

# REGULAR NCIDA/NCDC/NADC BOARD MEETING MINUTES

Wednesday, April 10, 2019

Meeting Time: 9 a.m.

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

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## 1.0 Meeting Called to Order

The regular meeting of the Niagara County Industrial Development Agency was called to order by Chairperson Brady at 9 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	Present
Jerald I. Wolfgang, Assistant Secretary	Excused
Willie C. Dunn, Member	Excused
William L. Ross, Member	Present
Arthur G. Pappas, Member	Present
Daryl Bodewes, Member	Present

## 3.0 Chairperson Brady led the Pledge of Allegiance.

## 4.0 Introductions

### Guests Present:

Tom Prohaska, Buffalo News  
Dick Soluri, One Niagara  
Jerry Kelly, Tudor Collins CRE

### Staff Present:

Susan C. Langdon, Executive Director  
Andrea Klyczek, Assistant Director  
Michael S. Dudley, Finance Manager  
Dmitri Liadski, Economic Developer  
Caroline 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 March 13, 2019**

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

**6.0 Finance & Audit Committee Reports**

**6.1 Agency Payables**

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

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

**6.2 Budget Variance Report**

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

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

**7.0 Unfinished Business**

**7.1 Merani Hotel Group**

The company is requesting sales and mortgage recording tax abatements to be used toward construction of 39 market rate apartments. They have requested a 485a PILOT from City of Niagara Falls. Twenty-two (22) new jobs will be created. The Public Hearing was held at the Niagara Falls City Hall on April 2, 2019 with one speaker in favor of the project.

**7.1.1 Final Resolution**

*Mr. Onesi motioned to approve the Final Resolution; Mr. Ross seconded the motion. The motion passed.*

**7.0 Unfinished Business Continued**

**7.1 Merani Hotel Continued**

RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY (i) UNDERTAKE A CERTAIN PROJECT FOR THE BENEFIT OF MERANI HOSPITALITY, 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 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, (B) A MORTGAGE RECORDING TAX EXEMPTION FOR THE FINANCING RELATED TO THE PROJECT.

**7.1.1 Final Resolution**

The question of the approval of the 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>
Stephen F. Brady	[ X ]	[ ]	[ ]	[ ]
Mark Onesi	[ X ]	[ ]	[ ]	[ ]
Joan G. Aul	[ X ]	[ ]	[ ]	[ ]
Kevin McCabe	[ X ]	[ ]	[ ]	[ ]
Jerald I. Wolfgang	[ ]	[ ]	[ ]	[ X ]
Willie C. Dunn	[ ]	[ ]	[ ]	[ X ]
William L. Ross	[ X ]	[ ]	[ ]	[ ]
Arthur G. Pappas	[ X ]	[ ]	[ ]	[ ]
Daryl Bodewes	[ X ]	[ ]	[ ]	[ ]

The Resolution was thereupon duly adopted.

7.0 Unfinished Business Continued

7.2 Gary Aminov LLC

The company is requesting a fifteen (15) year PILOT, sales tax and mortgage recording tax abatements for renovation of an existing building to house 25 new market rate apartments in Niagara Falls. Three (3) new full time jobs will be created. The Public Hearing was held at the Niagara Falls City Hall on April 2, 2019. A representative from the City of Niagara Falls supported the project.

7.2.1 Final Resolution

*Mr. Ross motioned to approve the Final Resolution; Ms. Aul seconded the motion. The motion passed.*

RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY (i) UNDERTAKE A CERTAIN PROJECT FOR THE BENEFIT OF GARY AMINOV, 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 approval of the 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>
Stephen F. Brady	[ X ]	[ ]	[ ]	[ ]
Mark Onesi	[ X ]	[ ]	[ ]	[ ]
Joan G. Aul	[ X ]	[ ]	[ ]	[ ]
Kevin McCabe	[ X ]	[ ]	[ ]	[ ]
Jerald I. Wolfgang	[ ]	[ ]	[ ]	[ X ]
Willie C. Dunn	[ ]	[ ]	[ ]	[ X ]
William L. Ross	[ X ]	[ ]	[ ]	[ ]
Arthur G. Pappas	[ X ]	[ ]	[ ]	[ ]
Daryl Bodewes	[ X ]	[ ]	[ ]	[ ]

The Resolution was thereupon duly adopted.

7.0 Unfinished Business Continued

7.3 6150 Donner Rd. LLC

The applicant is requesting the assignment and assumption of the existing Dimax PILOTS, mortgage recording tax abatement and sales tax abatement for limited improvements and a revised employment plan. There are currently 30 employees with plans to hire an additional 15 within 3 years. The Public Hearing was held at the Pendleton Town Hall on April 1, 2019 with two (2) attendees and no speakers.

7.3.1 Final Resolution

*Mr. McCabe motioned to approve the Final Resolution; Mr. Bodewes seconded the motion. The motion passed.*

RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY (i) ASSIGNMENT OF A CERTAIN PROJECT FOR THE BENEFIT OF 6150 DONNER, 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) ASSIGNMENT AND ASSUMPTION OF AN EXISTING LEASE AGREEMENT, LEASEBACK AGREEMENT, PAYMENT-IN-LIEU-OF-TAX 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, (B) A MORTGAGE RECORDING TAX EXEMPTION FOR THE FINANCING RELATED TO THE PROJECT.

The question of the approval of the 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>
Stephen F. Brady	[ X ]	[ ]	[ ]	[ ]
Mark Onesi	[ X ]	[ ]	[ ]	[ ]
Joan G. Aul	[ X ]	[ ]	[ ]	[ ]
Kevin McCabe	[ X ]	[ ]	[ ]	[ ]
Jerald I. Wolfgang	[ ]	[ ]	[ ]	[ X ]
Willie C. Dunn	[ ]	[ ]	[ ]	[ X ]
William L. Ross	[ X ]	[ ]	[ ]	[ ]
Arthur G. Pappas	[ X ]	[ ]	[ ]	[ ]
Daryl Bodewes	[ X ]	[ ]	[ ]	[ ]

The Resolution was thereupon duly adopted.

7.0 Unfinished Business Continued

7.4 Niagara Falls Center for Tourism LLC

The project was previously discussed at last month's meeting when Paul Grenga, a company representative, spoke to the Board Members and stated that the company would like to request a longer PILOT due to economic factors relative to the project. The original project was to include a five (5) year PILOT.

Chairman Brady and the Board then requested that staff recalculate the cost benefit information based on the request, and the project was tabled until this meeting.

The company is requesting a ten (10) year Tourism PILOT with sales and mortgage recording tax abatement. The facility offers services such as bus tours, guided exploration, historical presentations, dining, souvenirs and more. Twenty-eight (28) jobs will be retained with the creation of thirteen (13) new jobs.

7.4.1 Amended Application

*Mr. Bodewes motioned to approve the Preliminary Resolution; Mr. Ross seconded the motion. The motion passed.*

RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY (i) ACCEPTING THE APPLICATION OF NIAGARA FALLS CENTER FOR TOURISM, LLC WITH RESPECT TO A CERTAIN PROJECT (AS MORE FULLY DEFINED BELOW) TO BE UNDERTAKEN BY THE AGENCY FOR THE BENEFIT OF NIAGARA FALLS CENTER FOR TOURISM, 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 ENVIRO-NMENTAL 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 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>
Stephen F. Brady	[ X ]	[ ]	[ ]	[ ]
Mark Onesi	[ X ]	[ ]	[ ]	[ ]
Joan G. Aul	[ X ]	[ ]	[ ]	[ ]
Kevin McCabe	[ X ]	[ ]	[ ]	[ ]
Jerald I. Wolfgang	[ ]	[ ]	[ ]	[ X ]
Willie C. Dunn	[ ]	[ ]	[ ]	[ X ]
William L. Ross	[ X ]	[ ]	[ ]	[ ]
Arthur G. Pappas	[ X ]	[ ]	[ ]	[ ]
Daryl Bodewes	[ X ]	[ ]	[ ]	[ ]

The Resolution was thereupon duly adopted.

**7.0 Unfinished Business Continued**

**7.4 Niagara Falls Center for Tourism**

**7.4.2 Authorize Public Hearing**

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

**7.5 Omkara Hotel, LLC**

The project was presented at the February 2019 Board Meeting when the applicant stated that there were some unresolved issues with the Town of Pendleton and the Department of Transportation that needed to be resolved, so the project was put on hold . The issues with the Town have since been resolved and the project can now move forward.

The Project is the construction of a new Holiday Inn Express Hotel to be located in the Town of Pendleton. The company is requesting a ten (10) year PILOT, and Sales Tax and Mortgage Recording Tax Abatements. Seventeen (17) new jobs will be created.

**7.5.1 Amended Application**

*Mr. Bodewes motioned to approve the Preliminary Resolution; Mr. McCabe seconded the motion. The motion passed.*

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

**7.0 Unfinished Business Continued**

**7.5 Omkara Continued**

**7.5.1 Amended Application**

The question of the approval of the 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>
Stephen F. Brady	[ X ]	[ ]	[ ]	[ ]
Mark Onesi	[ X ]	[ ]	[ ]	[ ]
Joan G. Aul	[ X ]	[ ]	[ ]	[ ]
Kevin McCabe	[ X ]	[ ]	[ ]	[ ]
Jerald I. Wolfgang	[ ]	[ ]	[ ]	[ X ]
Willie C. Dunn	[ ]	[ ]	[ ]	[ X ]
William L. Ross	[ X ]	[ ]	[ ]	[ ]
Arthur G. Pappas	[ X ]	[ ]	[ ]	[ ]
Daryl Bodewes	[ X ]	[ ]	[ ]	[ ]

The Resolution was thereupon duly adopted.

**7.5.2 Authorize Public Hearing**

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

**7.6 Freunds Schuh Property LLC**

In a letter to the Agency dated April 4, 2019, the company states that the project has been modified and the original building will be torn down and replaced. The company is requesting additional sales tax exemption to allow for the increase in the amount of sales tax for their revised project.

**7.6.1 Sales Tax and Mortgage Tax**

*Mr. Ross motioned to approve a new sales tax exemption letter; Ms. Aul seconded the motion. The motion passed.*

RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY ACKNOWLEDGING THE PROJECT AND APPROVAL OF ADDITIONAL SALES TAX EXEMPTION BENEFITS AND MORTGAGE TAX EXEMPTION BENEFITS FOR THE FREUNDSCHUH PROPERTY LLC PROJECT, INCLUDING REVISION OF THE PROJECT DESCRIPTION FOR THE EXISTING LEASE, LEASEBACK, PILOT AGREEMENT AND PILOT MORTGAGE, TOGETHER WITH ALL ASSOCIATED DOCUMENTS RELATING TO THE PROJECT.



**7.0 Unfinished Business Continued**

**7.6 Freunds Schuh Continued**

The question of the approval of the 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>
Stephen F. Brady	[ X ]	[ ]	[ ]	[ ]
Mark Onesi	[ X ]	[ ]	[ ]	[ ]
Joan G. Aul	[ X ]	[ ]	[ ]	[ ]
Kevin McCabe	[ X ]	[ ]	[ ]	[ ]
Jerald I. Wolfgang	[ ]	[ ]	[ ]	[ X ]
Willie C. Dunn	[ ]	[ ]	[ ]	[ X ]
William L. Ross	[ X ]	[ ]	[ ]	[ ]
Arthur G. Pappas	[ X ]	[ ]	[ ]	[ ]
Daryl Bodewes	[ X ]	[ ]	[ ]	[ ]

The Resolution was thereupon duly adopted.

**7.7 Somerset Operating Company, LLC**

In a letter dated April 5, 2019, the company requested approval from the NCIDA Board for the executive director to sign a revised mortgage on the property located on Lake Road in Somerset, NY. The increased mortgage amount does not exceed what was previously authorized by the Agency, therefore no additional benefits are being requested. Mr. Gabriele stated that any and all PILOT payments be paid as part of the Board's approval.

**7.7.1 Consent to Mortgage**

*Ms. Aul motioned to approve the consent to mortgage; Mr. Ross seconded the motion. The motion passed.*

The question of the approval of the 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>
Stephen F. Brady	[ X ]	[ ]	[ ]	[ ]
Mark Onesi	[ X ]	[ ]	[ ]	[ ]
Joan G. Aul	[ X ]	[ ]	[ ]	[ ]
Kevin McCabe	[ X ]	[ ]	[ ]	[ ]
Jerald I. Wolfgang	[ ]	[ ]	[ ]	[ X ]
Willie C. Dunn	[ ]	[ ]	[ ]	[ X ]
William L. Ross	[ X ]	[ ]	[ ]	[ ]
Arthur G. Pappas	[ X ]	[ ]	[ ]	[ ]
Daryl Bodewes	[ X ]	[ ]	[ ]	[ ]

The Resolution was thereupon duly adopted.

**7.0 Unfinished Business Continued**

**7.8 Caron Manufacturing, Inc.**

Caron Manufacturing, Inc. has had a Microenterprise loan with the Niagara County Development Corporation since 2014 and the remaining balance is \$11,485.37. NCDC currently has a blanket security lien on all business assets of Caron Manufacturing.

The company has purchased two (2) new pieces of equipment and they are requesting that an Intercreditor Agreement be executed between the Niagara County Development Corporation and Evans Bank. The Intercreditor Agreement will exclude these two new pieces of equipment from the NCDC's lien.

**7.8.1 Intercreditor Agreement**

*Mayor Pappas motioned to approve the Intercreditor Agreement; Mr. Bodewes seconded the motion. The motion passed.*

The question of the approval of the 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>
Stephen F. Brady	[ X ]	[ ]	[ ]	[ ]
Mark Onesi	[ X ]	[ ]	[ ]	[ ]
Joan G. Aul	[ X ]	[ ]	[ ]	[ ]
Kevin McCabe	[ X ]	[ ]	[ ]	[ ]
Jerald I. Wolfgang	[ ]	[ ]	[ ]	[ X ]
Willie C. Dunn	[ ]	[ ]	[ ]	[ X ]
William L. Ross	[ X ]	[ ]	[ ]	[ ]
Arthur G. Pappas	[ X ]	[ ]	[ ]	[ ]
Daryl Bodewes	[ X ]	[ ]	[ ]	[ ]

The Resolution was thereupon duly adopted.

**8.0 New Business**

**8.1 NFNH Hotel Management, LLC**

At the request of the applicant, this item was pulled from the agenda.

**8.0 New Business Continued**

**8.2 Vantage Center & Niagara Industrial Suites**

**8.2.1 Approval of Lawn Maintenance**

There were six (6) Requests for Proposals mailed out to Niagara County vendors and four (4) proposals for lawn maintenance were returned. Agency staff compiled a spreadsheet that compared the prices based on a twenty-eight (28) week mowing season.

Staff recommended the low bid from AG Services for the next three (3) seasons, 2019, 2020, and 2021.

*Mr. Ross motioned to approve the hiring of AG Services; Mayor Pappas seconded the motion. The motion passed.*

**9.0 Information Items**

There were no items at this time.

**10.0 Agency Counsel**

Mr. Gabriele stated the need to go into Executive Session to discuss Litigation. No Board action would be taken during this time.

*Mayor Pappas made a motion to go into Executive Session: Ms. Aul seconded the motion. The motion passed.*

*Mr. Bodewes made a motion to come out of Executive Session: Mr. Onesi seconded the motion. The motion passed.*

**11.0 Any Other Matters the Board Wishes to Discuss**

There had been some discussion on the terms of PILOTs for some of the recent projects. The Board Members will be sent a Project Matrix that was created in 2013. In the near future, a special meeting will be held strictly to discuss this matter.

**12.0 Next NCIDA/NCDC/NADC Meeting:**

**DATE: May 8, 2019**

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

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

**13.0 Adjournment**

***Mayor Pappas made a motion to adjourn; Mr. McCabe seconded the motion. The meeting adjourned at 9:37 a.m.***

Respectfully submitted:

Reviewed by:

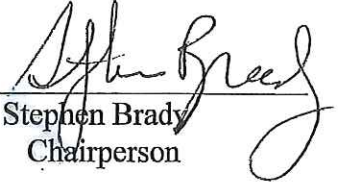
Approved by:



Barbara A. Gill  
Recording Secretary



Susan C. Langdon  
Executive Director



Stephen Brady  
Chairperson