

# Niagara County Industrial Development Agency

## REGULAR NCIDA/NCDC/NADC BOARD MEETING MINUTES

**MEETING DATE:** Wednesday, June 9, 2021  
**MEETING TIME:** 9:00 a.m.  
**MEETING PLACE:** Niagara County Industrial Development Agency  
6311 Inducon Corporate Drive, Suite One  
Sanborn, NY 14132

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### 1.0 Meeting Called to Order

The regular meeting of the Niagara County Industrial Development Agency was called to order by Chairperson Onesi at 9:00.

### 2.0 Roll Call

Mark A. Onesi, Chairperson	Present
Jerald I. Wolfgang, 1 <sup>st</sup> Vice Chairperson	Present
Kevin McCabe, 2 <sup>nd</sup> Vice Chairperson	Excused
William L. Ross, Secretary	Present
Mary Lynn Candella, Assistant Secretary	Excused
Robert B. Cliffe, Member	Present
Clifford Scott, Member	Present
Scott Brydges, Member	Present
Jason Krempa, Member	Present

### 3.0 Introductions

#### Guests Present

Wesley Walker, TM Montante Development  
Chris Campos, TM Montante Development  
Jim Fink, Business First  
Tom Prohaska, Buffalo News

#### Staff Present

Susan C. Langdon, Executive Director  
Michael S. Dudley, Finance Manager  
Caroline Caruso, Accounting Associate  
Susan Barone, Project Manager  
Julie Lamoreaux, Administrative Assistant  
Mark J. Gabriele, Agency Counsel (Via Telephone)

**4.0 Mr. Krempa led the Pledge of Allegiance.**

**5.0 Approval of NCIDA Meeting Minutes**

**5.1 Meeting Minutes of May 12, 2021**

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

**6.0 Finance & Audit Committee Reports**

**6.1 Agency Payables**

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

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

**6.2 Budget Variance Report**

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

*Mr. Ross made a motion to approve the reports; Mr. Krempa seconded the motion. The motion Passed.*

**7.0 Unfinished Business**

**7.1 DLV Properties, LLC**

Ms. Barone stated that a public hearing was held on June 1, 2021 at North Tonawanda City Hall. In attendance was the Director of Real Property of Niagara County, and the Assessor from the City of North Tonawanda. There were no comments.

**7.1.1 Final Resolution**

RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY (i) UNDERTAKE A CERTAIN PROJECT FOR THE BENEFIT OF DLV PROPERTIES, LLC AND/OR AN INDIVIDUAL(S) OR AFFILIATE, SUBSIDIARY, OR ENTITY FORMED OR TO BE FORMED ON ITS BEHALF (AS MORE FULLY DEFINED BELOW); (ii) DETERMINE THAT THE PROJECT WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT; (iii) NEGOTIATE AND EXECUTE A LEASE AGREEMENT, LEASEBACK AGREEMENT, PAYMENT-IN-LIEU-OF-TAX AGREEMENT, PILOT MORTGAGE AND RELATED DOCUMENTS: AND (iv) PROVIDE FINANCIAL ASSISTANCE TO THE COMPANY IN THE FORM OF (A) A SALES TAX EXEMPTION FOR PURCHASES AND

**7.1.1 Final Resolution DLV Properties, LLC (Continued)**

RENTALS RELATED TO THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF THE PROJECT, (B) A MORTGAGE RECORDING TAX EXEMPTION FOR THE FINANCING RELATED TO THE PROJECT; AND (C) A MORTGAGE RECORDING TAX EXEMPTION FOR THE MORTGAGE RELATED TO THE PILOT AGREEMENT.

***Mr. Wolfgang made a motion to approve the Final Resolution; Mr. Brydges seconded the motion.***

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>
Jerald I Wolfgang	X			
Kevin McCabe				X
William L. Ross	X			
Mary Lynn Candella				X
Robert B. Cliffe	X			
Scott Brydges	X			
Clifford Scott	X			
Jason Krempa	X			
Mark A. Onesi	X			

The Resolution was thereupon duly adopted.

**7.2 Bogart-Sinatra Development, LLC**

Ms. Barone stated that a public hearing was held on June 1, 2021 at North Tonawanda City Hall. In attendance was the Director of Real Property of Niagara County, and the Assessor from the City of North Tonawanda. There were no comments.

**7.2.1 Final Resolution**

RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY (i) UNDERTAKE A CERTAIN PROJECT FOR THE BENEFIT OF BOGART-SINATRA DEVELOPMENT, LLC AND/OR AN INDIVIDUAL(S) OR AFFILIATE, SUBSIDIARY, OR ENTITY FORMED OR TO BE FORMED ON ITS BEHALF (AS MORE FULLY DEFINED BELOW); (ii) DETERMINE THAT THE PROJECT WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT; (iii) NEGOTIATE AND EXECUTE A LEASE AGREEMENT, LEASEBACK AGREEMENT, PAYMENT-IN-LIEU-OF-TAX AGREEMENT, PILOT MORTGAGE AND RELATED DOCUMENTS: AND (iv) PROVIDE FINANCIAL ASSISTANCE TO THE COMPANY IN THE FORM OF (A) A SALES TAX EXEMPTION FOR PURCHASES AND RENTALS RELATED TO THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF THE PROJECT, (B) A MORTGAGE RECORDING TAX

**7.2.1 Final Resolution Bogart-Sinatra Development (Continued)**

EXEMPTION FOR THE FINANCING RELATED TO THE PROJECT; AND (C) A MORTGAGE RECORDING TAX EXEMPTION FOR THE MORTGAGE RELATED TO THE PILOT AGREEMENT.

***Mr. Ross made a motion to approve the Final Resolution; Mr. Wolfgang seconded the motion.***

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>
Jerald I Wolfgang	X			
Kevin McCabe				X
William L. Ross	X			
Mary Lynn Candella				X
Robert B. Cliffe	X			
Scott Brydges	X			
Clifford Scott	X			
Jason Krempa			X	
Mark A. Onesi	X			

The Resolution was thereupon duly adopted.

**7.3 Niacet Corporation**

Ms. Barone stated that a public hearing was held on June 2, 2021 at Niagara Falls City Hall. In attendance was the Director of Real Property for Niagara County. There were no comments.

**7.3.1 Final Resolution**

RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY (i) UNDERTAKE A CERTAIN PROJECT FOR THE BENEFIT OF NIACET CORPORATION AND/OR AN INDIVIDUAL(S) OR AFFILIATE, SUBSIDIARY, OR ENTITY FORMED OR TO BE FORMED ON ITS BEHALF (AS MORE FULLY DEFINED BELOW); (ii) DETERMINE THAT THE PROJECT WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT; (iii) NEGOTIATE AND EXECUTE A LEASE AGREEMENT, LEASEBACK AGREEMENT, PAYMENT-IN-LIEU-OF-TAX AGREEMENT, PILOT MORTGAGE AND RELATED DOCUMENTS; AND (iv) PROVIDE FINANCIAL ASSISTANCE TO THE COMPANY IN THE FORM OF (A) A SALES TAX EXEMPTION FOR PURCHASES AND RENTALS RELATED TO THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF THE PROJECT, (B) A MORTGAGE RECORDING TAX EXEMPTION FOR THE

**7.3.1 Final Resolution Niacet Corporation (continued)**

FINANCING RELATED TO THE PROJECT; AND (C) A MORTGAGE RECORDING TAX EXEMPTION FOR THE MORTGAGE RELATED TO THE PILOT AGREEMENT.

***Mr. Wolfgang made a motion to approve the Final Resolution; Mr. Brydges seconded the motion.***

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>
Jerald I Wolfgang	X			
Kevin McCabe				X
William L. Ross	X			
Mary Lynn Candella				X
Robert B. Cliffe	X			
Scott Brydges	X			
Clifford Scott	X			
Jason Krempa	X			
Mark A. Onesi	X			

The Resolution was thereupon duly adopted.

**7.4 7920 JMD LLC**

Ms. Barone stated that a public hearing was held on June 3, 2021 at Royalton Town Hall. In attendance was the Director of Real Property for Niagara County. There were no comments.

**7.4.1 Final Resolution**

RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY (i) UNDERTAKE A CERTAIN PROJECT FOR THE BENEFIT OF 7920 JMD, LLC AND/OR AN INDIVIDUAL(S) OR AFFILIATE, SUBSIDIARY, OR ENTITY FORMED OR TO BE FORMED ON ITS BEHALF (AS MORE FULLY DEFINED BELOW); (ii) DETERMINE THAT THE PROJECT WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT; (iii) NEGOTIATE AND EXECUTE A LEASE AGREEMENT, LEASEBACK AGREEMENT, PAYMENT-IN-LIEU-OF-TAX AGREEMENT, PILOT MORTGAGE AND RELATED DOCUMENTS: AND (iv) PROVIDE FINANCIAL ASSISTANCE TO THE COMPANY IN THE FORM OF (A) A SALES TAX EXEMPTION FOR PURCHASES AND RENTALS RELATED TO THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF THE PROJECT, (B) A MORTGAGE RECORDING TAX EXEMPTION FOR THE FINANCING RELATED TO THE PROJECT; AND (C) A MORTGAGE RECORDING TAX EXEMPTION FOR THE MORTGAGE RELATED TO THE PILOT AGREEMENT.

**7.4.1 Final Resolution 7920 JMD LLC (continued)**

***Mr. Ross made a motion to approve the Final Resolution; Mr. Krempa seconded the motion.***

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>
Jerald I Wolfgang	X			
Kevin McCabe				X
William L. Ross	X			
Mary Lynn Candella				X
Robert B. Cliffe	X			
Scott Brydges	X			
Clifford Scott	X			
Jason Krempa	X			
Mark A. Onesi	X			

The Resolution was thereupon duly adopted.

**8.0 New Business**

**8.1 TM Montante Development LLC – 500 3<sup>rd</sup> Street**

Ms. Klyczek stated that TM Montante was selected by Empire State Development as the preferred developer for 503 Main Street, as well as 500, 512, and 518 3<sup>rd</sup> Street. The company intends an adaptive reuse of 500 3<sup>rd</sup> Street into a conference and event space on the ground floor and commercial/office space above. The project is located in a highly distressed area of downtown Niagara Falls. Mr. Wesley Walker, and Mr. Chris Campos were present to answer any questions.

Mr. Campos stated that this project is TM Montante’s second re-development project in downtown Niagara Falls.

Mr. Walker informed the Board that this building is a two story building that will focus mainly on the ground floor, which will be tourist based. The back of the space will be a kitchen space in anticipation for the events, conferences, and conventions at this location.

Mr. Wolfgang questioned the space behind the building, and the alley in-between 500 3<sup>rd</sup> Street and 512 3<sup>rd</sup> Street. Mr. Walker informed the Board that the space behind the building would be used for parking. He also stated that the company is asking the City of Niagara Falls for permission to incorporate the alley into the project in hopes that it can be used for outdoor entertainment.

Mr. Onesi questioned the number of new jobs, Mr. Walker informed the Board that the company estimates eight new jobs.

Mr. Scott questioned the timeline of the project. Mr. Walker responded by informing the Board that the company would like to finish the project during the 2<sup>nd</sup> or 3<sup>rd</sup> quarter of 2022.

Mr. Krempa questioned how long the building has been vacant for. Mr. Walker informed him the building has been used for storage, but has had no significant use in over a decade.

#### **8.1.1 Preliminary Resolution**

RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY (i) ACCEPTING THE APPLICATION OF TM MONTANTE DEVELOPMENT, LLC WITH RESPECT TO A CERTAIN PROJECT (AS MORE FULLY DEFINED BELOW) TO BE UNDERTAKEN BY THE AGENCY FOR THE BENEFIT OF TM MONTANTE DEVELOPMENT, LLC FOR ITSELF OR ON BEHALF OF 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) PROVIDE SALES TAX EXEMPTION FOR PURCHASES AND RENTALS RELATED TO THE CONSTRUCTION AND EQUIPPING OF THE PROJECT; AND (v) DESCRIBING THE FORMS OF FINANCIAL ASSISTANCE BEING CONTEMPLATED BY THE AGENCY.

***Mr. Krempa made a motion to approve the Preliminary Resolution; Mr. Brydges seconded the motion.***

The question of the approval of the Resolution as duly put to a vote on roll call, which resulted as follows.

**TM Montante Development LLC – 500 3<sup>rd</sup> Street (continued)**

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Jerald I Wolfgang	X			
Kevin McCabe				X
William L. Ross	X			
Mary Lynn Candella				X
Robert B. Cliffe	X			
Scott Brydges	X			
Clifford Scott	X			
Jason Krempa	X			
Mark A. Onesi	X			

The Resolution was thereupon duly adopted.

**8.1.2 Authorize Public Hearing Date**

***Mr. Wolfgang motioned to authorize the Public Hearing; Mr. Cliffe seconded the motion. The motion Passed***

**8.2 TM Montante Development LLC – 512 3<sup>rd</sup> Street**

Ms. Klyczek stated that TM Montante Development intends to convert 512 3<sup>rd</sup> Street into a new brewery and restaurant. This property is right next door to the 500 3<sup>rd</sup> Street project.

**8.2.1 Preliminary Resolution**

RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY (i) ACCEPTING THE APPLICATION OF TM MONTANTE DEVELOPMENT, LLC WITH RESPECT TO A CERTAIN PROJECT (AS MORE FULLY DEFINED BELOW) TO BE UNDERTAKEN BY THE AGENCY FOR THE BENEFIT OF TM MONTANTE DEVELOPMENT, LLC FOR ITSELF OR ON BEHALF OF 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) PROVIDE SALES TAX EXEMPTION FOR PURCHASES AND RENTALS RELATED TO THE CONSTRUCTION AND EQUIPPING OF THE PROJECT; AND (v) DESCRIBING THE FORMS OF FINANCIAL ASSISTANCE BEING CONTEMPLATED BY THE AGENCY.

***Mr. Scott made a motion to approve the Preliminary Resolution; Mr. Brydges seconded the motion.***



**8.2.1 TM Montante Development LLC – 512 3<sup>rd</sup> Street (continued)**

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>
Jerald I Wolfgang	X			
Kevin McCabe				X
William L. Ross	X			
Mary Lynn Candella				X
Robert B. Cliffe	X			
Scott Brydges	X			
Clifford Scott	X			
Jason Krempa	X			
Mark A. Onesi	X			

The Resolution was thereupon duly adopted.

**8.2.2 Authorize Public Hearing Date**

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

**8.3 Release of EDA’s Federal Interest in RLF Awards  
# 01-39-02728 and #01-39-02728.01**

Ms. Klyczek informed the Board that the Niagara County IDA revolving loan funds originally obtained from the Economic Development Administration (EDA) is changing their reporting process, along with the software they will use for reporting. Every seven years, the Agency has an opportunity to de-federalize funding. Ms. Klyczek explained that the Agency will not have to report to the EDA, while still maintaining current economic development obligations. She stated that this resolution is asking the Board to vote to de-federalize this funding.

**Release of EDA’s Federal Interest in RLF Awards**

RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY TO ENTER INTO AN AGREEMENT WITH THE UNITED STATES DEPARTMENT OF COMMERCE, ECONOMIC DEVELOPMENT ADMINISTRATION TO RELEASE FEDERAL INTEREST IN EDA AWARD FUNDS

**8.3 Release of EDA’s Federal Interest in RLF Awards (continued)**

***Mr. Cliffe made a motion to approve the Release of EDA’s Federal Interest in RLF Awards; 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>
Jerald I Wolfgang	X			
Kevin McCabe				X
William L. Ross	X			
Mary Lynn Candella				X
Robert B. Cliffe	X			
Scott Brydges	X			
Clifford Scott	X			
Jason Krempa	X			
Mark A. Onesi	X			

The Resolution was thereupon duly adopted.

**9.0 Agency Counsel**

Agency council had no comments at this time.

**10.0 Information Items**

There were no information items at this time.

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

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

**DATE: July 14, 2021**

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

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

**13.0 Adjournment**

***Mr. Onesi made a motion to adjourn; Mr. Krempa seconded the motion. The meeting adjourned at 9:20 a.m.***

Respectfully submitted:

Reviewed by:

Approved by:

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Julie Lamoreaux  
Recording Secretary

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Susan C. Langdon  
Executive Director

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William L. Ross  
Secretary