

ANNUAL NCIDA/NCDC/NADC BOARD MEETING MINUTES

Wednesday, March 13, 2019 – 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 annual 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, Chairperson	Present
Mark A. Onesi, Vice Chairperson	Present
Joan G. Aul, First Vice Chairperson	Present
Kevin McCabe, Secretary	Excused
Jerald I. Wolfgang, Assistant Secretary	Present
Willie C. Dunn, Member	Excused
William L. Ross, Member	Present
Arthur G. Pappas, Member	Present
Daryl Bodewes, Member	Present

3.0 Chairman Brady led the Pledge of Allegiance.

4.0 Introductions

Susan Langdon introduced Dmitri Liadski, the Agency's new Economic Developer.

Guests Present:

Seth Hennard & Sara Dayton, Lumsden & McCormick
Tom Prohaska, Buffalo News
Scott Cassety, 6150 Donner
Paul Grenga, One Niagara
Richard Soluri, One Niagara
John Beilman, One Niagara
Tony Dimatare, One Niagara
Eric C. Tudor, Tudor Collins CRE
Michael Marsch, Merani Hotel Group
Joe Armenia, Reger Holdings
Mark Barberio, Alanja Properties, LLC

Staff Present:

Susan C. Langdon, Executive Director
Andrea Klyczek, Assistant Director
Michael S. Dudley, Finance Manager
Caroline M. Caruso, Accounting Associate
Mark J. Gabriele, Agency Counsel
Barbara A. Gill, Administrative Coordinator/Recording Secretary

5.0 Approval of NCIDA Meeting Minutes

5.1 Meeting Minutes of February 13, 2019

Mr. Wolfgang stated that he had reviewed the meeting minutes and he made a motion to approve them; Mr. Bodewes seconded the motion. The motion passed.

6.0 NCIDA/NCDC/NADC Committee Reports

6.1 Finance & Audit Committee

6.1.1 Audit Report

Mr. Onesi stated that representatives from Lumsden & McCormick, Sara Dayton and Seth Hennard, attended the Audit Committee Meeting to give an overview and summarization of the 2018 Annual Audits.

All of the audits were clean and with no findings nor material weaknesses.

Mr. Onesi motioned to approve the Annual Audit; Mr. Ross seconded the motion. The motion passed unanimously.

6.1.2 Agency Payables

Mr. Onesi stated that he had reviewed the Payables and found them to be in order.

Mr. Onesi made a motion to approve the payables; Mr. Ross seconded the motion. The motion passed.

6.1.3 Budget Variance Report

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

Mr. Onesi made a motion to approve the report; Mr. Ross seconded the motion. The motion passed.

6.0 NCIDA/NCDC/NADC Committee Reports Continued

6.2 Governance Committee

6.2.1 Annual Board Evaluations

Mr. Gabriele explained that under the Public Authorities Accountability Act (PAAA) the Board of Directors of the Agency is required to complete a self-evaluation each year. The Board Evaluations are filled out anonymously and returned to the Agency to be summarized. A summary of the Board Evaluations was included with the agenda.

The responses were positive therefore no further action is required by Agency Staff or Counsel. This item is for informational purposes only and no Board action is required.

7.0 Annual Meeting of the NCIDA, NCDC, and NADC

7.1 Election of Chairperson

At this time, the current Chairperson turned the meeting over to Mark Gabriele, Agency Counsel. Mr. Gabriele stated that he would accept nominations for Chairperson of the NCIDA, NCDC and NADC. Hearing none, Mr. Gabriele closed the nominations.

Mr. Gabriele then requested that the Assistant Secretary cast one vote for Mr. Brady as Chairperson. *Assistant Secretary Wolfgang then nominated Mr. Brady.*

Mr. Wolfgang motioned to approve the reappointment of Chairperson Brady; Mayor Pappas seconded the motion. The motion passed unanimously.

Mr. Brady will continue in the position of NCIDA Chairperson, and he thanked the Board Members for their continued and on-going support.

7.2 Election of Officers

At this time, Chairman Brady set forth a proposed slate of officers for the NCIDA, NCDC and NADC as below:

7.2.1 First Vice Chairperson	Mr. Onesi
7.2.2 Second Vice Chairperson	Ms. Aul
7.2.3 Secretary	Mr. McCabe
7.2.4 Assistant Secretary	Mr. Wolfgang
7.2.5 Treasurer	Ms. Langdon

Mayor Pappas motioned to approve the election of officers; Mr. Bodewes seconded the motion. The motion passed unanimously.

7.0 Annual Meetings Continued

7.3 Appointment of Committee Members and Committee Chairpersons

Chairperson Brady stated that he has chosen to keep the Chairpersons and Committees for the NCIDA, NCDC and NADC as below:

7.3.1 Audit & Finance Committee

Chairperson Mark Onesi, Members Kevin McCabe and William L. Ross

7.3.2 Governance Committee

Chairperson Jerald I. Wolfgang, Members Joan G. Aul and William L. Ross

7.3.3 Revolving Loan Fund Committee

Members Stephen Brady and Mark A. Onesi

7.3.4 Microenterprise Assistance Program Committee

Members Jerry I. Wolfgang, Susan Langdon, and Caroline Caruso

7.3.5 Niagara Falls Tourism Target Zone Fund

Chairperson Brady, Members Mark Onesi, William Ross and Susan Langdon

Mr. Wolfgang made a motion to approve the appointment of Committee Members and Chairpersons; Mr. Onesi seconded the motion. The motion passed.

7.4 Ratify Board Meeting Dates/Time

Chairman Brady referred to the Board Meeting Schedule of 2019 and asked for a motion for the meetings to continue being held on the 2nd Wednesday of the month at 9 a.m.

Mayor Pappas made a motion; Mr. Onesi seconded the motion. The motion passed unanimously.

7.5 Reaffirm Committee Charters

7.5.1 Finance & Audit Committee Charter

Mr. Gabriele stated that the Charter has not been revised or amended, and that the Charter is required to be reaffirmed at the Annual Board Meeting each year. The Charter was approved at the Finance Committee Meeting held earlier this morning.

Ms. Aul motioned to approve the Audit Committee Charter; Mr. Bodewes seconded the motion. The motion passed unanimously.

7.5.2 Governance Committee Charter

Mr. Gabriele stated that the Charter has not been revised or amended, and that the Charter is required to be reaffirmed at the Annual Board Meeting each year. The Charter was approved at the Governance Committee Meeting held earlier this morning

Mr. Wolfgang motioned to approve the Governance Committee Charter; Mayor Pappas seconded the motion. The motion passed unanimously.

7.0 Annual Meetings Continued

**7.6 Reaffirm Mission Statement and Measurement Reports
NCIDA, NCDC, and NADC**

Mr. Gabriele stated that the Agency's Mission Statement and Measurement Reports are required to be reaffirmed at the Annual Board Meeting.

Mr. Bodewes made a motion to reaffirm the Mission Statement and Measurement Reports of the NCIDA, NCDC, and NADC; Mr. Onesi seconded the motion. The motion passed unanimously.

7.7 2018 Annual Report Summaries

Mr. Gabriele stated that the Summaries be approved at the Annual Board Meeting each year. The summaries reflect all of the projects that took place throughout the year.

Mr. Ross motioned to approve the Annual Reports; Mr. Brady seconded the motion. The motion passed unanimously.

7.8 Reaffirm Administrative Policies for 2019

Mr. Gabriele stated that none of the policies have been revised or amended.

Mr. Bodewes made a motion to reaffirm the policies; Mr. Ross seconded the motion. The motion passed.

7.9 Reaffirm Uniform Tax Exempt Policy

Mr. Gabriele stated that the UTE Policy has not been revised or amended, and that the Policy is required to be reaffirmed at the Annual Board Meeting each year.

Mr. Wolfgang motioned to reaffirm the UTE Policy; Mayor Pappas seconded the motion. The motion passed.

7.10 Niagara Industrial Incubator Associates ("NIIA")

Mr. Gabriele stated that Susan Langdon's appointment as an Agency representative on the NIIA needs the Board's approval on an annual basis.

7.10.1 Appointment of Susan Langdon

Mr. Ross motioned to approve the appointment of Ms. Langdon; Mr. Onesi seconded the motion. The motion passed.

7.0 Annual Meetings Continued

7.11 Niagara Industrial Incubator Company (“NIIC”)

Mr. Gabriele stated that Susan Langdon’s appointment as an Agency representative on the NIIC needs the Board’s approval on an annual basis.

7.11.1 Appointment of Susan Langdon

Mr. Ross motioned to approve the appointment of Ms. Langdon; Mr. Onesi seconded the motion. The motion passed.

7.12 Niagara Economic Development Fund (“NEDF”)

Mr. Gabriele stated that it is required to appoint an Agency representative designated to the NEDF Board, and this requires the Board’s approval on an annual basis.

7.12.1 Appointment of Susan C. Langdon

Mr. Ross motioned to approve the appointment of Ms. Langdon; Mr. Onesi seconded the motion. The motion passed.

8.0 Unfinished Business

There was no unfinished business at this time.

9.0 New Business

9.1 Merani Hotel Group

Merani Hotel Group proposes to construct a structure containing 39 market rate apartments on the upper three floors of a four story building. The first floor of the facility will include retail spaces for Jersey Mikes, Tim Hortons and Circle K. The retail space will comprise approximately 23% of the building’s total square footage.

The company is requesting sales and mortgage recording tax abatements from the NCIDA to be used toward construction and a 485a PILOT from the City of Niagara Falls. Mr. Gabriele stated that the location is in a distressed area of the city.

Twenty-two (22) new jobs will be created. Michael Marsch spoke to the Board Members and distributed a rendering of the plans.

9.0 New Business Continued

9.1 Merani Continued

9.1.1 Preliminary Resolution Continued

Mr. Wolfgang motioned to approve the Preliminary Resolution; Ms. Aul seconded the motion. The motion passed.

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

The question of the approval of the Preliminary Resolution was duly put to a vote, which resulted as follows:

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

The Resolution was thereupon duly adopted.

9.1.2 Authorize Public Hearing

Mayor Pappas motioned to authorize the Public Hearing; Mr. Onesi seconded the motion. The motion passed.

9.0 New Business Continued

9.2 Gary Aminov LLC

Ms. Langdon stated that the former Eleanor apartment building, which was built in 1925, is located at 704 8th Street in the City of Niagara Falls, and has been sitting vacant for a number of years.

The applicant wishes to purchase the property and undertake a complete renovation, which will provide 25 new market rate apartments in Downtown Niagara Falls. These new apartments will provide much needed housing for professionals seeking to live within the City.

The company is requesting a fifteen (15) year PILOT and sales tax and mortgage recording tax abatements to purchase the property and undertake a complete renovation, which will provide 25 new market rate apartments in Niagara Falls and create three (3) new full time jobs. Eric Tudor represented the company for Gary Aminov who was away at the time of this meeting.

9.2.1 Preliminary Resolution

Mr. Onesi motioned 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 GARY AMINOV, LLC WITH RESPECT TO A CERTAIN PROJECT (AS MORE FULLY DEFINED BELOW) TO BE UNDERTAKEN BY THE AGENCY FOR THE BENEFIT OF GARY AMINOV, 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.

9.0 New Business Continued

9.2 Gary Aminov Continued

9.2.1 Preliminary Resolution

The question of the approval of the Preliminary Resolution was duly put to a vote, which resulted as follows:

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

The Resolution was thereupon duly adopted.

9.2.2 Authorize Public Hearing

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

9.3 Niagara Falls Center for Tourism

The facility will offer services such as bus tours, historical presentations, dining, and souvenirs. The owners plan on providing tourism attractions with the construction of a Family Entertainment Center including an indoor rope course, arcade amusement center, motion simulator theaters and improvements to outdoor tourism, retail, food and beverage facilities, improved landscape and pedestrian and parking facilities.

The project will create thirteen (13) new jobs and retain twenty-eight (28) jobs.

Paul Grenga represented the company and spoke to the Board Members. He noted that the company would like to request a fifteen (15) year PILOT due to economic factors relative to the project. Chairman Brady and the Board requested that staff recalculate the cost benefit information based on the request.

Mayor Pappas motioned to table the project until next month; Mr. Onesi seconded the motion. The motion passed.

9.0 New Business Continued

9.4 6150 Donner LLC

The applicants plan to acquire the property from Dimax, LLC, who received a PILOT in 2006 for construction of the initial 30,000 square feet. In 2010, a second PILOT was approved by the NCIDA for the construction of a 30,000 square foot addition. The property is owned by Dimax, LLC and is currently occupied by a division of Eckler Industries. The applicants are requesting assignment and assumption of the existing PILOTS, mortgage recording tax abatement and sales tax abatement for limited improvements and a revised employment plan.

There are currently thirty (30) jobs with plans to hire an additional fifteen (15) within three (3) years. The employment requirements going forward will be revised to reflect these numbers.

9.4.1 Assignment and Assumption of PILOTS

Mr. Wolfgang motioned to approve the Assignment and Assumption; Mr. Onesi seconded the motion. The motion passed.

RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY (i) ACCEPTING THE APPLICATION OF 6150 DONNER, LLC WITH RESPECT TO A CERTAIN PROJECT (AS MORE FULLY DEFINED BELOW) REQUESTING THE AGENCY CONSENT TO 6150 DONNER, LLC ASSIGNMENT AND ASSUMPTION OF THE EXISTING PROJECT; (ii) AUTHORIZING A PUBLIC HEARING WITH RESPECT TO THE ASSIGNMENT OF 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.

The question of the approval of the assignment and assumption request was duly put to a vote, which resulted as follows:

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

The Resolution was thereupon duly adopted.

9.0 New Business Continued

9.4 6150 Donner Continued

9.4.2 Authorize Public Hearing

Mr. Onesi motioned to authorize the Public Hearing; Mr. Bodewes seconded the motion. The motion passed.

9.5 460 Wheatfield

In a letter dated March 5, 2019 the company is requesting an Inducement Resolution Extension due to some issues that have delayed the project.

Mr. Ross motioned to approve the extension; Mayor Pappas seconded the motion. The motion passed.

9.5.1 Inducement Resolution Extension

RESOLUTION AUTHORIZING THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY TO EXTEND THE INDUCEMENT TERM FOR 460 WHEATFIELD STREET, LLC FOR A SIX MONTH PERIOD WITH RESPECT TO A CERTAIN PROJECT (AS MORE FULLY DEFINED BELOW) TO BE UNDERTAKEN BY THE AGENCY FOR THE BENEFIT OF 460 WHEATFIELD STREET, LLC OR AN ENTITY FORMED OR TO BE FORMED.

The question of the approval of the extension request was duly put to a vote, which resulted as follows:

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

The Resolution was thereupon duly adopted.

10.0 Agency Counsel

There were no items at this time.

11.0 Any Other NCIDA Matters the Board Wishes to Discuss

Ms. Langdon stated that there is a need to send out Requests for Proposals to replace five (5) rooftop heating units on the building. Roxanne Morgan of staff stated that the units are eighteen (18) years old and outdated. This was for informational purposes only.

The RFPs will be summarized at the April Board Meeting

12.0 Next Regular NCIDA/NCDC/NADC Board Meeting:

DATE: April 11, 2018

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

PLACE: Niagara County Center for Economic Development

13.0 Adjournment

Mr. Onesi motioned to adjourn; Mayor Pappas seconded the motion. The meeting adjourned at 9:48 a.m.

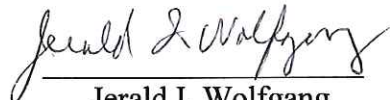
Respectfully Submitted,



Barbara A. Gill
Recording Secretary



Susan C. Langdon
Executive Director



Jerald I. Wolfgang
Assistant Secretary