

# Niagara County Brownfield Development Corporation

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## MEETING MINUTES

Niagara County Brownfield Development Corporation  
Tuesday, February 5, 2019  
Samuel M. Ferraro Center for Economic Development  
Sanborn, NY 14132

**Members Present:** Chairman Richard Updegrove, Thomas O'Donnell (Vice Chair proxy), Secretary, Michael Casale

**Others Present:** R. Thomas Burgasser, Michael Dudley, Amy Fisk, Scott Hapeman, Jacqueline Minicucci, Brian Smith, Director of the Greater Lockport Development Corporation

- 1.0 The meeting was called to order at 9:06 a.m. by Mr. O'Donnell.
- 2.0 Introductions were not necessary.
- 3.0 Roll was called. Board members present were Chairman Richard Updegrove, Thomas O'Donnell (proxy for Mayor Dyster), and Secretary Michael Casale.
- 4.0 Pledge of Allegiance.
- 5.0 The minutes of the December 3, 2018 Board of Directors, Audit Committee and Membership meetings were motioned for approval by Mr. Casale and seconded by Mr. O'Donnell. Unanimous. Carried.

### **ACTION ITEMS**

- 6.0 Presentation on 128 Walnut Street, City of Lockport – Brian Smith, Director of the Greater Lockport Development Corporation was present to discuss the project. The corporation took ownership of the property in November of 2014 and has obtained a grant from Restore New York which was used to do roof and masonry repairs. The Niagara County Brownfields grant will be used for asbestos remediation. There has been developer interest in utilizing the first floor as event space and converting the second and third floors into market rate apartments. Offers are contingent on the asbestos abatement. EPA has approved the project and it has received support from the Niagara County Health Department. A financial review has been completed and Restore New York funding is also available.
- 7.0 Resolution NCBDC-022019-01 was reviewed for authorization of a \$300,000 subgrant from the BCRLF to the Greater Lockport Development Corporation for remediation at 128 Walnut Street in the City of Lockport. A motion for approval was made by Mr. Casale and seconded by Mr. O'Donnell. Unanimous. Carried
- 8.0 Appointment of Treasurer – Mr. Hapeman stated that the current Treasurer is unable to continue to perform his duties as Treasurer and the Board recommended that Jacqueline Minicucci assume the duties. A motion for approval was made by Mr. Updegrove and seconded by Mr. O'Donnell. Unanimous. Carried.

## **NEW BUSINESS**

- 9.0 Treasurer's Report – Ms. Fisk presented the board with the expenses that have incurred since the December meeting stating that the corporation is in good financial health.
- 10.0 Ms. Fisk updated the board on the following projects:
- a.) 211 Main Street, North Tonawanda – Waiting for signed commitment letters. Once received, the project will move forward.
  - b.) 4435-4445 Military Road, Town of Niagara – There were changes made to the application by NY State and the revised application has been submitted to DEC for approval.
  - c.) Riveria Theatre, North Tonawanda – Looking to use remaining funding for groundwater remediation.
  - d.) 1501 College Avenue – Ongoing efforts to obtain a developer for the site.

Wheatfield Business Park – The developer has hired legal counsel to review the disapproved EPA application to demolish two buildings onsite that contain asbestos.

Falls Catering Site – The project is awaiting EPA Phase II remediation approval.

Town of Niagara Solar Landfill Project – Ms. Fisk stated that the RFP was distributed and a meeting was held with potential solar developers. Two proposals were received and will be reviewed for approval.

## **ATTORNEY BUSINESS** – None

11.0 Next Meeting – TBA

12.0 Adjournment – Motion to adjourn at 9:25 a.m. was made by Mr. Updegrave and seconded by Mr. O'Donnell. Unanimous. Carried.

Respectfully submitted,

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Jacquiline P. Minicucci  
Recording Secretary

- 8.0 Acceptance of 2017 NCBDC Audit -  
A motion was made by Mr. Updegrave and seconded by Mr. Casale to approve and accept the 2018 NCBDC audit report as written. Unanimous. Carried.
- 9.0 Resolution #NCBDC-122108 – Funding Authorization for Agreement with Niagara County for Utilization of Niagara County’s Brownfield Program Manager. Mr. Casale reviewed the position stating that the position is contingent on the approval of Niagara County’s adopted budget. A motion for approval was made by Mr. Updegrave and seconded by Mr. O’Donnell. Unanimous. Carried.
- 10.0 Sexual Harassment Policy -  
Mr. Hapeman reviewed the New York State employee training requirements and provided the board with a Sexual Harassment Policy for adoption. A motion to adopt the guidelines as written was made by Mr. Updegrave and seconded by Mr. Casale.

### **NEW BUSINESS**

- 11.0 List of authorized expenses  
Mr. Dudley reviewed the list of authorized expenses paid since the October 24, 2018 meeting.
- 12.0 Continuation of Directors and Officers Liability Insurance -  
A motion was made by Mr. Updegrave and seconded by Mr. Casale to continue D&O liability insurance. Unanimous. Carried
- 13.0 PAAA Compliance Requirements -  
Ms. Fisk stated the NCBDC is in compliance with PAAA and no new requirements were released in 2018.
- 14.0 Annual Confidential Evaluation of Board Performance -  
Performance evaluations were completed by the members and returned. Ms. Fisk will compile the responses and submit to the State.
- 15.0 Project Updates -  
Ms. Fisk updated the Board on current projects as follows:  
A. Competition Transmission Site: Groundwater remediation is ongoing.  
B. 600 River Road Site: Loan is in repayment. Cleanup is complete. Development is approximately 75% complete.  
C. Santarosa Site: The loan is in repayment. Actively seeking developers for the property.  
D. 4435-4445 Military Road: Building demolition and soil remediation to begin in 2019.  
E. 211 Main Street: Commitment letter review complete. Developers obtaining additional funding for next phase of the project.

### **ATTORNEY BUSINESS**

- 16.0 Mr. Hapemen is working with Ms. Fisk and the owners of the 211 Main Street site in regards to the security of the RLF loan and extension possibilities.

- 17.0 Next meeting date is to be determined; notification of said meeting will be made well in advance.
- 18.0 A motion for adjournment at 1:43 p.m. was made by Mr. Updegrove and seconded by Mr. Casale. Unanimous. Carried.

Respectfully submitted,

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Jacquiline P. Minicucci  
Recording Secretary