

REGULAR NCIDA/NCDC/NADC BOARD MEETING MINUTES

Wednesday, August 8, 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.

2.0 Roll Call

Stephen F. Brady, Chairperson	Present
Mark A. Onesi, Vice Chairperson	Present
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:

Tom Prohaska, Buffalo News
Tianyi Du, Metropolis Properties Management LLC
Gregory Sehr, Upstate Consultants

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 July 11, 2018

Mr. Wolfgang stated that he had reviewed the meeting minutes and he made a motion to approve them; 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. Ross made a motion to approve the payables; Mayor Pappas 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. Ross made a motion to approve the report; Mayor Pappas seconded the motion. The motion passed.

6.3 New Business Credit Card

Mr. Onesi, Chairperson of the Audit Committee, stated that due to a change in NCIDA Executive staff, it is necessary to acquire a new credit card. Accounting staff obtained information from M & T Bank on two new cards they offer which are "M & T Bank Business Card and "M & T Bank Business Rewards" card. Staff is recommending the Business Rewards Credit Card which offers 1.5% cash back. Staff also recommends requesting a \$4,000 line of credit.

Mr. Onesi motioned to approve the Business Rewards Card; Mr. McCabe seconded the motion. Ms. Aul abstained. The motion passed.

7.0 Unfinished Business

7.1 Somerset Operating Co.

Ms. Langdon stated that the Public Hearing was held on July 30, 2018 at the Somerset Town Hall. There were twenty (20) attendees and four (4) speakers.

7.0 Unfinished Business Continued

7.1 Somerset Continued

The company’s current PILOT was due to expire on December 31, 2018 and so they applied for a two (2) year extension. The Company reached an agreement with the three taxing jurisdictions wherein the Company would pay a total payment of \$3,000,000 each year for 2019 and 2020 to be divided among the three jurisdictions. This amount will include special district taxes.

7.1.1 Final Resolution

After further discussion, Mr. Onesi motioned to approve the PILOT extension; Mr. Ross seconded the motion. The motion passed.

RESOLUTION AUTHORIZING THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY TO EXECUTE AND DELIVER A CERTAIN 2018 AMENDED LEASE AGREEMENT, 2018 AMENDED LEASEBACK AGREEMENT, 2018 AMENDED PILOT AGREEMENT AND RELATED DOCUMENTS IN CONNECTION WITH THE SOMERSET OPERATING COMPANY 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>
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]	[]	[]	[]
Stephen F. Brady	[X]	[]	[]	[]

The Resolution was thereupon duly adopted.

7.2 Niagara Falls Tourism Target Zone Fund (“NFTTZF”)

7.2.1 Niagara St. Landlord, LLC Request Extension of Grant Agreement

In a letter to the Agency dated May 30, 2018, the company has requested a six (6) month extension to their project completion date and grant termination dates. Due to unforeseen circumstances, the construction has been delayed and they have been working diligently to resolve the issues. The company is requesting the completion date be extended to March 31, 2019.

7.0 Unfinished Business Continued

7.2 Niagara Falls Tourism Target Zone Fund (“NFTTZF”)

7.2.1 Niagara St. Landlord, LLC Request Extension of Grant Agreement

After a brief discussion, Mr. Wolfgang motioned to approve the extension; Mayor Pappas seconded the motion. The motion passed unanimously.

8.0 New Business

8.1 Metropolis Properties Management LLC

Ms. Langdon stated that the project entails the acquisition of an 114,000 square foot vacant building located on 6th Street in Niagara Falls and its conversion into a four-star hotel that will cater to an international clientele. There will be approximately 200 guest rooms and accessory uses including restaurant, fitness room, rooftop bar & conference room. Construction will be limited to interior renovations and preservation of the historic exterior.

The company is requesting a ten (10) year PILOT and sales tax and mortgage recording tax abatements. Fifty-two (52) full time equivalent jobs will be created.

Mr. Tianyi Du spoke to the Board Members and briefly summarized the project. He stated that the company plans to hire local labor from the onset.

8.1.1 Preliminary Resolution

RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY (i) ACCEPTING THE APPLICATION OF METROPOLIS PROPERTIES MANAGEMENT, LLC WITH RESPECT TO A CERTAIN PROJECT (AS MORE FULLY DEFINED BELOW) TO BE UNDERTAKEN BY THE AGENCY FOR THE BENEFIT OF METROPOLIS PROPERTIES MANAGEMENT, LLC FOR ITSELF OR ON BEHALF OF 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

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

8.0 New Business Continued

8.1.1 Metropolis Properties Continued

The question of the approval of the Preliminary Resolution grant 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. Bodewes seconded the motion. The motion passed.

8.2 Covanta Holding Corporation (NADC)

The company is requesting the refunding/refinancing of the existing project's tax-exempt bonds with the Niagara Area Development Corporation.

The Covanta Energy facility is a fully permitted and operational energy-from-waste facility, producing steam and electricity from municipal and commercial solid waste.

Covanta Holding Corporation wishes to enter into a refunding/refinancing of the \$165.01 million in aggregate of existing Niagara County Solid Waste Disposal Facility Revenue bonds from 2012 with the Niagara Area Development Corporation. The proceeds of the original bonds were used to finance and refinance a portion of the original costs of a project consisting of the design, acquisition and installation of facilities for the disposal of solid waste.

Mr. Gabriele stated that there will be no new benefits.

There are currently ninety-nine (99) employed at the facility.

8.2.1 Accept Application

Mr. Bodewes motioned to accept the Application; Mayor Pappas seconded the motion. The motion passed.

8.0 New Business Continued

8.2 Covanta Continued

8.2.2 Approve Bond Resolution

RESOLUTION AUTHORIZING THE ISSUANCE, EXECUTION, SALE AND DELIVERY OF THE NIAGARA AREA DEVELOPMENT CORPORATION'S SOLID WASTE DISPOSAL FACILITY REFUNDING REVENUE BONDS (COVANTA PROJECT), SERIES 2018, IN ONE OR MORE SERIES AND IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$165,010,000 AND THE EXECUTION AND DELIVERY OF RELATED DOCUMENTS

The question of the approval of the Bond 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.

8.3 Niagara Falls Tourism Target Zone Fund (“NFTTZF”) Reimbursable Grant Requests

8.3.1 Niagara University (TReC)

Niagara University is seeking a grant towards the buildout of the Tourism Research Entrepreneurship Center (TReC), the Niagara Global Tourism Institute’s upcoming business incubator/co-working space. The project will have a focus on tourism technology and will serve as the nerve center for the tourism network. It will be utilized as a key amenity to attract conferences to Niagara Falls.

The funds will be used to acquire equipment including audio/visual equipment, network connectivity hardware, workstations, and start up materials. Total projects costs amount to \$883,000.00 and the company is requesting a reimbursable grant in the amount of \$176,000.00. The NFTTZF Committee met on July 19, 2018 and recommended approval of the request to the Agency Board Members.

8.0 New Business Continued

8.3 NFFTZF Reimbursable Grant Requests

8.3.1 Niagara University (TreC)

Mr. Bodewes motioned to approve the grant request as presented; Mr. McCabe seconded the motion. The motion passed.

The question of the approval of the reimbursable grant 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 grant request was thereupon duly adopted.

8.3.2 The Niagara Club

The Niagara Club project will restore the original Niagara Club bar, connected to the outdoor patio that will allow for patrons to enjoy an outdoor experience along the Red Coach Inn Alleyway. There will be an additional forty (40) seat oval bar overlooking the Niagara Rapids and an eighty (80) seat dining room. This space will include an elevated lounge platform with exposed stone façade and a modern elegance interior design. The Club will seek to create a dining area, rooftop bar and lounge, banquet space, and a virtual entertainment lounge.

The Niagara Club redevelopment is designed in a manner that allows access for a variety of parties and will appeal to all ages. The newly renovated space will provide guests with additional activities and offer entertainment year round.

There will also be a banquet facility and rooftop component. Twenty-nine (29) jobs will be created.

8.0 New Business Continued

8.3 NFTTZF Reimbursable Grant Requests

8.3.2 The Niagara Club Continued

The question of the approval of the reimbursable grant 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 grant request 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

12.0 Next NCIDA/NCDC/NADC Meeting:

DATE: Next Regular Meeting September 12, 2018
TIME: ** 9:00 a.m. **
PLACE: Niagara County Center for Economic Development

13.0 Adjournment

Mayor Pappas motioned to adjourn; Mr. Bodewes seconded the motion. The meeting adjourned at 9:30 a.m.

Respectfully submitted:

Reviewed by:

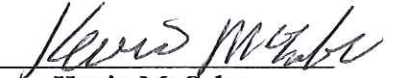
Approved by:



Barbara A. Gill
Recording Secretary



Susan C. Langdon
Executive Director



Kevin McCabe
Secretary