

REGULAR NCIDA/NCDC/NADC BOARD MEETING MINUTES

Wednesday, July 11, 2018 – 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, Vice Chairperson	Present
Joan G. Aul, First Vice Chairperson	Present
Kevin McCabe, Secretary	Excused
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:

Tom Prohaska, Buffalo News
Phil Gambini, Niagara Gazette
Pam Ferraro
Janet Morrow

Staff Present:

Susan C. Langdon, Executive Director
Andrea Klyczek, Assistant Director
Michael S. Dudley, Finance Manager
Caroline 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 June 13, 2018

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

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

Mr. Onesi made a motion to approve the payables; Mr. Ross seconded the motion. The motion passed.

6.2 Budget Variance Report

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

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

7.0 Unfinished Business

7.1 Hotel Niagara Development LLC

Ms. Langdon stated that the Public Hearing was held on July 2, 2018 with no attendees. The company has requested a fifteen (15) year PILOT on building and improvements and sales and mortgage recording tax abatements. Sixty-seven new full time equivalent jobs will be created.

Mr. Gabriele stated the project can be a "retail exception" due to the fact that it is located in a distressed area with approximately 33% poverty rate and a 15.6% high unemployment rate.

7.0 Unfinished Business Continued

7.1 Hotel Niagara Continued

7.1.1 Final Resolution

After a brief discussion, Mr. Bodewes made a motion to approve the Final Resolution; Mr. Ross seconded the motion. The motion passed.

RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY (i) UNDERTAKE A CERTAIN PROJECT FOR THE BENEFIT OF HOTEL NIAGARA DEVELOPMENT, 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

Chairman Brady stated the County Legislature had submitted a Resolution that was unanimously signed by the Niagara County Legislators to rename the Vantage Center building in Samuel Ferraro’s honor as a tribute to all that he has done for Niagara County.

8.1 Renaming Vantage Center

8.1.1 “The Samuel M. Ferraro Center for Economic Development”

Mr. Ross made a motion to approve the renaming of Vantage Center; Mayor Pappas seconded the motion. The motion passed.

The question of the approval of renaming Vantage Center 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 renaming of the building was thereupon duly approved.

Pamela Ferraro and Janet Morrow thanked the Board Members and stated that the new name will be a lasting tribute to Sam’s memory and his devotion to Niagara County. Chairman Brady stated that they will be made aware of the date and time when the building gets dedicated.

8.2 Jacob’s Ladder LLC

The company has stated that they are in the process of developing some new products and as such they are restructuring their debt with M & T Bank.

The building on Walmore Rd was purchased approximately two and one-half (2 ½) years ago and money was invested into improvements made to the building. They have since requested a second mortgage from M & T to pay off the previous construction loan and it will provide for some cash availability. The request is twofold as listed below.

8.0 New Business Continued

8.2 Jacob's Ladder Continued

8.2.1 NCIDA Consent to Mortgage/Mortgage Tax Exemption

Mr. Onesi made a motion to approve the Consent to Mortgage; Mr. Bodewes seconded the motion. The motion passed.

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.

8.2.2 NCDC Consent to Mortgage Subordination

Mr. Gabriele stated that this request is asking the Board Members to approve a subordinate second (2nd) position behind M & T Bank.

Mr. Brady made a motion to approve the Consent to Mortgage Subordination; Mr. Bodewes seconded the motion. The motion passed.

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 Continued

8.3 Economic Development Administration

8.3.1 Approval of Revised EDA Management Plan

The Economic Development Administration has requested that the Management Plan be approved by the Board. Mr. Gabriele stated that the plan has been revised to stay in compliance with the state's restrictions.

Mr. Brady made a motion to approve the revised Management Plan; Mr. Bodewes seconded the motion. The motion passed unanimously.

8.4 Enterprise Lumber & Silo LLC

8.4.1 Request for Extension of the PILOT

In a letter dated July 3, 2018, the company is requesting an extension of their Inducement for an additional six (6) months. The project was approved in July 2017 with one (1) year to initiate the incentives. The extension is necessary as the property was recently admitted to the NYS Brownfield Cleanup Program and additional testing is required by the NYSDEC before they can proceed with the redevelopment.

Mr. Onesi made a motion to approve the extension request; Mayor Pappas seconded the motion. The motion passed.

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.

9.0 Information Items

There were no items at this time.

10.0 Agency Counsel

Agency Counsel had no items to discuss at this time.

11.0 Any Other Matters the Board Wishes to Discuss

Mr. Ross asked whether any representatives of the Summit Mall have made any outreach to the Agency, and Ms. Langdon stated no, that we have not been contacted.

12.0 Next NCIDA/NCDC/NADC Meeting:

DATE: Next Regular Meeting August 8, 2018

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

PLACE: Niagara County Center for Economic Development

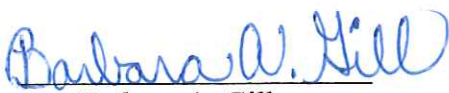
13.0 Adjournment

Mr. Bodewes motioned to adjourn; Mayor Pappas seconded the motion. The meeting adjourned at 9:17 a.m.

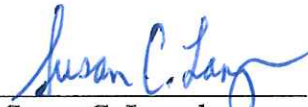
Respectfully submitted:

Reviewed by:

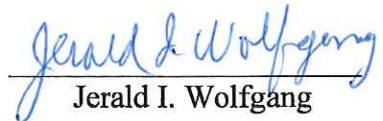
Approved by:



Barbara A. Gill
Recording Secretary



Susan C. Langdon
Executive Director



Jerald I. Wolfgang
Assistant Secretary