

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: June 14, 2023
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**, Chairperson
___ **Kevin McCabe**, First Vice Chairperson
___ **Jason Krempa**, Second Vice Chairperson
___ **William L. Ross**, Secretary
___ **Scott Brydges**, Assistant Secretary
___ **Clifford Scott**, Member
___ **Robert B. Cliffe**, Member
___ **Maria V. Lopez**, Member

Staff Members:

___ **Susan C. Langdon**, Executive Director
___ **Andrea Klyczek**, Assistant Director
___ **Michael S. Dudley**, Finance Manager
___ **Caroline Caruso**, Accounting Associate
___ **Susan Barone**, Grants & Operations Manager
___ **Mark J. Gabriele**, Agency Counsel
___ **Julie Lamoreaux**, Administrative & HR Officer
___ **Jeremy Geartz**, Project Manager

-
- 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 – May 10, 2023
 - 6.0 Finance & Audit Committee Reports – *K. McCabe*
 - 6.1 Agency Payables – May 31, 2023
 - 6.2 Budget Variance Report – May 31, 2023

- 7.0 Governance Committee**
 - 7.1 Records Retention and Disposition of Property Policy**
 - 7.2 Apprenticeship Policy**
 - 7.3 Credit Card Policy**

- 8.0 Unfinished Business**
 - 8.1 Zeton Inc. – A.Klyczek**
 - 8.1.1 Final Resolution**

- 9.0 New Business**
 - 9.1 MHT Holdings Inc. – Brookside Commons – J. Geartz**
 - 9.1.1 Preliminary Resolution**
 - 9.1.2 Authorize Public Hearing**

 - 9.2 MHT Holdings Inc. – Niagara Falls – J. Geartz**
 - 9.2.1 Preliminary Resolution**
 - 9.2.2 Authorize Public Hearing**

 - 9.3 Cataract Grant – A. Klyczek**
 - 9.3.1 The Center for Kashmir, Inc.**

- 10.0 Agency Counsel – M. Gabriele**

- 11.0 Information Items**

- 12.0 Any Other Matters the Board Wishes to Discuss**

- 13.0 Next Regular NCIDA/NCDC/NADC Meeting:**
 - DATE: July 12, 2023**
 - TIME: ** 9:00 a.m. ****
 - PLACE: Niagara County Center for Economic Development**

- 14.0 Adjournment - M. Onesi**

5.1

Meeting Minutes

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: May 10, 2023
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 Chairperson Onesi at 9:00 a.m.

2.0 Roll Call

Mark A. Onesi, Chairperson	Present
Kevin McCabe, Vice Chairperson	Excused
William L. Ross, Secretary	Present
Scott Brydges, Assistant Secretary	Present
Robert B. Cliffe, Member	Present
Clifford Scott, Member	Present
Jason Krempa, Member	Present
Maria V. Lopez, Member	Present

3.0 Introduction of Guests

Guests Present

Jacob Tierney, Business First
Jonathan Epstein, Buffalo News
Robert Creenan, Niagara Gazette
Paul Beakman, Zeton USA Holdings
Mike Marino, Nussbaumer & Clark, Inc.
Darren Wildt, Chemical Design Inc.

Staff Present

Susan C. Langdon, Executive Director
Andrea Klyczek, Assistant Director
Michael S. Dudley, Finance Manager
Caroline Caruso, Accounting Associate
Susan Barone, Grants & Operations Manager
Caroline Caruso, Accounting Associate
Julie Lamoreaux, Administrative & HR Officer
Jeremy Geartz, Project Manager
Mark J. Gabriele, Agency Counsel

4.0 Pledge of Allegiance

Mr. Onesi led the Pledge of Allegiance.

5.0 Approval of Meeting Minutes

5.1 Regular NCIDA/NCDC/NADC – March 22, 2023

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

6.0 Finance & Audit Committee Reports

6.1 Agency Payables – March 31, 2023

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

Mr. Brydges made a motion to approve the monthly payables; Mr. Cliffe seconded the motion. The motion passed.

6.2 Agency Payable – April 30, 2023

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

Mr. Brydges made a motion to approve the monthly payables; Mr. Cliffe seconded the motion. The motion passed.

6.3 Budget Variance Report – March 31, 2023

Mr. Ross stated that the reports have been reviewed and found to be in order.

Mr. Brydges made a motion to approve the Budget Variance Report; Mr. Cliffe seconded the motion. The motion passed.

6.4 Budget Variance Report – April 30, 2023

Mr. Ross stated that the reports have been reviewed and found to be in order.

Mr. Brydges made a motion to approve the Budget Variance Report; Mr. Cliffe seconded the motion. The motion passed.

7.0 Unfinished Business

7.1.1 Micro Grant Approval – Youngstown Marketside LLC

Ms. Klyczek stated that staff is requesting Board approval for an increase of the Youngstown Marketside LLC Grant from \$25,000 to \$33,000. The reason for the increase is because the Agency had extra money left in the Grant Fund and determined that Youngstown Marketside LLC had the ability to utilize the funds and had the most costly project of previously approved Grants.

8.0 New Business

8.1 Zeton US Properties, Inc.

Ms. Klyczek stated that Chemical Design Inc. (CDI) specializes in the design and installation of systems to address air separation, hydrogen and syngas, chemicals and petrochemicals, natural gas and vent gas recovery for silicon plants. CDI and its partner Zeton Inc. wish to acquire property located at 115 Oakhurst Street, Lockport, New York. This project would entail the construction of a 16,000 SF light manufacturing facility with office space for engineering and design. The manufacturing space would serve as a space for assembly of equipment for air purification, hydrogen, syngas natural gas, chemical, petrochemical and vent gas recovery systems. Future job creation is expected to continue through the next 5-15 years.

Mr. Wildt stated that Chemical Design, Inc. was founded in 1959 and was acquired by Zeton US Properties, Inc. He added that his company chips systems all around the world. The company is growing rapidly and has outgrown their current space and need to construct a new building.

8.1.1 Preliminary Resolution

RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY (i) ACCEPTING THE APPLICATION OF ZETON US PROPERTIES, INC. WITH RESPECT TO A CERTAIN PROJECT (AS MORE FULLY DEFINED BELOW) TO BE UNDERTAKEN BY THE AGENCY FOR THE BENEFIT OF ZETON US PROPERTIES, INC. OR AN ENTITY FORMED OR TO BE FORMED; (ii) AUTHORIZING A PUBLIC HEARING WITH RESPECT TO THE PROJECT; (iii) AUTHORIZING THE EXECUTIVE DIRECTOR OF THE AGENCY TO TAKE CERTAIN ACTIONS UNDER ARTICLE 8 OF THE ENVIRONMENTAL CONSERVATION LAW IN CONNECTION WITH THE PROJECT; (iv) DESCRIBING THE FORMS OF FINANCIAL ASSISTANCE BEING CONTEMPLATED BY THE AGENCY.

Mr. Krempa made a motion to approve the Final Resolution; Mr. Brydges 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>
Kevin McCabe				x
William Ross	x			
Maria V. Lopez	x			
Robert Cliffe	x			
Scott Brydges	x			
Clifford Scott	x			
Jason Krempa	x			
Mark Onesi	x			

The Resolution was thereupon duly adopted.

8.1.2 Authorize Public Hearing

Mr. Krempa motioned to authorize the Public Hearing; Mr. Cliffe seconded the motion. The motion passed.

8.2 Revolving Loan Fund

Ms. Klyczek stated that staff is asking for Board approval to submit a new application to EDA for the recapitalization of the Revolving Loan Fund. The Agency is seeking to apply for an additional \$350,000 that would be matched by \$350,000 of existing loan funds.

8.2.1 New Application to Economic Development Administration

Mr. Krempa made a motion to approve the EDA Application; Mr. Brydges 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>
Kevin McCabe				x
William Ross	x			
Maria V. Lopez	x			
Robert Cliffe	x			
Scott Brydges	x			
Clifford Scott	x			
Jason Krempa	x			
Mark Onesi	x			

The Resolution was thereupon duly adopted.

8.3 Microenterprise Program

Ms. Klyczek stated that the Agency re-applied for additional Microenterprise funds, these funds are administered on behalf of Niagara County. The Agency was approved for an additional \$300,000. The sub-recipient agreement was attached to the packet for Board review to continue to administer this funding.

8.3.1 Approval of Sub-recipient Agreement with Niagara County

Mr. Ross made a motion to approve the additional Microenterprise funds; Mr. Brydges 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>
Kevin McCabe				x
William Ross	x			
Maria V. Lopez	x			
Robert Cliffe	x			
Scott Brydges	x			
Clifford Scott	x			
Jason Krempa	x			
Mark Onesi	x			

The Resolution was thereupon duly adopted.

8.4 Heating/AC Unit – Print Pad

Ms. Lamoreaux stated that our tenant here at 6311 Inducon Corporate Drive, Print Pad, needs a new heater/air conditioning Unit because the current unit is broken beyond repair. She added that staff is recommending the quote from Greater Niagara Mechanical because of the price, and quick turnaround of the new unit.

8.4 Approval of new Heating/AC Unit

Mr. Cliffe made a motion to approve the heating/AC Unit; Mr. Brydges 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>
Kevin McCabe				x
William Ross	x			
Maria V. Lopez	x			
Robert Cliffe	x			
Scott Brydges	x			
Clifford Scott	x			
Jason Krempa	x			
Mark Onesi	x			

The Resolution was thereupon duly adopted.

9.0 Agency Counsel

Mr. Gabriele stated that he would like to break into an Executive Session to discuss Agency issues.

Mr. Ross made a motion to approve the Executive Session for the purpose of litigation and a personnel issues; Mr. Krempa seconded the motion. The motion passed.

Mr. Brydges made a motion to come out of executive session. Mr. Krempa seconded the motion. The motion passed.

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 matters the Board wished to discussed

12.0 Next Regular NCIDA/NCDC/NADC Meeting:

DATE: June 14, 2023

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

PLACE: Niagara County Center for Economic Development

13.0 Adjournment

Ms. Ross made a motion to adjourn; Mr. Krempa seconded the motion. The meeting adjourned at 9:47 a.m.

Respectfully Submitted:

Reviewed By:

Approved By:

Julie Lamoreaux
Recording Secretary

Susan C. Langdon
Executive Director

William L. Ross
Secretary

6.1

Agency Payables

Niagara County Industrial Devel. Agency
Check Register
For the Period From May 1, 2023 to May 31, 2023

Filter Criteria includes: Report order is by Date.

Check #	Date	Payee	Cash Account	Amount
29815	5/2/23	Caroline M. Caruso	10001.100	69.17
29816	5/2/23	County of Niagara	10001.100	355.70
29817	5/2/23	Gabriele & Berrigan, P.C.	10001.100	5,000.00
29818	5/2/23	THE HARTFORD	10001.100	305.62
29819	5/2/23	M&T Bank	10001.100	1,832.36
29820	5/2/23	Selective Insurance Company	10001.100	31.00
5/4/23	5/4/23	PAYCHEX, INC.	10001.100	92.25
5/5/23	5/5/23	NYS DEFERRED COMPENSATION PLAN	10001.100	1,316.42
29821	5/9/23	360 PSG.com	10001.100	60.00
29822	5/9/23	County of Niagara	10001.100	355.72
29823	5/9/23	Magavern Magavern Grimm LLP	10001.100	225.00
29824	5/9/23	National Grid	10001.100	482.14
29825	5/9/23	Pitney Bowes Global Financial Services	10001.100	189.42
29826	5/17/23	County of Niagara	10001.100	36.09
29827	5/17/23	PURCHASE POWER	10001.100	301.50
29828	5/17/23	Professional Janitorial Services, Inc.	10001.100	705.00
29829	5/17/23	STAPLES CONTRACT & COMMERCIAL	10001.100	39.90
5/18/23	5/18/23	PAYCHEX, INC.	10001.100	76.66
5/19/23	5/19/23	NYS DEFERRED COMPENSATION PLAN	10001.100	1,226.42
29830	5/23/23	Charter Communications	10001.100	129.99
29831	5/23/23	County of Niagara	10001.100	292.32
29832	5/23/23	First Choice Coffee Services	10001.100	167.54
29833	5/23/23	Guardian	10001.100	388.33
29834	5/23/23	Independent Health	10001.100	3,853.40
29835	5/23/23	Niagara Gazette Lockport Union Sun	10001.100	98.06
29836	5/23/23	NIAGARA GAZETTE	10001.100	243.00
5/24/23	5/24/23	NEW YORK STATE AND LOCAL	10001.100	634.64
29837	5/31/23	M&T Bank	10001.100	1,810.72
29838	5/31/23	National Grid	10001.100	488.37
Total				20,806.74

NCIDA VIP-MTF Operating**Check Register**

For the Period From May 1, 2023 to May 31, 2023

Filter Criteria includes: Report order is by Date.

Check #	Date	Payee	Cash Account	Amount
4763	5/2/23	Frontier	10001.600	217.84
4764	5/2/23	County of Niagara	10001.600	213.70
4765	5/9/23	National Grid	10001.600	451.75
4766	5/9/23	County of Niagara	10001.600	278.32
4767	5/17/23	DAVIS-ULMER Sprinkler Co.	10001.600	170.00
4768	5/17/23	Modern Disposal Services, Inc.	10001.600	174.10
4769	5/17/23	Professional Janitorial Services, Inc.	10001.600	195.00
4770	5/17/23	Town of Wheatfield	10001.600	56.25
4771	5/23/23	County of Niagara	10001.600	203.62
4772	5/31/23	H.W.BRYK & SONS, INC.	10001.600	1,043.50
4773	5/31/23	FH Land Services	10001.600	1,113.42
4774	5/31/23	National Grid	10001.600	450.64
Total				4,568.14

NCIDA - MTF - Operating Fund**Check Register**

For the Period From May 1, 2023 to May 31, 2023

Filter Criteria includes: Report order is by Date.

Check #	Date	Payee	Cash Account	Amount
3113	5/2/23	Niagara Falls Water Board	10001.600	411.22
3114	5/9/23	National Grid	10001.600	53.59
3115	5/17/23	DAVIS-ULMER Sprinkler Co.	10001.600	160.00
3116	5/17/23	VERIZON	10001.600	123.42
3117	5/31/23	FH Land Services	10001.600	590.52
Total				1,338.75

Niagara Industrial Incubator Associates

Check Register

For the Period From May 1, 2023 to May 31, 2023

Filter Criteria includes: Report order is by Date.

Check #	Date	Payee	Cash Account	Amount
1355	5/2/23	Niagara Falls Water Board	10000.100	2,338.24
1356	5/9/23	National Grid	10000.100	209.75
1357	5/31/23	H.W. Bryk & Sons, Inc.	10000.100	185.00
Total				<u><u>2,732.99</u></u>

Niag. Cnty Dev. Corp. - Micro RLF
Check Register
For the Period From May 1, 2023 to May 31, 2023

Filter Criteria includes: Report order is by Date.

Check #	Date	Payee	Cash Account	Amount
2088	5/2/23	MHG Food and Events Services, LLC	10004.400	1,465.49
2089	5/2/23	Niagara Gazette Lockport Union Sun	10004.400	234.40
2090	5/2/23	Spoons! 716 LLC	10004.400	14,194.36
2091	5/2/23	Youngstown Marketside LLC	10004.400	7,000.00
2092	5/23/23	Niagara Gazette Lockport Union Sun	10004.400	86.60
2093	5/31/23	Niagara County Community College	10004.400	1,500.00
Total				24,480.85

6.2

**Budget Variance
Reports**

NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY

BUDGET VARIANCE REPORT AS OF May 31, 2023

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
Operating Revenues						
Project Administrative Fees	\$ 28,830.00	\$ 26,353.00	\$ 558,028.20	\$ 230,498.00	327,530.20	\$ 536,108.00
Project Application Fees	3,000.00	1,000.00	10,000.00	5,000.00	5,000.00	12,000.00
NEDF RLF Administrative Fee	4,166.67	4,166.67	20,833.35	20,833.35	0.00	50,000.00
Administratve Fees - Other	0.00	0.00	3,100.00	3,100.00	0.00	245,135.00
Interest Earnings	3,070.43	224.42	11,694.18	1,122.10	10,572.08	2,693.00
Miscellaneous Income	0.00	5.00	94.57	25.00	69.57	60.00
Distrib From Niag. Ind. Suites	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	150,000.00
Total Operating Revenues	39,067.10	31,749.09	603,750.30	260,578.45	343,171.85	1,095,996.00
Operating Expenses						
Salaries	34,239.60	33,500.00	171,198.00	167,500.00	3,698.00	435,500.00
Benefits	4,810.00	4,871.75	24,970.92	24,358.75	612.17	58,461.00
Retirement Benefits	3,661.58	3,661.58	18,307.90	18,307.90	0.00	43,939.00
Payroll Taxes	2,645.25	2,604.93	13,226.25	13,024.65	201.60	33,785.00
Unemployment Taxes	0.00	0.00	1,549.92	1,550.00	(0.08)	1,550.00
Consultants	2,500.00	2,500.00	12,500.00	12,500.00	0.00	30,000.00
Assisstant Director	6,250.00	6,250.00	31,250.00	31,250.00	0.00	75,000.00
Legal Services	5,833.33	5,833.33	26,916.92	29,166.65	(2,249.73)	70,000.00
Accounting Services	0.00	0.00	18,000.00	20,110.00	(2,110.00)	20,110.00
Accounting Services - NADC	0.00	0.00	1,400.00	2,100.00	(700.00)	2,100.00
Marketing	1,432.92	1,833.33	6,201.27	9,166.65	(2,965.38)	22,000.00
Printing	0.00	125.00	0.00	625.00	(625.00)	1,500.00
Office Supplies	137.79	208.33	550.59	1,041.65	(491.06)	2,500.00
Postage	301.50	266.00	1,466.88	1,864.00	(397.12)	3,650.00
Telephone & Fax	102.61	88.92	462.56	444.60	17.96	1,067.00
Internet Service	129.99	208.33	820.75	1,041.65	(220.90)	2,500.00
Common Area Charges	870.00	723.67	4,350.00	3,618.35	731.65	8,684.00
Energy	1,288.37	1,798.00	7,376.99	11,187.00	(3,810.01)	24,518.00
Conference & Travel	397.80	166.67	3,907.46	833.35	3,074.11	2,000.00
Employee Training	0.00	416.67	550.00	2,083.35	(1,533.35)	5,000.00
Insurance Expense	1,644.86	1,643.17	8,224.30	8,215.85	8.45	19,718.00
Library & Membership	243.00	148.18	2,658.00	2,092.72	565.28	3,130.00
General Office	576.45	798.83	3,487.27	3,994.15	(506.88)	9,586.00
Repairs & Maintenance	989.65	1,098.00	4,604.87	5,490.00	(885.13)	13,176.00
Computer Support	0.00	583.33	0.00	2,916.65	(2,916.65)	7,000.00
Public Hearings	0.00	25.00	0.00	125.00	(125.00)	300.00
Furniture & Equipment Purchase	0.00	166.67	0.00	833.35	(833.35)	2,000.00
Other Expense	0.00	83.33	0.00	416.65	(416.65)	1,000.00
Total Operating Expenses	68,054.70	69,603.02	363,980.85	375,857.92	(11,877.07)	899,774.00
Net Operating Income/<Loss>	(28,987.60)	(37,853.93)	239,769.45	(115,279.47)	355,048.92	196,222.00
Non-Operating Revenue & Expense						
Grant Rev- City NF Initiative	0.00	0.00	155,000.00	0.00	155,000.00	900,000.00
Grant Sub-City NF Initiative	0.00	0.00	155,000.00	0.00	155,000.00	900,000.00
Net Non-Operating Income/<Loss>	0.00	0.00	0.00	0.00	0.00	0.00
Total Net Income/<Loss>	(\$ 28,987.60)	(\$ 37,853.93)	\$ 239,769.45	(\$ 115,279.47)	355,048.92	\$ 196,222.00

NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY

6/7/2023

**Project Income - 2023
Lease/Lease Back and Bonds**

Closed 2023	Project Type	Total Project Amount	IDA Project Amount	Fees	Application Fee	Amount Received to Date	Date Received	Balance Due	Date Closed	
	SJI Main LLC	Sales Tax Only	35,320	35,320	3,532	0	3,532	1/23/23	-	1/5/23
	OAHS Urban Park TC LLC	Bond	16,000,000	16,215,000	134,558	1,000	135,558	2/15/23	-	
	Niagara Falls International Cuisine Inc. d/b/a Mes Tax Only		510,000	29,600	2,960	1,000	3,960	2/24/23	-	
	Burger Factory Niagara Falls Inc, d/b/a A&W F	L/L Back	1,230,000	1,110,000	11,100	1,000	12,100	2/24/23	-	
	OAHS Niagara Towers TC LLC	Bond	19,000,000	19,875,000	165,969	1,000	166,969	3/15/23	-	
	DLV Properties LLC	L/L Back	23,089,050	20,707,900	207,079	1,000	208,079	3/16/23	-	3/15/23
	Prospect Pointe Hotel LLC	Assumption of Maid of the Mist Hospitalit		4,000	4,000	1,000	5,000	4/10/23	-	3/22/23
	DRC Development LLC 2022	L/L Back	3,000,000	2,883,000	28,830	1,000	29,830	5/19/23	-	5/16/23
					0				-	
	TOTAL			<u>558,028</u>						
				Fees received in prior year	-					
				Total fees received to date in 2023	<u>558,028</u>					
				Total 2023 Budgeted Fees	<u>536,108</u>					
				Balance of Budgeted Fees	<u>(21,920)</u>					

Projected 2023	Project Type	Total Project Amount	IDA Project Amount	Anticipated Fees	Application Fee	Amount Received to Date	Date Received	Anticipated Balance Due	Inducement Expiration	
	Cerrone Estate Properties, LLC	L/L Back	1,780,000	1,750,000	17,500	1,000	1,000	2/3/21	17,500	3/31/23
	Olcott Yacht Club Inc.	Sales Tax & Mtg Tax Only	456,000	450,000	0	250	250	2/16/21	-	2/9/23
	Niacet Corporation	L/L Back	13,250,000	8,525,000	70,000	1,000	1,000	3/14/23	70,000	6/30/23
	TM Montante Development LLC - 512 3rd St.	L/L Back	2,687,001	2,059,941	20,599	1,000	1,000	6/7/21	20,599	7/31/23
	TM Montante Development LLC - 500 3rd St.	L/L Back	693,001	550,000	5,500	1,000	1,000	6/9/21	5,500	7/31/23
	Niacet Corporation (NxtD Project)	L/L Back	48,750,000	46,750,000	467,500	1,000	1,000	5/2/22	467,500	6/30/23
	Amazon.com Services LLC	L/L Back	550,000,000	550,000,000		1,000	1,000	7/13/22	-	8/31/23
	Chase Commons LLC	L/L Back	5,000,000	4,600,000	46,000	1,000	1,000	1/18/23	46,000	3/31/24
	Peak Development Partners, LLC	L/L Back	7,475,000	7,175,000	71,750	1,000	1,000	1/31/23	71,750	3/31/24
	Niacet Corporation 2023	L/L Back	121,000,000	89,000,000	890,000	1,000	1,000	3/14/23	890,000	3/31/24
	Zeton US Properties, Inc.	L/L Back	5,230,000	4,825,000	48,250	1,000	1,000	5/10/23	48,250	
	TOTAL			<u>1,637,099</u>	<u>10,250</u>	<u>10,250</u>		<u>1,637,099</u>	<u>0</u>	
	TOTAL - Projected Income 2023			<u>2,195,128</u>	<u>10,250</u>	<u>10,250</u>		<u>1,637,099</u>	<u>558,028</u>	

Projected 2024	Project Type	Total Project Amount	IDA Project Amount	Anticipated Fees	Application Fee	Amount Received to Date	Date Received	Anticipated Balance Due	Inducement Expiration
	TOTAL			<u>0</u>	<u>0</u>	<u>0</u>		<u>0</u>	<u>0</u>

* Pending Board Approval

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	0.00	10/11/2017	1/23/2018	37,667.00		Feasibility study for Niagara Falls area multi-use facility.
Niagara Aquarium Foundation	88,147	0.00	2/14/2018	7/15/2019	88,147.00		Jellyfish exhibit and equipment.
The Tourism Research Entrepreneurship Center (TReC)	176,600	0.00	8/8/2018	6/2/2020	176,600.00		Buildout, audio/visual equipment and network connectivity hardware.
Niagara Aquarium Foundation	16,717	0.00	2/12/2020	10/21/2020	16,717.00		Renovations to second floor event room.
Niagara Aquarium Foundation	370,000	0.00	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	0.00	7/10/2019	9/7/2021	64,403.00		Spot Coffee.
Niagara Falls Center for Tourism LLC	1,000,000	20,000.00	6/12/2019	Partial 9/7/2022	584,580.09	12/31/2022	Construction of an indoor family entertainment center and outdoor improvements.
The Center for Kashmir, Inc.	273,000	273,000.00	8/12/2020	To Be Disbursed	0.00	6/30/2023	Renovations to vacant church for a museum of art and culture for Kashmir.
Savarino Companies, LLC	155,000	0.00	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	900,000.00	2/9/2022	To Be Disbursed	0.00	12/31/2023	Renovations to the Niagara Gorge Discovery Center for expanded programming.
Niagara Aquarium Foundation	35,000	35,000.00	2/8/2023	To Be Disbursed	0.00	10/31/2023	Sea turtle exhibit.
Burger Factory Niagara Falls, Inc.	185,250	185,250.00	2/8/2023	To Be Disbursed	0.00	11/30/2023	Façade renovations.
Niagara Falls International Cuisine, Inc.	76,500	76,500.00	2/8/2023	To Be Disbursed	0.00	11/30/2023	Dining area renovations.
Hammer & Crown BC	33,000	33,000.00	3/22/2023	To Be Disbursed	0.00	12/1/2023	Kitchen buildout, bar and dining area remodeling.
TM Montante Development(Radio Niagara)	912,609	912,609.00	3/22/2023	To Be Disbursed	0.00	11/1/2023	Renovations for restaurant, bar, game space, bowling lounge and boutique hotel.
To Date Sub-Total	<u>4,323,893</u>	<u>2,435,359.00</u>			<u>1,493,114.09</u>		
Grant Fund Cash Balance as of 5/31/2023	3,228,490.94						
Less: Outstanding Awards	<u>(2,435,359.00)</u>						
Available for awarding grants	<u>793,131.94</u>						
Grant Fund Balance	-						
Grant Funding from NYS 11/22/2016	1,600,000.00						
Grant Funding from NYS 10/16/2017	1,440,000.00						
Grant Funding from NYS 10/12/2018	1,600,000.00						
Bank Interest	81,648.29						
Bank Fees	(43.26)						
Grant Disbursements	(1,493,114.09)						
Grant Fund Balance	3,228,490.94						

7.0

**Governance
Committee**

RECORDS RETENTION AND DISPOSITION OF PROPERTY POLICY WITH GUIDELINES

I. Records Retention and Disposition Policy

The Agency has adopted the Records Retention and Disposition **Schedule LGS-1 for Use by Miscellaneous Local Governments** prepared by the New York State Archives and Records Administration. A copy of this schedule is kept on file at the Agency.

The purpose of the Records and Retention and Disposition Schedule indicates the minimum length of time that records of local government entities must be retained by local officers before they may be disposed of. **Schedule LGS-1** is designed for use by a public benefit corporation performing regional or municipal functions.

The Administrative and Human Resource Officer is appointed as the Records Management Officer for the Agency.

The Disposition of Property Guidelines has been ratified and approved, along with the appointment of the Executive Director of the Agency as the Contracting Officer of the Agency.

II. Disposition of Property Guidelines

Section 1. Definitions

- A. "Contracting Officer" shall mean the officer or employee of the Niagara County Industrial Development Agency ("Agency") who shall be appointed by resolution to be responsible for the disposition of property.
- B. "Dispose" or "disposal" shall mean transfer of title or any other beneficial interest in personal or real property in accordance with section 2897 of the Public Authorities Law.
- C. "Property" shall mean personal property in excess of five thousand dollars (\$5,000) in value, and real property, and any inchoate or other interest in such property, to the extent that such interest may be conveyed to another person for any purpose, excluding an interest securing a loan or other financial obligation of another party.

Section 2. Duties

A. The Agency shall:

- (i) maintain adequate inventory controls and accountability systems for all property owned by the Agency and under its control;
- (ii) periodically inventory such property to determine which property shall be disposed of;
- (iii) produce a written report of such property in accordance with subsection B herewith; and
- (iv) transfer or dispose of such property as promptly and practicably as possible in accordance with Section 2 below.

B. The Agency shall:

- (i) publish, not less frequently than annually, a report listing all real property owned in fee by the Agency. Such report shall consist of a list and full description of all real and personal property disposed of during such period. The report shall contain the price received by the Agency and the name of the purchaser for all such property sold by the Agency during such period; and
- (ii) shall deliver copies of such report to the Comptroller of the State of New York, the Director of the Budget of State of New York, Commissioner of the New York State Office of General Services, and the New York State Legislature (via distribution to the majority leader of the senate and the speaker of the assembly).

Section 3. Transfer or Disposition of Property

A. Supervision and Direction.

Except as otherwise provided herein, the duly appointed contracting officer (the "Contracting Officer") shall have supervision and direction over the disposition and sale of property of the Agency. The Agency shall have the right to dispose of its property for any valid corporate purpose.

B. Custody and Control.

The custody and control of Agency property, pending its disposition, and the disposal of such property, shall be performed by the Agency or by the Commissioner of General Services when so authorized under this section.

C. Method of Disposition.

Unless otherwise permitted, the Agency shall dispose of property for not less than its fair market value by sale, exchange, or transfer, for cash, credit, or other property, with or without warranty, and upon such other terms and conditions as the Agency and/or contracting officer deems proper. The Agency may execute such documents for the transfer of title or other interest in property and take such other action as it deems necessary or property to dispose of such property under the provisions of this section. Provided, however, except in compliance with all applicable law, no disposition of real property, any interest in real property, or any other property which because of its unique nature is not subject to fair market pricing shall be made unless an appraisal of the value of such property has been made by an independent appraiser and included in the record of the transaction.

D. Sales by the Commissioner of General Services (the "Commissioner").

When the Agency shall have deemed that transfer of property by the Commissioner will be advantageous to the State of New York, the Agency may enter into an agreement with the Commissioner of pursuant to which Commissioner may dispose of property of the Agency under terms and conditions agreed to by the Agency and the Commissioner. In disposing of any such property, the Commissioner shall be bound by the terms hereof and references to the contracting officer shall be deemed to refer to such Commissioner.

E. Validity of Deed, Bill of Sale, Lease, or Other Instrument.

A deed, bill of sale, lease, or other instrument executed by or on behalf of the Agency, purporting to transfer title or any other interest in property of the Agency in accordance herewith shall be conclusive evidence of compliance with the provisions of these guidelines and all applicable law insofar as concerns title or other interest of any bona fide grantee or transferee who has given valuable consideration for such title or other interest and has not received actual or constructive notice of lack of such compliance prior to the closing.

F. Bids for Disposal; Advertising; Procedure; Disposal by Negotiation; Explanatory Statement.

- (i) Except as permitted by all applicable law, all disposals or contracts for disposal of property made or authorized by the Agency shall be made after publicly advertising for bids except as provided in subsection (iii) of this Section F.
- (ii) Whenever public advertising for bids is required under subsection (i) of this Section F:

- (A) the advertisement for bids shall be made at such time prior to the disposal or contract, through such methods, and on such terms and conditions as shall permit full and free competition consistent with the value and nature of the property proposed for disposition;
 - (B) all bids shall be publicly disclosed at the time and place stated in the advertisement; and
 - (C) the award shall be made with reasonable promptness by notice to the responsible bidder whose bid, conforming to the invitation for bids, will be most advantageous to the Agency, price and other factors considered; provided, that all bids may be rejected at the Agency's discretion.
- (iii) Disposals and contracts for disposal of property may be negotiated or made by public auction without regard to subsections (i) and (ii) of this Section F but subject to obtaining such competition as is feasible under the circumstances, if:
- (A) the personal property involved is of a nature and quantity which, if disposed of under subsections (i) and (ii) of this Section F, would adversely affect the state or local market for such property, and the estimated fair market value of such property and other satisfactory terms of disposal can be obtained by negotiation;
 - (B) the fair market value of the property does not exceed fifteen thousand dollars;
 - (C) bid prices after advertising therefor are not reasonable, either as to all or some part of the property or have not been independently arrived at in open competition;
 - (D) the disposal will be to the state or any political subdivision, and the estimated fair market value of the property and other satisfactory terms of disposal are obtained by negotiation;
 - (E) the disposal is for an amount less than the estimated fair market value of the property, the terms of such disposal are obtained by public auction or negotiation, the disposal of the property is intended to further the public health, safety or welfare or an economic development interest of the Agency, the state or a political subdivision (to include but not limited to, the prevention or remediation of a substantial threat to public health or safety, the creation or retention of a substantial number of job opportunities, or the creation or retention of a substantial source of revenues, or where the authority's enabling legislation permits or other economic development initiatives), the

purpose and the terms of such disposal are documented in writing and approved by resolution of the board of the Agency; or

(F) such action is otherwise authorized by law.

(iv) (a) An explanatory statement shall be prepared of the circumstances of each disposal by negotiation of:

- (1) any personal property which has an estimated fair market value in excess of fifteen thousand dollars;
- (2) any real property that has an estimated fair market value in excess of one hundred thousand dollars, except that any real property disposed of by lease or exchange shall only be subject to clauses (3) through (5) of this subparagraph;
- (3) any real property disposed of by lease for a term of five years or less, if the estimated fair annual rent is in excess of one hundred thousand dollars for any of such years;
- (4) any real property disposed of by lease for a term of more than five years, if the total estimated rent over the term of the lease is in excess of one hundred thousand dollars; or
- (5) any real property or real and related personal property disposed of by exchange, regardless of value, or any property any part of the consideration for which is real property.

(b) Each such statement shall be transmitted to the persons entitled to receive copies of the report required under all applicable law not less than ninety (90) days in advance of such disposal, and a copy thereof shall be preserved in the files of the Agency making such disposal.

The Guidelines are subject to modification and amendment at the discretion of the Agency board and shall be filed annually with all local and state agencies a required under all applicable law.

The designated Contracting Officer for the Agency is the Executive Director.

Apprenticeship Policy

The Niagara County Industrial Development Agency (“Agency”) recognizes the importance of having a highly skilled workforce to perform quality work on projects located in Niagara County. A highly skilled workforce will help attract new business and investment to the Niagara County and the surrounding area. Certified apprenticeship programs are a vital tool in providing the training and experience necessary to insure that Niagara County has a highly skilled workforce presently and into the future. These programs have shown a high graduation rate for participants.

Project applicants (the “Company”), as an additional incentive to the standard financial assistance provided by Agency, the Company will be eligible for enhanced PILOT benefits by its commitment to utilizing a certified apprenticeship program as part of their project.

Apprenticeship Programs

Set forth herein are the certified apprenticeship programs that are deemed acceptable and will qualify the Company for the additional benefits of this policy.*

Electricians
Sheet Metal Workers
Plumbers and Steamfitters
Carpenters and Millwrights
Roofers
Ironworkers
Cement Masons
Boilermakers
Bricklayers and Allied Craft
Laborers
Sprinkler Fitters
Heat and Frost Insulators
Elevator Constructors
Operating Engineers
Painters and Glazers
Plasterers
Teamsters

*A complete list of New York State Certified Apprenticeship Programs can be found at:

<http://labor.ny.gov/pressreleases/apprenticeshiparchive.shtm>

Enhanced PILOT benefit

If a Company commits to the use of a contractor that participates in the above referenced apprenticeship programs specific to the project, that Company will be provided with an additional 5% reduction from the Agency's standard PILOT schedule for the first five (5) years of the PILOT. Companies authorized to receive the additional financial assistance from the Agency will be required to file or cause to be filed an Apprenticeship Report (the "Report") on such form as made available by the Agency, and as directed by the Agency, which will identify each trade used in the project, along with each contractor that participates in a certified apprenticeship program. The Report shall be submitted to the Agency upon the completion of construction. If Agency determines in its sole discretion that the apprenticeship requirements have not been met, the Agency will not provide the additional benefits to the project.

1. How many Apprenticeship programs does a contractor need to participate in? All of them or a specific number?
2. What form/proof will be required?
3. Will program be done before construction begins?
4. Need to prepare an "Apprenticeship Report." What should be included in the report?
5. How do we handle multiple contractors on the project for eligibility purposes?

NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY
CREDIT CARD POLICY

Purpose: To establish the Policy and Procedures for the use of Agency credit cards.

I. Introduction:

It is commonplace for organizations to use credit cards for the convenience of making purchases on behalf of the organization. In some instances, purchases can only be made via a credit card as manual checks are not accepted (example - hotel reservations, internet purchases). In order to simplify the process for purchasing certain items on behalf of the Niagara County Industrial Development Agency ("Agency"), the following policy outlines the use of credit cards.

II. Authorization

The adoption of this policy authorizes:

- The approval of the issuance of credit card(s) as general cards or vendor specific cards
- Identify all authorized users
- Set appropriate credit limits
- Establish custody of the cards when not in use
- The uses of the card
- The appropriate internal control structure for monitoring the use of the card
- The approval process for payment of the charges
- Establish a means to recoup any unauthorized expenditures

The use of an Agency credit card(s) shall be in accordance with, and is not intended to circumvent, the Agency's Procurement Policy.

The Agency shall be permitted to obtain and utilize a credit card(s) as so authorized by the resolution and preferably with the Agency's primary bank. In addition to the Agency itself, the individuals authorized to be issued a card are listed on Schedule A, along with the credit limit authorized. Schedule A shall be updated as the individuals authorized and credit limits change. The credit cards will be issued to the specific individuals listed on Schedule A in order to help maintain accountability. If an individual is no longer designated as a cardholder, and/or leaves Agency employment, the card issued to this individual will be cancelled. Only authorized personnel of the Agency may be assigned and use the Agency credit card.

The Audit and Finance committee will evaluate the use of the cards on a yearly basis to determine the continued need for the cards and the nature and type of purchases being made.

III. Use of Cards

All purchases made on the Agency's credit card must comply with the Agency's Procurement Policy. The Agency's credit card may be used only for official business of the Agency as determined by the Executive Director to pay for actual and necessary expenses incurred in the performance of work-related duties for the Agency. The card may be used only for the following purchases:

- Hotel reservations
- Rental car reservations
- Training, conference, luncheons and seminar registrations
- Meals for meetings in which the vendor will not accept a check
- Internet purchases where a vendor will not accept a check

Personal expenses on the Agency's credit card are strictly prohibited. A credit card that allows cash advances or cash back from purchases is also prohibited. The card will be issued in the name and liability of the Agency with the name of the individual authorized on the card.

The employee issued the credit card is responsible for its protection and custody shall immediately notify the Finance Manager if the card is lost or stolen.

Employees must immediately surrender the Agency credit card upon termination of employment. The Agency reserves the right to withhold the final payroll check and payout of accrued leave until the card is surrendered.

IV. Recordkeeping

The use of the Agency credit card must be substantiated with a purchase order, receipts and documentation detailing the goods or services purchased, cost, date of the purchase and the official business explanation. Receipts and documentation must be submitted to the Finance Manager following the purchase to reconcile against the monthly credit card statement.

At the end of each month, the Finance Manager is to review the monthly card statement and reconcile it with the receipts and documentation received for that month. The Finance Manager shall advise the Executive Director monthly that all purchases are supported by documentation. Any purchase/charge without appropriate supporting documentation requires a detailed explanation and description along with a written approval of the Executive Director (or Board Chair if Executive Director purchase). Unauthorized or improper purchases will result in credit card revocation and discipline of the employee. The Agency shall also take appropriate action to recoup unauthorized or improper expenditures.

Once the credit card has been reconciled, payment via check will be made. All credit card payments shall be made within the grace period so that no interest charges or penalties will accrue.

Schedule A

Name	Title	Credit Limit Authorized

8.1

Zeton Inc.

PROJECT SUMMARY
Zeton US Properties, Inc.



Applicant:	Zeton US Properties, Inc.	
Project Location:	115 Oakhurst Street, Lockport, New York 14094	
Assistance:	15 Year PILOT Sales Tax Abatement Mortgage Recording Tax Abatement	
Description:	<p>Founded in 1959, Chemical Design, Inc., (since acquired by Zeton US Properties, INC.) has been a leader in applying innovative techniques to separation and purification applications. Through this extensive experience in the chemical engineering industry, they bring a high level of expertise and insight to all their products and services, resulting in customized solutions that work for your process requirements. CDI specializes in the design and installation of systems to tackle air separation, hydrogen and syngas, chemicals and petrochemicals, natural gas and vent gas recovery for silicon plants.</p> <p>This project would require the construction of a 16,000 SF light manufacturing facility with office space for engineering and design. The manufacturing space would serve as a space for assembly of equipment for air purification, hydrogen, syngas natural gas, chemical, petrochemical and vent gas recovery systems. Future additional job creation is expected to continue to throughout the next 5-15 years.</p>	
Project Costs:	Acquisition Construction/Improvements Furniture, Fixtures & Equipment Soft costs Other <p align="right">TOTAL</p>	\$ 325,000 \$ 4,000,000 \$ 500,000 \$ 400,000 \$ 5,000 <hr/> \$ 5,230,000
Employment:	Current jobs in Niagara County: 23 New Jobs in Niagara County within 3 years: 12 Estimated Annual Payroll for New Jobs: \$70,000 per job Skills: Engineering (Chemical, Mechanical, Electrical) Administration, Assembly	
Evaluative Criteria:	Regional wealth, In region purchases, retention, locational land use, workforce access	

Niagara County Industrial Development Agency

MRB Cost Benefit Calculator

Date: May 1, 2023
 Project Title: Zeton US Properties Inc.
 Project Location: 115 Oakhurst Street, Lockport, NY 14094



Economic Impacts

Summary of Economic Impacts over the Life of the PILOT

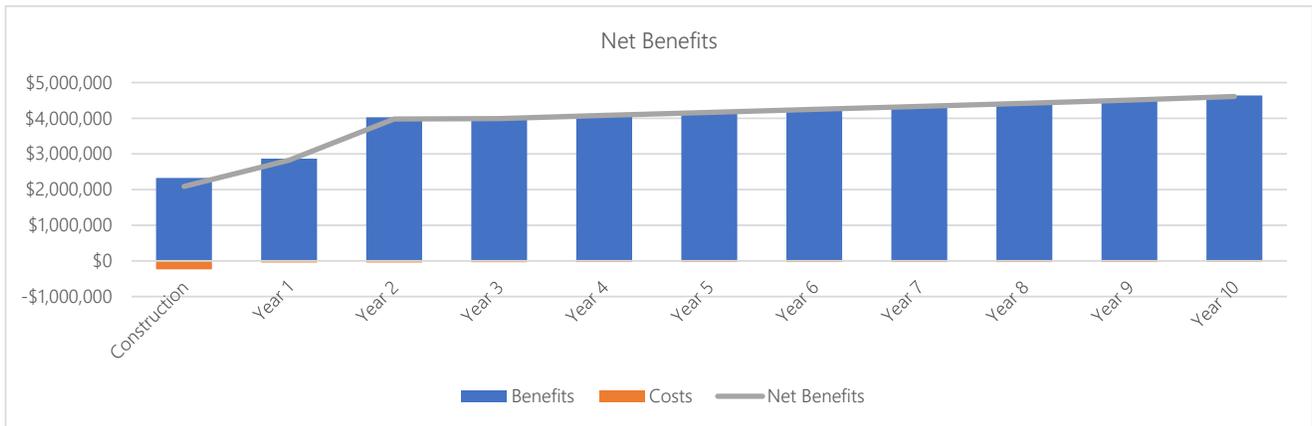
Project Total Investment

\$5,230,000

Temporary (Construction)			
	Direct	Indirect	Total
Jobs	22	9	31
Earnings	\$1,751,500	\$445,869	\$2,197,369
Local Spend	\$4,184,000	\$1,507,679	\$5,691,679

Ongoing (Operations)			
Aggregate over life of the PILOT			
	Direct	Indirect	Total
Jobs	35	22	57
Earnings	\$48,193,175	\$14,017,072	\$62,210,246

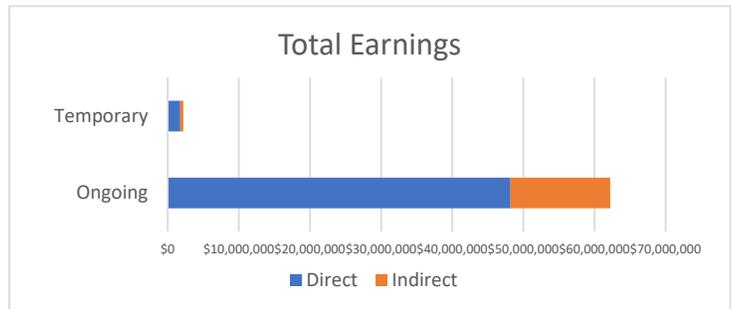
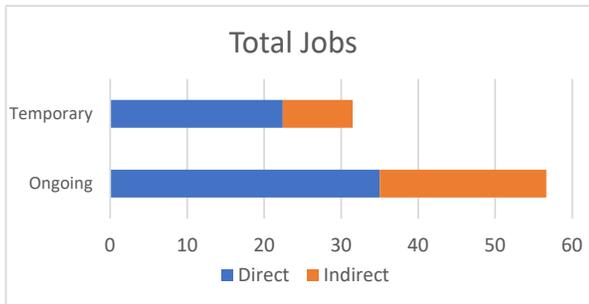
Figure 1



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

Figure 2

Figure 3



Fiscal Impacts



Cost-Benefit Analysis Tool powered by MRB Group

Estimated Costs of Exemptions

	Nominal Value	Discounted Value*
Property Tax Exemption	\$493,212	\$428,008
Sales Tax Exemption	\$200,000	\$200,000
Local Sales Tax Exemption	\$100,000	\$100,000
State Sales Tax Exemption	\$100,000	\$100,000
Mortgage Recording Tax Exemption	\$39,225	\$39,225
Local Mortgage Recording Tax Exemption	\$13,075	\$13,075
State Mortgage Recording Tax Exemption	\$26,150	\$26,150
Total Costs	\$732,437	\$667,233

State and Local Benefits

	Nominal Value	Discounted Value*
Local Benefits	\$65,104,272	\$55,575,145
To Private Individuals	\$64,407,616	\$54,984,632
Temporary Payroll	\$2,197,369	\$2,197,369
Ongoing Payroll	\$62,210,246	\$52,787,263
Other Payments to Private Individuals	\$0	\$0
To the Public	\$696,656	\$590,513
Increase in Property Tax Revenue	\$245,803	\$205,621
Temporary Jobs - Sales Tax Revenue	\$15,382	\$15,382
Ongoing Jobs - Sales Tax Revenue	\$435,472	\$369,511
Other Local Municipal Revenue	\$0	\$0
State Benefits	\$3,349,196	\$2,859,201
To the Public	\$3,349,196	\$2,859,201
Temporary Income Tax Revenue	\$98,882	\$98,882
Ongoing Income Tax Revenue	\$2,799,461	\$2,375,427
Temporary Jobs - Sales Tax Revenue	\$15,382	\$15,382
Ongoing Jobs - Sales Tax Revenue	\$435,472	\$369,511
Total Benefits to State & Region	\$68,453,468	\$58,434,346

Benefit to Cost Ratio

	Benefit*	Cost*	Ratio
Local	\$55,575,145	\$541,083	103:1
State	\$2,859,201	\$126,150	23:1
Grand Total	\$58,434,346	\$667,233	88:1

*Discounted at 2%

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

Additional Revenues:

County	\$56,494
City/Town/Village	\$111,000
School District	\$170,550

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 the NYS ST-60)

Additional Comments from IDA

Public Hearing for Zeton US Properties, Inc.
May 31, 2023 at 1:00 p.m.
Lockport City Hall

Andrea Klyczek: Welcome. This public hearing is now open; it is 1:00 p.m. My name is Andrea Klyczek. I am the Assistant Director of the Niagara County Industrial Development Agency, and I will be the hearing officer to conduct this public hearing. Notice of this public hearing was published in the Union Sun & Journal on May 13, 2023.

We are here to hold the public hearing on Zeton US Properties, Inc. and/or Individual(s) or Affiliate(s), Subsidiary(ies), or Entity(ies) formed or to be formed on its behalf. The transcript of this hearing will be reviewed and considered by the Agency in determination of this project.

The proposed project (the "Project") includes the construction of a new manufacturing facility at 115 Oakhurst Street in the City of Lockport.

The proposed financial assistance contemplated by the Agency includes New York State and local sales and use tax exemption benefits and mortgage recording tax exemption benefits (in compliance with Agency's tax exemption policy), and a partial real property tax abatement.

The project application and project summary are posted on the Agency's website at niagaracountybusiness.com and I have copies with me today.

If you have a written comment to submit for the record, you may do so. Written comments may also be delivered to Agency at 6311 Inducon Corporate Drive, Suite One, Sanborn, New York 14132 until the comment period closes on June 2, 2023.

If anyone is interested in making a comment, please, state your name and address; if you are representing a company, please identify the company. Please limit your comments to no more than 3 minutes in length.

Andrea Klyczek: Are there any comments? Hearing none, I will now adjourn the meeting.
It is now 1:02 p.m. Thank you.

**SIGN IN SHEET
PUBLIC HEARING**

May 31, 2023 - 1 p.m.
Lockport City Hall

regarding:

**Zeton US Properties Inc and/or Individual(s) or Affiliate(s), Subsidiary(ies),
or Entity(ies) formed or to be formed on its behalf**

Name	Company and/or Address	X box to speak/ comment
Paul Beahman	ZETON USA	
Mike MARINO	Nussbaum & Chalk, INC.	
Lisa Wern	NC Real Property	
Alissa DiCesare	NC Real Property	

9.1

**MHT Holdings
Inc.**

– Brookside Commons-

PROJECT SUMMARY
MHT Holdings, Inc. Brookside Commons



Applicant:	MHT Holdings, Inc.	
Project Location:	6127 North Witham Drive, Niagara, NY 14305	
Assistance:	15 Year PILOT Sales Tax Abatement Mortgage Recording Tax Abatement	
Description:	MHT Holdings Inc. plans to purchase and renovate 15 affordable units in the town of Niagara from Brookside Commons LLC. This building was constructed in 1969 and totals 16,288 sq. ft. This rehabilitation will include HVAC, maintenance needs, appliances, and fixtures.	
Project Costs:	Acquisition	\$1,028,618
	Construction/Improvements	\$ 985,000
	Furniture, Fixtures & Equipment	\$ 0
	Soft costs	\$1,596,921
	Other	\$ 24,500
	TOTAL	\$ 3,635,039
Employment:	Current jobs in Niagara County: 1 New Jobs in Niagara County within 3 years: 0 Estimated Annual Payroll for New Jobs: 0 Skills:	
Evaluative Criteria:	Redevelopment supports or aligns with regional or local development plans.	

Niagara County Industrial Development Agency

MRB Cost Benefit Calculator

Date: June 7, 2023
 Project Title: MHT Holdins, Inc. Brookside Commons
 Project Location: Town of Niagara



Economic Impacts

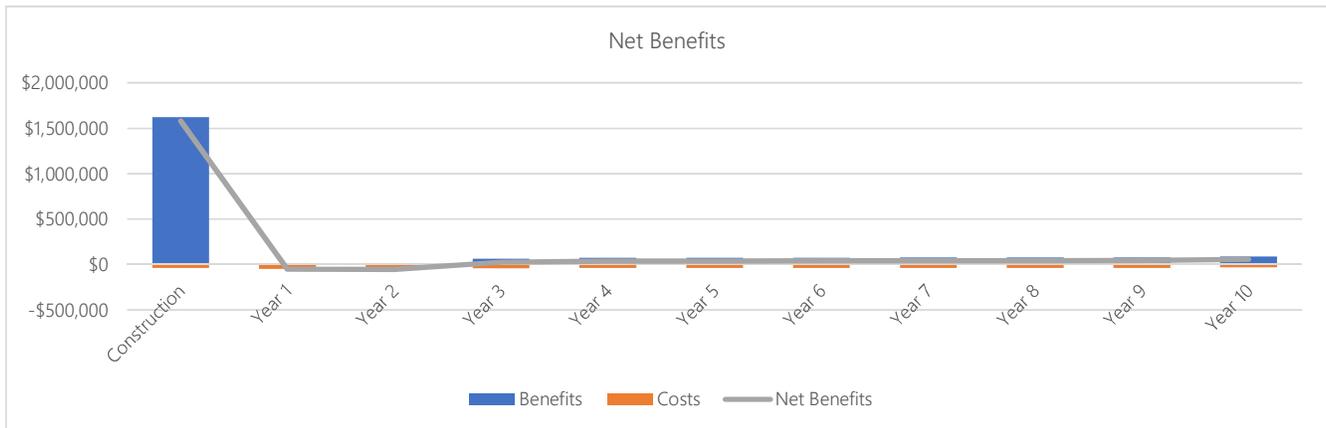
Summary of Economic Impacts over the Life of the PILOT

Project Total Investment
 \$3,635,039

	Temporary (Construction)		
	Direct	Indirect	Total
Jobs	32	6	39
Earnings	\$1,218,813	\$311,721	\$1,530,534
Local Spend	\$2,908,031	\$1,052,799	\$3,960,830

	Ongoing (Operations)		
	Direct	Indirect	Total
Jobs	1	0	1
Earnings	\$734,017	\$187,731	\$921,747

Figure 1



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

Figure 2

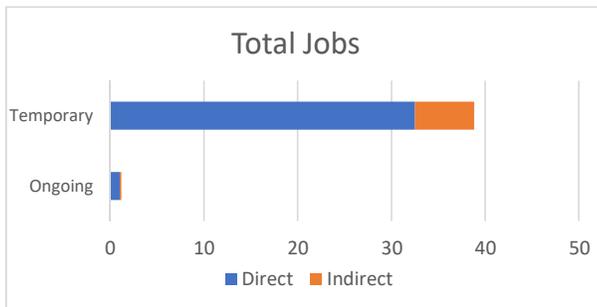
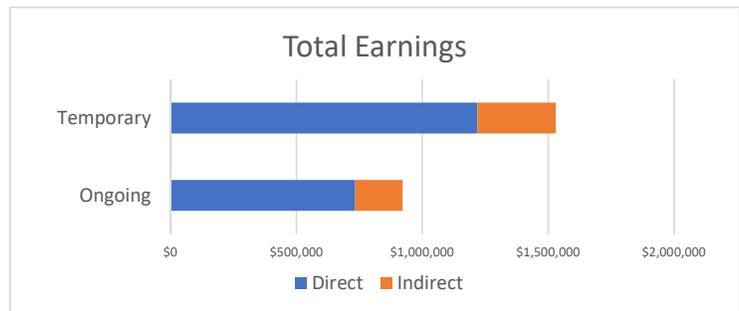


Figure 3



Ongoing earnings are all earnings over the life of the PILOT.

Fiscal Impacts



Cost-Benefit Analysis Tool powered by MRB Group

Estimated Costs of Exemptions

	Nominal Value	Discounted Value*
Property Tax Exemption	\$533,550	\$463,013
Sales Tax Exemption	\$39,400	\$39,400
Local Sales Tax Exemption	\$19,700	\$19,700
State Sales Tax Exemption	\$19,700	\$19,700
Mortgage Recording Tax Exemption	\$1,988	\$1,988
Local Mortgage Recording Tax Exemption	\$663	\$663
State Mortgage Recording Tax Exemption	\$1,325	\$1,325
Total Costs	\$574,938	\$504,401

State and Local Benefits

	Nominal Value	Discounted Value*
Local Benefits	\$2,528,007	\$2,361,912
To Private Individuals	\$2,452,281	\$2,299,698
Temporary Payroll	\$1,530,534	\$1,530,534
Ongoing Payroll	\$921,747	\$769,164
Other Payments to Private Individuals	\$0	\$0
To the Public	\$75,726	\$62,214
Increase in Property Tax Revenue	\$58,560	\$46,116
Temporary Jobs - Sales Tax Revenue	\$10,714	\$10,714
Ongoing Jobs - Sales Tax Revenue	\$6,452	\$5,384
Other Local Municipal Revenue	\$0	\$0
State Benefits	\$127,519	\$119,584
To the Public	\$127,519	\$119,584
Temporary Income Tax Revenue	\$68,874	\$68,874
Ongoing Income Tax Revenue	\$41,479	\$34,612
Temporary Jobs - Sales Tax Revenue	\$10,714	\$10,714
Ongoing Jobs - Sales Tax Revenue	\$6,452	\$5,384
Total Benefits to State & Region	\$2,655,526	\$2,481,496

Benefit to Cost Ratio

	Benefit*	Cost*	Ratio
Local	\$2,361,912	\$483,376	5:1
State	\$119,584	\$21,025	6:1
Grand Total	\$2,481,496	\$504,401	5:1

*Discounted at 2%

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

Additional Revenues:

County	\$82,289
City/Town/Village	\$29,469
School District	\$253,934

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 the NYS ST-60)

Additional Comments from IDA

NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY

APPLICATION FOR FINANCIAL ASSISTANCE

MHT Holdings, Inc.

(Applicant Name)

6311 Inducon Corporate Drive, Suite One
Sanborn, New York 14132
Phone: 716-278-8760 Fax: 716-278-8769
<http://niagaracountybusiness.com>

Updated April 2022

- I. Subject to the applicable statute, information provided by applicant will be treated as confidential until such time as the Agency takes action on the request. However, in accordance with Article 6 of the Public Officers Law, all records in possession of the Agency are open to public inspection and copy.
- II. The Niagara County Industrial Development Agency has a one thousand dollar (\$1000.00) non-refundable application fee that must accompany the application submission.
- III. At the time of the project closing, project applicant is required to pay certain costs associated with the project. The applicant shall be responsible for the payment of an Agency fee in the amount of one percent (1.00%) of the total value of the project, together with Agency counsel fees as set forth in the Agency fee policy schedule, together with various related costs, including but not limited to public hearing expenses. Upon request, a fee summary will be provided to each applicant.
- IV. One (1) original signed copy of the Application and Environmental Assessment form should be submitted with the Application for Assistance.

The Niagara County Industrial Development Agency does not discriminate on the basis of race, color, religion, sex, sexual orientation, marital status, age, national origin, disability or status as a disabled or Vietnam Veteran or any other characteristic protected by law.

6311 Inducon Corporate Drive, Suite One ■ Sanborn, NY 14132-9099 ■ 716-278-8760
Fax 716-278-8769 ■ www.niagaracountybusiness.com

**NIAGARA COUNTY
INDUSTRIAL DEVELOPMENT AGENCY**

APPLICATION FOR FINANCIAL ASSISTANCE

I. APPLICANT INFORMATION

Company Name: MHT Holdings, Inc.

Mailing Address: 570 LeBrun

City/Town/Village & Zip code: Amherst 14226

Phone: (716) 510-3726

Website: _____

Fed Id. No.: 161456154

Contact Person, and Title: Mark Trammell

Email: markt@localnet.com

Principal Owners/Officers/Directors (list owners with 15% or more in equity holdings with percentage ownership):

Mark Trammell - 100%

Corporate Structure (attach schematic if applicant is a subsidiary or otherwise affiliated with another entity)

Form of Entity



Corporation

Date of Incorporation: 2/25/94

State of Incorporation: New York



Partnership

General _____ or Limited _____

Number of general partners _____

If applicable, number of limited partners _____

Date of formation _____

Jurisdiction of Formation _____



Limited Liability Company/Partnership (number of members _____)

Date of organization: _____

State of Organization: _____



Sole Proprietorship

If a foreign organization, is the applicant authorized to do business in the State of New York?

Applicant's Counsel

Company Name: Bond Schoeneck & King

Contact Person, and Title: Ray Reichert, Esq.

Mailing Address: Avant Building - Suite 900, 200 Delaware Avenue

City/Town/Village & Zip code: Buffalo 14202-2107

Email: rreichert@bsk.com

Phone: (716) 416-7046

Fax No.: _____

II. PROJECT INFORMATION

A) Project Address: 6127 North Whitham Dr,

Tax Map Number (SBL) 145.06-3-11
(Section/Block/Lot)

SWIS Number 293000

Located in City of _____

Located in Town of Niagara

Located in Village of _____

School District of Niagara Wheatfield

B) Current Assessment of Property:

Land \$22,200

Total \$296,250

C) Present legal owner of the site Brookside Commons LLC

If other than from applicant, by what means will the site be acquired for this project?

D) Describe the project:

Aquisition and rehabilitation of an affordable, multi-family property totalling 15
units in the Town of Niagara, NY.

1. Project site (land)

(a) Indicate approximate size (In acres or square feet) of project site.

28,650 sq. ft.

(b) Indicate the present use of the project site.

Multi-family residential.

2. Indicate number, size (in square feet) and approximate age of existing buildings on site
16,288 total sq. ft. built in 1969

3. Does the project consist of the construction of a new building or buildings?
If yes, indicate number and size (in square feet) of new buildings.
NA

4. Does the project consist of additions and/or renovations to existing buildings? If yes, indicate nature of expansion and/or renovation.
Yes, renovations. Exterior system, windows, kitchen cabinets, baths, landscape.

5. If any space in the project is to be leased to third parties, indicate total square footage of the project amount to be leased to each tenant and proposed use by each tenant.
NA

6. List principal items/categories of equipment to be acquired as part of the project.
HVAC, maintenance, appliances, fixtures

7. Has construction work on this project begun?
No

E) Inter-Municipal Move Determination

Will the project result in the removal of a plant or facility of the applicant from one area of the State of New York to another?

Yes or No

Will the project result in the removal of a plant or facility of another proposed occupant of the project from one area of the State of New York to another area of the State of New York?

Yes or No

Will the project result in the abandonment of one or more plants or facilities located in the State of New York?

Yes or No

If Yes to any of the questions above, explain how, notwithstanding the aforementioned closing or activity reduction, the Agency's Financial Assistance is required to prevent the Project from relocating out of the State, or is reasonably necessary to preserve the Project occupant's competitive position in its respective industry:

NA

- F) Furnish a copy of any environmental application presently in process of completion concerning this project, providing name and address of the agency, and copy all pending or completed documentation and determinations.

III. **SOURCES & USES OF FUNDS**

A) Estimated Project Costs:

Property Acquisition		\$	1,028,618
Construction (Improvements)		\$	985,000
Equipment Purchases/Fixtures/Furnishings		\$	
Soft costs (i.e. engineering, architectural)		\$	1,596,921
Other (describe)	Reserves	\$	24,500
TOTAL USES OF FUNDS		\$	3,635,039

B) Sources of Funds for Project Costs (*Must match above Total Uses of Funds*):

Bank Financing	Bridge/State Energy Loan	\$	265,000
Equity	Developer's	\$	339,060
Grants/Tax Credits	Tax Credits	\$	1,059,185
Taxable or Tax Exempt Bond	Tax Exempt	\$	1,971,794
Other		\$	
TOTAL SOURCES OF FUNDS		\$	3,635,039

C) Identify each state and federal grant/credit:

	\$
	\$
	\$
	\$
TOTAL PUBLIC FUNDS	\$

IV. FINANCIAL ASSISTANCE REQUESTED

A.) Benefits Requested:

- Sales Tax Exemption
 Mortgage Recording Tax Exemption
 Real Property Tax Abatement (PILOT)

B.) Value of Incentives: LEAVE THIS SECTION BLANK (will be estimated by NCIDA Staff)

Property Tax Exemption

Estimated duration of Property Tax exemption: 15 years

Sales and Use Tax

Estimated value of Sales Tax exemption for facility construction: \$ 39,400

Estimated value of Sales Tax exemption for fixtures and equipment: \$ 0

Estimated duration of Sales Tax exemption: 1 year

Mortgage Recording Tax Exemption Benefit

Estimated value of Mortgage Recording Tax exemption: \$ 1,988

C.) Financial Assistance Determination:

If financial incentives are not provided by NCIDA, is the project financially viable?

- Yes or No

If the Project could be undertaken without Financial Assistance provided by the Agency, then provide a statement in the space provided below indicating why the Project should be undertaken by the Agency:

V. EMPLOYMENT PLAN

	# of Retained Jobs	Retained Jobs Average Annual Salary	# of Created Jobs (3 yrs after project completion)	Created Jobs Average Annual Salary
Full Time	1	\$ 50,000	0	\$ 0
Part time	0	\$ 0	0	\$ 0
TOTAL FTEs	1	\$ 50,000	0	\$ 0

Annual Salary Range of Jobs to be Created: \$ 45,000 to \$ 55,000

Category of Jobs to be Retained and Created:

Job Categories (ie. Management, Administrative, Production, etc.) Management, maintenance

VI. REPRESENTATIONS BY THE APPLICANT

The Applicant understands and agrees with the Agency as follows:

- A. Job Listings: In accordance with Section 858-b(2) of the New York General Municipal Law, the applicant understands and agrees that, if the proposed project receives any Financial Assistance from the Agency, except as otherwise provided by collective bargaining agreements, new employment opportunities created as a result of the proposed project must be listed with the New York State Department of Labor Community Services Division (the "DOL") and with the administrative entity (collectively with the DOL, the "JTPA Entity") of the service delivery area created by the federal job training partnership act (Public Law 97-300)("JTPA") in which the project is located.

- B. First Consideration for Employment: In accordance with Section 858-b(2) of the General Municipal Law, the applicant understands and agrees that, if the proposed project receives any Financial Assistance from the Agency, except as otherwise provided by collective bargaining agreements, where practicable, the applicant must first consider persons eligible to participate in JTPA programs who shall be referred by the JTPA Entities for new employment opportunities created as a result of the proposed project.

- C. Compliance with Section 224-a(8)(a) of N.Y Labor Law. The applicant acknowledges receipt of notice from the Agency pursuant to Section 224-a(8)(d) of the New York Labor Law that the estimated mortgage recording tax exemption benefit amount, the estimated sales and use tax exemption benefit amount, and the estimated real property tax abatement benefit amount as so identified within this Application are "public funds" and not otherwise excluded under Section 224-a(3) of the New York Labor Law. You further acknowledge and understand that you have certain obligations as related thereto pursuant to Section 224-a(8)(a) of the New York Labor.

- D. Annual Sales Tax Filings: In accordance with Section 874(8) of the General Municipal Law, the Applicant understands and agrees that, if the proposed project receives any sales tax exemptions as part of the Financial Assistance from the Agency, in accordance with Section 874(8) of the General Municipal Law, the applicant agrees to file, or cause to be filed, with the New York State Department of Taxation and Finance, the annual form prescribed by the Department of Taxation and Finance, describing the value of all sales tax exemptions claimed by the applicant and all consultants or subcontractors retained by the Applicant.

- E. Annual Employment Reports: The applicant understands and agrees that, if the proposed project receives any Financial Assistance from the Agency, the applicant agrees to file, or cause to be filed, with the Agency, on an annual basis, reports regarding the number of people employed at the project site.

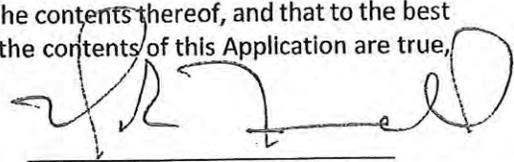
- F. Compliance with N.Y. GML Sec. 862(1): Applicant understands and agrees that the provisions of Section 862(1) of the New York General Municipal Law, as provided below, will not be violated if Financial Assistance is provided for the proposed Project:
- § 862. Restrictions on funds of the agency. (1) No funds of the agency shall be used in respect of any project if the completion thereof would result in the removal of an industrial or manufacturing plant of the project occupant from one area of the state to another area of the state or in the abandonment of one or more plants or facilities of the project occupant located within the state, provided, however, that neither restriction shall apply if the agency shall determine on the basis of the application before it that the project is reasonably necessary to discourage the project occupant from removing such other plant or facility to a location outside the state or is reasonably necessary to preserve the competitive position of the project occupant in its respective industry.
- G. Compliance with Applicable Laws: The Applicant confirms and acknowledges that the owner, occupant, or operator receiving Financial Assistance for the proposed Project is in substantial compliance with applicable local, state and federal tax, worker protection and environmental laws, rules and regulations.
- H. False and Misleading Information: The Applicant confirms and acknowledges that the submission of any knowingly false or knowingly misleading information may lead to the immediate termination of any Financial Assistance and the reimbursement of an amount equal to all or part of any tax exemption claimed by reason of the Agency's involvement the Project.
- I. Recapture: Should the Applicant not expend or hire as presented, the Agency may view such information/status as failing to meet the established standards of economic performance. In such events, some or all of the benefits taken by the Applicant will be subject to recapture.
- J. Absence of Conflicts of Interest: The applicant has received from the Agency a list of the members, officers, and employees of the Agency. No member, officers or employee of the Agency has an interest, whether direct or indirect, in any transaction contemplated by this Application, except as herein described.

The Applicant and the individual executing this Application on behalf of applicant acknowledge that the Agency and its counsel will rely on the representations made in this Application when acting hereon and hereby represents that the statements made herein do not contain any untrue statement of a material fact and do not omit to state a material fact necessary to make the statements contained herein not misleading.

STATE OF NEW YORK)
COUNTY OF Erie) ss.:

Mark Trammell _____, being first duly sworn, deposes and says:

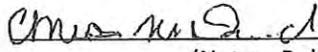
1. That I am the **President** (Corporate Office) of MHT Holdings, Inc. (Applicant) and that I am duly authorized on behalf of the Applicant to bind the Applicant.
2. That I have read the attached Application, I know the contents thereof, and that to the best of my knowledge and belief, this Application and the contents of this Application are true, accurate and complete.



(Signature of Officer)

Subscribed and affirmed to me under penalties of perjury
this 16 day of February, 2023.

CHRISTINE M DIEBOLD
NOTARY PUBLIC STATE OF NEW YORK
ERIE COUNTY
LIC. #01DI6341366
COMM. EXP. 05/02/2024



(Notary Public)

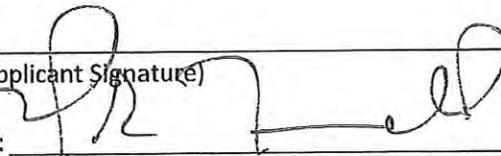
This Application should be submitted to the Niagara County Industrial Development Agency, 6311 Inducon Corporate Drive, Suite One, Sanborn, New York 14132.

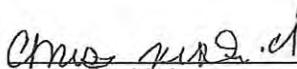
Attach copies of preliminary plans or sketches of proposed construction or rehabilitation or both.

HOLD HARMLESS AGREEMENT

Applicant hereby releases the NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY and the members, officers, servants, agents and employees thereof (the "Agency") from, agrees that the Agency shall not be liable for and agrees to indemnify, defend and hold the Agency harmless from and against any and all liability arising from or expense incurred by (A) the Agency's examination and processing of, and action pursuant to or upon, the attached Application, regardless of whether or not the Application or the Project described therein or the tax exemptions and other assistance requested therein are favorably acted upon by the Agency, and (B) any further action taken by the Agency with respect to the Project; including without limiting the generality of the foregoing, all causes of action and reasonable attorneys' fees and any other expenses incurred in defending any suits or actions which may arise as a result of any of the foregoing. If, for any reason, the Applicant fails to conclude or consummate necessary negotiations, or fails, within a reasonable or specified period of time, to take reasonable, proper or requested action, or withdraws, abandons, cancels or neglects the Application, or if the Agency or the Applicant are unable to reach final agreement with respect to the Project, then, and in the event, upon presentation of an invoice itemizing the same, the Applicant shall pay to the Agency, its agents or assigns, all out of pocket costs incurred by the Agency in processing of the Application, including reasonable attorneys' fees, if any. Notwithstanding anything contained herein to the contrary, the foregoing indemnities shall not be applicable with respect to misconduct, negligence, or criminal activity on the part of the Agency. It is understood and agreed that the Applicant has the right to join in any defense, and participate in the management of the defense, of any claim for which the Agency seeks indemnification.

In addition to the foregoing, the Applicant understands and acknowledges that (i) this application does not create or give rise to any legal obligations on the part of the Niagara County Industrial Development Agency (the "Agency") or the Applicant except as expressly stated herein, (ii) the terms and conditions governing the award of the financial assistance described herein will be set forth in a separate agreement(s), with the Agency, the form of which will be provided to the Applicant only upon the processing and approval of this application, (iii) the requested financial assistance described in application is based upon the representations made by the Applicant, based upon the Applicant's actual knowledge as of the date of this application, to the Agency, regarding the project, and (iv) that the Agency reserves the right to revise the financial assistance described in this application if any aspect of the project changes after receipt of the application, including changes to the number of jobs, amount of capital investment, or wages, by way of example only. In addition, the Applicant reserves the right to retract, clarify, amend or modify any such representations made prior to (or concurrently with) the submittal of this application to the Agency.

(Applicant Signature) _____
By: 
Name: Mark Trammell
Title: President



(Notary Public)

Sworn to before me this 16 day
of February, 2023

CHRISTINE M DIEBOLD
NOTARY PUBLIC STATE OF NEW YORK
[stamp] ERIE COUNTY
LIC. #01DI6341366
COMM. EXP. 05/02/2024

Real Property Tax Benefits (Detailed):

** This section of this Application will be: (i) completed by IDA Staff based upon information contained within the Application, and (ii) provided to the Applicant for ultimate inclusion as part of this completed Application.

PILOT Estimate Table Worksheet

Dollar Value of New Construction and Renovation Costs	Estimated New Assessed Value of Property Subject to IDA*	County Tax Rate/1000	Local Tax Rate (Town/City/Village)/1000	School Tax Rate/1000
\$958,000	\$1,000,000	13.489984	4.830990	41.628452

*Apply equalization rate to value

PILOT Year	% Payment	County PILOT Amount	Local PILOT amount	School PILOT Amount	Total PILOT	Full Tax Payment w/o PILOT	Net Exemption
1	20%	\$ 2,698	\$ 966	\$ 8,326	\$ 11,990	\$ 68,438	\$ 56,448
2	20%	\$ 2,698	\$ 966	\$ 8,326	\$ 11,990	\$ 68,438	\$ 56,448
3	30%	\$ 4,047	\$ 1,449	\$ 12,489	\$ 17,985	\$ 68,438	\$ 50,453
4	40%	\$ 5,396	\$ 1,932	\$ 16,651	\$ 23,980	\$ 68,438	\$ 44,458
5	40%	\$ 5,396	\$ 1,932	\$ 16,651	\$ 23,980	\$ 68,438	\$ 44,458
6	40%	\$ 5,396	\$ 1,932	\$ 16,651	\$ 23,980	\$ 68,438	\$ 44,458
7	40%	\$ 5,396	\$ 1,932	\$ 16,651	\$ 23,980	\$ 68,438	\$ 44,458
8	40%	\$ 5,396	\$ 1,932	\$ 16,651	\$ 23,980	\$ 68,438	\$ 44,458
9	40%	\$ 5,396	\$ 1,932	\$ 16,651	\$ 23,980	\$ 68,438	\$ 44,458
10	50%	\$ 6,745	\$ 2,415	\$ 20,814	\$ 29,975	\$ 68,438	\$ 38,463
11	50%	\$ 6,745	\$ 2,415	\$ 20,814	\$ 29,975	\$ 68,438	\$ 38,463
12	50%	\$ 6,745	\$ 2,415	\$ 20,814	\$ 29,975	\$ 68,438	\$ 38,463
13	50%	\$ 6,745	\$ 2,415	\$ 20,814	\$ 29,975	\$ 68,438	\$ 38,463
14	50%	\$ 6,745	\$ 2,415	\$ 20,814	\$ 29,975	\$ 68,438	\$ 38,463
15	50%	\$ 6,745	\$ 2,415	\$ 20,814	\$ 29,975	\$ 68,438	\$ 38,463
TOTAL		\$ 82,289	\$ 29,469	\$ 253,934	\$ 365,691	\$ 1,026,565	\$ 660,874

*Estimates provided are based on current property tax rates and assessment value

617.20
Appendix B
Short Environmental Assessment Form

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information			
Name of Action or Project: Brookside Commons Apts			
Project Location (describe, and attach a location map): 6127 N. Witham Dr., Niagara Falls, NY 14304			
Brief Description of Proposed Action: The Acquisition & Rehabilitation of 15 units located within One Bldg domiciled within Niagara County. The Rehab will involve the exterior system, appliances, windows, cabinets, landscape, baths, fixtures, HVAC systems & Roofs.			
Name of Applicant or Sponsor: MHT Holdings, Inc.		Telephone: 7165103726 E-Mail: markt@localnet.com	
Address: 570 LeBrun Road			
City/PO: Amherst		State: New York	Zip Code: 14226
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval: Building Permit - The various localities As-of-Right Tax Credits - NYS HCR			YES <input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		_____ .3 acres	
b. Total acreage to be physically disturbed?		_____ 0 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		_____ .3 acres	
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input checked="" type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)			
<input checked="" type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____			
<input type="checkbox"/> Parkland			

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO	YES	N/A
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation service(s) available at or near the site of the proposed action?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: Upgraded HVAC improvements	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Is the proposed action located in an archeological sensitive area?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input checked="" type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?	NO	YES	
<input checked="" type="checkbox"/>	<input type="checkbox"/>		
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES Existing Storm and wastewater pipes are located at each location.			

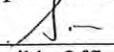
18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____	NO	YES
_____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____	NO	YES
_____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____	NO	YES
_____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor name: MHT Holdings, Inc.	Date: May 7th 2023	
Signature: 		

Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2. Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	No, or small impact may occur	Moderate to large impact may occur
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Part 3 - Determination of significance. The Lead Agency is responsible for the completion of Part 3. For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
<input checked="" type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.
Wc (0A)	6/7/23
Name of Lead Agency	Date
S. LANGRISH	ED
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
	
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

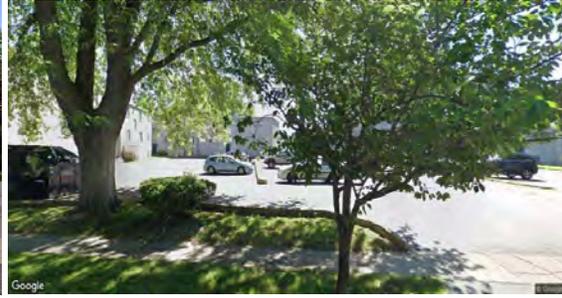
PRINT

9.2

**MHT Holdings
Inc.**

– Niagara Falls–

PROJECT SUMMARY
MHT Holdings, Inc. Niagara Falls



Applicant:	MHT Holdings, Inc.	
Project Location:	8235 & 8305 Buffalo Ave, Niagara Falls, NY 14304	
Assistance:	15 Year PILOT Sales Tax Abatement Mortgage Recording Tax Abatement	
Description:	MHT Holdings Inc. plans to purchase and renovate 60 affordable units in the town of Niagara from SJI Silverlake LLC. This building was constructed between 1956 and 1958 and totals 16,288 sq. ft. This rehabilitation will include HVAC, maintenance needs, appliances, and fixtures.	
Project Costs:	Acquisition	\$ 4,114,471
	Construction/Improvements	\$ 3,940,000
	Furniture, Fixtures & Equipment	\$ 0
	Soft costs	\$ 6,387,685
	Other	\$ 98,000
	TOTAL	\$14,540,156
Employment:	Current jobs in Niagara County: 2 New Jobs in Niagara County within 3 years: 0 Estimated Annual Payroll for New Jobs: 0 Skills:	
Evaluative Criteria:	Redevelopment supports or aligns with regional or local development plans.	

Niagara County Industrial Development Agency

MRB Cost Benefit Calculator



Date: June 6, 2023
 Project Title: MHT Holdings, Inc.
 Project Location: 8235 & 8305 Buffalo Ave. Niagara Falls

Economic Impacts

Summary of Economic Impacts over the Life of the PILOT

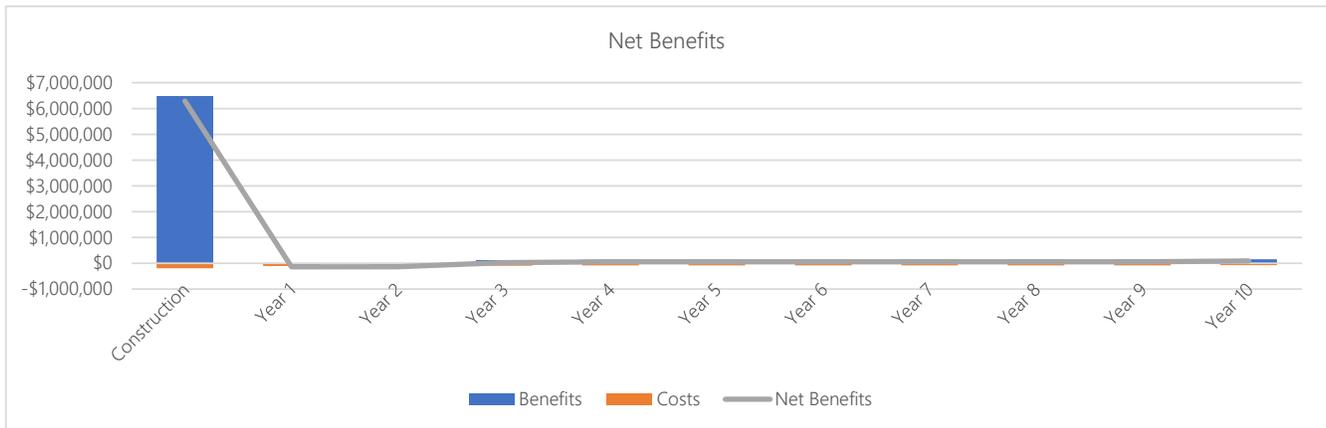
Project Total Investment

\$14,541,456

	Temporary (Construction)		
	Direct	Indirect	Total
Jobs	130	25	155
Earnings	\$4,875,687	\$1,246,996	\$6,122,684
Local Spend	\$11,633,165	\$4,211,572	\$15,844,737

	Ongoing (Operations)		
	Direct	Indirect	Total
Jobs	2	0	2
Earnings	\$1,468,033	\$374,228	\$1,842,261

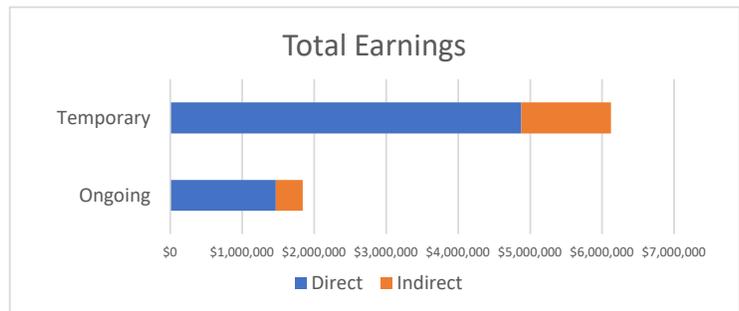
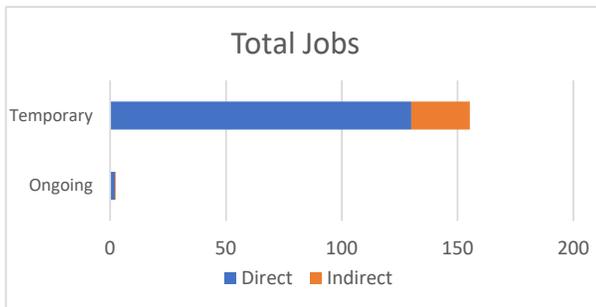
Figure 1



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

Figure 2

Figure 3



Fiscal Impacts



Cost-Benefit Analysis Tool powered by MRB Group

Estimated Costs of Exemptions

	Nominal Value	Discounted Value*
Property Tax Exemption	\$1,218,191	\$1,057,143
Sales Tax Exemption	\$157,600	\$157,600
Local Sales Tax Exemption	\$78,800	\$78,800
State Sales Tax Exemption	\$78,800	\$78,800
Mortgage Recording Tax Exemption	\$37,950	\$37,950
Local Mortgage Recording Tax Exemption	\$12,650	\$12,650
State Mortgage Recording Tax Exemption	\$25,300	\$25,300
Total Costs	\$1,413,741	\$1,252,693

State and Local Benefits

	Nominal Value	Discounted Value*
Local Benefits	\$7,944,742	\$7,640,602
To Private Individuals	\$7,964,944	\$7,659,982
Temporary Payroll	\$6,122,684	\$6,122,684
Ongoing Payroll	\$1,842,261	\$1,537,298
Other Payments to Private Individuals	\$0	\$0
To the Public	(\$20,203)	(\$19,380)
Increase in Property Tax Revenue	(\$75,958)	(\$72,999)
Temporary Jobs - Sales Tax Revenue	\$42,859	\$42,859
Ongoing Jobs - Sales Tax Revenue	\$12,896	\$10,761
Other Local Municipal Revenue	\$0	\$0
State Benefits	\$414,177	\$398,319
To the Public	\$414,177	\$398,319
Temporary Income Tax Revenue	\$275,521	\$275,521
Ongoing Income Tax Revenue	\$82,902	\$69,178
Temporary Jobs - Sales Tax Revenue	\$42,859	\$42,859
Ongoing Jobs - Sales Tax Revenue	\$12,896	\$10,761
Total Benefits to State & Region	\$8,358,919	\$8,038,921

Benefit to Cost Ratio

	Benefit*	Cost*	Ratio
Local	\$7,640,602	\$1,148,593	7:1
State	\$398,319	\$104,100	4:1
Grand Total	\$8,038,921	\$1,252,693	6:1

*Discounted at 2%

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

Yes

Additional Revenues:

County	\$114,072
City/Town/Village	\$481,931
School District	\$238,936

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 the NYS ST-60)

\$1,970,000

Additional Comments from IDA

NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY

APPLICATION FOR FINANCIAL ASSISTANCE

MHT Holdings, Inc.

(Applicant Name)

6311 Inducon Corporate Drive, Suite One
Sanborn, New York 14132

Phone: 716-278-8760 Fax: 716-278-8769

<http://niagaracountybusiness.com>

Updated April 2022

- I. Subject to the applicable statute, information provided by applicant will be treated as confidential until such time as the Agency takes action on the request. However, in accordance with Article 6 of the Public Officers Law, all records in possession of the Agency are open to public inspection and copy.
- II. The Niagara County Industrial Development Agency has a one thousand dollar (\$1000.00) non-refundable application fee that must accompany the application submission.
- III. At the time of the project closing, project applicant is required to pay certain costs associated with the project. The applicant shall be responsible for the payment of an Agency fee in the amount of one percent (1.00%) of the total value of the project, together with Agency counsel fees as set forth in the Agency fee policy schedule, together with various related costs, including but not limited to public hearing expenses. Upon request, a fee summary will be provided to each applicant.
- IV. One (1) original signed copy of the Application and Environmental Assessment form should be submitted with the Application for Assistance.

The Niagara County Industrial Development Agency does not discriminate on the basis of race, color, religion, sex, sexual orientation, marital status, age, national origin, disability or status as a disabled or Vietnam Veteran or any other characteristic protected by law.

6311 Inducon Corporate Drive, Suite One ■ Sanborn, NY 14132-9099 ■ 716-278-8760
Fax 716-278-8769 ■ www.niagaracountybusiness.com

NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY

APPLICATION FOR FINANCIAL ASSISTANCE

I. APPLICANT INFORMATION

Company Name: MHT Holdings, Inc.

Mailing Address: 570 LeBrun

City/Town/Village & Zip code: Amherst 14226

Phone: (716) 510-3726

Website: _____

Fed Id. No.: 161456154

Contact Person, and Title: Mark Trammell

Email: markt@localnet.com

Principal Owners/Officers/Directors (list owners with 15% or more in equity holdings with percentage ownership):

Mark Trammell - 100%

Corporate Structure (attach schematic if applicant is a subsidiary or otherwise affiliated with another entity)

Form of Entity

Corporation

Date of Incorporation: 2/25/94

State of Incorporation: New York

Partnership

General _____ or Limited _____

Number of general partners _____

If applicable, number of limited partners _____

Date of formation _____

Jurisdiction of Formation _____

Limited Liability Company/Partnership (number of members _____)

Date of organization: _____

State of Organization: _____

Sole Proprietorship

If a foreign organization, is the applicant authorized to do business in the State of New York?

Applicant's Counsel

Company Name: Bond Schoeneck & King

Contact Person, and Title: Ray Reichert, Esq.

Mailing Address: Avant Building - Suite 900, 200 Delaware Avenue

City/Town/Village & Zip code: Buffalo 14202-2107

Email: rreichert@bsk.com

Phone: (716) 416-7046

Fax No.: _____

II. PROJECT INFORMATION

A) Project Address: 8235, 8305 Buffalo Ave., Niagara Falls, NY 14304

Tax Map Number (SBL) 161.17-2-9, 161.17-2-24

(Section/Block/Lot)

SWIS Number 291100, 291100

Located in City of Niagara Falls

Located in Town of _____

Located in Village of _____

School District of Niagara Falls

B) Current Assessment of Property:

Land \$68,100

Total \$769,650

C) Present legal owner of the site SJI Silverlake LLC

If other than from applicant, by what means will the site be acquired for this project?

D) Describe the project:

Aquisition and rehabilitation of an affordable, multi-family property totalling 60

Units in Niagara Falls, NY.

1. Project site (land)

(a) Indicate approximate size (In acres or square feet) of project site.

98,000 sq. ft.

(b) Indicate the present use of the project site.

Multi-family residential.

2. Indicate number, size (in square feet) and approximate age of existing buildings on site
 8235=16,401 sq. ft. 1956 8305=9,460 sq. ft. 1958 total sq. ft. = 32,802

3. Does the project consist of the construction of a new building or buildings?
 If yes, indicate number and size (in square feet) of new buildings.
 NA

4. Does the project consist of additions and/or renovations to existing buildings? If yes,
 indicate nature of expansion and/or renovation.
 Yes, renovations. Exterior system, windows, kitchen cabinets, baths, landscape.

5. If any space in the project is to be leased to third parties, indicate total square footage
 of the project amount to be leased to each tenant and proposed use by each tenant.
 NA

6. List principal items/categories of equipment to be acquired as part of the project.
 HVAC, maintenance, appliances, fixtures

7. Has construction work on this project begun?
 No

E) Inter-Municipal Move Determination

Will the project result in the removal of a plant or facility of the applicant from one area of the State of New York to another?

Yes or No

Will the project result in the removal of a plant or facility of another proposed occupant of the project from one area of the State of New York to another area of the State of New York?

Yes or No

Will the project result in the abandonment of one or more plants or facilities located in the State of New York?

Yes or No

If Yes to any of the questions above, explain how, notwithstanding the aforementioned closing or activity reduction, the Agency's Financial Assistance is required to prevent the Project from relocating out of the State, or is reasonably necessary to preserve the Project occupant's competitive position in its respective industry:

NA

- F) Furnish a copy of any environmental application presently in process of completion concerning this project, providing name and address of the agency, and copy all pending or completed documentation and determinations.

III. **SOURCES & USES OF FUNDS**

A) Estimated Project Costs:

Property Acquisition		\$	4,114,471
Construction (Improvements)		\$	3,940,000
Equipment Purchases/Fixtures/Furnishings		\$	
Soft costs (i.e. engineering, architectural)		\$	6,387,685
Other (describe)	Reserves	\$	98,000
TOTAL USES OF FUNDS		\$	14,540,156

B) Sources of Funds for Project Costs (*Must match above Total Uses of Funds*):

Bank Financing	Bridge/State Energy Loan	\$	5,060,000
Equity	Developer's	\$	1,356,241
Grants/Tax Credits	Tax Credits	\$	4,236,739
Taxable or Tax Exempt Bond	Tax Exempt	\$	3,887,176
Other		\$	
TOTAL SOURCES OF FUNDS		\$	14,540,156

C) Identify each state and federal grant/credit:

	\$
	\$
	\$
	\$
TOTAL PUBLIC FUNDS	\$

IV. FINANCIAL ASSISTANCE REQUESTED

A.) Benefits Requested:

- Sales Tax Exemption
 Mortgage Recording Tax Exemption
 Real Property Tax Abatement (PILOT)

B.) Value of Incentives: LEAVE THIS SECTION BLANK (will be estimated by NCIDA Staff)

Property Tax Exemption

Estimated duration of Property Tax exemption: 15 years

Sales and Use Tax

Estimated value of Sales Tax exemption for facility construction: \$ 157,600

Estimated value of Sales Tax exemption for fixtures and equipment: \$ 0

Estimated duration of Sales Tax exemption: 1 year

Mortgage Recording Tax Exemption Benefit

Estimated value of Mortgage Recording Tax exemption: \$ 37,950

C.) Financial Assistance Determination:

If financial incentives are not provided by NCIDA, is the project financially viable?

- Yes or No

If the Project could be undertaken without Financial Assistance provided by the Agency, then provide a statement in the space provided below indicating why the Project should be undertaken by the Agency:

V. EMPLOYMENT PLAN

	# of Retained Jobs	Retained Jobs Average Annual Salary	# of Created Jobs <i>(3 yrs after project completion)</i>	Created Jobs Average Annual Salary
Full Time	2	\$ 100,000	0	\$ 0
Part time	0	\$ 0	0	\$ 0
TOTAL FTEs	2	\$ 100,000	0	\$ 0

Annual Salary Range of Jobs to be Created: \$ 45,000 to \$ 55,000

Category of Jobs to be Retained and Created:

Job Categories (ie. Management, Administrative, Production, etc.) Management, maintenance

VI. REPRESENTATIONS BY THE APPLICANT

The Applicant understands and agrees with the Agency as follows:

- A. Job Listings: In accordance with Section 858-b(2) of the New York General Municipal Law, the applicant understands and agrees that, if the proposed project receives any Financial Assistance from the Agency, except as otherwise provided by collective bargaining agreements, new employment opportunities created as a result of the proposed project must be listed with the New York State Department of Labor Community Services Division (the "DOL") and with the administrative entity (collectively with the DOL, the "JTPA Entitle") of the service delivery area created by the federal job training partnership act (Public Law 97-300)("JTPA") in which the project is located.

- B. First Consideration for Employment: In accordance with Section 858-b(2) of the General Municipal Law, the applicant understands and agrees that, if the proposed project receives any Financial Assistance from the Agency, except as otherwise provided by collective bargaining agreements, where practicable, the applicant must first consider persons eligible to participate in JTPA programs who shall be referred by the JTPA Entities for new employment opportunities created as a result of the proposed project.

- C. Compliance with Section 224-a(8)(a) of N.Y Labor Law. The applicant acknowledges receipt of notice from the Agency pursuant to Section 224-a(8)(d) of the New York Labor Law that the estimated mortgage recording tax exemption benefit amount, the estimated sales and use tax exemption benefit amount, and the estimated real property tax abatement benefit amount as so identified within this Application are "public funds" and not otherwise excluded under Section 224-a(3) of the New York Labor Law. You further acknowledge and understand that you have certain obligations as related thereto pursuant to Section 224-a(8)(a) of the New York Labor.

- D. Annual Sales Tax Filings: In accordance with Section 874(8) of the General Municipal Law, the Applicant understands and agrees that, if the proposed project receives any sales tax exemptions as part of the Financial Assistance from the Agency, in accordance with Section 874(8) of the General Municipal Law, the applicant agrees to file, or cause to be filed, with the New York State Department of Taxation and Finance, the annual form prescribed by the Department of Taxation and Finance, describing the value of all sales tax exemptions claimed by the applicant and all consultants or subcontractors retained by the Applicant.

- E. Annual Employment Reports: The applicant understands and agrees that, if the proposed project receives any Financial Assistance from the Agency, the applicant agrees to file, or cause to be filed, with the Agency, on an annual basis, reports regarding the number of people employed at the project site.

- F. Compliance with N.Y. GML Sec. 862(1): Applicant understands and agrees that the provisions of Section 862(1) of the New York General Municipal Law, as provided below, will not be violated if Financial Assistance is provided for the proposed Project:
- § 862. Restrictions on funds of the agency. (1) No funds of the agency shall be used in respect of any project if the completion thereof would result in the removal of an industrial or manufacturing plant of the project occupant from one area of the state to another area of the state or in the abandonment of one or more plants or facilities of the project occupant located within the state, provided, however, that neither restriction shall apply if the agency shall determine on the basis of the application before it that the project is reasonably necessary to discourage the project occupant from removing such other plant or facility to a location outside the state or is reasonably necessary to preserve the competitive position of the project occupant in its respective industry.
- G. Compliance with Applicable Laws: The Applicant confirms and acknowledges that the owner, occupant, or operator receiving Financial Assistance for the proposed Project is in substantial compliance with applicable local, state and federal tax, worker protection and environmental laws, rules and regulations.
- H. False and Misleading Information: The Applicant confirms and acknowledges that the submission of any knowingly false or knowingly misleading information may lead to the immediate termination of any Financial Assistance and the reimbursement of an amount equal to all or part of any tax exemption claimed by reason of the Agency's involvement the Project.
- I. Recapture: Should the Applicant not expend or hire as presented, the Agency may view such information/status as failing to meet the established standards of economic performance. In such events, some or all of the benefits taken by the Applicant will be subject to recapture.
- J. Absence of Conflicts of Interest: The applicant has received from the Agency a list of the members, officers, and employees of the Agency. No member, officers or employee of the Agency has an interest, whether direct or indirect, in any transaction contemplated by this Application, except as herein described.

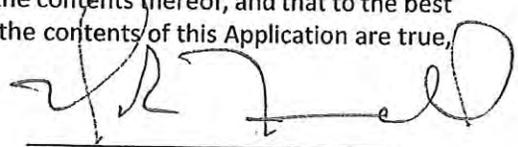
The Applicant and the individual executing this Application on behalf of applicant acknowledge that the Agency and its counsel will rely on the representations made in this Application when acting hereon and hereby represents that the statements made herein do not contain any untrue statement of a material fact and do not omit to state a material fact necessary to make the statements contained herein not misleading.

STATE OF NEW YORK)
COUNTY OF ERIE) ss.:

Mark Trammell

, being first duly sworn, deposes and says:

1. That I am the **President** (Corporate Office) of **MHT Holdings, Inc.** (Applicant) and that I am duly authorized on behalf of the Applicant to bind the Applicant.
2. That I have read the attached Application, I know the contents thereof, and that to the best of my knowledge and belief, this Application and the contents of this Application are true, accurate and complete.



(Signature of Officer)

Subscribed and affirmed to me under penalties of perjury
this 16 day of February, 2023



(Notary Public)

CHRISTINE M DIEBOLD
NOTARY PUBLIC STATE OF NEW YORK
ERIE COUNTY
LIC. #01DI6341366
COMM. EXP. 05/02/2024

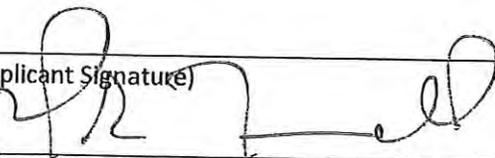
This Application should be submitted to the Niagara County Industrial Development Agency, 6311 Inducon Corporate Drive, Suite One, Sanborn, New York 14132.

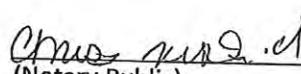
Attach copies of preliminary plans or sketches of proposed construction or rehabilitation or both.

HOLD HARMLESS AGREEMENT

Applicant hereby releases the NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY and the members, officers, servants, agents and employees thereof (the "Agency") from, agrees that the Agency shall not be liable for and agrees to indemnify, defend and hold the Agency harmless from and against any and all liability arising from or expense incurred by (A) the Agency's examination and processing of, and action pursuant to or upon, the attached Application, regardless of whether or not the Application or the Project described therein or the tax exemptions and other assistance requested therein are favorably acted upon by the Agency, and (B) any further action taken by the Agency with respect to the Project; including without limiting the generality of the foregoing, all causes of action and reasonable attorneys' fees and any other expenses incurred in defending any suits or actions which may arise as a result of any of the foregoing. If, for any reason, the Applicant fails to conclude or consummate necessary negotiations, or fails, within a reasonable or specified period of time, to take reasonable, proper or requested action, or withdraws, abandons, cancels or neglects the Application, or if the Agency or the Applicant are unable to reach final agreement with respect to the Project, then, and in the event, upon presentation of an invoice itemizing the same, the Applicant shall pay to the Agency, its agents or assigns, all out of pocket costs incurred by the Agency in processing of the Application, including reasonable attorneys' fees, if any. Notwithstanding anything contained herein to the contrary, the foregoing indemnities shall not be applicable with respect to misconduct, negligence, or criminal activity on the part of the Agency. It is understood and agreed that the Applicant has the right to join in any defense, and participate in the management of the defense, of any claim for which the Agency seeks indemnification.

In addition to the foregoing, the Applicant understands and acknowledges that (i) this application does not create or give rise to any legal obligations on the part of the Niagara County Industrial Development Agency (the "Agency") or the Applicant except as expressly stated herein, (ii) the terms and conditions governing the award of the financial assistance described herein will be set forth in a separate agreement(s), with the Agency, the form of which will be provided to the Applicant only upon the processing and approval of this application, (iii) the requested financial assistance described in application is based upon the representations made by the Applicant, based upon the Applicant's actual knowledge as of the date of this application, to the Agency, regarding the project, and (iv) that the Agency reserves the right to revise the financial assistance described in this application if any aspect of the project changes after receipt of the application, including changes to the number of jobs, amount of capital investment, or wages, by way of example only. In addition, the Applicant reserves the right to retract, clarify, amend or modify any such representations made prior to (or concurrently with) the submittal of this application to the Agency.

(Applicant Signature) _____
By: 
Name: Mark Trammell
Title: President


(Notary Public) _____

Sworn to before me this 16 day
of February, 2023

CHRISTINE M DIEBOLD
NOTARY PUBLIC STATE OF NEW YORK
[stamp] ERIE COUNTY
LIC. #01D16341366
COMM. EXP. 05/02/2024

Real Property Tax Benefits (Detailed):

** This section of this Application will be: (i) completed by IDA Staff based upon information contained within the Application, and (ii) provided to the Applicant for ultimate inclusion as part of this completed Application.

PILOT Estimate Table Worksheet

Dollar Value of New Construction and Renovation Costs	Estimated New Assessed Value of Property Subject to IDA*	County Tax Rate/1000	Local Tax Rate (Town/City/Village)/1000	School Tax Rate/1000
\$3,940,000	\$2,000,000	9.350204	39.502566	19.584916

*Apply equalization rate to value

PILOT Year	% Payment	County PILOT Amount	Local PILOT amount	School PILOT Amount	Total PILOT	Full Tax Payment w/o PILOT	Net Exemption
1	20%	\$ 3,740	\$ 15,801	\$ 7,834	\$ 27,375	\$ 136,875	\$ 109,500
2	20%	\$ 3,740	\$ 15,801	\$ 7,834	\$ 27,375	\$ 136,875	\$ 109,500
3	30%	\$ 5,610	\$ 23,702	\$ 11,751	\$ 41,063	\$ 136,875	\$ 95,813
4	40%	\$ 7,480	\$ 31,602	\$ 15,668	\$ 54,750	\$ 136,875	\$ 82,125
5	40%	\$ 7,480	\$ 31,602	\$ 15,668	\$ 54,750	\$ 136,875	\$ 82,125
6	40%	\$ 7,480	\$ 31,602	\$ 15,668	\$ 54,750	\$ 136,875	\$ 82,125
7	40%	\$ 7,480	\$ 31,602	\$ 15,668	\$ 54,750	\$ 136,875	\$ 82,125
8	40%	\$ 7,480	\$ 31,602	\$ 15,668	\$ 54,750	\$ 136,875	\$ 82,125
9	40%	\$ 7,480	\$ 31,602	\$ 15,668	\$ 54,750	\$ 136,875	\$ 82,125
10	50%	\$ 9,350	\$ 39,503	\$ 19,585	\$ 68,438	\$ 136,875	\$ 68,438
11	50%	\$ 9,350	\$ 39,503	\$ 19,585	\$ 68,438	\$ 136,875	\$ 68,438
12	50%	\$ 9,350	\$ 39,503	\$ 19,585	\$ 68,438	\$ 136,875	\$ 68,438
13	50%	\$ 9,350	\$ 39,503	\$ 19,585	\$ 68,438	\$ 136,875	\$ 68,438
14	50%	\$ 9,350	\$ 39,503	\$ 19,585	\$ 68,438	\$ 136,875	\$ 68,438
15	50%	\$ 9,350	\$ 39,503	\$ 19,585	\$ 68,438	\$ 136,875	\$ 68,438
TOTAL		\$ 114,072	\$ 481,931	\$ 238,936	\$ 834,940	\$ 2,053,131	\$ 1,218,191

*Estimates provided are based on current property tax rates and assessment value

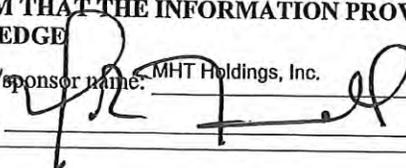
617.20
Appendix B
Short Environmental Assessment Form

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information			
Name of Action or Project: Silver Lake Apts			
Project Location (describe, and attach a location map): 8235, 8305 Buffalo Ave., Niagara Falls, NY 14304			
Brief Description of Proposed Action: The Acquisition & Rehabilitation of 60 units located within two Bldgs domiciled within Niagara County. The Rehab will involve the exterior system, appliances, windows, cabinets, landscape, baths, fixtures, HVAC systems & Roofs.			
Name of Applicant or Sponsor: MHT Holdings, Inc.		Telephone: 7165103726	
		E-Mail: markt@localnet.com	
Address: 570 LeBrun Road			
City/PO: Amherst		State: New York	Zip Code: 14226
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/>
			YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval: Building Permit - The various localities As-of-Right Tax Credits - NYS HCR			NO <input type="checkbox"/>
			YES <input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		1.1 acres	
b. Total acreage to be physically disturbed?		0 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		1.1 acres	
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input checked="" type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)			
<input checked="" type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____			
<input type="checkbox"/> Parkland			

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor name: <u>MHT Holdings, Inc.</u>	Date: <u>5/7/23</u> <u>March 10th 2023</u>	
Signature: 		

Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2. Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:		
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	No, or small impact may occur	Moderate to large impact may occur
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Part 3 - Determination of significance. The Lead Agency is responsible for the completion of Part 3. For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
<input checked="" type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.
NCDA	6/7/23
Name of Lead Agency	Date
S. LAMJ	EN
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
	
Signature of Responsible Officer in Lead Agency.	Signature of Preparer (if different from Responsible Officer)

PRINT

9.3

Cataract Grant

Cataract Fund Project Summary

Applicant: The Center for Kashmir, Inc.

Project Location: 650 Park Place

Project Description: The Kashmir Museum project continues the redevelopment of a vacant historic church located in the downtown. The property has been placed on the National Register of Historic Places and serves as the bridge between the tourist district and Main Street. The church was purchased in 2020 and a not for profit board of directors was created. The board has been engaged in the design stages and fundraising efforts through private donations. The initial phase of work included the removal of asbestos, roof replacement, masonry repairs, and strategic demolition.

Phase II of the project includes the general construction, mechanical, plumbing and electrical. This work is underway and nearing completion. The next phase of construction, will include finishing work such as paint, wood flooring, wall tile, guard rails, general fixtures etc. This phase is expected to be finalized within the last quarter of 2023. Upon the completion of construction, artifacts and museum displays will be brought on site. The museum displays are projected to be in place by September 2024.

The existing project shortfall is approximately \$1.1M. The museum board of directors have raised over \$2M in private donations from across the County. In addition to this grant request, additional fundraising efforts are planned.

A more detailed timeline and budget is included with the project application.

Total Project Cost: \$5,000,000

Project Equity: \$2,418,153 (48%)

Previous Cataract Award: \$273,000 (5.4%)

Cataract Award Options: \$727,000 (20%), \$500,000 (15%)

Estimated Project Completion Date: September 2024

CATARACT TOURISM FUND APPLICATION

APPLICANT INFORMATION							
		✓					
Name of Applicant:	The Center for Kashmir, Inc.		Corporation	Year		State	
Business Address:	650 Park Place Niagara Falls, NY 14301		Partnership	Year		State	
		✓	LLC	Year	2020	State	NY
Contact Person:	Dr. Khurshid Guru 8100 Floss Lane E. Amherst, NY 14051		LLP	Year		State	
Federal ID #:	85-0588827		Sole Proprietorship	Year			
Phone:	716.541.4401	Email:	khurshid.guru@centerforkashmir.org				
Business Description:	<p>The Kashmir Museum will be housed in a 97-year-old abandoned church on the National Register of Historic Places, in the heart of downtown Niagara Falls, NY. Progress made in reshaping the landscape of Main St in Niagara Falls (DRI 2020 winner) continues to leverage removal of the expressway and high-level overpass of the Niagara Scenic Parkway. The location of the museum becomes a vital bridge between a bustling 3rd St. and planned developments for Main and Pine St. The new nature paths developed via state grants open access to the Niagara Gorge, the Aquarium and ultimately connect with the proposed developments between 3rd, Pine and Main streets. The Center for Kashmir Inc. is fully invested in its Museum project. We purchased an abandoned historic building (2020) in downtown Niagara Falls with completion and doors expected to open by the fall of 2024.</p>						

OWNERSHIP			
Shareholders/Partners	% Interest	Company Officers	Position
		Dr. Khurshid A. Guru	Chairman, Board of Trustees
		Dr. Lubna S. Guru	Vice Chair, Board of Trustees
		Dr. Shuja Yousuf	Secretary, Board of Trustees
		Mr. Umar Sayed	Treasurer, Board of Trustees
		Dr. Masroor Mustafa	FundRaising/Public Outreach, Member, Board of Trustees
		Mr. Ali Muzammil	COO (interim)

PROJECT INFORMATION

Summary Project Description:

We purchased the historic, abandoned, church building in the summer of 2020. The Center for Kashmir Inc. board of directors set up a building committee and started planning and hiring teams for the project (Phase 0 - III). Phase I was initiated after Zaxis Architectural, P.C was hired in December 2020. Phase I that included asbestos removal, roof replacement, masonry repairs and demolition has been completed. Phase IIA is at 80% (includes general construction, all electric, HVAC, mezzanine, elevator and plumbing) and is to be completed by July, 2023. We plan to start Phase IIB immediately and complete this phase if funding is available and it will culminate upon obtaining a shell CO. The attached document from Zaxis architectural PC includes details of timelines and events as they have progressed to date. The internal design (Phase III) will start simultaneously during phase IIB (depending on the availability of funds) and is being developed by another local firm, Hadley Exhibits Inc.

Fundraising

The fundraising team has been successful in raising approximately \$2 million during the COVID pandemic. The donations have been private and have come from across the country. Unfortunately, we still have a shortfall of \$1.1 million at this crucial stage as we are transitioning to start phase IIB of our project.

Plan

We will continue to aggressively fundraise and have been successful till now, our plan is to not let the project stall (cost escalation, significant delays in opening). If this funding gap is supported and contractor schedules and availability of material fall in place we expect to open the museum by fall of 2024.

Estimated Project State Date:	July, 2020	Estimated Project Completion Date:	September, 2024
-------------------------------	------------	------------------------------------	-----------------

SOURCES & USES OF FUNDS

Project Costs		Sources of Funds	
Property Acquisition	Donated	LSNY Holdings, LLC	-
New Construction	\$1,935,000	Cataract Tourism Grant*	\$273,000 (pending reimbursement)
Machinery/Equipment	\$494,000	Private Donations	\$1,784,153
Furniture/Fixtures	\$200,000	Other: Pending Grants WNYPPAB/ESD	\$1,225,000
Fees/Soft Costs	\$371,000	Private Donations (Pledges)	\$634,000
Internal Design/Exhibits	\$2,000,000	Other: (Specify)	-
TOTAL	\$5,000,000	TOTAL	\$3,916,153

*Based on previous total renovation budget of USD 1.365 Million

HOLD HARMLESS AGREEMENT

Applicant hereby releases the NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY and the members, officers, servants, agents and employees thereof (the "Agency") from, agrees that the Agency shall not be liable for and agrees to indemnify, defend and hold the Agency harmless from and against any and all liability arising from or expense incurred by (A) the Agency's examination and processing of, and action pursuant to or upon, the attached Application, regardless of whether or not the Application or the Project described therein or the tax exemptions and other assistance requested therein are favorably acted upon by the Agency, (B) the Agency's acquisition, construction and/or installation of the Project described therein and (C) any further action taken by the Agency with respect to the Project; including without limiting the generality of the foregoing, all causes of action and attorneys' fees and any other expenses incurred in defending any suits or actions which may arise as a result of any of the foregoing. If, for any reason, the Applicant fails to conclude or consummate necessary negotiations, or fails, within a reasonable or specified period of time, to take reasonable, proper or requested action, or withdraws, abandons, cancels or neglects the Application, or if the Agency or the Applicant are unable to reach final agreement with respect to the Project, then, and in the event, upon presentation of an invoice itemizing the same, the Applicant shall pay to the Agency, its agents or assigns, all costs incurred by the Agency in processing of the Application, including attorneys' fees, if any.



(Applicant Signature)

By: The Center for Kashmir Inc.

Name: Khurshid A. Guru

Title: Chairperson, Board of Directors



(Notary Public)

Sworn to before me this 25th day

(stamp)

of May, 2013

Deborah A. Donaldson
Notary Public, State of New York
Commission #: 01DO6355625
Qualified in Erie County
Commission Expires: March 13, 2015

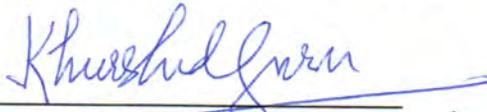
COMPANY ACKNOWLEDGEMENT

The Applicant and the individual executing this Application on behalf of applicant acknowledge that the Agency and its counsel will rely on the representations made in this Application when acting hereon and hereby represents that the statements made herein do not contain any untrue statement of a material fact and do not omit to state a material fact necessary to make the statements contained herein not misleading. The applicant hereby acknowledges that the Agency charges a fee of 3% of the grant amount, which is inclusive of Agency Counsel fees.

STATE OF NEW YORK)
COUNTY OF Erie) ss.:

I, Khurshid A. Guru, being first duly sworn, deposes and says:

1. That I am the Chairperson of The Board of Directors (Corporate Office) of The Center for Kashmir (Applicant) and that I am duly authorized on behalf of the Applicant to bind the Applicant.
2. That I have read the attached Application, I know the contents thereof, and that to the best of my knowledge and belief, this Application and the contents of this Application are true, accurate and complete.



 (Signature of Officer)

Subscribed and affirmed to me under penalties of perjury
this 25th day of May, 2023.



 (Notary Public)

Deborah A. Donaldson
 Notary Public, State of New York
 Commission #: 01DO6355625
 Qualified in Erie County
 Commission Expires: March 13, 2025