

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: September 14, 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	Excused
William L. Ross, Secretary	Present
Scott Brydges, Assistant Secretary,	Present
Clifford Scott, Member	Present
Robert B. Cliffe, Member	Present
Jason Krempa, Member	Present
Maria V. Lopez, Member	Present

3.0 Introduction of Guests

Jonathan Epstein, Buffalo News
Jim Fink, Business First
J. Dale Shoemaker, Investigative Post
Robert Creenan, Niagara Gazette
Stephen L. Yonaty, Cannon Heyman & Weiss, LLP
Nick Dolpp, Iskalo Development Corporation

Staff Present

Susan C. Langdon, Executive Director
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

4.0 Pledge of Allegiance

Mr. Gabriele led the Pledge of Allegiance.

5.0 Approval of Meeting Minutes

5.1 Regular NCIDA/NCDC/NADC – August 10, 2022

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

6.0 Finance & Audit Committee Reports

6.1 Agency Payables – August 31, 2022

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

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

6.2 Budget Variance Report – August 31, 2022

Mr. Ross stated that the monthly Budget Variance Report has been reviewed and found to be in order.

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

7.0 Unfinished Business

7.1 DLV Properties, LLC

Ms. Klyczek stated that on August 30, 2022 at 2:00 p.m., the Agency held a Public Hearing in the Conference Room at North Tonawanda Public Library. In attendance was the Mayor, Austin Tylec, Doug Taylor from Lumber City Development Corporation, the North Tonawanda Assessor, and the Niagara County Director of Real Property. Mayor Tylec, and Mr. Taylor spoke in favor of the project.

7.1.1 Final Resolution

RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY TO (i) UNDERTAKE A CERTAIN PROJECT FOR THE BENEFIT OF DLV PROPERTIES 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 PARTIAL ABATEMENT FROM REAL PROPERTY TAXES BENEFIT THROUGH 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 Micbarcer Realty Co. Inc.

Ms. Klyczek stated that on August 31, 2022 at 2:00 p.m., the Agency held a Public Hearing at the Niagara Falls City Hall. In attendance was the Director of Real Property for Niagara County. There were no comments made at the hearing.

7.2.1 Final Resolution

RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY TO (i) UNDERTAKE A CERTAIN PROJECT FOR THE BENEFIT OF MICBARCER REALTY CO. INC. 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 PARTIAL ABATEMENT FROM REAL PROPERTY TAXES BENEFIT THROUGH THE PILOT AGREEMENT

Mr. Scott made a motion to approve the Final Resolution; Mr. Cliffe 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 Kilmer Solar, LLC

Ms. Klyczek stated that on February 2, 2022 at 2:00 p.m., the Agency held a Public Hearing at the Town of Lewiston Town Hall. The Agency was just informed last week that the Town of Lewiston Board has approved the Community Benefit Agreement, they are in support of this project.

7.3.1 Final Resolution

RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY (i) UNDERTAKE A CERTAIN PROJECT FOR THE BENEFIT OF KILMER SOLAR 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) ADOPTED FINDINGS THAT THE PROJECT WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT; (iii) NEGOTIATE AND EXECUTE A LEASE AGREEMENT AND LEASEBACK AGREEMENT 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; AND (B) A MORTGAGE RECORDING TAX EXEMPTION FOR THE FINANCING RELATED TO THE PROJECT.

Mr. Wolfgang made a motion to approve the Final Resolution; 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>
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.

7.4 Niagara Towers TC LLC/Urban Towers TC LLC

7.4.1 Company Discussion

Mr. Gabriele stated this matter involves two Bond Resolutions previously proposed to the Board. Representatives were not here last month, but were available at this meeting to answer any questions the Board might have. Mr. Yonaty from the company stated that his client bought this portfolio about a year and a half ago with the intension of rehabbing the property. Some of the new work will address remodeling, and new emergency systems, because as of now there are a lot of faulty calls going out to police and the Fire Company. The buildings will be getting a full rehab including interior and exterior work. He noted that this will benefit the community and the residents at the property.

Mr. Krempa inquired about the current occupancy of the building, he asked if current tenants would be displaced during the renovations. Mr. Yonaty informed everyone that both of the buildings are fully occupied, and the intent is to do a rehab in place. In this situation, they will take the tenants out for the day or two, and when they return, the work will be completed.

7.5 Iskalo 1 East Avenue LLC

Mr. Gabriele stated this is an existing project that has closed and it is moving forward. Due to significant price increases in regards to this development, the company is asking for additional benefits relating to sales tax. The company has requested an additional \$72,000 in sales tax benefit.

7.5.1 Additional Sales Tax Exemption

RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY (i) UNDERTAKE A CERTAIN PROJECT FOR THE BENEFIT OF ISKALO 1 EAST AVENUE LLC ON ITS BEHALF (AS MORE FULLY DEFINED BELOW); (ii) PROVIDE FINANCIAL ASSISTANCE TO THE COMPANY IN THE FORM OF AN ADDITIONAL SALES TAX EXEMPTION FOR PURCHASES AND RENTALS RELATED TO THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF THE PROJECT.

Mr. Krempa made a motion to approve the Additional Sales Tax Exemption; 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>
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.

7.6 525 Wheat LLC

Mr. Gabriele stated that this is a previous project. The company is asking the Board for Consent to Refinance.

7.8.1 Consent to Refinance

RESOLUTION CONSENTING AND AUTHORIZING THE EXECUTION AND DELIVERY OF A MORTGAGE AND MORTGAGE TAX EXEMPTION AFFIDAVIT TO 525 WHEAT LLC AND RELATED DOCUMENTS.

Mr. Ross made a motion to approve the Consent to Refinance; Mr. Cliffe 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 Covid Relief for Small Business Grant

Ms. Barone stated that for each of the Grant applications, our Consultants from H. Sichernan along with IDA staff reviewed all of the documents submitted for Grant eligibly criteria.

8.1.1 87Buf, LLC

Ms. Barone stated that 87Buf Sports Bar on Buffalo Avenue has been in business since 2018. The business was shut down for over four months due to COVID. They re-opened at 50 percent capacity. Once they opened, they added a kitchen, and staff to raise profits with food sales. The company is looking to hire two new part-time cooks which will be made available to low-to-moderate income individuals.

The company is requesting \$50,000 in Grant Funds and they expect to use the funds for working capital, inventory, and equipment. The Agency recommends approval of this Grant Request as the Applicant qualifies based on meeting all Grant eligibility requirements.

RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY APPROVING GRANT TO 87BUF LLC UNDER THE COVID-19 RELIEF SMALL BUSINESS PROGRAM.

Mr. Krempa made a motion to approve the Covid Relief Small Business 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.

8.1.2 Gonzalez Boxing LLC

Ms. Barone stated that Gonzalez Boxing LLC operates as Fight Night Boxing Club. It is a fitness center that offers personal training, strength training, training in boxing and core training for all ages. The company has been in business for over 3 years. The business had significant losses during Covid due to the required shutdowns, and restrictions which closed their business for six months. The recovery was slow due to member hesitation to return to gyms.

The company is requesting \$47,000 in Grant Funds, they expect to use the funds to continue safety protocols, purchase new equipment, and working capital. They plan to create one full time staff position made available to low-to-moderate income individuals. The Agency recommends approval of this Grant Request as the Applicant qualifies based on meeting all Grant eligibility requirements.

8.1.2 Gonzalez Boxing LLC

RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY APPROVING GRANT TO GONZALEZ BOXING LLC UNDER THE COVID-19 RELIEF SMALL BUSINESS PROGRAM.

Mr. Krempa made a motion to approve the Covid Relief Small Business Grant; Mr. Wolfgang 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.

8.1.3 Iroquois Energy Group

Ms. Barone stated that Iroquois Energy Group, Inc. is a fuel and energy supplier to Native American fuel stations, they provide gas, diesel, propane, home heating fuel, and kerosene in the United States and Canada. The business acts as an energy consultant and negotiates to provide various energy and fuel direct from a world-wide supplier and distributor to the Native American retail suppliers. The business decreased significantly with reduced gas sales, and the closure of the US/Canada border.

The company is requesting \$30,500 in Grant Funds and they expect to use the funds for working capital, safety supplies, and equipment. They plan to create 2 part-time sales clerk positions. The Agency recommends approval of this Grant Request as the Applicant qualifies based on meeting all Grant eligibility requirements.

RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY APPROVING GRANT TO IROQUOIS ENERGY GROUP, INC. UNDER THE COVID-19 RELIEF SMALL BUSINESS PROGRAM.

Mr. Wolfgang made a motion to approve the Covid Relief Small Business Grant; 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

Mr. Cliffe asked if there were any more funds available through the Covid Relief Small Business Grant. Ms. Barone stated that as of now, there are no more funds available.

12.0 Next Regular NCIDA/NCDC/NADC Meeting:

DATE: **October 12, 2022**

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

PLACE: **Niagara County Center for Economic Development**

13.0 Adjournment

The meeting adjourned at 9:23 a.m.

Respectfully Submitted:

Reviewed By:

Approved By:

Julie Lamoreaux
Recording Secretary

Susan C. Langdon
Executive Director

William L. Ross
Secretary