LLC WITH RESPECT TO A CERTAIN PROJECT (AS MORE FULLY DEFINED BELOW) TO BE UNDERTAKEN BY THE AGENCY FOR THE BENEFIT OF 460 WHEATFIELD STREET, 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) 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.

**8.0 New Business Continued**

**8.1 460 Wheatfield Street 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 ]      | [ ]        | [ ]            | [ ]           |
| Kevin McCabe       | [ X ]      | [ ]        | [ ]            | [ ]           |
| Jerald I. Wolfgang | [ X ]      | [ ]        | [ ]            | [ ]           |
| Willie C. Dunn     | [ ]        | [ ]        | [ ]            | [ X ]         |
| William L. Ross    | [ X ]      | [ ]        | [ ]            | [ ]           |
| Arthur G. Pappas   | [ X ]      | [ ]        | [ ]            | [ ]           |
| Daryl Bodewes      | [ X ]      | [ ]        | [ ]            | [ ]           |

The Resolution was thereupon duly adopted.

**8.1.2 Authorize Public Hearing**

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

**9.0 Information Items**

At this time, a motion was needed to enter into Executive Session to discuss a personnel matter.

*Ms. Aul motioned to enter into Executive Session, seconded by Mr. Bodewes at 9:17 a.m.*

*Ms. Aul motioned to come out of Executive Session; Mr. Bodewes seconded the motion.*

*The Regular Board Meeting resumed at 9:33 a.m.*

Chairman Brady had stated that the Executive Session was to determine a salary for the Interim Executive Director.

*Mr. Wolfgang motioned to approve a salary of \$90,000 for the Interim Executive Director retroactive to the last Board Meeting. Mr. Bodewes seconded the motion. The motion passed unanimously.*

**10.0 Agency Counsel**

There were no items at this time.

**11.0 Any Other Matters the Board Wishes to Discuss**

**12.0 Next NCIDA/NCDC/NADC Meeting:**

**DATE: Next Regular Meeting May 9, 2018**

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

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


**14.0 Adjournment**


*Mayor Pappas motioned to adjourn; Ms. Aul seconded the motion. The meeting adjourned at 9:35 a.m.*

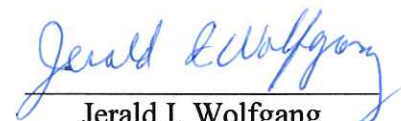
Respectfully submitted:

Reviewed by:

Approved by:

  
\_\_\_\_\_  
Barbara A. Gill  
Recording Secretary

  
\_\_\_\_\_  
Susan C. Langdon  
Interim Executive Director

  
\_\_\_\_\_  
Jerald I. Wolfgang  
Assistant Secretary