

REGULAR NCIDA/NCDC/NADC BOARD MEETING

DATE: July 13, 2022
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 Mark 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, 2 nd Vice Chairperson	Present
William L. Ross, Secretary	Present
Scott Brydges, Assistant Secretary	Present
Clifford Scott, Member	Present
Robert B. Cliffe, Member	Present – Arrived at 9:40 a.m.
Jason Krempa, Member	Present
Maria V. Lopez, Member	Present

3.0 Introduction of Guests

Guests Present:

Jonathan Epstein, Buffalo News
Robert Creenan, Niagara Gazette
Kimberly Nason, Phillips Lytle LLP
John Bancroft, Jb2 Partners
Daniel Healy, Advanced Energy
Dominic Pasceri, Advanced Energy
Thomas Fox, Ellicott Development Company
Michael Casale, Niagara County Department of Economic Development
Jeremy Geartz, Guest
Gwendolyn Fames, Amazon
Brad Griggs, Amazon
Robert G. Murray, Harris Beach, PLLC
Andy DeVincentis, Walden Development
Chuck Bell, Harrison Studio

Staff Present:

Susan C. Langdon, Executive Director
Andrea Klyczek, Assistant Director
Michael S. Dudley, Finance Manager
Carrie Caruso, Accounting Associate
Susan Barone, Project Manager
Julie Lamoreaux, Administrative Assistant
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 – June 8, 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 – June 30, 2022

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

Mr. McCabe made a motion to approve the monthly payables; Mr. Wolfgang seconded the motion. The motion passed.

6.2 Budget Variance Report – June 30, 2022

Mr. McCabe made a motion to approve the Budget Variance Report has been reviewed and found to be in order.

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

7.0 Unfinished Business

7.1 D.R.C. Development LLC

Ms. Klyczek stated that on June 30, 2022 at 2:00 p.m., the Agency held a Public Hearing at the Center for Economic Development. There were comments made at the hearing.

7.1.1 Final Resolution

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

7.2 Lockport Schools Federal Credit Union

Ms. Klyczek stated that on June 29, 2022 at 2:00 p.m., the Agency held a Public Hearing at Lockport City Hall. There were no comments made at the Hearing.

7.2.1 Final Resolution

RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY (i) UNDERTAKE A CERTAIN PROJECT FOR THE BENEFIT OF LOCKPORT SCHOOLS FEDERAL CREDIT UNION 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. 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.

7.3 Olcott Project

Mr. Gabriele stated that this company has requested to have their existing inducement extended for six months. This is the second extension for this company.

7.3.1 Second Inducement Extension

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

Mr. Wolfgang made a motion to approve the Second Inducement Extension. Mr. McCabe 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.

8.0 New Business

8.1 Amazon.com Services LLC

Ms. Klyczek stated that the proposed project consists of the construction and operation of an e-commerce storage and distribution facility located at 8995 Lockport Road in the Town of Niagara. The site is a vacant 216 acre heavy industrial zoned site that will be considered a "First Mile" fulfillment center. The applicant's Development partner JB2, has received unanimous approvals from the Town of Niagara Planning Board and the Niagara County Planning Board. In addition, the Niagara Town Board voted unanimously in favor of a "negative declaration" for the New York State Environmental Quality Review (SEQR).

Brad Griggs a representative from Amazon, stated that the company is looking at a 216 acre site that is zoned heavy industrial to build an Amazon robotic fulfillment center. This facility would be where items are stored, packed, and shipped. This site will serve the East Coast of the United States. He stated that they are looking to construct a 3 million square foot facility with over \$550,000,000 in capital investment. The company will employ over 1,000 positions, with a minimum starting salary of at least \$15 an hour, and an annual salary of \$32,648. This includes managerial positions and hourly staff. The company has a comprehensive benefits package including medical, dental, vision, 401K matching, and parental leave. They also have a career choice program which provides 100% tuition reimbursement towards the advancement of career opportunities. The company wants to complete this in a timely manner, with a 24 month schedule to complete the project, but there may be delays due to supply chain issues.

Mr. McCabe inquired as to where there is another facility comparable to the proposed facility. Mr. Griggs noted that there is one in Syracuse, NY that is comparable. Mr. Ross commented that this is a great generational project. Mr. Ross also said he is concerned about obstructions near the Airbase with regard to the runway. Kimberly Nason noted that the company has had many conversations with the Air Reserve Station. Under the local code, their involvement is required right from the beginning. The company has had multiple meetings with them to express all of their concerns, and answer any questions they had. She said that they have the full support for the Air Reserve Station. She also added that she has been working with DOT to figure out traffic patterns. She noted that Amazon will be making traffic improvements to the area.

Mr. Wolfgang asked if the current supply chain issues would impact this project. Mr. Griggs said this is a complicated construction endeavor, and there are a lot of possible scenarios. He stated that Amazon, and its partners will do everything possible to keep the project on their current timeline. Mr. Wolfgang asked if the company will be hiring employees during the construction period. Mr. Griggs said there will be over 300 construction jobs right from the beginning. He said they have a ramp up period as the time gets closer to opening up the building. Hiring for managers and staff will begin six months before the building opens.

Mr. McCabe asked what kind of traffic studies have been done to express the concerns of the people that are living by the new facility. Ms. Nason said that throughout the zoning process, the majority of comments have had to do with the traffic concerns. She said that in February, a comprehensive traffic impact study was completed for that area

completed by SMF Associates. She said based on the data that was collected, additional mitigation will be added to address all the concerns of the traffic. She said turning lanes, and traffic improvements will be added. There will be a total of five million dollars added to go towards the roadway improvements associated with this project. The DOT has reviewed and approved all the mitigation improvements proposed in response to the traffic study.

Mr. Wolfgang asked if Amazon would work with the Community College in regards to the robotics program at the company. Mr. Griggs responded that this would be in addition to the Career Choice program that Amazon offers. Mr. Scott inquired about the environmental impacts of the company. Ms. Nason said all the reports and impacts have been completed and filed with the town. She said the Town Board at the June 21, 2022 meeting issued a negative declaration.

8.1.1 Preliminary Resolution

RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY (i) ACCEPTING THE APPLICATION OF AMAZON.COM SERVICING LLC WITH RESPECT TO A CERTAIN PROJECT (AS MORE FULLY DEFINED BELOW) TO BE UNDERTAKEN BY THE AGENCY FOR THE BENEFIT OF AMAZON.COM SERVICING LLC AND 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. Wolfgang 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. Wolfgang motioned to authorize the Public Hearing; Mr. Krempa seconded the motion. The motion passed.

8.2 DLV Properties, LLC

Mr. Onesi stated that the DLV Properties, LLC project has been withdrawn from the Agenda. This project will be presented at a later date.

8.3 4600 Group, LLC

Ms. Klyczek stated that 4600 Group LLC are seeking to restore the historic Frontier House in the Village of Lewiston. The 197-year-old Frontier House, that has been vacant since 2014, was placed on the National Register of Historic Places in 1974. The original use for the Frontier House was an Inn for merchants and travelers. The redevelopment plans will draw upon and celebrate the buildings rich history with the intent to make it a destination sought by visitors from outside the area. The developer is working to conduct a marketing study, and that will go into further detail about how the company plans to re-use the facility. The study is forthcoming and the Board will have it prior to the next meeting.

Mr. Fox from Ellicott Development Company stated that they purchased the Frontier House in 2019. When they purchased the building, it had been vacant for almost 20 years. They are going through the process of making plans for the building while working with the Preservation Office. He stated that they are planning on using the first floor and basement for commercial and retail activity. They are looking to do rental and market rate apartment units on the third and fourth floors.

8.3.1 Preliminary Resolution

RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY (i) ACCEPTING THE APPLICATION OF 4600 GROUP LLC WITH RESPECT TO A CERTAIN PROJECT (AS MORE FULLY DEFINED BELOW) TO BE UNDERTAKEN BY THE AGENCY FOR THE BENEFIT OF 4600 GROUP 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. Lopez 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.

8.3.2 Authorize Public Hearing

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

8.4 CALF Development Associates, LLC

Ms. Klyczek stated that Trek, Inc. has been leasing space at 160 Washburn Street in the City of Lockport since 2014. As operations have grown, the existing space has become limiting based on 32,000 square feet of space per floor over 3 floors. The company is looking to establish a base of production in the northeast, and the Cambria site could potentially be that base. The new 110,000 square foot facility could accommodate the existing operation and the short-term growth. Additionally, the site allows for another 100,000 square feet of expansion to accommodate mid to long-range needs. New construction would be light manufacturing, and warehouse facility. The manufacturing lines at the site include electrostatic detection and measurement solutions for semiconductor, aerospace, automotive, medical, defense, PV solar, test and measurement applications. The site would retain 205 existing jobs that are currently located in Lockport, while also adding an additional 100 jobs. Ms. Klyczek also noted that the City of Lockport is in support of this development.

Andy DeVincintis from Walden Development Group stated that this is a Greenfield site in the Town of Cambria. The company is trying to stay as close to the City of Lockport as possible to retain jobs. He also stated that this project will retain over 200 great paying jobs, and create an additional 100 jobs with a highly skilled workforce. They are looking to create an engineering center of excellence in the area. Chuck Bell from Harrison Studio added that Trek has been in Orleans and Niagara County for many years, and 50 percent of the workforce is from the local area.

8.4.1 Preliminary Resolution

RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY (i) ACCEPTING THE APPLICATION OF CALF DEVELOPMENT ASSOCIATES, LLC WITH RESPECT TO A CERTAIN PROJECT (AS MORE FULLY DEFINED BELOW) TO BE UNDERTAKEN BY THE AGENCY FOR THE BENEFIT OF CALF DEVELOPMENT ASSOCIATES, 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. Scott made a motion to approve the Preliminary Resolution; Mr. McCabe 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.

8.4.2 Authorize Public Hearing

Mr. McCabe motioned to authorize the Public Hearing; Mr. Brydges seconded the motion. The motion passed.

8.5 Covid Relief for Small Business Grant

8.5.1 Hydraulic Race Company Inc.

Ms. Barone stated that for this application, our consultants from H. Sicherman & Company, along with agency staff reviewed all the documents submitted to make sure the company meets all eligibility criteria. Hydraulic Race Company Inc. is also known as Lockport Cave and Underground Boat Ride, and the Niagara Zipper, a zip line attraction. They currently have over 20 employees, and are looking to create a full time position. Due to COVID restrictions, the Niagara Zipper attraction was shut down for two summer seasons, they had a significant loss in revenue. They are re-opening this season and would like to use the funds to promote the zip line ride as well as a new attraction of laser tag evening rides. They are requesting \$50,000, and the use of funds would be to increase and replace supplies for the zip line, training expenses, and marketing to promote and increase revenue for the business. The Agency recommends approval of the grant request, as the applicant qualifies based on meeting all grant eligibility requirements.

8.5.1 Hydraulic Race Company Inc.

RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY APPROVING GRANT TO HYDRAULIC RACE CO., INC. UNDER THE COVID-19 RELIEF SMALL BUSINESS PROGRAM.

Mr. Krmpa made a motion to approve the grant; 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.

8.6 Conference Room Technology Upgrade

Ms. Klyczek stated that staff has been seeking to upgrade the technology in the Conference Room and Board Room. The rooms need to be transformed from Audio Conference, to Video Conferencing capabilities. Staff received three quotes for the rooms from Capstream Technologies, ePlus, and Diversified. Staff is recommending to move forward with Capstream Technologies. Mr. Cliffe inquired as to where the money for this is coming from. Ms. Langdon responded that it will come from operational funds.

Mr. Krempa made a motion to approve the upgrades; 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.

9.0 Agency Counsel

Agency Counsel had no updates at this time.

10.0 Information Items

There were no information items.

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: August 10, 2022

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

PLACE: Niagara County Center for Economic Development

13.0 Adjournment

Mr. Krempa made a motion to adjourn; Mr. McCabe seconded the motion. The meeting adjourned at 9:58 a.m.

Respectfully Submitted:

Reviewed by:

Approved by:

Julie Lamoreaux
Recording Secretary

Susan C. Langdon
Executive Director

William L. Ross
Secretary