

REGULAR NCIDA/NCDC/NADC BOARD MEETING MINUTES

Wednesday, August 10, 2016 – 9:00 a.m.

**Meeting Place: Niagara County Industrial Development Agency
6311 Inducon Corporate Drive, Suite One
Sanborn, New York 14132**

1.0 Meeting Called to Order

The regular meeting of the Niagara County Industrial Development Agency was called to order by Chairman Brady at 9:00 a.m.

2.0 Roll Call

Stephen F. Brady, Acting Chairman	Present
Mark A. Onesi, Second Vice Chairman	Present
Kevin McCabe, Secretary	Present
Jerald I. Wolfgang, Assistant Secretary	Present
Michael W. McNally, Member	Present
Joan G. Aul, Member	Present
Willie C. Dunn	Present
William L. Ross	Present
Arthur G. Pappas	Present

3.0 Chairman Brady led the Pledge of Allegiance.

4.0 Introduction of Guests

Guests Present:

Jim Whalen, DePaul
Tyler Standish, DePaul
Karen Fiala, ECIDA
Franco Vigna, Spine Surgery of Buffalo Niagara, PLLC
Joe Skrobacz, Skrobacz & Co.
Tom Prohaska, Buffalo News

Staff Present:

Samuel M. Ferraro, Executive Director
Susan C. Langdon, Director of Projects & Finance
Andrea Klyczek, Director of Regional & International Marketing
Michael S. Dudley, Finance Manager
Mark J. Gabriele, Agency Counsel
Barbara A. Gill, Administrative Coordinator/Recording Secretary

5.0 Approval of NCIDA Meeting Minutes

5.1 Meeting Minutes of June 8, 2016

Chairman Brady asked for a motion to approve the meeting minutes.

Mr. McCabe made a motion to approve the meeting minutes; Mr. Onesi seconded the motion. The motion passed.

6.0 NCIDA/NCDC/NADC Committee Reports

6.1 Finance & Audit Committee

6.1.1 Agency Payables

Mr. Onesi stated that the Committee Members had reviewed the monthly payables and found them to be in order.

Mr. Onesi motioned to approve the payables; Mr. McCabe seconded the motion. The motion passed unanimously.

6.1.2 Budget Variance Report

Mr. Onesi stated that the Committee Members had reviewed the Budget Variance Report and found the report to be in order.

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

6.2 Governance Committee

6.2.1 Green Energy Policy

Mr. Gabriele stated this agenda item has been removed from the agenda to allow for a more complete and thorough consideration of various additional factors that may impact the policy.

7.0 Unfinished Business

7.1 5535 Porter, LLC

The project consists of revovation and expansion of the former Sam's club and Walmart stores located in the Town of Niagara and City of Niagara Falls to serve as warehousing space.

Ms. Langdon stated that two Public Hearings were held on August 8, 2016; in the City of Niagara Falls and the Town of Niagara. There were no speakers at the hearings.

7.0 Unfinished Business

7.1 5535 Porter, LLC

7.1.1 Final Resolution

Mr. Wolfgang made a motion to approve the Final Resolution; Mr. Pappas seconded the motion. The motion passed.

RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY (i) UNDERTAKE A CERTAIN PROJECT FOR THE BENEFIT OF 5535 PORTER, 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.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Chairman Brady	[X]	[]	[]	[]
Mark A. Onesi	[X]	[]	[]	[]
Michael W. McNally	[X]	[]	[]	[]
Kevin McCabe	[X]	[]	[]	[]
Jerald I. Wolfgang	[X]	[]	[]	[]
Joan G. Aul	[X]	[]	[]	[]
Willie C. Dunn	[X]	[]	[]	[]
William L. Ross	[X]	[]	[]	[]
Arthur G. Pappas	[X]	[]	[]	[]

The Resolution was thereupon duly adopted.

8.0 New Business

8.1 DePaul Adult Care Communities, Inc.

Ms. Langdon stated that the project consists of the development and construction of a new 114-bed facility, which will include 80 assisted living and 34 memory care beds. The single-story, approximately 57,300 square foot building will be located on Forest Parkway in the Town of Wheatfield.

By obtaining tax-exempt bond financing through the Agency, the company is able to lower debt service costs, which allows more resources for its mission of providing affordable, stable long-term housing for seniors and memory care individuals.

The project will create 37 full time jobs in administration, maintenance, resident care, janitorial, and dietary.

8.1.1 Preliminary Application

Mr. Onesi made a motion to approve the Preliminary Resolution; Ms. Aul seconded the motion. The motion passed.

RESOLUTION AUTHORIZING (1) TAKING OFFICIAL ACTION TOWARD THE ISSUANCE OF UP TO \$12,000,000 PRINCIPAL AMOUNT TAX-EXEMPT REVENUE BONDS FOR THE PURPOSE OF FINANCING A CERTAIN PROJECT FOR THE BENEFIT OF VINCENT PROPERTIES, INC.; (2) DESCRIBING THE FORMS OF FINANCIAL ASSISTANCE BEING CONTEMPLATED BY THE ISSUER WITH RESPECT TO SUCH PROJECT; AND (3) AUTHORIZING A PUBLIC HEARING WITH RESPECT TO SUCH FINANCING AND THE UNDERTAKING OF SUCH PROJECT.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Chairman Brady	[X]	[]	[]	[]
Mark A. Onesi	[X]	[]	[]	[]
Michael W. McNally	[X]	[]	[]	[]
Kevin McCabe	[X]	[]	[]	[]
Jerald I. Wolfgang	[X]	[]	[]	[]
Joan G. Aul	[X]	[]	[]	[]
Willie C. Dunn	[X]	[]	[]	[]
William L. Ross	[X]	[]	[]	[]
Arthur G. Pappas	[X]	[]	[]	[]

The Resolution was thereupon duly adopted.

8.0 New Business Continued

8.1 DePaul Adult Care Continued

8.1.2 Authorize Public Hearing

Mr. Wolfgang made a motion to authorize the Public Hearing; Mayor Pappas seconded the motion. The motion passed.

8.2 Spine Surgery of Buffalo Niagara PLLC

Ms. Langdon stated that the company is a medical practice currently located in leased space on Williams Road in the City of Niagara Falls. Dr. Franco Vigna has been in practice since 2005, and he treats spinal disorders in both operative and non-operative fashion.

The practice has outgrown its current space and Dr. Vigna wishes to purchase a long vacant building (former Denny's restaurant) at 6941 Williams Road. The project will necessitate a complete renovation of the building to convert it to medical offices, in addition to repairs and site improvements. Assistance from the Agency is necessary to make the site cost effective. The expansion of the practice will result in continued medical services as well as enhanced services such as X-rays, pain management psychology and same day appointments, which are currently not possible due to space constraints. In addition, these services are not currently available in Niagara County.

The company is requesting a 10 year property tax abatement and Sales Tax and Mortgage Tax Abatements. The project will create 3 full time jobs and retain 10 full time employees.

8.1.1 Preliminary Application

Mr. Ross made a motion to approve the Preliminary Resolution; Mayor Pappas seconded the motion. The motion passed.

RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY (i) ACCEPTING THE APPLICATION OF SPINE SURGERY OF BUFFALO NIAGARA, PLLC WITH RESPECT TO A CERTAIN PROJECT (AS MORE FULLY DEFINED BELOW) TO BE UNDERTAKEN BY THE AGENCY FOR THE BENEFIT OF SPINE SURGERY OF BUFFALO NIAGARA, PLLC 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.

8.0 New Business Continued

8.2 Spine Surgery Continued

8.1.2 Authorize Public Hearing

Mr. Onesi made a motion to authorize the Public Hearing; Mr. McCabe seconded the motion. The motion passed.

9.0 Information Items

There were no information items at this time.

10.0 Agency Counsel

There were no items at this time.

11.0 Report from Executive Director

Mr. Ferraro discussed that he, along with Agency staff, continue to work on the 2017 budget.

12.0 Any Other NCIDA Matters the Board Wishes to Discuss

There were no other matters at this time.

13.0 Next Board Meeting:

DATE: September 14, 2016

TIME: 9:00 a.m.

PLACE: Niagara County Center for Economic Development

14.0 Adjournment

Mr. Onesi made a motion, seconded by Ms. Aul to adjourn the meeting. The meeting adjourned at 9:20 a.m.

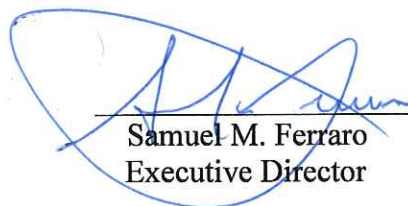
Respectfully submitted:

Reviewed by:

Approved by:



Barbara A. Gill
Recording Secretary



Samuel M. Ferraro
Executive Director



Kevin McCabe
Secretary