

REGULAR NCIDA/NCDC/NADC BOARD MEETING MINUTES

Wednesday, February 12, 2020

Meeting Time: 9 a.m.

Meeting Place: Niagara County Industrial Development Agency
6311 Inducon Corporate Drive, Suite One
Sanborn, New York 14132

1.0 Meeting Called to Order

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

2.0 Roll Call

Mark A. Onesi, Acting Chairperson	Present
Kevin McCabe, Secretary	Present
Jerald I. Wolfgang, Assistant Secretary	Present
William L. Ross, Member	Present
Robert B. Cliffe, Member	Present
Clifford Scott, Member	Present
Mary Lynn Candella, Member	Present
Scott Brydges, Member	Present

3.0 Mr. Onesi led the Pledge of Allegiance.

4.0 Introductions

Guests Present:

Jim Fink, Business First
Mia Summerson, Niagara Gazette
Tom Prohaska, Buffalo News
Dr. Kalaiselvi Rajendran, LMR Real Property
Vinay Rajendran, LMR Real Property
Ron Anderluh, Consultant, LMR Real Property
Kevin Jordan, Neighborhood Redevelopment

Staff Present:

Susan C. Langdon, Executive Director
Andrea Klyczek, Assistant Director
Dmitri Liadski, Economic Developer
Michael S. Dudley, Finance Manager
Caroline Caruso, Accounting Associate
Mark J. Gabriele, Agency Counsel
Barbara A. Gill, Administrative Coordinator/Recording Secretary

5.0 Approval of NCIDA Meeting Minutes

5.1 Meeting Minutes of January 8, 2020

Mr. Wolfgang motioned to approve the meeting minutes; Mr. McCabe seconded the motion. The motion passed.

6.0 Finance & Audit Committee Reports

6.1 Agency Payables

Mr. Onesi stated that he had reviewed the monthly payables and found them to be in order.

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

6.2 Budget Variance Report

Mr. Onesi stated that he had reviewed the report and found it to be in order.

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

7.0 Unfinished Business

7.1 LMR Real Property Holdings LLC

The company is requesting a 10 year PILOT and sales tax abatements to renovate a vacant building that will be converted into five (5) market rate apartment units. The Public Hearing was held on February 3, 2020 with one speaker who spoke in favor of the project.

The project is in a distressed area of the City of Niagara Falls. The Board discussed the fact that only one job will be created. Dr. Rajendran stated that there will be approximately 6 – 10 contractors working on the renovations for a few months.

At this time, Mark Gabriele, Agency Counsel, asked the Dr. to explain sensitive topics that were posted on Facebook since the application was accepted at last month's meeting. She went on to explain that someone made a comment regarding her young grandson and, as a result, her son, Vinay, lashed out on Facebook with derogatory racial slurs. She does not condone what he did but she repeated that any parent would have been upset with the comments. She apologized for how the comments got out of control and stated that it is the past now and she would like to move on.

7.0 Unfinished Business Continued

7.1 LMR Real Property Continued

The Board asked Mark Gabriele if there ever was an apartment building project put before the Board with no commercial space included in the plans, and Mark stated that Eleanor Apartments on 8th Street in Niagara Falls was approved a couple of years ago.

7.1.1 Final Resolution

After further discussion, Mr. Wolfgang made a motion to approve the Final Resolution; Ms. Candella seconded the motion. The motion passed.

RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY (i) UNDERTAKE A CERTAIN PROJECT FOR THE BENEFIT OF LMR REAL PROPERTY HOLDINGS 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.

The question of the approval of the Resolution was 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]	[]	[]
Jerald I. Wolfgang	[X]	[]	[]	[]
William L. Ross	[X]	[]	[]	[]
Clifford Scott	[X]	[]	[]	[]
Robert B. Cliffe	[X]	[]	[]	[]
Scott Brydges	[X]	[]	[]	[]
Mary Lynn Candella	[X]	[]	[]	[]
Mark Onesi	[X]	[]	[]	[]

The Resolutions were thereupon duly adopted.

8.0 New Business

8.1 Neighborhood Redevelopment LLC

The Project is a vacant funeral home that was purchased and will be renovated into a multi-use building. The building will be renovated to include 2 -3 commercial office spaces and three (3) apartments. The company is requesting a 10 Year PILOT and sales tax and mortgage recording tax abatements. Total project costs are approximately \$338,000 inclusive of construction, improvements, furniture, fixtures, and soft costs.

Kevin Jordan, a representative of the company, spoke to the Board. He stated that three (3) jobs will be created.

Mark Gabriele stated that the project is in a distressed area of the City.

8.1.1 Preliminary Resolution

Mr. Ross made a motion to approve the Preliminary Resolution; Mr. McCabe seconded the motion. The motion passed.

RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY (i) ACCEPTING THE APPLICATION OF NEIGHBORHOOD REDEVELOPMENT LLC WITH RESPECT TO A CERTAIN PROJECT (AS MORE FULLY DEFINED BELOW) TO BE UNDERTAKEN BY THE AGENCY FOR THE BENEFIT OF NEIGHBORHOOD REDEVELOPMENT LLC 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.

The question of the approval of the Resolution was 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]	[]	[]	[]
Jerald I. Wolfgang	[X]	[]	[]	[]
William L. Ross	[X]	[]	[]	[]
Clifford Scott	[X]	[]	[]	[]
Robert B. Cliffe	[X]	[]	[]	[]
Scott Brydges	[X]	[]	[]	[]
Mary Lynn Candella	[X]	[]	[]	[]
Mark Onesi	[X]	[]	[]	[]

The Resolutions were thereupon duly adopted.

8.0 New Business Continued

8.1 Neighborhood Redevelopment Continued

8.1.2 Authorize Public Hearing

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

8.2 Niagara Falls Center for Tourism

The company has requested that the replacement of exterior windows be removed from the total project costs. The exclusion of the windows totals \$3,000,000 and this change lowers the percentage of costs in their sources and uses of funds.

The Center is requesting that the amount of the project be reduced by the amount of the windows that was previously included in the total project costs, with the total amount of the grant remaining unchanged at \$1,000,000. The grant request is 8.7% of total project costs.

The Cataract Tourism Fund Committee met on January 24, 2020 and recommends approval of the change in project costs.

8.2.1 Change in Project Costs

Mr. Ross made a motion to approve the change in project costs; Mr. Wolfgang seconded the motion. The motion passed.

8.3 Aquarium of Niagara

Ms. Klyczek stated that this is the third (3rd) request from the Aquarium. The project will consist of capital improvements to the second-floor event room, and the room will be outfitted with new technology and infrastructure that will enable the Aquarium to become a unique destination for conferences, workshops, reunions, showers and more. The existing space is currently limited by an outdated façade, antiquated fixtures and the lack of technology. The company is requesting \$16,717 from the Cataract Tourism Fund.

The Cataract Tourism Fund Committee met on January 24, 2020 and recommends approval of the request.

Mr. Cliffe made a motion to approve the grant request; Mr. Scott seconded the motion. The motion passed.

8.0 New Business Continued

8.4 Request for Proposals for Consultant

8.4.1 H. Sichernan/the Harrison Studio

Susan Langdon stated that approximately every three years, staff sends out a Request for Proposals to provide services associated with the planning, funding, and implementation of the Niagara County Industrial Development Agency's community and economic development programs.

On January 14, 2020, an RFP was mailed to 22 consulting firms in Erie and Niagara Counties. Staff used the New York State WMBE Certified Directory to include Women and Minority owned Business Enterprises in the outreach. The RFP was also posted on the New York State Contract Reporter.

The Agency received one proposal in response to the solicitation, from H. Sichernan/the Harrison Studio; staff recommends acceptance of this proposal.

Mr. Wolfgang made a motion to approve the proposal; Ms. Candella seconded the motion. The motion passed.

8.5 Niagara Club LLC

In a letter dated January 27, 2020, Nirel Patel requested an extension on their Inducement Resolution which is set to expire at the end of the month. Their extension is being requested as the project financing is being finalized, but is not yet completed due to the complexity of the project arising from the adaptive reuse scale of the Niagara Club.

Mr. McCabe made a motion to approve the request of a six month extension; Mr. Cliffe seconded the motion. The motion passed.

8.5.1 Inducement Resolution Extension

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

8.0 New Business Continued

8.5 Niagara Club Continued

8.5.1 Inducement Resolution Extension Continued

The question of the approval of the Resolution was 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]	[]	[]	[]
Jerald I. Wolfgang	[X]	[]	[]	[]
William L. Ross	[X]	[]	[]	[]
Clifford Scott	[X]	[]	[]	[]
Robert B. Cliffe	[X]	[]	[]	[]
Scott Brydges	[X]	[]	[]	[]
Mary Lynn Candella	[X]	[]	[]	[]
Mark Onesi	[X]	[]	[]	[]

The Resolution was thereupon duly adopted.

9.0 Information Items

There were no information items at this time.

10.0 Agency Counsel

11.0 Any Other Matters the Board Wishes to Discuss

12.0 Next: Annual NCIDA/NCDC/NADC Meeting:

DATE: March 11, 2020

TIME: 9:00 a.m.

PLACE: Niagara County Center for Economic Development


13.0 Adjournment

Mr. Onesi made a motion to adjourn; Mr. Brydges seconded the motion. The meeting adjourned at 9:50 a.m.

Respectfully submitted:

Reviewed by:

Approved by:


 Barbara A. Gill
 Recording Secretary


 Susan C. Langdon
 Executive Director


 Kevin McCabe
 Secretary