

# REGULAR NCIDA/NCDC/NADC BOARD MEETING MINUTES

Wednesday, January 9, 2019

Meeting Time: 9 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.

## 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:

Nirel Patel, Rupal Corporation & The Niagara Club  
John Kingston, Penn Terra

### 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 November 14, 2018

*Mr. McCabe stated that he had reviewed the meeting minutes and he made a motion to approve them; Mr. Onesi seconded the motion. The motion passed.*

**6.0 Finance & Audit Committee Reports**

**6.1 Agency Payables**

**6.1.1 November 2018**

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 monthly payables; Mr. Ross seconded the motion. The motion passed.*

**6.1.2 December 2018**

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 monthly payables; Mr. Ross seconded the motion. The motion passed.*

**6.2 Budget Variance Reports**

**6.2.1 November 2018**

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

*Mr. Onesi made a motion for approval; Mr. McCabe seconded the motion. The motion passed.*

**6.2.2 December 2018**

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

*Mr. Onesi made a motion for approval; Mr. McCabe seconded the motion. The motion passed.*

**7.0 Unfinished Business**

There was no unfinished business at this time.

**8.0 New Business**

**8.1 Penn Terra**

The proposed plans for the property include an approximately 36-unit residential apartment building. Local university and college students will occupy the units for 8 months of the year and hotel guests will occupy the building for the 4 summer months.

The company is requesting a fifteen (15) year PILOT along with Mortgage Recording and Sales Tax Abatements. Six (6) new jobs will be created. John Kingston gave a brief summary of the project and answered questions from the Board Members. He also distributed a rendering of the plans to the Board Members.

**8.1.1 Preliminary Resolution**

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

The question of the approval of the 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 Authorize Public Hearing**

*Mr. Onesi motioned to authorize the Public Hearing; Mr. Bodewes seconded the motion. The motion passed.*

**8.0 New Business Continued**

**8.2 Rupal Corporation**

The project involves significant renovations to the existing building on Rainbow Boulevard in Niagara Falls.

The company is requesting a ten (10) year PILOT along with Mortgage Recording and Sales Tax Abatements. Nirel Patel was present at the meeting and stated that the project will be a "lifestyle" hotel. The project will be an upscale boutique hotel that will accommodate 44 units, a restaurant, and a bar. Five (5) existing jobs will be retained and three (3) new jobs will be created.

**8.2.1 Preliminary Resolution**

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

The question of the approval of the 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 Authorize Public Hearing**

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

**8.0 New Business Continued**

**8.3 Niagara Club, LLC**

The Niagara Club has been vacant since it closed its doors in the mid-2000's. The owners see enormous potential for the property as a dining and entertainment destination. It is located just across from Niagara Falls State park and highly visible from major thoroughfares.

The project will include renovation and modernization of the lower and ground level floors to house charged escape rooms, The Niagara Club Restaurant and Banquet Facility and The Gold Cure Urban Rooftop Bar and Lounge. Key to the renovations will be utilization of the classic décor embedded within the historic building. Nirel Patel gave a summarization of the project. He described a rooftop terrace, tapas style restaurant, and a banquet facility that could allow for 225 guests.

The company is requesting a ten (10) year PILOT and Mortgage Recording and Sales Tax Abatements. Twenty (20) new jobs will be created.

**8.3.1 Preliminary Resolution**

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

The question of the approval of the 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.

**8.3.2 Authorize Public Hearing**

*Mr. Onesi motioned to authorize the Public Hearing; Mr. Bodewes seconded the motion. The motion passed.*

**8.0 New Business Continued**

**8.4 Jai Devi, Inc.**

The company has previously entered into a Lease/Leaseback Agreement with the NCIDA, and is now requesting approval from the Board Members to refinance its first mortgage lien against its real property located on Buffalo Avenue in Niagara Falls, New York.

**8.4.1 Assumption of Mortgage**

*Mr. Onesi motioned to approve the Assumption; Mayor Pappas seconded the motion. The motion passed.*

The question of the approval of the 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.

**8.5 New York State Law**

Mark Gabriele stated that New York State is requiring that both Agency Staff and the Board Members attend a Sexual Harassment Training in order to be compliant with the Policy. The Board Members are being asked to approve a Sexual Harassment Policy for the Agency effective immediately.

**8.5.1 Adopt Sexual Harassment Policy**

*Mr. Bodewes motioned to adopt the Policy; Mr. McCabe seconded the motion. The motion passed unanimously.*

**8.0 New Business Continued**

**8.6 Niagara Student Housing Development Corporation**

In a letter dated January 3, 2019, the Board Members have been requested to approve refinancing of the original revenue bonds, Series 2007A and authorize the execution and delivery of an amended restated Tax Compliance Agreement.

**8.6.1 Consent to Amended Tax Compliance Agreement**

*Mr. Ross motioned to amend the Agreement; Mr. Bodewes seconded the motion. The motion passed unanimously.*

**9.0 Information Items**

There were no items at this time.

**10.0 Agency Counsel**

There were no items at this time.

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

There were no items at this time.

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

**DATE: February 13, 2019**

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

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

**13.0 Adjournment**

*Mr. Onesi made a motion to adjourn; Mr. Bodewes seconded the motion. The meeting adjourned at 9:50 a.m.*

Respectfully submitted:

Reviewed by:

Approved by:



Barbara A. Gill  
Recording Secretary



Susan C. Langdon  
Executive Director



Kevin McCabe  
Secretary