

REGULAR NCIDA/NCDC/NADC BOARD MEETING

DATE: November 10, 2021
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 Roll Call

Mark A. Onesi, Chairperson	Present
Jerald I. Wolfgang, 1 st Vice Chairperson	Present
Kevin McCabe, 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	Excused

3.0 Introductions

Guests Present

Jim Fink, Business First

Staff Present

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

4.0 Pledge of Allegiance

Mr. Scott led the Pledge of Allegiance.

5.0 Approval of Meeting Minutes

5.1 Regular NCIDA/NCDC/NADC – October 13, 2021

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

6.0 Finance & Audit Committee Reports

6.1 Agency Payables – October 31, 2021

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. Brydges seconded the motion. The motion passed.

6.2 Budget Variance Report – October 31, 2021

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

Mr. Brydges made a motion to approve the Budget Variance Report; Mr. Brydges seconded the motion. The motion Passed.

6.3 2022 Proposed Budgets

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

Mr. Brydges made a motion to approve the 2022 Proposed Budgets; Mr. Cliffe seconded the motion. The motion passed.

7.0 Unfinished Business

7.1. Duncan’s Heating & Cooling Corporation

Ms. Klyczek stated that a Public Hearing for Duncan’s Heating & Cooling Corporation was held on November 1, 2021 at 2:15 p.m. at the Town Hall in the Town of Niagara. There were no comments made at the Public Hearing.

7.1.1 Final Resolution

RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY (i) UNDERTAKE A CERTAIN PROJECT FOR THE BENEFIT OF DUNCAN’S HEATING & COOLING CORP., 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. 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.

7.1. PEMM LLC

Ms. Klyczek stated that a Public Hearing for Pemm LLC was held on November 1, 2021 at 2:00 p.m. at the Town Hall in the Town of Niagara. There were no comments made at the Public Hearing, however, the agency did receive a number of letters of support for this project. The letters of support came from Franks Vacuum Truck Service, Inc., Niagara Falls Center for Tourism. The Agency also received an e-mail from Andrea Czopp, from the Niagara Falls USA Tourism & Convention Corporation in support of the project. Since the Public Hearing, the Agency also received correspondence from the Bridge Commission supporting the project.

7.1.1 Final Resolution

RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY (i) UNDERTAKE A CERTAIN PROJECT FOR THE BENEFIT OF PEMM 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.

Mr. Scott 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.

8.0 New Business

There was no new business at this time.

9.0 Agency Counsel

There were no updates from Agency Counsel 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

There were no matters that the board wished to discuss.

12.0 Next Regular NCIDA/NCDC/NADC Meeting:

DATE: November 10, 2021

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

PLACE: Niagara County Center for Economic Development

13.0 Adjournment

Mr. Onesi made a motion to adjourn; Mr. Cliffe seconded the motion. The meeting adjourned at 9:12 a.m.

Respectfully Submitted:

Reviewed by:

Approved by:

Julie Lamoreaux
Recording Secretary

Susan C. Langdon
Executive Director

William L. Ross
Secretary