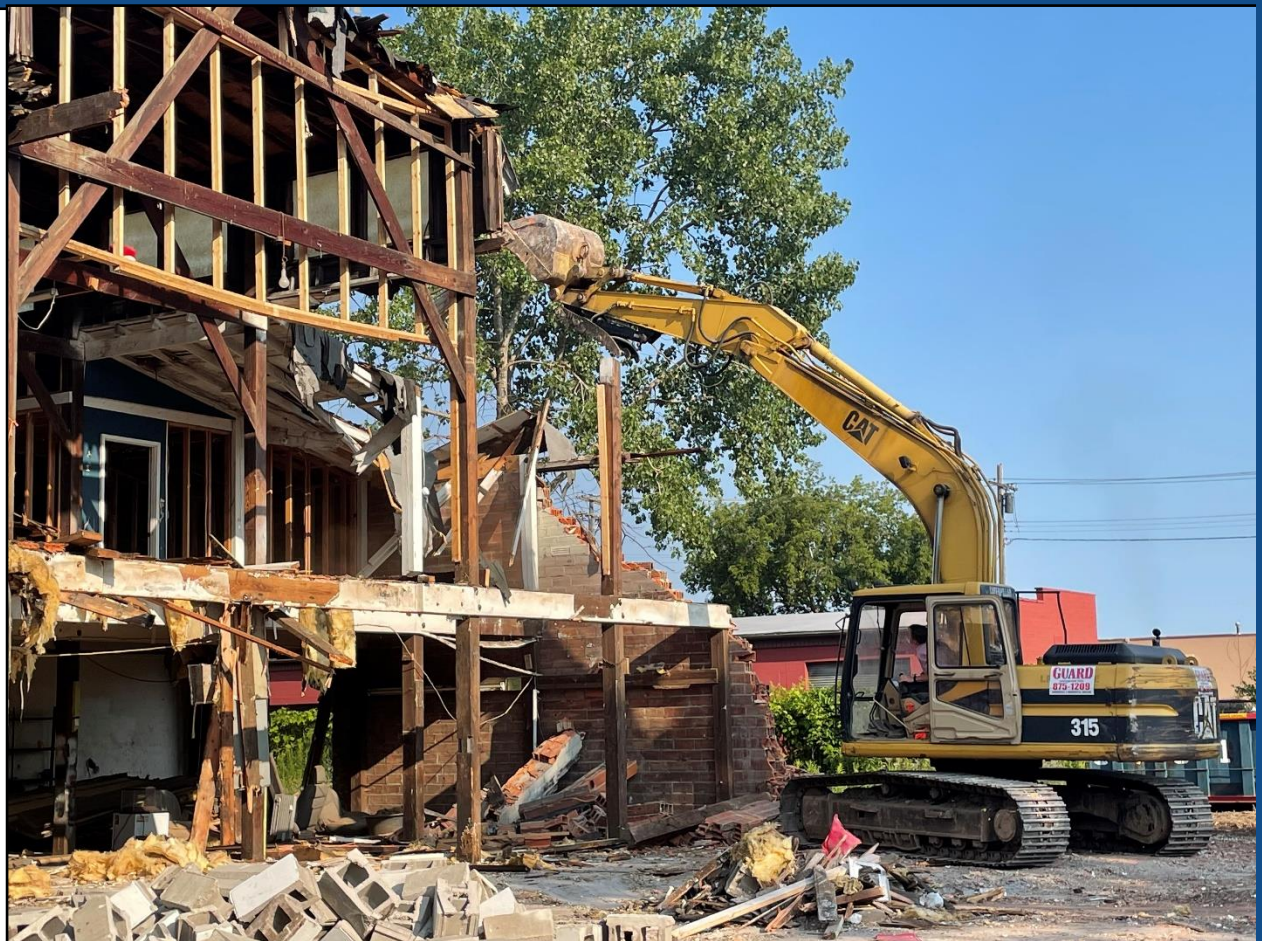


Annual Report



NIAGARA
COUNTY
BROWNFIELD
DEVELOPMENT
CORPORATION

Submitted: December 7, 2021

MISSION STATEMENT

The Niagara County Brownfield Development Corporation (NCBDC) is a not-for-profit corporation formed in October 2008 by the Niagara County, New York Legislature. The NCBDC was created to establish and operate the Niagara County Brownfields Cleanup Revolving Loan Fund (BCRLF) program. Through the BCRLF, the NCBDC provides financial assistance in the form of low-interest loans and grants to eligible entities for remediation of brownfield sites throughout Niagara County. Revitalizing and returning brownfield sites to productive use creates jobs, contributes to the tax base, and eliminates the potential risk to public health and the environment.

CORPORATION STRUCTURE

The Niagara County Legislature created the NCBDC in 2008 to implement the Niagara County BCRLF Program. Funding for the NCBDC is provided by Niagara County through competitively awarded brownfield cleanup revolving loan fund grants from the United States Environmental Protection Agency (USEPA). In conjunction with the federal fiscal year, the NCBDC's fiscal year runs from October 1st to September 30th of each year.

The NCBDC is governed by a three member board of directors. Per the NCBDC by-laws, the members of the corporation consist of the individuals holding the following positions:

- a. Chairman of the Board of Legislators, Niagara County
- b. Executive Director, Niagara County Industrial Development Agency
- c. Mayor, City of Niagara Falls

For the 2021 Fiscal Year, the above positions were held by the following individuals:

- a. Richard E. Updegrove, Vice Chairman (by proxy)
- b. Michael A. Casale, Secretary (by proxy)
- c. Robert Restaino, Chairman

In addition to the members, the NCBDC has two Executive Officers elected by the Board of Directors. For the 2021 Fiscal Year, the Executive Officers were as follows:

- a. President – Amy E. Fisk
- b. Treasurer – Jacqueline P Minicucci

2021 ACCOMPLISHMENTS

During the 2021 fiscal year (October 1, 2020 to September 30, 2021), Niagara County continued to implement the BCRLF program and achieve established performance measures. Performance measures include continuing work on remediation projects and beginning the process of returning vacant properties back to productive use.

Seven projects were ongoing in 2021 and are discussed in detail below.

Competition Transmission Site, City of North Tonawanda

The Riviera Theatre & Organ Preservation Society, Inc. purchased a former automotive facility in the City of North Tonawanda as part of a theater expansion project. In January 2013, the NCBDC approved a \$350,000 subgrant for site remediation. Remediation included asbestos abatement, soil excavation, underground storage tank removal, and groundwater remediation. NYSDEC approved a spill closure report finalizing the petroleum portion of the cleanup. A deed restriction was filed limiting site reuse to commercial uses and prohibiting use of groundwater. The site is ready for reuse as part of a proposed theater expansion project.



50 Elmwood Avenue, City of Lockport

210 Walnut Street LLC, a subsidiary of the Greater Lockport Development Corporation (GLDC), acquired the vacant property. Past uses included a foundry, multiple dwellings, automotive garage, lumber yard, and a parking lot. In December 2019, the NCBDC approved a \$325,000 subgrant for site remediation. Cleanup planning is done and a contractor has been hired to perform site remediation in late 2021/early 2022.



211 Main Street, City of North Tonawanda

Enterprise Lumber and Silo LLC purchased the vacant industrial building with the intention of converting the space into Class A professional office space. The site is enrolled in the New York State Brownfield Cleanup Program (NYS BCP). In August 2019, the NCBDC executed a \$400,000 loan to assist with site remediation. A significant amount of unexpected contamination was discovered and the loan amount was increased to \$550,000. Building demolition is complete and soil remediation is ongoing.



4435-4445 Military Road, Town of Niagara

Known as the Grenga Site, the property was previously used for a variety of commercial operations including a dry cleaner, gas station, automotive repair facility, and tire sales. The Town of Niagara acquired the tax delinquent property and in 2018, a \$325,000 subgrant was approved for site remediation. Asbestos abatement and building demolition were completed in March 2020. Site contamination was more extensive than previously known and the Town will be requesting an increase to the subgrant to cover additional remediation costs.



624 River Road, City of North Tonawanda

The 5 acre property is on the Niagara River and for over 90 years was part of the Tonawanda Iron Works mill. The property has an existing one-story commercial building that is partially occupied. Soil contamination consists of low level metals. The NCBDC approved a \$500,000 loan in December 2019. A loan modification occurred in 2020 to help alleviate the impacts COVID-19 delays imposed on the project. Phased site remediation is ongoing.



128 Walnut Street, City of Lockport

The GLDC acquired the vacant 14,944 sq.ft. building with the intention of marketing the site for redevelopment. In February 2019, the NCBDC executed a \$300,000 subgrant for asbestos abatement and soil remediation. During remediation, a significant amount of unexpected asbestos was found and the subgrant amount was increased to \$350,000. Remediation is complete and the site has been sold to a private developer for reuse as a mixed-use facility with dining, event space, and housing.



13 West Main Street, City of Lockport

The 0.3 acre property is adjacent to Lockport City Hall was formerly a bowling alley, restaurant, bar, and retail operations. Phase I and II ESAs revealed an above ground storage tank, asbestos, and soil vapor intrusion issues. In July 2020, the GLDC was granted a \$300,000 subaward for remediation. Site remediation is ongoing with completion expected in late 2021/early 2022. The proposed reuse is for apartments on the second floor and two retail businesses on the first floor.



Financial information for the seven active projects is detailed in Table 1.

Table 1. Financial Information for Active Projects

Project Name	Funding Amount	Date of Issuance	Amount Dispersed	Remaining Balance
Competition Transmission	\$323,110.31	03/25/13	\$323,110.31	\$0
50 Elmwood Avenue	\$325,000	01/23/20	\$54,734	\$270,266
211 Main Street	\$550,000	08/07/19	\$494,106	\$55,894
4435-4445 Military Road	\$325,000	10/18/18	\$177,615	\$147,385
624 River Road	\$500,000	03/06/20	\$205,756	294,244
128 Walnut Street	\$300,000	02/26/19	\$350,000	\$0
13 West Main Street	\$300,000	08/31/20	\$120,980	\$179,020

Loans were previously issued to Santarosa Holdings Inc and Rock One Development LLC for site remediation. Both loans are in repayment. Details of the loans are provided in Table 2.

Table 2. Financial Information for Loans in Repayment

Project Name	Santarosa Holding Inc.	Rock One Development, LLC
Loan Amount	\$376,386	\$290,879
Loan Closing Date	12/22/15	08/03/15
Interest Rate	0.5%	0.5%
Term	84 months	108 months
Principal Paid in FY21	\$54,217	\$36,281
Interest Paid in FY21	\$511	\$818
Loan Balance as of 9/30/21	\$72,712	\$143,863

FINANCIAL REVIEW

Upon incorporation of the NCBDC in October 2008, the Corporation was funded with a \$1 Million grant awarded to Niagara County from the USEPA. The grant award required a 20% or \$200,000 cost share match from Niagara County. In October 2009, Niagara County received a \$900,000 BCRLF grant from the USEPA through the American Recovery and Reinvestment Act with no cost share match requirement. Supplemental grant awards were made in subsequent years totaling \$3,025,000. The supplemental grant awards require a 20% cost share match totaling \$605,000. The total USEPA funds available to the NCBDC since inception are \$4.925 Million with an additional \$805,000 required in cost share match. In addition, program income from loan application fees and loan principal and interest repayments are available for use by the NCBDC. A summary of the 2021 budget is provided in Table 3.

Table 3. Budget Summary for 2021 Fiscal Year (October 1, 2020 – September 30, 2021)

Category	2021 Amount Expended
Project Expenses	\$847,714
Professional and Administrative Fees	\$31,005
Total Expenses	\$878,719
Subgrant Disbursements	\$214,741
Loan Disbursements	\$632,973

The NCBDC has no paid staff and board members serve without compensation. At the end of Fiscal Year 2021, the NCBDC did not own any property.

An assessment of the effectiveness of the NCBDC internal control structure and procedures is part of the annual independent certified audit.

The NCBDC Code of Ethics adopted on December 10, 2008 remains in effect.

CERTIFICATION

Based upon the Executive Officers' knowledge,

- (i) the information presented in this report is accurate, correct, and does not contain any untrue statement of material fact;
- (ii) does not omit any material fact which, if omitted, would cause the financial statements to be misleading in light of the circumstances under which the statements are made; and,
- (iii) fairly presents in all material respects the financial condition and results of operations of the Corporation as of, and for, the periods presented in the financial statements.

Amy E. Fisk, President / Date

Jacquiline P Minicucci, Treasurer / Date