

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: October 11, 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 Introduction of new Board Member

3.0 Roll Call

Mark A. Onesi, Chairperson	Present
Jason Krempa, Second Vice Chairperson	Present
Clifford Scott, Member	Present
William L. Ross, Secretary	Present
Mark Berube, Member	Present
Ryan J. Mahoney, Member	Present
Anne E. McCaffrey, Member	Present
David J. Masse, Member	Present
William Fekete, Member	Present

4.0 Introduction of Guests

Jonathan Epstein, Buffalo News
Robert Creenan, Niagara Gazette
Frank Cefalu, Cityscape Property Management Inc.
Joseph Vecchio, Cityscape Property Management, Inc.
Mark Trammell, MHT Holdings, Inc.
Christopher Canada, Hodgson Russ, LLP – Via Phone
Evan Coleman, Northern Farms – Via phone

Staff Present

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

5.0 Pledge of Allegiance

Mr. Ross led the Pledge of Allegiance.

6.0 Approval of Meeting Minutes

6.1 Regular NCIDA/NCDC/NADC – September 13, 2023

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

7.0 Finance & Audit Committee Reports

7.1 Agency Payables – September 30, 2023

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

Mr. Scott made a motion to approve the monthly payables; Ms. McCaffrey seconded the motion. The motion passed.

7.2 Budget Variance Report – September 30, 2023

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

Ms. McCaffrey made a motion to approve the Budget Variance Report; Mr. Scott seconded the motion. The motion passed.

7.3 2024 Proposed Budgets

Mr. Dudley stated that Budgets were reviewed in the previous Audit and Finance Committee meeting with several of the Board members. The objective of the Board is to approve the budgets, then they will be sent to the Niagara County Clerk and Legislature for a mandatory 20-day review. The Board will then be asked to formally adopt the 2024 Budgets at the November 8, 2023 Regular Board Meeting.

Mr. Krempa made a motion to approve the proposed budgets, Mr. Scott 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>
Mark Onesi	x			
Jason Krempa	x			
Clifford Scott	x			
William L. Ross	x			
Mark Berube	x			
Ryan Mahoney	x			
Anne E. McCaffrey	x			
David J. Masse	x			
William Fekete	x			

The Resolution was thereupon duly adopted.

8.0 Election of Officers

Mr. Onesi stated that new positions for the Board needed to be filled. He recommended Jason Krempa as the First Vice Chairperson, Clifford Scott as the Second Vice Chairperson, and Mark Berube as the Assistant Secretary.

Mr. Ross made a motion to approve the new positions for the Board members; Ms. McCaffrey seconded the motion. The motion passed.

9.0 Unfinished Business

9.1 MHT Holdings Inc. – Brookside Commons

Mr. Geartz stated that MHT Holdings Inc. plans to purchase and renovate 15 affordable units in the Town of Niagara. The building was constructed in 1969 and totals 16,288 sq. ft. This rehabilitation will include HVAC, maintenance needs, appliances, and fixtures.

Mr. Gabriele added that this project was tabled last month because there were concerns from the Town of Niagara regarding the displacement of the current residents at the location. The Agency met with town officials in respect to the project moving forward. The Town Supervisor requested that non-displacement language be put in the resolution as a condition of the financial assistance.

Mr. Krempa stated that the language requested was added to the Agreement in the Pilot Agreement and the Final Resolution. The language states that “as a condition precedent receiving the financial assistance contemplated by this resolution as a material term or condition the company covenants and agrees not to displace any current resident from his or her unit not unless the tenant chooses to permanently leave the facility on his/or her own volition or agrees to move to a different unit under his or her own volition.”

9.1.1 Final Resolution

RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY (i) UNDERTAKE A CERTAIN PROJECT FOR THE BENEFIT OF MHT HOLDINGS INC. (BROOKSIDE COMMONS) 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.

Mr. Krempa made a motion to approve the Final Resolution; Mr. Scott 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>
Mark Onesi	x			
Jason Krempa	x			
Clifford Scott	x			
William L. Ross	x			
Mark Berube	x			
Ryan Mahoney	x			
Anne E. McCaffrey	x			
David J. Masse	x			
William Fekete	x			

The Resolution was thereupon duly adopted.

9.2 Vincent Properties, Inc.

Mr. Gabriele stated that Vincent Properties, Inc. was a bond project that was done a number of years ago. The company is entering into a modification bond agreement with its lender. They are asking for approval of the bond modification. He added that this has no effect on the Agency’s liability.

9.1.2 Modification of Bond

RESOLUTION AUTHORIZING THE EXECUTION OF A BOND MODIFICATION AGREEMENT RELATED TO THE \$11,520,000 NIAGARA AREA DEVELOPMENT CORPORATION TAX-EXEMPT REVENUE BONDS (VINCENT PROPERTIES, INC. PROJECT), SERIES 2016 (THE "BONDS")

Mr. Krempa made a motion to approve the Bond Modification; Mr. Ross 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>
Mark Onesi	x			
Jason Krempa	x			
Clifford Scott	x			
William L. Ross	x			
Mark Berube	x			
Ryan Mahoney	x			
Anne E. McCaffrey	x			
David J. Masse	x			
William Fekete	x			

The Resolution was thereupon duly adopted.

10.0 New Business

10.1 Cityscape Property Management Inc. – 1304 & 1310 Payne, 325 Stenzil

Ms. Klyczek stated that Cityscape Property Management Inc. – 1304 & 1310 Payne, 325 Stenzil is proposing the buildout of two buildings each with eight residential units. All units will have their own private concrete driveways with attached garages for parking. Each unit will have 2 bedrooms, 2 bathrooms, and small office room and laundry space. She added that Governor Hochul has called on NY State to create 800,000 new housing units within the next 10 years and for upstate communities to increase their housing stock by 1% over the next three years. For North Tonawanda specifically that means 149 housing units. This project will assist in reaching the targeted goal.

Joseph Vecchio, one of the owners of the company stated that he and his team are on site daily managing contractors. By years end, their company will have already completed 17 similar upscale units across five different buildings. Their projects have been praised by the City of North Tonawanda, and the tenants who have enjoyed the benefits of new housing. He went on to say that the cost for materials, and interest rates are higher than they have been in many years. Because of the rising prices, without help from the Agency, the housing projects will not be built.

10.1.1 Preliminary Resolution

RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY (i) ACCEPTING THE APPLICATION OF CITYSCAPE PROPERTY MANAGEMENT INC. WITH RESPECT TO A CERTAIN PROJECT (AS MORE FULLY DEFINED BELOW) TO BE UNDERTAKEN BY THE AGENCY FOR THE BENEFIT OF CITYSCAPE PROPERTY MANAGEMENT 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 Preliminary Resolution; Mr. Masse 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>
Mark Onesi	x			
Jason Krempa	x			
Clifford Scott	x			
William L. Ross	x			
Mark Berube	x			
Ryan Mahoney	x			
Anne E. McCaffrey	x			
David J. Masse	x			
William Fekete	x			

The Resolution was thereupon duly adopted.

10.1.2 Authorize Public Hearing

Mr. Krempa made a motion to approve the public hearing; Mr. Ross seconded the motion. The motion passed.

10.2 Cityscape Property Management Inc. – 83 Division Street

Ms. Klyczek stated that Cityscape Property Management Inc. – 83 Division Street is proposing the buildout of a four unit residential building. All market rate units will be approximately 1,300 sq. ft. of living space. All units will have their own private concrete driveways with attached garages for parking. Each unit will have 2 bedrooms, 2 bathrooms, and small office room and laundry space.

10.2.1 Preliminary Resolution

RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY (i) ACCEPTING THE APPLICATION OF CITYSCAPE PROPERTY MANAGEMENT INC. WITH RESPECT TO A CERTAIN PROJECT (AS MORE FULLY DEFINED BELOW) TO BE UNDERTAKEN BY THE AGENCY FOR THE BENEFIT OF CITYSCAPE PROPERTY MANAGEMENT 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 Preliminary Resolution; Mr. Masse 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>
Mark Onesi	x			
Jason Krempa	x			
Clifford Scott	x			
William L. Ross	x			
Mark Berube	x			
Ryan Mahoney	x			
Anne E. McCaffrey	x			
David J. Masse	x			
William Fekete	x			

The Resolution was thereupon duly adopted.

10.2.2 Authorize Public Hearing

Mr. Berube made a motion to approve the public hearing; Mr. Krempa seconded the motion. The motion passed.

10.3 NF Lockport LLC

Ms. Klyczek stated that NF Lockport LLD, a wholly owned subsidiary of Northern Farms in partnership with Netafim and Orbia, will be remediating the site for the development of a 25 acre greenhouse and a 100,000 sq. ft. warehouse. The site will be used to grow year round strawberries and /or other edible fruits or vegetables to supply to the Northeast United States.

She added that the project site is currently a contaminated tax delinquent site that has sat vacant for over twenty years with taxes owed to Niagara County in excess of \$600,000. Niagara County has transferred the tax lien to the Niagara Orleans Regional Land Improvement Corporation who has entered into an agreement with NF Lockport LLC to convey the tax lien so the developer may pursue foreclosure action. Upon taking title, the developer will remediate the property and then commence construction. The developer also intends to install rooftop solar to offset energy cost.

Evan Coleman from NF Lockport, LLC stated that his company is an investment firm based out of New England. The company would be re-building the site into a greenhouse for supplies to supermarkets primarily in New England. The facility is expected to be 25 acres in size. The company plans to employ close to 75 people.

Ms. McCaffrey inquired about the timeline of the project. Mr. Coleman expects the project to be complete in 12-14 months.

10.3.1 Preliminary Resolution

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

Mr. Krempa made a motion to approve the Preliminary Resolution; Ms. McCaffrey 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>
Mark Onesi	x			
Jason Krempa	x			
Clifford Scott	x			
William L. Ross	x			
Mark Berube	x			
Ryan Mahoney	x			
Anne E. McCaffrey	x			
David J. Masse	x			
William Fekete	x			

The Resolution was thereupon duly adopted.

10.3.2 Authorize Public Hearing

Mr. Ross made a motion to approve the public hearing; Mr. Krempa seconded the motion. The motion passed.

11.0 Agency Counsel

There were no comments from agency counsel.

12.0 Information Items

There were no information items at this time.

13.0 Any Other Matters the Board Wishes to Discuss

There were no matters the board wished to discuss.

14.0 Next Regular NCIDA/NCDC/NADC Meeting:

DATE: November 8, 2023

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

PLACE: Niagara County Center for Economic Development

15.0 Adjournment

Mr. Krempa made a motion to adjourn; Mr. Berube seconded the motion. The meeting adjourned at 9:37 p.m.

Respectfully Submitted:

Reviewed By:

Approved By:

Julie Lamoreaux
Recording Secretary

Susan C. Langdon
Executive Director

William L. Ross
Secretary