

REGULAR NCIDA/NCDC/NADC BOARD MEETING

DATE: January 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 Vice Chairperson Wolfgang at 9:00 a.m.

2.0 Roll Call

Mark A. Onesi, Chairperson	Excused
Jerald I. Wolfgang, 1 st Vice Chairperson	Present
Kevin McCabe, Vice Chairperson	Present
William L. Ross, Secretary	Present
Scott Brydges, Assistant Secretary	Excused
Robert B. Cliffe, Member	Present
Clifford Scott, Member	Present
Jason Krempa, Member	Present
Maria V. Lopez, Member	Excused

3.0 Introduction of Guests

Guests Present

Jim Fink, Business First
Jonathan Epstein, Buffalo News
Robert Creenan, Niagara Gazette
Muhammad Shoaib, Burger Factory Niagara Falls Inc.

Staff Present

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

4.0 Pledge of Allegiance

Mr. Krempa led the Pledge of Allegiance.

5.0 Approval of Meeting Minutes

5.1 Regular NCIDA/NCDC/NADC – December 14, 2022

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 – December 31, 2022

Mr. McCabe 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 – December 31, 2022

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

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

7.0 Unfinished Business

There was no unfinished business at this time.

8.0 New Business

8.1 Burger Factory Niagara Falls Inc.

Ms. Klyczek stated that Burger Factory Niagara Falls Inc. will be an A & W franchise that will be located at 303 Rainbow Boulevard in downtown Niagara Falls. The company is requesting a five year Pilot and Sales Tax Abatement. Ms. Klyczek noted that the project location is in a highly distressed area as defined by Federal poverty rate and NYS unemployment rate.

Mr. Shoab from the company stated that right now in downtown Niagara Falls, there are limited options available to meet the demands of the tourist community. This project will help remedy this issue while also signaling to other notable brands that Niagara Falls is a viable and desirable retail location. He is confident that tourists and families will be happy with this new establishment.

8.1.1 Preliminary Resolution

RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY (i) ACCEPTING THE APPLICATION OF BURGER FACTORY NIAGARA FALLS INC. WITH RESPECT TO A CERTAIN PROJECT (AS MORE FULLY DEFINED BELOW) TO BE UNDERTAKEN BY THE AGENCY FOR THE BENEFIT OF BURGER FACTORY NIAGARA FALLS INC. 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. Krempa 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 Wolfgang	x			
Kevin McCabe	x			
William Ross	x			
Maria V. Lopez				x
Robert Cliffe	x			
Scott Brydges	x			
Clifford Scott	x			
Jason Krempa	x			
Mark Onesi				x

The Resolution was thereupon duly adopted.

8.1.2 Authorize Public Hearing

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

8.2 Niagara Falls International Cuisine Inc.

Ms. Klyczek stated that Niagara Falls International Cuisine Inc. is a franchise that will open as Moe’s Southwest Grill at 333 Rainbow Boulevard in downtown Niagara Falls. The company is requesting Sales Tax Abatement. She noted that this project is located in a distressed area as defined by Federal poverty rate and NYS unemployment rate.

Mr. Shoab stated that the existing Wingate Hotel in downtown Niagara Falls is seeking to attract the famous Moe’s Southwest Grill, which will offer families that are traveling to Niagara Falls another affordable dining option. Currently there is an absence of places for tourists to dine when visiting Niagara Falls. He noted that recognizable brands, such as Moe’s will help keep visitors in the downtown area longer and offer them a better overall experience.

8.2.1 Resolution

RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY (i) ACCEPTING THE APPLICATION OF NIAGARA FALLS INTERNATIONAL CUISINE INC. WITH RESPECT TO A CERTAIN PROJECT (AS MORE FULLY DEFINED BELOW) TO BE UNDERTAKEN BY THE AGENCY FOR THE BENEFIT OF NIAGARA FALLS INTERNATIONAL CUISINE INC. OR AN ENTITY FORMED OR TO BE FORMED; (ii) PROVIDE SALES TAX EXEMPTION FOR PURCHASES AND RENTALS RELATED TO THE CONSTRUCTION AND EQUIPPING OF THE PROJECT; AND 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 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 Wolfgang	x			
Kevin McCabe	x			
William Ross	x			
Maria V. Lopez				x
Robert Cliffe	x			
Scott Brydges	x			
Clifford Scott	x			
Jason Krempa	x			
Mark Onesi				x

The Resolution was thereupon duly adopted.

8.3 SJI Main LLC

Mr. Gabriele stated that SJI Main LLC is a previous project that is still in process. Due to Covid, supply chain issues, and price increases, the project has been delayed. The company is requesting additional sales tax benefit for this project.

8.3.1 Resolution (additional sales tax)

RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY (i) UNDERTAKE A CERTAIN PROJECT FOR THE BENEFIT OF SJI MAIN LLC AND/OR AN INDIVIDUAL(S) OR AFFILIATE, SUBSIDIARY, OR ENTITY FORMED OR TO BE FORMED ON ITS BEHALF (AS MORE FULLY DEFINED BELOW); AND PROVIDE FINANCIAL ASSISTANCE TO THE COMPANY IN THE FORM OF ADDITIONAL SALES TAX EXEMPTION FOR PURCHASES AND RENTALS RELATED TO THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF THE PROJECT.

Mr. Cliffe made a motion to approve the Resolution; Mr. Krempa 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 Wolfgang	x			
Kevin McCabe	x			
William Ross	x			
Maria V. Lopez				x
Robert Cliffe	x			
Scott Brydges	x			
Clifford Scott	x			
Jason Krempa	x			
Mark Onesi				x

The Resolution was thereupon duly adopted.

9.0 Agency Counsel

Mr. Gabriele 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

There were no other matters the Board wished to discuss.

12.0 Next Regular NCIDA/NCDC/NADC Meeting:

DATE: February 8, 2023

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

PLACE: Niagara County Center for Economic Development

13.0 Adjournment

Mr. Ross made a motion to adjourn; Mr. Scott seconded the motion. The meeting adjourned at 9:20 a.m.

Respectfully Submitted:

Reviewed By:

Approved By:

Julie Lamoreaux
Recording Secretary

Susan C. Langdon
Executive Director

William L. Ross
Secretary