

Niagara County Industrial Development Agency

Niagara County Center for Economic Development • 6311 Inducon Corporate Drive, Ste. 1 • Sanborn, NY 14132

REGULAR NCIDA/NCDC/NADC BOARD MEETING

DATE: July 9, 2025
MEETING TIME: 9:00 a.m.
MEETING PLACE: Niagara County Industrial Development Agency
Vantage Center, Suite One
6311 Inducon Corporate Drive
Sanborn, NY 14132

Board of Directors:

___ **Mark A. Onesi**, Chairman
___ **Jason Krempa**, First Vice Chairman
___ **William L. Ross**, Secretary
___ **Mark Berube**, Assistant Secretary
___ **Ryan Mahoney**, Member
___ **David J. Masse**, Member
___ **William Fekete**, Member
___ **Susan C. Langdon**, Member

Staff Members:

___ **Andrea Klyczek**, Executive Director
___ **Michael S. Dudley**, Director of Finance & Real Estate
___ **Susan Barone**, Grants, Loans & Compliance Manager
___ **Jeremy Geartz**, Director of Business Development & Retention
___ **Julie Lamoreaux**, Office & HR Administrator
___ **Joseph Grenga**, Project Manager
___ **Mark J. Gabriele**, Agency Counsel

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- 1.0 Meeting Called to Order – M. Onesi**
 - 2.0 Roll Call – J. Lamoreaux**
 - 3.0 Introduction of Guests – M. Onesi**
 - 4.0 Pledge of Allegiance – M. Onesi**
 - 5.0 Approval of Meeting Minutes – W. Ross**
 - 5.1 Regular NCIDA/NCDC/NADC – June 11, 2025**
 - 6.0 Finance & Audit Committee Reports – J. Krempa**
 - 6.1 Agency Payables – June 30, 2025**
 - 6.2 Budget Variance Report – June 30, 2025**

7.0 Unfinished Business

7.1 Live-USA Incorporated– *M.Gabriele*

7.1.1 Inducement Extension

7.2 Cataract Grant Live-USA– *M.Gabriele*

7.2.1 Inducement Extension

7.3 Updated Policies– *W.Ross*

7.3.1 Airborne Contaminants Policy

7.3.2 Solar Policy

7.3.3 Procurement Policy

8.0 New Business

8.1 RFP for General Construction Separation Wall – *M.Dudley*

8.1.1 NIIA - 2055 Niagara Falls Boulevard

9.0 Agency Counsel – *M. Gabriele*

10.0 Information Items

11.0 Any Other Matters the Board Wishes to Discuss

12.0 Next Regular NCIDA/NCDC/NADC Meeting:

DATE: August 13, 2025

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

PLACE: Niagara County Center for Economic Development

13.0 Adjournment - *M. Ones*

5.1

Meeting Minutes

REGULAR NCIDA/NCDC/NADC BOARD MEETING

DATE: June 11, 2025
MEETING TIME: 9:00 a.m.
MEETING PLACE: Niagara County Industrial Development Agency
Vantage Center, Suite One
6311 Inducon Corporate Drive
Sanborn, NY 14132

1.0 Meeting Called to Order

The regular meeting of the Niagara County Industrial Development Agency was called to order by First Vice Chairmen Krempa at 9:00 a.m.

2.0 Roll Call

Mark A. Onesi, Chairperson	Excused
Jason Krempa, First Vice Chairman	Present
William L. Ross, Secretary	Present
Mark Berube, Assistant Secretary	Present
Ryan J. Mahoney, Member	Present
David J. Masse, Member	Present
William Fekete, Member	Excused

3.0 Introduction of Guests

Patrick Foote, National Vacuum Environmental Services Corp.
Jonathan Epstein, Buffalo News
Jim Fink, WBFO Radio

Staff Present

Andrea Klyczek, Executive Director
Jeremy Geartz, Director of Business Development & Retention
Michael S. Dudley, Director of Finance & Real Estate
Susan Barone, Grants, Loans, & Compliance Manager
Julie Lamoreaux, Office & HR Administrator
Joseph Grenga, Project Manager
Mark J. Gabriele, Agency Counsel

4.0 Pledge of Allegiance

Mr. Mahoney led the pledge of allegiance.

5.0 Approval of Meeting Minutes

5.1 Regular NCIDA/NCDC/NADC – May 14, 2025

Mr. Ross motioned to approve the meeting minutes; Mr. Masse seconded the motion. The motion passed.

6.0 Finance & Audit Committee Reports

6.1 Agency Payables – May 31, 2025

Mr. Krempa stated that the monthly payables have been reviewed and found to be in order.

Mr. Krempa made a motion to approve the monthly payables; Mr. Mahoney seconded the motion. The motion passed.

6.2 Budget Variance Report – May 31, 2025

Mr. Krempa stated that the budget variance reports have been reviewed and found to be in order.

Mr. Krempa made a motion to approve the Budget Variance Report; Mr. Mahoney seconded the motion. The motion passed.

7.0 Unfinished Business

7.1 Bogart-Sinatra Development LLC

Ms. Klyczek stated that the Agency held a Public Hearing for Bogart-Sinatra Development LLC on June 3, 2025 at 2:00 p.m. at the North Tonawanda City Hall. There was one speaker, Scott Franasia, who was in opposition of incentives for the project but was in favor of the project. He felt that the current tax-breaks should be provided to the tenants of the facility and not the developer. The owners of the project, Mr. Bogart and Mr. Sinatra contacted the Agency after the Public Hearing to express that these incentives allow them to provide favorable and consistent rates to small business.

7.1.1 Final Resolution

RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY (i) UNDERTAKE A CERTAIN PROJECT FOR THE BENEFIT OF Bogart-Sinatra 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 PARTIAL ABATEMENT OF REAL PROPERTY TAXES RELATED TO THE PROJECT, AND (D) A MORTGAGE RECORDING TAX EXEMPTION FOR THE MORTGAGE RELATED TO THE PILOT AGREEMENT.

Mr. Berube made a motion to approve the Final Resolution, Mr. Mahoney seconded the motion. The Motion passed.

The question of the approval of the Resolution as 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 Onesì				x
Jason Krempa	x			
William L. Ross	x			
Mark Berube	x			
Ryan Mahoney	x			
David J. Masse	x			
William Fekete				x

The Resolution was thereupon duly adopted.

7.2 Hotel Niagara Development, LLC

Mr. Gabriele stated that Hotel Niagara Development, LLC has requested a six-month Inducement Extension. The project is expected to close in August of this year.

7.2.1 Inducement Extension

RESOLUTION AUTHORIZING THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY TO EXTEND THE INDUCEMENT TERM FOR HOTEL NIAGARA DEVELOPMENT, LLC FOR A SIX-MONTH PERIOD WITH RESPECT TO A CERTAIN PROJECT (AS MORE FULLY DEFINED BELOW) TO BE UNDERTAKEN BY THE AGENCY FOR THE BENEFIT OF HOTEL NIAGARA DEVELOPMENT, LLC OR AN ENTITY FORMED OR TO BE FORMED.

Mr. Masse made a motion to approve the Inducement Extension, Mr. Ross seconded the motion. The Motion passed.

The question of the approval of the Resolution as 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 Onesì				x
Jason Krempa	x			
William L. Ross	x			
Mark Berube	x			
Ryan Mahoney	x			
David J. Masse	x			
William Fekete				x

The Resolution was thereupon duly adopted.

8.0 New Business

8.1 National Vacuum Environmental Services Corp.

Mr. Grenga stated that National Vacuum Environmental Services Corp. is a locally owned and operated company that plays a needed role in our community by providing industrial cleaning and environmental contracting services. Work is carried out using safe, efficient, and cost-effective methods. To maintain a competitive edge and meet growing demand, the company plans to expand its services by acquiring an additional vacuum truck and a combination sewer/flusher vacuum equipment. This fleet and machinery acquisition will not only enhance service capabilities but also create new job opportunities for the company. Obtaining new and modern equipment is vital in the company's ability to remain competitive and efficient.

Mr. Foote explained that the equipment needed is very expensive and this abatement will help the company to expand in the area and grow as a company.

8.1.1 Final Resolution

RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY (i) ACCEPTING THE APPLICATION OF National Vacuum Environmental Services Corp. WITH RESPECT TO A CERTAIN PROJECT (AS MORE FULLY DEFINED BELOW) TO BE UNDERTAKEN BY THE AGENCY FOR THE BENEFIT OF National Vacuum Environmental Services Corp. OR AN ENTITY FORMED OR TO BE FORMED; (ii) PROVIDE SALES TAX EXEMPTION FOR PURCHASES AND RENTALS RELATED TO THE CONSTRUCTION AND EQUIPPING OF THE PROJECT; AND DESCRIBING THE FORMS OF FINANCIAL ASSISTANCE BEING CONTEMPLATED BY THE AGENCY.

Mr. Ross made a motion to approve the Final Resolution, Mr. Berube seconded the motion. The Motion passed.

The question of the approval of the Resolution as 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
Jason Krempa	x			
William L. Ross	x			
Mark Berube	x			
Ryan Mahoney	x			
David J. Masse	x			
William Fekete				x

The Resolution was thereupon duly adopted.

8.2 Cataract Tourism Fund

Mr. Grenga stated that the Hyatt in downtown Niagara Falls is actively pursuing a partnership to bring Church's Chicken to our district. Currently, a limited number of accessible and affordable dining options often leads visitors to leave the downtown area in search of meals, resulting in a measurable loss of potential revenue for our local municipalities. Introducing a national recognized brand like Church's Chicken offers a compelling solution. It provides families traveling to Niagara Falls with a much-needed, high-quality, and affordable dining choice, directly improving their overall visitor experience. This collaboration is a strategic investment in the sustained growth and vitality of downtown Niagara Falls. The Cataract Grant Committee did meet on May 30, 2025 and unanimously approved the project for Board consideration.

8.2.1 Niagaras Krispy Crunchy Fried Chicken LLC

RESOLUTION AUTHORIZING A GRANT TO THE NIAGARAS KRISPY CRUNCHY FRIED CHICKEN LLC RELATING TO THE NIAGARAS KRISPY CRUNCHY FRIED CHICKEN LLC PROJECT.

Mr. Ross made a motion to approve the Cataract Grant, Mr. Mahoney seconded the motion. The Motion passed.

The question of the approval of the Resolution as 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
Jason Krempa	x			
William L. Ross	x			
Mark Berube	x			
Ryan Mahoney	x			
David J. Masse	x			
William Fekete				x

The Resolution was thereupon duly adopted.

9.0 Agency Counsel

Agency Counsel had no comments at this time.

10.0 Information Items

There were no information items at this time.

11.0 Any Other Matters the Board Wishes to Discuss

There were no other matters the Board wished to discuss.

12.0 Next Regular NCIDA/NCDC/NADC Meeting:

DATE: July 9, 2025

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

PLACE: Niagara County Center for Economic Development

13.0 Adjournment

Mr. Krempa made a motion to adjourn; Mr. Berube seconded the motion. The meeting adjourned at 9:12 a.m.

Respectfully Submitted:

Reviewed By:

Approved By:

Julie Lamoreaux
Administrative Assistant

Andrea Klyczek
Executive Director

William L. Ross
Secretary

6.1

Agency Payables

Niagara County Industrial Devel. Agency
Check Register
For the Period From Jun 1, 2025 to Jun 30, 2025

Filter Criteria includes: Report order is by Date.

Check #	Date	Payee	Cash Account	Amount
30401	6/3/25	MICHAEL S. DUDLEY	10001.100	107.02
30402	6/3/25	Harris Beach Murtha Cullina PLLC	10001.100	3,150.00
30403	6/3/25	THE HARTFORD	10001.100	272.67
30404	6/3/25	LAMAR COMPANIES	10001.100	1,450.00
30405	6/3/25	M&T Bank	10001.100	2,397.55
30406	6/3/25	National Grid	10001.100	582.04
30407	6/3/25	Professional Janitorial Services, Inc.	10001.100	823.00
30408	6/3/25	STAPLES CONTRACT & COMMERCIAL	10001.100	136.87
30409	6/10/25	360 PSG.com	10001.100	60.00
30410	6/10/25	Cintas Corporation LOC. 067P	10001.100	108.56
30411	6/10/25	Harris Beach Murtha Cullina PLLC	10001.100	5,000.00
30412	6/10/25	STAPLES CONTRACT & COMMERCIAL	10001.100	52.30
6/12/25	6/12/25	PAYCHEX, INC.	10001.100	78.76
6/13/25	6/13/25	NYS DEFERRED COMPENSATION PLAN	10001.100	1,037.00
30413	6/17/25	County of Niagara	10001.100	694.04
30414	6/17/25	Harris Beach Murtha Cullina PLLC	10001.100	4,580.52
6/20/25	6/20/25	PAYCHEX, INC.	10001.100	134.00
30415	6/24/25	Charter Communications	10001.100	130.00
30416	6/24/25	FedEx	10001.100	8.85
30417	6/24/25	Independent Health	10001.100	4,106.93
6/26/25	6/26/25	PAYCHEX, INC.	10001.100	64.90
6/27/25	6/27/25	NYS DEFERRED COMPENSATION PLAN	10001.100	950.00
6/30/25	6/30/25	NEW YORK STATE AND LOCAL	10001.100	754.64
Total				26,679.65

NCIDA VIP-MTF Operating
Check Register
For the Period From Jun 1, 2025 to Jun 30, 2025

Filter Criteria includes: Report order is by Date.

Check #	Date	Payee	Cash Account	Amount
5034	6/3/25	Amazon Capital Services	10001.600	32.28
5035	6/3/25	Frontier	10001.600	328.89
5036	6/3/25	National Grid	10001.600	488.70
5037	6/3/25	Professional Janitorial Services, Inc.	10001.600	346.00
5038	6/10/25	Beau Enterprises, Inc.	10001.600	629.00
5039	6/10/25	Thomas R. Fedeson	10001.600	1,840.00
5040	6/10/25	Modern Disposal Services, Inc.	10001.600	214.50
5041	6/17/25	County of Niagara	10001.600	533.18
Total				4,412.55

NCIDA - MTF - Operating Fund
Check Register
For the Period From Jun 1, 2025 to Jun 30, 2025

Filter Criteria includes: Report order is by Date.

Check #	Date	Payee	Cash Account	Amount
3253	6/3/25	DOYLE SECURITY SYSTEMS, INC.	10001.600	547.68
3254	6/3/25	M&T Bank	10001.600	13.92
3255	6/3/25	National Fuel	10001.600	76.38
3256	6/10/25	Beau Enterprises, Inc.	10001.600	368.00
3257	6/10/25	National Grid	10001.600	563.54
3258	6/17/25	Harris Beach Murtha Cullina PLLC	10001.600	418.88
3259	6/17/25	National Grid	10001.600	125.87
3260	6/17/25	VERIZON	10001.600	137.40
3261	6/24/25	DAVIS-ULMER Sprinkler Co.	10001.600	180.00
3262	6/24/25	National Grid	10001.600	160.28
Total				2,591.95

Niagara Industrial Incubator Associates
Check Register
For the Period From Jun 1, 2025 to Jun 30, 2025

Filter Criteria includes: Report order is by Date.

Check #	Date	Payee	Cash Account	Amount
1473	6/3/25	M&T Bank	10000.100	46.36
1474	6/10/25	National Grid	10000.100	313.24
1475	6/10/25	Thomas Fedeson	10000.100	1,320.00
1476	6/17/25	Harris Beach Murtha Cullina PLLC	10000.100	288.68
1477	6/24/25	A 24 Hour Door National, Inc.	10000.100	896.00
1478	6/24/25	Niagara Falls Water Board	10000.100	1,871.41
Total				4,735.69

Niag. Cnty Dev. Corp. - EDA RLF**Check Register**

For the Period From Jun 1, 2025 to Jun 30, 2025

Filter Criteria includes: Report order is by Date.

Check #	Date	Payee	Cash Account	Amount
1363	6/3/25	M&T Bank	10001.100	20.00
1364	6/17/25	Bairco, Inc.	10001.100	100,000.00
Total				100,020.00

NCDC - CDBG/HUD - RLF
Check Register
For the Period From Jun 1, 2025 to Jun 30, 2025

Filter Criteria includes: Report order is by Date.

Check #	Date	Payee	Cash Account	Amount
291	6/3/25	M&T Bank	10200-300	20.00
292	6/3/25	Safeguard Business Systems	10200-300	172.25
Total				192.25

Niag. Cnty Dev. Corp. - Micro RLF**Check Register****For the Period From Jun 1, 2025 to Jun 30, 2025**

Filter Criteria includes: Report order is by Date.

Check #	Date	Payee	Cash Account	Amount
2142	6/10/25	B's Flowers LLC	10004.400	21,000.00
2143	6/10/25	Cakes by Katya LLC	10004.400	25,000.00
2144	6/10/25	NickNats Landscaping LLC	10004.400	25,000.00
2145	6/10/25	Timothy R. Woodean Chiropractic	10004.400	18,412.54
Total				89,412.54

6.2

Budget Variance Reports

NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY
BUDGET VARIANCE REPORT AS OF June 30, 2025
UN-AUDITED STATEMENT FOR INTERNAL MANAGEMENT USE ONLY

	Current Month Actual	Current Month Budget	Year To Date Actual	Year To Date Budget	Year To Date Variance	Total Budget
<u>Operating Revenues</u>						
Project Administrative Fees	\$ 158,000.00	\$ 18,492.00	\$ 681,044.00	\$ 366,593.00	314,451.00	\$ 527,232.00
Project Application Fees	1,000.00	1,000.00	9,000.00	6,000.00	3,000.00	12,000.00
NEDF RLF Administrative Fee	4,166.67	4,166.67	25,000.02	25,000.02	0.00	50,000.00
Administrative Fees - Other	0.00	10,563.00	22,080.00	21,126.00	954.00	52,070.00
Interest Earnings	374.49	5,497.42	72,196.60	32,984.52	39,212.08	65,969.00
Miscellaneous Income	16,025.76	14,674.50	89,404.56	88,047.00	1,357.56	176,094.00
Distributions From Affiliates	0.00	0.00	0.00	0.00	0.00	100,000.00
Distribution from VIP MTF	0.00	0.00	0.00	0.00	0.00	100,000.00
Total Operating Revenues	179,566.92	54,393.59	898,725.18	539,750.54	358,974.64	1,083,365.00
<u>Operating Expenses</u>						
Salaries	29,076.90	32,923.06	178,615.25	213,999.89	(35,384.64)	428,000.00
Benefits	3,640.06	7,790.92	21,275.72	46,745.52	(25,469.80)	93,491.00
Retirement Benefits	4,926.33	4,926.33	29,557.98	29,557.98	0.00	59,116.00
Payroll Taxes	2,282.10	2,485.08	13,947.42	16,119.51	(2,172.09)	32,239.00
Unemployment Taxes	0.00	0.00	1,344.10	1,613.00	(268.90)	1,613.00
Consultants	2,500.00	2,500.00	15,000.00	15,000.00	0.00	30,000.00
Executive Director	9,674.33	9,674.33	58,045.98	58,045.98	0.00	116,092.00
Legal Services	6,666.67	6,666.67	71,855.19	40,000.02	31,855.17	80,000.00
Accounting Services	0.00	0.00	23,000.00	21,510.00	1,490.00	21,510.00
Accounting Services - NADC	0.00	0.00	1,600.00	1,500.00	100.00	1,500.00
Advertising & Promotion	0.00	0.00	76.00	0.00	76.00	0.00
Marketing	1,567.08	1,833.33	12,998.09	10,999.98	1,998.11	22,000.00
Sponsorships	0.00	83.33	250.00	499.98	(249.98)	1,000.00
Printing	0.00	83.33	219.02	499.98	(280.96)	1,000.00
Office Supplies	43.16	166.67	709.57	1,000.02	(290.45)	2,000.00
Postage	8.85	195.00	1,776.54	1,954.00	(177.46)	3,950.00
Telephone & Fax	139.43	127.50	786.26	765.00	21.26	1,530.00
Internet Service	186.99	197.42	1,326.47	1,184.52	141.95	2,369.00
Common Area Charges	906.33	906.33	5,437.98	5,437.98	0.00	10,876.00
Energy	1,209.72	1,148.00	10,196.26	8,621.00	1,575.26	16,100.00
Conference & Travel	1,967.57	1,000.00	6,159.43	6,000.00	159.43	12,000.00
Employee Training	0.00	500.00	0.00	3,000.00	(3,000.00)	6,000.00
Depreciation Expense	0.00	0.00	0.00	0.00	0.00	6,462.00
Insurance Expense	1,847.47	1,824.42	11,084.82	10,946.52	138.30	21,893.00
Library & Membership	0.00	119.73	2,679.48	2,483.65	195.83	3,202.00
General Office	498.58	1,110.00	6,162.41	6,660.00	(497.59)	13,320.00
Repairs & Maintenance	1,123.40	1,132.25	6,177.94	6,793.50	(615.56)	13,587.00
Computer Support	0.00	500.00	0.00	3,000.00	(3,000.00)	6,000.00
Public Hearings	0.00	25.00	0.00	150.00	(150.00)	300.00
Furniture & Equipment Purchase	0.00	166.67	0.00	1,000.02	(1,000.02)	2,000.00
Other Expense	0.00	83.33	186.29	499.98	(313.69)	1,000.00
Total Operating Expenses	68,264.97	78,168.70	480,468.20	515,588.03	(35,119.83)	1,010,150.00
Net Operating Income/<Loss>	111,301.95	(23,775.11)	418,256.98	24,162.51	394,094.47	73,215.00
<u>Non-Operating Revenue & Expense</u>						
Grant Rev- City NF Initiative	0.00	536,402.25	1,104,000.00	1,072,804.50	31,195.50	2,145,609.00
Grant Sub-City NF Initiative	0.00	536,402.25	1,104,000.00	1,072,804.50	31,195.50	2,145,609.00
Net Non-Operating Income/<Loss>	0.00	0.00	0.00	0.00	0.00	0.00
Total Net Income/<Loss>	\$ 111,301.95	(\$ 23,775.11)	\$ 418,256.98	\$ 24,162.51	394,094.47	\$ 73,215.00

NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY

Balance Sheet
June 30, 2025

ASSETS

Current Assets		
Cash - Checking	\$	324,872.14
Petty Cash		300.00
Certificates of Deposit		2,600,000.00
Mmkt Acct. - M&T Bank		228,006.71
Cash - First Response		66,612.09
Cash - City of N.F.		954.68
Cataract Tourism C/D		1,400,000.00
Mmkt Acct. - Cataract Tourism		335,414.02
Accts Rec - Public Hearings		2,352.98
Accounts Rec. EDA - RLF		229,166.65
Due To/From Micro RLF		4,483.05
Due To/From VIP - MTF		530,408.96
Due From NCDC CDBG/HUD		4,166.70
Due To/Due From NADC		500.56
Due To/From MTF Operating		121,128.84
Prepaid Insurance		<u>14,031.30</u>
Total Current Assets		5,862,398.68
Other Assets		
Deferred Outflows		204,837.00
Investment in NIIA		<u>342,500.00</u>
Total Other Assets		547,337.00
Fixed Assets		
Furniture & Equipment		231,672.18
Furn & Fixtures - Fed purchase		5,861.08
Accum Dep. - Furn & Equip		(211,340.68)
Accum Dep. - F&F Fed Purch		<u>(5,861.08)</u>
Total Fixed Assets		20,331.50
Total Assets		<u><u>\$ 6,430,067.18</u></u>

LIABILITIES AND NET ASSETS

Current Liabilities		
Accrued Retirement	\$	29,557.98
Deferred Rev. - NEDF		24,999.98
Deferred Rev. - First Repsonse		66,612.09
Def. Rev. - City of N.F.		1,736,368.70
Accounts Payable		16,147.70
Acct. Payable - Niag. County		<u>58,045.98</u>
Total Current Liabilities		1,931,732.43
Long-Term Liabilities		
Pension Liability		115,680.00
Deferred Inflows of Resources		<u>67,839.00</u>
Total Long-Term Liabilities		<u>183,519.00</u>
Total Liabilities		2,115,251.43
Net Assets		
Fund Balance - Operating Fund		3,896,558.77
Net Income		<u>418,256.98</u>
Total Net Assets		<u>4,314,815.75</u>
Total Liabilities & Net Assets		<u><u>\$ 6,430,067.18</u></u>

Unaudited - For Management Purposes Only

**Niagara County Industrial
Development Agency
Aged Payables
As of June 30, 2025**

Vendor ID Vendor	Invoice #	Amount Due
COOPER Cooper Electric	S058964968.002	198.72
GUARDIAN Guardian	Jul 2025	233.69
JEREMY Jeremy Geartz	5/2/25-6/27/25	524.37
LAMAR C LAMAR COMPANIES	117192319	1,450.00
M&TBUS M&T Bank	Jun 2025	1,607.30
NATGRID National Grid	39004 6/25	659.72
ProJan Professional	2213	823.00
STAPLES STAPLES CONTRACT & COMMERCIAL	7005781880	44.23
Report Total		<u>5,541.03</u>

Adjusting Journal Entries

Estimated Jun 2025 Legal Fees	6,666.67
Estimated Mar 2025 Copier usage	200.00
Estimated Apr 2025 Copier usage	200.00
Estimated May 2025 Copier usage	200.00
Estimated Jun 2025 Copier usage	200.00
Estimated Apr-Jun 2025 Telephone	90.00
Estimated Jun 2025 Niagara County Electric	450.00
Estimated Jun 2025 Niagara County Gas	100.00
Estimated Jun 2025 Consulting	2,500.00
	<u><u>16,147.70</u></u>

Cataract Tourism Fund Grant Program

Grantee Name	Grant Awards	Outst'd'g Awards	Approval Date	Disbursement Date	Disbursement Amount	Offer Expiration	Project Description
Niagara County Dept. of Economic Development	37,667	0	10/11/2017	1/23/2018	37,667.00		Feasibility study for Niagara Falls area multi-use facility.
Niagara Aquarium Foundation	88,147	0	2/14/2018	7/15/2019	88,147.00		Jellyfish exhibit and equipment.
The Tourism Research Entrepreneurship Center (TReC)	176,600	0	8/8/2018	6/2/2020	176,600.00		Buildout, audio/visual equipment and network connectivity hardware.
Niagara Aquarium Foundation	16,717	0	2/12/2020	10/21/2020	16,717.00		Renovations to second floor event room.
Niagara Aquarium Foundation	370,000	0	8/14/2019	2/9/2021	370,000.00		Interactive touch pools adjacent to main entrance of the Aquarium.
Red Star Builders, LLC (The Niagara Club)	64,403	0	7/10/2019	9/7/2021	64,403.00		Spot Coffee.
Niagara Falls Center for Tourism LLC	1,000,000	0	6/12/2019	7/7/2023	598,661.03	3/1/2026	Construction of an indoor family entertainment center and outdoor improvements.
The Center for Kashmir, Inc.	573,000	300,000	6/14/2023	8/9/2023	273,000.00		Renovations to vacant church for a museum of art and culture for Kashmir.
Savarino Companies, LLC	155,000	0	4/14/2021	4/26/2023	155,000.00		Rehabilitation of 4,000 square feet of commercial/retail storefront space.
Niagara Aquarium Foundation	900,000	0	2/9/2022	3/6/2025	900,000.00		Renovations to the Niagara Gorge Discovery Center for expanded programming.
Niagara Aquarium Foundation	35,000	0	2/8/2023	1/2/2024	35,000.00		Sea turtle exhibit.
Burger Factory Niagara Falls, Inc.	185,250	0	2/8/2023	1/11/2024	185,250.00		Facade renovations.
Niagara Falls International Cuisine, Inc.	76,500	0	2/8/2023	1/11/2024	44,922.31		Dining area renovations.
TM Montante Development(Radio Niagara)	912,609	912,609	3/22/2023	To Be Disbursed	0.00	11/1/2025	Renovations for restaurant, bar, game space, bowling lounge and boutique hotel.
Live-USA Incorporated	450,000	450,000	8/14/2024	To Be Disbursed	0.00	12/31/2025	Renovation of restaurant, bar and music entertainment venue.
Niagara Falls Urban Renewal Agency	204,000	0	10/9/2024	1/29/2025	204,000.00		Acquisition of properties along Main Street in Niagara Falls.
Niagaras Krispy Crunchy Fried Chicken, LLC	48,750	48,750	6/11/2025	To Be Disbursed	0.00		Open a Niagaras Krispy Crunchy Fried Chicken restaurant in the Hyatt Hotel in downtown Niagara Falls.
To Date Sub-Total	5,293,643	1,711,359			3,149,367.34		

Cash on hand as of 6/30/2025
1,736,368.70
Less: Outstanding Awards
(1,711,359.00)
Available for awarding grants
25,009.70

Grant Fund Balance

Grant Funding from NYS 11/22/2016
Grant Funding from NYS 10/16/2017
Grant Funding from NYS 10/12/2018

Bank Interest
Bank Fees
245,779.30
(43.26)

Grant Disbursements
(3,149,367.34)

Grant Fund Balance
1,736,368.70

7.1

Live-USA

Incorporated

PROJECT SUMMARY
Live-USA Incorporated



Applicant:	Live-USA Incorporated	
Project Location:	472 Main Street, Niagara Falls, NY 14301	
Assistance:	10 Year PILOT Sales Tax Abatement Mortgage Recording Tax Abatement	
Description:	Live-USA Incorporated plans to renovate the vacant 80 room Howard Johnson located on approx. 2 acres at 472 Main Street in Niagara Falls. The renovation will include a music venue, a celebrity-endorsed restaurant, and bar. The company plans to create an immersive “Rock & Roll” experience, complete with genre/artist-specific floors, containing an ultra-size bed and personalized recording studio with instruments and microphone. Guests will have VIP access to daily concerts and live events.	
Project Costs:	Acquisition Construction/Improvements Furniture, Fixtures & Equipment Soft costs Other TOTAL	\$ 5,000,000 \$ 4,500,000 \$ 6,000,000 \$ 500,000 \$ 0 <hr/> \$16,000,000
Employment:	Current jobs in Niagara County: 0 New Jobs in Niagara County within 3 years: 42 Estimated Annual Payroll for New Jobs: \$1,800,000 Skills: Management, Professional, Administrative, Line Employees, Sales	
Evaluative Criteria:	Redevelopment supports or aligns with regional or local development plans. Regional Wealth Creation, Proximity/Support of Regional Tourism Attractions/Facilities, Generation of Local Revenues (i.e. Hotel Bed Taxes), Supports Local Business or Cluster, In region Purchase, Local Vendors.	

Niagara County Industrial Development Agency

MRB Cost Benefit Calculator

Date May 29, 2024
Project Title Live-USA Incorporated
Project Location 472 Main Street, Niagara Falls, NY 14301



Economic Impacts

Summary of Economic Impacts over the Life of the PILOT

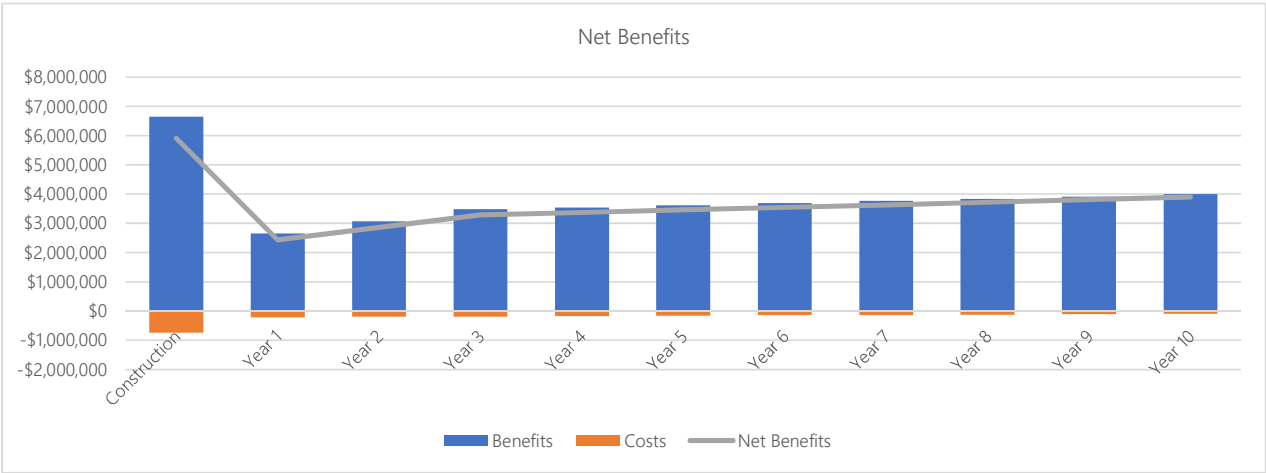
Project Total Investment

\$16,000,000

Temporary (Construction)			
	Direct	Indirect	Total
Jobs	59	25	85
Earnings	\$4,932,835	\$1,336,039	\$6,268,874
Local Spend	\$12,800,000	\$4,599,311	\$17,399,311

Ongoing (Operations)			
Aggregate over life of the PILOT			
	Direct	Indirect	Total
Jobs	42	15	57
Earnings	\$21,474,235	\$12,089,221	\$33,563,456

Figure 1



Net Benefits chart will always display construction through year 10, irrespective of the length of the PILOT.

Figure 2

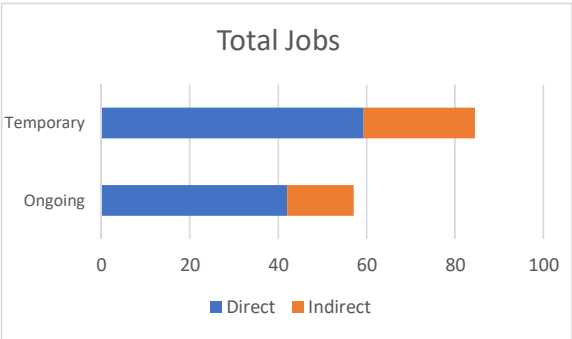
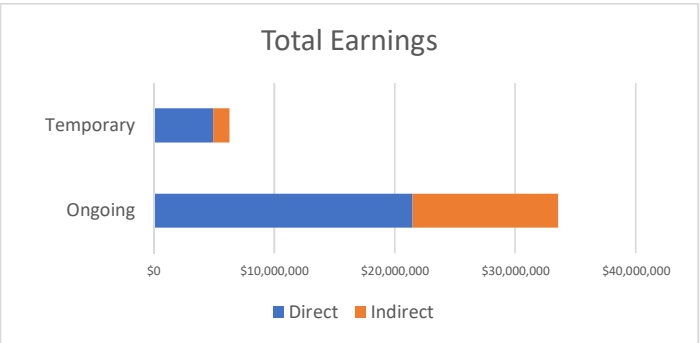


Figure 3



Fiscal Impacts

Estimated Costs of Exemptions

	Nominal Value	Discounted Value*
Property Tax Exemption	\$1,519,953	\$1,384,694
Sales Tax Exemption	\$660,000	\$660,000
Local Sales Tax Exemption	\$330,000	\$330,000
State Sales Tax Exemption	\$330,000	\$330,000
Mortgage Recording Tax Exemption	\$75,000	\$75,000
Local Mortgage Recording Tax Exemption	\$25,000	\$25,000
State Mortgage Recording Tax Exemption	\$50,000	\$50,000
Total Costs	\$2,254,953	\$2,119,694

State and Local Benefits

	Nominal Value	Discounted Value*
Local Benefits	\$40,088,628	\$36,460,498
To Private Individuals	\$39,832,330	\$36,243,092
Temporary Payroll	\$6,268,874	\$6,268,874
Ongoing Payroll	\$33,563,456	\$29,974,218
Other Payments to Private Individuals	\$0	\$0
To the Public	\$256,298	\$217,406
Increase in Property Tax Revenue	(\$22,528)	(\$36,296)
Temporary Jobs - Sales Tax Revenue	\$43,882	\$43,882
Ongoing Jobs - Sales Tax Revenue	\$234,944	\$209,820
Other Local Municipal Revenue	\$0	\$0
State Benefits	\$2,071,281	\$1,884,641
To the Public	\$2,071,281	\$1,884,641
Temporary Income Tax Revenue	\$282,099	\$282,099
Ongoing Income Tax Revenue	\$1,510,356	\$1,348,840
Temporary Jobs - Sales Tax Revenue	\$43,882	\$43,882
Ongoing Jobs - Sales Tax Revenue	\$234,944	\$209,820
Total Benefits to State & Region	\$42,159,909	\$38,345,139

Benefit to Cost Ratio

	Benefit*	Cost*	Ratio
Local	\$36,460,498	\$1,739,694	21:1
State	\$1,884,641	\$380,000	5:1
Grand Total	\$38,345,139	\$2,119,694	18:1

*Discounted at 2%

Does the IDA believe that the project can be accomplished in a timely fashion?

Yes

Additional Revenues:

County	\$158,754
City/Town/Village	\$649,546
School District	\$315,179

*Estimated Value of Goods and Services to be exempt from sales and use tax as a result of the Agency's involvement in the Project. PLEASE NOTE: These amounts will be verified and there is potential for a recapture of sales tax exemptions (see "Recapture" on page 11 of the Application).
(To be used on NYS ST-60)

\$8,250,000

Additional Comments from IDA

0

Does the IDA believe that the project can be accomplished in a timely fashion?

Yes

7.2

Cataract Grant Live-USA

Cataract Fund Project Summary

Applicant: Live-USA

Project Location: 472 Main Street, Niagara Falls, NY 14301

Project Name: Live-USA

Project Description: Live-USA Incorporated plans to renovate the vacant 80 room Howard Johnson located on approximately 2 acres at 472 Main Street in Niagara Falls. The total project cost will be \$16 million. With \$2.8 million going towards the music venue, and \$1.5 million going to the restaurant and bar. The hotel will be a unique property that is to include a celebrity-endorsed restaurant and bar, and an indoor music amphitheater with live music regularly scheduled. The company plans to create an immersive “Rock & Roll” experience, complete with genre and artist-specific floors, containing an ultra-size bed and personalized recording studio with instruments and microphone. Guests will have VIP access to daily concerts and live events.

Through outreach to the Travel Trade market, they will be able to bring in tour operator groups for overnight accommodations, as well as with conferences and events. They will target the leisure market for overnight accommodations in drive-time markets such as Cleveland and Columbus OH, Pittsburgh and Erie PA, Rochester and Syracuse NY. They would target the local market (including Southern Ontario) and encourage locals to be “Tourists in their own backyards”. These staycations could add to the economic impact by targeting off-season and midweek, which is not typically filled by leisure tourists.

Total Project Cost: \$16,000.000

Fund Amount Requested: \$450,000 (2.8%)

Other Sources of Funds: Empire State Development, Bank Financing, and Equity

Employment: Existing - 1
Creating- 52

Estimated Project Completion Date: June 2025

7.3

Updated Policies

The purpose of this plan is to protect employees against exposure and disease during an airborne infectious disease outbreak. This plan goes into effect when an airborne infectious disease is designated by the New York State Commissioner of Health as a highly contagious communicable disease that presents a serious risk of harm to the public health. This plan is subject to any additional or greater requirements arising from a declaration of a state of emergency due to an airborne infectious disease, as well as any applicable federal standards.

Employees should report any questions or concerns with the implementation this plan to the designated contact.

This plan applies to all “employees” as defined by the New York State Labor Law 218-b, which means any person providing labor or services for remuneration for a private entity or business within the state, without regard to an individual’s immigration status, and shall include part-time workers, independent contractors, domestic workers, home care and personal care workers, day laborers, farmworkers and other temporary and seasonal workers. The term also includes individuals working for digital applications or platforms, staffing agencies, contractors or subcontractors on behalf of the employer at any individual work site, as well as any individual delivering goods or transporting people at, to or from the work site on behalf of the employer, regardless of whether delivery or transport is conducted by an individual or entity that would otherwise be deemed an employer under this chapter. The term does not include employees or independent contractors of the state, any political subdivision of the state, a public authority, or any other governmental agency or instrumentality.

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I. RESPONSIBILITIES

This plan applies to all employees of _____, and [all]/[the following work sites]:

This plan requires commitment to ensure compliance with all plan elements aimed at preventing the spread of infectious disease. The following supervisory employee(s) are designated to enforce compliance with the plan. Additionally, these supervisory employees will act as the designated contacts unless otherwise noted in this plan:

Name	Title	Location	Phone

II. EXPOSURE CONTROLS DURING A DESIGNATED OUTBREAK

A. MINIMUM CONTROLS DURING AN OUTBREAK

During an airborne infectious disease outbreak, the following minimum controls will be used in all areas of the worksite:

- General Awareness:** Individuals may not be aware that they have the infectious disease and can spread it to others. Employees should remember to:
 - Maintain physical distancing;
 - Exercise coughing/sneezing etiquette;
 - Wear face coverings, gloves, and personal protective equipment (PPE), as appropriate;
 - Individuals limit what they touch;
 - Stop social etiquette behaviors such as hugging and hand shaking, and
 - Wash hands properly and often.
- “Stay at Home Policy”:** If an employee develops symptoms of the infectious disease, the employee should not be in the workplace. The employee should inform the designated contact and follow New York State Department of Health (NYSDOH) and Centers for Disease Control and Prevention (CDC) guidance regarding obtaining medical care and isolating.
- Health Screening:** Employees will be screened for symptoms of the infectious disease at the beginning of their shift. Employees are to self-monitor throughout their shift and report any new or emerging signs or symptoms of the infectious disease to the designated contact. An employee showing signs or symptoms of the infectious disease should be removed from the workplace and should contact a healthcare professional for instructions. The health screening elements will follow guidance from NYSDOH and CDC guidance, if available.

4. **Face Coverings:** When in use, face coverings must cover the nose and mouth, and fit snugly, but comfortably, against the face. The face covering itself must not create a hazard (e.g., have features could get caught in machinery or cause severe fogging of eyewear). The face coverings must be kept clean and sanitary and changed when soiled, contaminated, or damaged.
5. **Physical Distancing:** Physical distancing will be used, to the extent feasible, as advised by guidance from State Department of Health or the Centers for Disease Control and Prevention, as applicable.

In situations where prolonged close contact with other individuals is likely, use the following control methods: (Note to employer: Check off the controls you intend to use and add any additional controls not listed here.)

- restricting or limiting customer or visitor entry;
- limiting occupancy;
- allowing only one person at a time inside small enclosed spaces with poor ventilation;
- reconfiguring workspaces;
- physical barriers;
- signage;
- floor markings;
- telecommuting;
- remote meetings;
- preventing gatherings;
- restricting travel;
- creating new work shifts and/or staggering work hours;
- adjusting break times and lunch periods;
- delivering services remotely or through curbside pickup;
- _____
- _____
- _____

6. **Hand Hygiene:** To prevent the spread of infection, employees should wash hands with soap and water for at least 20 seconds or use a hand sanitizer with at least 60% alcohol to clean hands BEFORE and AFTER:
 - Touching your eyes, nose, or mouth;
 - Touching your mask;
 - Entering and leaving a public place; and
 - Touching an item or surface that may be frequently touched by other people, such as door handles, tables, gas pumps, shopping carts, or electronic cashier registers/screens.

Because hand sanitizers are less effective on soiled hands, wash hands rather than using hand sanitizer when your hands are soiled.

7. **Cleaning and Disinfection:** See Section V of this plan.

8. **“Respiratory Etiquette”:** Because infectious diseases can be spread by droplets expelled from the mouth and nose, employees should exercise appropriate respiratory etiquette by covering nose and mouth when sneezing, coughing or yawning.
9. **Special Accommodations for Individuals with Added Risk Factors:** Some employees, due to age, underlying health condition, or other factors, may be at increased risk of severe illness if infected. Please inform your supervisor or the HR department if you fall within this group and need an accommodation.

B. ADVANCED CONTROLS DURING AN OUTBREAK

For activities where the Minimum Controls alone will not provide sufficient protection for employees, additional controls from the following hierarchy may be necessary. Employers should determine if the following are necessary:

1. Elimination: Employers should consider the temporary suspension or elimination of risky activities where adequate controls could not provide sufficient protection for employees.
 2. Engineering Controls: Employers should consider appropriate controls to contain and/or remove the infectious agent, prevent the agent from being spread, or isolate the worker from the infectious agent. Examples of engineering controls include:
 - i. Mechanical Ventilation:
 - a. Local Exhaust Ventilation, for example:
 - Ventilated booths (lab hoods);
 - Kitchen Vents; and
 - Vented biosafety cabinets.
 - b. General Ventilation, for example:
 - Dedicated ventilation systems for cooking areas, malls, atriums, surgical suites, manufacturing, welding, indoor painting, laboratories, negative pressure isolation rooms;
 - Increasing the percentage of fresh air introduced into air handling systems;
 - Avoiding air recirculation;
 - Using higher-efficiency air filters in the air handling system;
 - If fans are used in the facility, arrange them so that air does not blow directly from one worker to another; and
 - ii. Natural Ventilation, for example:
 - Opening outside windows and doors to create natural ventilation; and
 - Opening windows on one side of the room to let fresh air in and installing window exhaust fans on the opposite side of the room so that they exhaust air outdoors. *(Note: This method is appropriate only if air will not blow from one person to another.)*
 - iii. Install automatic disinfection systems (e.g., ultraviolet light disinfection systems).
 - iv. Install cleanable barriers such as partitions and/or clear plastic sneeze/cough guards.
 - v. Change layout to avoid points or areas where employees may congregate (e.g., install additional timeclocks).
- Subject to changes based on operations and circumstances surrounding the infectious disease, engineering controls that are anticipated to be used are listed in the following table:

Engineering Controls Utilized/Location:

Note to Employer: One of the best ways to reduce exposure to infectious agents is to improve ventilation. The aim is to deliver more “clean air” into an occupied area and exhaust the contaminated air to a safe location. In some cases, the air may have to be filtered before it enters the work area and/or before it is exhausted. Direct the contaminated air away from other individuals and from the building’s fresh air intake ports. Consult your ventilation system’s manufacturer or service company to determine if improvements are possible for your system.

3. “Administrative Controls” are policies and work rules used to prevent exposure. Examples include:

- Increasing the space between workers;
- Slowing production speed to accommodate fewer workers at a time;
- Disinfecting procedures for specific operations;
- Not shaking out soiled laundry;
- Employee training;
- Identify and prioritize job functions that are essential for continuous operations;
- Cross-train employees to ensure critical operations can continue during worker absence;
- Limit the use of shared workstations;
- Post signs reminding employees of respiratory etiquette, masks, handwashing;
- Rearrange traffic flow to allow for one-way walking paths;
- Provide clearly designated entrance and exits;
- Provide additional short breaks for handwashing and cleaning;
- Establishing pods or cohorts working on same shift;

Subject to changes based on operations and circumstances surrounding the infectious disease, the following specific administrative controls are anticipated to be used:

Administrative Controls Utilized/Location:

4. 10. Personal Protective Equipment (PPE) are devices like eye protection, face shields, respirators , , and gloves that protect the wearer from infection. PPE will be provided, used and maintained in a sanitary and reliable condition at no cost to the employee. The PPE provided to an employee will be based on a hazard assessment for the workplace.

PPE Required - Activity Involved/Location:

1 The use of respiratory protection, e.g. an N95 filtering facepiece respirator, requires compliance with the OSHA Respiratory Protection Standard 29 CFR 1910.134 or temporary respiratory protection requirements OSHA allows for during the infectious disease outbreak.

2 Respirators with exhalation valves will release exhaled droplets from the respirators. Respirators are designed to protect the wearer. Surgical masks and face coverings, which are not respirators, are designed to protect others, not the wearer.

C. EXPOSURE CONTROL READINESS, MAINTENANCE AND STORAGE:

The controls we have selected will be obtained, properly stored, and maintained so that they are ready for immediate use in the event of an infectious disease outbreak and any applicable expiration dates will be properly considered.

III. HOUSEKEEPING DURING A DESIGNATED OUTBREAK

A. Disinfection Methods and Schedules

Objects that are touched repeatedly by multiple individuals, such as door handles, light switches, control buttons/levers, dials, levers, water faucet handles, computers, phones, or handrails must be cleaned frequently with an appropriate disinfectant. Surfaces that are handled less often, or by fewer individuals, may require less frequent disinfection.

The disinfection methods and schedules selected are based on specific workplace conditions.

The New York State Department of Environmental Conservation (NYSDEC) and the Environmental Protection Agency (EPA) have compiled lists of approved disinfectants that are effective against many infectious agents (see dec.ny.gov and epa.gov/pesticide-registration/selected-epa-registered-disinfectants). Select disinfectants based on NYSDOH and CDC guidance and follow manufacturer guidance for methods, dilution, use, and contact time.

B. Adjustments to Normal Housekeeping Procedures

Normal housekeeping duties and schedules should continue to be followed during an infectious disease outbreak, to the extent practicable and appropriate consistent with NYSDOH and/or CDC guidance in effect at the time. However, routine procedures may need to be adjusted and additional cleaning and disinfecting may be required.

Housekeeping staff may be at increased risk because they may be cleaning many potentially contaminated surfaces. Some housekeeping activities, like dry sweeping, vacuuming, and dusting, can resuspend into the air particles that are contaminated with the infectious agent. For that reason, alternative methods and/or increased levels of protection may be needed.

Rather than dusting, for example, the CDC recommends cleaning surfaces with soap and water before disinfecting them. Conducting housekeeping during “off” hours may also reduce other workers’ exposures to the infectious agent. Best practice dictates that housekeepers should wear respiratory protection. See cdc.gov for more guidance.

- C. If an employee develops symptoms of the infectious disease at work, it is ideal to isolate the area in accordance with guidance issued by NYSDOH or the CDC, before cleaning and disinfecting the sick employee’s work area. This delay will allow contaminated droplets to settle out of the air and the space to be ventilated.
- D. As feasible, liners should be used in trash containers. Empty the containers often enough to prevent overfilling. Do not forcefully squeeze the air out of the trash bags before tying them closed. Trash containers may contain soiled tissue or face coverings.

IV. INFECTION RESPONSE DURING A DESIGNATED OUTBREAK

If an actual, or suspected, infectious disease case occurs at work, take the following actions:

- Instruct the sick individual to wear a face covering and leave the worksite and follow NYSDOH/CDC guidance.
- Follow local and state authority guidance to inform impacted individuals.

V. TRAINING AND INFORMATION DURING A DESIGNATED OUTBREAK

- A. _____ will verbally inform all employees of the existence and location of this Plan, the circumstances it can be activated, the infectious disease standard, employer policies, and employee rights under the New York State Labor Law 218-b. (Note: training need not be provided to the following individuals: any individuals working for staffing agencies, contractors or subcontractors on behalf of the employer at any individual work site, as well as any individual delivering goods or transporting people at, to or from the work site on behalf of the employer, where delivery or transport is conducted by an individual or entity that would otherwise be deemed an employer under this chapter)

B. When this plan is activated, all personnel will receive training which will cover all elements of this plan and the following topics:

1. The infectious agent and the disease(s) it can cause;
2. The signs and symptoms of the disease;
3. How the disease can be spread;
4. An explanation of this Exposure Prevention Plan;
5. The activities and locations at our worksite that may involve exposure to the infectious agent;
6. The use and limitations of exposure controls
7. A review of the standard, including employee rights provided under Labor Law, Section 218-B.

C. The training will be

1. Provided at no cost to employees and take place during working hours. If training during normal work hours is not possible, employees will be compensated for the training time (with pay or time off);
2. Appropriate in content and vocabulary to your educational level, literacy, and preferred language; and
3. Verbally provided in person or through telephonic, electronic, or other means.

VI. PLAN EVALUATIONS DURING A DESIGNATED OUTBREAK

The employer will review and revise the plan periodically, upon activation of the plan, and as often as needed to keep up-to-date with current requirements. Document the plan revisions below:

Plan Revision History				
Date	Reviewed and Revised by	Major Changes		Approved By
		Plan Adopted	Enter date the original plan is created.	
		Staff Trained	Enter date the plan is made available, posted, and staff trained	
		Plan Revised		
		Staff Trained	Enter date the revised plan is made available, and staff updated to changes	
		Plan Revised		
		Staff Trained	Enter date the revised plan is made available, and staff updated to changes	
		Plan Revised		
		Staff Trained	Enter date the revised plan is made available, and staff updated to changes	
		Plan Revised		
		Staff Trained	Enter date the revised plan is made available, and staff updated to changes	

VII. RETALIATION PROTECTIONS AND REPORTING OF ANY VIOLATIONS

No employer, or his or her agent, or person, , acting as or on behalf of a hiring entity, or the officer or agent of any entity, business, corporation, partnership, or limited liability company, shall discriminate, threaten, retaliate against, or take adverse action against any employee for exercising their rights under this plan, including reporting conduct the employee reasonably believes in good faith violates the plan or airborne infectious disease concerns to their employer, government agencies or officials or for refusing to work where an employee reasonably believes in good faith that such work exposes him or her, other workers, or the public to an unreasonable risk of exposure, provided the employee, another employee, or representative has notified the employer verbally or in writing, including electronic communication, of the inconsistent working conditions and the employer's failure to cure or if the employer knew or should have known of the consistent working conditions.

Notification of a violation by an employee may be made verbally or in writing, and without limitation to format including electronic communications. To the extent that communications between the employer and employee regarding a potential risk of exposure are in writing, they shall be maintained by the employer for two years after the conclusion of the designation of a high risk disease from the Commissioner of Health, or two years after the conclusion of the Governor's emergency declaration of a high risk disease. Employer should include contact information to report violations of this plan and retaliation during regular business hours and for weekends/other non-regular business hours when employees may be working.

Restated and re-adopted this 26th day of March 2025 by the respective Boards of each corporation referenced above.

WE ARE YOUR DOL



SOLAR PROJECT POLICY

The Niagara County Industrial Development Agency (“Agency”) encourages clean energy projects in Niagara County that are located on capped landfills, remediated brownfield sites, industrial sites or sites enrolled in the New York State Brownfield Cleanup Program. The Agency may confer on those projects’ certain financial assistance.

Due to the potential effect solar projects have on the cities, villages and towns located in Niagara County, the Agency will not accept a solar project application without the written consent of the host municipality (city, town or village where the project is located). If the Agency receives written consent from the host municipality requesting that the Agency consider financial assistance for a solar project, the Agency would thereafter entertain such a project application.

A. Policy. The Agency’s Solar Policy provides an eligible project that offers renewable energy benefits to residential and commercial customers with the following incentives:

Property Tax – In lieu of making real estate tax payments on the increased value resulting from solar system improvements, such improvements are eligible for an Agency payment in lieu of taxes (PILOT). PILOT payments will be for a minimum of \$4,000 per megawatt (MW) of the facility’s nameplate capacity, with a 2% increase each year for a maximum term of 20 years. The length of term and dollar amount of PILOT payments will be determined on a project-by-project basis at the discretion of the Agency Board. PILOT payments will be distributed to the affected taxing jurisdictions based on their pro-rata share of the non-abated local tax payment.

The Agency will not entertain an application for financial assistance under the Solar Policy for a PILOT unless the host community requests or otherwise consents to a PILOT under the terms of this Solar Policy.

Sales Tax – Exemption from state and local sales tax on eligible project costs as outlined in the Agency’s standard policies and procedures.

Mortgage Recording Tax – Exemption from the mortgage recording tax as outlined in the Agency’s standard policies and procedures.

B. Requirements – Projects must meet all the requirements as defined by New York State Law and comply with all the Agency’s standard policies, project requirements and agreements. In addition, projects considered under this policy must meet the following additional requirements:

- 1) Financial assistance shall not be provided until project applicants provide evidence that they capitalized into a decommissioning fund or provided a bond to the satisfaction of the local municipality or Niagara County sufficient to remove the solar arrays and associated site improvements at the end of the project without cost to the local community.

- 2) Project applicants shall have obtained all local municipal approvals and evidence of compliance with the New York State Environmental Quality Review Act.

Adopted: July __, 2025

PROCUREMENT POLICIES AND PROCEDURES

A. Introduction

1. Scope – In accordance with Article 18-A of the General Municipal Law (the “Act”), Section 104-b of the General Municipal Law, and the Public Authorities Accountability Act of 2005, the Niagara County Industrial Development Agency is required adopt procurement policies which will apply to the procurement of goods and services not subject to the competitive bidding requirements of Section 103 of the GML and paid for by an IDA for its own use and account.

2. Purpose – Pursuant to Section 104-b of the GML, the primary objectives of this policy are to assure the prudent and economical use of public monies in the best interests of the taxpayers of a political subdivision or district, to facilitate the acquisition of goods and services of maximum quality at the lowest possible cost under the circumstances and to guard against favoritism, improvidence, extravagance, fraud and corruption.

B. Procedures

1. Solicitation Procedures for the Purchase of Commodities, Equipment, Goods or Services.

a. Up to \$5,000 per instance – The discretion of the Chairperson or chief executive officer of the Agency or authorized designee.

b. Greater than \$5,000 to \$20,000 per instance – Documented verbal quotations or written/fax/email quotations from at least three vendors.

c. Greater than \$20,000 per instance – Written Request for Proposal.

d. Notwithstanding the foregoing, should cumulative procurements pursuant to paragraphs a or b above exceed \$50,000 per calendar year for a single vendor, the Agency shall be required to prepare a Written Request for Proposal for such procurements.

2. Exceptions – Alternative proposals or quotations shall not be required for procurements made through or with respect to:

a. New York State or Niagara County Contracts – when the Agency is able to procure commodities, equipment, goods or services through New York State or Niagara County contracts, it is unnecessary to obtain quotations or bids;

b. State Finance Law Section 175-b (from agencies for the blind or severely handicapped);

c. Correction Law Section 186 (articles manufactured in correctional institutions);

d. Emergency Procurements – an emergency exists if the delay caused by soliciting quotes would endanger health, welfare, property or an economic development opportunity. Approval of the Chief Executive Officer is necessary, which shall be documented and shall also include a description of the facts giving rise to the emergency.

e. Sole Source Procurements – A “sole source” means a situation where (i) there is only one possible source from which to produce goods and/or services available in the marketplace, (ii) no other goods and/or services provide substantially equivalent or similar benefits, and (iii) considering the benefits, the cost to the Agency is reasonable.

f. Utilities and Affiliate Transactions – The purchase of utilities and inter-affiliate transactions are excepted from alternative proposal/quotation requirements.

g. Unavailability of three (3) vendors who are able or willing to provide a quote.

3. Basis for the Award of Contracts - Contracts will be awarded to the lowest responsible dollar offeror who meets the specifications therefor, except in circumstances that the Agency determines justify an award to other than the lowest responsible dollar offeror. In making any such determination, the Agency may consider relevant factors including, without limitation:

a. Delivery requirements

b. Quality requirements

c. Quantity requirements

d. Past vendor performance and/or experience

e. The unavailability of three or more vendors who are able or willing to quote on a procurement.

f. It may be in the best interests of the Agency to consider only one vendor who has previous expertise with respect to a particular procurement.

g. If the contemplated contract furthers the Agency’s goal of advancing opportunities for a Minority Business Enterprise (MBE)¹ and/or a Women Business

¹ Under Article 15-A of the New York Executive Law, an MBE is a business enterprise in which at least fifty-one percent (51%) is owned, operated and controlled by citizens or permanent resident aliens who are meeting the ethnic definitions listed below:

- Black: Persons having origins from any of the Black African racial groups.
- Hispanic: Persons of Mexican, Puerto Rican, Dominican, Cuban, Central or South American descent of either Native American or Latin American origin, regardless of race.
- Asian-Pacific: Persons having origins from the Far East, Southeast Asia or the Pacific Islands.
- Asian-Indian Subcontinent: Persons having origins from the Indian subcontinent.
- Native American or Alaskan Native: Persons having origins in any of the original peoples of North America.

Enterprise (WBE² and for purposes herein, the abbreviation “MWBE” shall mean a Minority or Women Owned Business Enterprise) or if the contemplated contract meets the Agency’s MWBE procurement goals as set forth in Section C of this Policy.

h. Any procurement excepted from the alternative proposal/quotation requirements as set forth in subdivision 2 of this Section B, and the procurement of professional services in Section F of this Policy.

4. Documentation

a. A record of all solicitations for alternative proposals or quotations, the response (if applicable), and any determinations pursuant thereto shall be maintained in the procurement file.

b. For each procurement by the Agency the chief executive officer of the Agency or authorized designee shall set forth in writing the category of procurement that is being made and what method of procurement is specified.

c. Whenever an award is made to other than the lowest responsible dollar offeror the reasons for doing so shall be set forth in writing and maintained in the procurement file.

d. Whenever the specified number of quotations cannot or will not be secured, the reasons for this shall be indicated in writing and maintained in the procurement file.

5. Basis for the Award of Contracts – Contracts will be awarded to the lowest responsible vendor who meets the specifications.

6. Exceptions to Bidding

a. Emergency Situation – An emergency exists if the delay caused by soliciting quotes would endanger the health, welfare or property of the municipality or of the citizens. With approval by the Executive Director such emergency shall not be subject to competitive bidding or the procedures stated above.

b. Resolution Waiving Bidding Requirements – The Agency may adopt a resolution waiving the competitive bidding requirements whenever it is determined to be impracticable.

c. Sole Source – Defined as a situation when there is only one possible source from which to procure goods and/or services and it is shown that the item needed has unique benefits, the cost is reasonable for the product offered and there is no competition available.

² Under Article 15-A of the New York Executive Law, a WBE is a business enterprise in which at least fifty-one percent (51%) is owned, operated and controlled by citizens or permanent resident aliens who are women.

d. True Lease – Prices will be obtained through quotations whenever possible. The award shall be made on the basis of goods and/or services to be provided, ability to meet the specifications desired and price.

e. Procurement of Insurance - Procurement of Insurance Brokerage services is subject to this Policy as a professional service. Notwithstanding the foregoing actual insurance policies procured are not subject to requirements of this Policy.

f. Professional Services – This category includes services which require special education and/or training, license to practice or are creative in nature. Examples or professional services are: lawyers, doctors, accountants, engineers, artists, etc.

7. Minority and Women Business Enterprises – The Agency shall comply with all applicable legal requirements relating to the hiring of such businesses.

8. Input from members of the Agency – Comments concerning the procurement policy shall be solicited from the members of the Agency from time to time.

9. Annual Review – the Agency shall annually review its procurement policies and procedures.

10. Unintentional Failure to Comply – The unintentional failure to comply with the provisions of Section 104-b of the GML shall not be grounds to void action taken or give rise to a cause of action against the Agency or any officer thereof.

Adopted: July ___, 2025

8.1

RFP for General Construction Separation Wall



MEMORANDUM

DATE: July 2, 2025
TO: NCIDA Board Members
FROM: Mike Dudley
RE: Bids for Construction of Separation Wall @ 2055 Niagara Falls Blvd.

The Agency issued an RFP for the construction of an interior wall to divide tenant units at 2055 Niagara Falls Blvd. Niagara Falls, NY 14304. RFPs were delivered to three companies, posted on our website and posted on the NYS Construction Exchange website.

RFP's are due to the Agency on July 3, 2025 at 3:00 p.m. and will be opened publicly in the NCIDA Boardroom on July 7th at 10:00 a.m. As of this date, we have received 2 sealed bids. The staff will have the bids available and will make a recommendation to the Board at the July 9th Board meeting.