

# 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:** October 21, 2020  
**MEETING TIME:** 9:00 a.m.  
**MEETING PLACE:** Niagara County Industrial Development Agency  
Vantage Center, Suite One  
6311 Inducon Corporate Drive  
Sanborn, NY 14132

### **Board of Directors:**

\_\_\_ **Mark A. Onesi**, Chairperson  
\_\_\_ **Jerald I. Wolfgang**, 1<sup>st</sup> Vice Chairperson  
\_\_\_ **Kevin McCabe**, 2<sup>nd</sup> Vice Chairperson  
\_\_\_ **William L. Ross**, Secretary  
\_\_\_ **Mary Lynn Candella**, Asst. Secretary  
\_\_\_ **Robert B. Cliffe**, Member  
\_\_\_ **Scott Brydges**, Member  
\_\_\_ **Clifford Scott**, Member  
\_\_\_ **Jason Krempa**, Member

### **Staff Members:**

\_\_\_ **Susan C. Langdon**, Executive Director  
\_\_\_ **Andrea Klyczek**, Assistant Director  
\_\_\_ **Michael S. Dudley**, Finance Manager  
\_\_\_ **Dmitri Liadski**, Economic Developer  
\_\_\_ **Caroline Caruso**, Accounting Associate  
\_\_\_ **Susan Barone**, Administrative Assistant  
\_\_\_ **Mark J. Gabriele**, Agency Counsel

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- 1.0 Meeting Called to Order – *M. Onesi*
  
  - 2.0 Roll Call – *S. Barone*
  
  - 3.0 Introduction of Guests – *M. Onesi*
  
  - 4.0 Pledge of Allegiance – *M. Onesi*
  
  - 5.0 Approval of Meeting Minutes
    - 5.1 Regular NCIDA/NCDC/NADC – September 9, 2020
  
  - 6.0 Finance & Audit Committee Reports – *W. Ross*
    - 6.1 Agency Payables – September 30, 2020
    - 6.2 Budget Variance Report – September 30, 2020
    - 6.3 2021 Proposed Budgets

**7.0 Unfinished Business**

**7.1 Stavatti Aerospace Ltd. – *D. Liadski***

**7.1.1 Final Resolution**

**7.2 DLC Diversified Holdings LLC – *M. Gabriele***

**7.2.1 Inducement Extension**

**8.0 New Business**

**8.1 Global Dominion Access USA Corp. – *M. Gabriele***

**8.1.1 Assignment and Assumption of Lease**

**9.0 Agency Counsel – *M. Gabriele***

**9.1 Green Energy Policy**

**10.0 Information Items**

**10.1 M & T Bank Public Funds Certified Resolution and - *M. Dudley*  
Additional Signors Rider**

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

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

**DATE: Next Regular Meeting November 18, 2020**

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

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

**13.0 Adjournment - *M. Onesi***

**5.1**

**SEPT 9**

**MEETING**

**MINUTES**

# REGULAR NCIDA/NCDC/NADC BOARD MEETING MINUTES

**Meeting Date:** Wednesday, September 9, 2020  
**Meeting Time:** 9:00 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 Acting Chairperson Onesi at 9:00 a.m.

## 2.0 Roll Call

Mark A. Onesi, Acting Chairperson	Present
Jerald I. Wolfgang, 1 <sup>st</sup> Vice Chairperson	Present
Kevin McCabe, 2 <sup>nd</sup> Vice Chairperson	Present
William L. Ross, Secretary	Present
Mary Lynn Candella, Assistant Secretary	Excused
Robert B. Cliffe, Member	Present
Clifford Scott, Member	Present
Scott Brydges, Member	Present
Jason Krempa, Member	Present

## 3.0 Mr. Cliffe led the Pledge of Allegiance.

## 4.0 Introductions

### Guests Present:

Jim Fink, Business First  
David Chiazza, Iskalo Development  
Jon Penna, Vincent Properties  
John R. Simon, Stavatti Aerospace  
Matthew J. Fitzgerald, Phillips Lytle LLP, Counsel for Stavatti  
Robert Sugarman, Stavatti Aerospace  
Charles Deckard, Stavatti Aerospace

### Staff Present:

Susan C. Langdon, Executive Director  
Andrea Klyczek, Assistant Director  
Dmitri Liadski, Economic Developer  
Michael S. Dudley, Finance Manager  
Caroline Caruso, Accounting Associate  
Susan Barone, Administrative Assistant  
Mark J. Gabriele, Agency Counsel

## 5.0 Approval of NCIDA Meeting Minutes

### 5.1 Meeting Minutes of August 12, 2020

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

## 6.0 Finance & Audit Committee Reports

### 6.1 Agency Payables

Mr. McCabe 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. Wolfgang seconded the motion. The motion passed.***

### 6.2 Budget Variance Report

Mr. McCabe stated that he had reviewed the reports and found them to be in order.

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

## 7.0 Unfinished Business

### 7.1 Iskalo 1 East Avenue LLC

Mr. Liadski stated that a public hearing was held on September 2, 2020 and there were no comments.

#### 7.1.1 Final Resolution

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

RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY (i) UNDERTAKE A CERTAIN PROJECT FOR THE BENEFIT OF ISKALO 1 EAST AVENUE 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,

**7.1.1 (continued)**

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>
Mark Onesi	X			
Jerald I. Wolfgang	X			
Kevin McCabe	X			
William L. Ross	X			
Mary Lynn Candella				X
Robert B. Cliffe	X			
Scott Brydges	X			
Clifford Scott	X			
Jason Krempa	X			

The Resolution was thereupon duly adopted.

**7.2 Zimmies Service, Inc.**

Mr. Liadski stated that a public hearing was held on September 2, 2020 and there were no comments.

**7.2.1 Final Resolution**

***After some discussion, Mr. Ross made a motion to approve the Final Resolution; Mr. McCabe seconded the motion. The motion passed.***

RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY (i) UNDERTAKE A CERTAIN PROJECT FOR THE BENEFIT OF ZIMMIE’S SERVICE 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

**7.2.1 (continued)**

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>
Mark Onesi	X			
Jerald I. Wolfgang	X			
Kevin McCabe	X			
William L. Ross	X			
Mary Lynn Candella				X
Robert B. Cliffe	X			
Scott Brydges	X			
Clifford Scott	X			
Jason Krempa	X			

The Resolution was thereupon duly adopted.

**7.3 Cataract Grant Fund – LSNY Holdings, LLC**

Mr. Gabriele stated that the company has requested a 6 month project completion date extension due to delays in the project as a result of the COVID crisis.

**7.3.1 Completion Date Extension**

***Mr. Scott made a motion to approve the Completion Date Extension; Mr. Krempa seconded the motion. The motion passed.***

**8.0 New Business**

**8.1 Vincent Properties, Inc.**

Ms. Langdon noted that Vincent Properties is a non-profit owner of assisted living facilities in Western New York and is under contract to purchase the Heritage Manor in Lockport, a 40 room (64 bed) long-term residential care facility, which will entail cosmetic improvements and other facility updates. They are also under contract to purchase the Heritage Manor Estates which is adjacent to Heritage Manor and consists of 12 duplex senior apartments. The company plans to operate these facilities together with Wheatfield Commons (which offers memory care units) as a senior housing community that can provide a continuum of care.

### 8.1 (continued)

The company is requesting a deviated PILOT agreement with NCIDA for a 20 year term with fixed annual payments in the amount of \$10,000 for Heritage Manor, plus \$70,000 for Heritage Estates. Annual payments would increase 2% annually.

Mr. Jon Penna, Chief Legal Officer for the company, spoke to the Board. The seller reached out to them as a reputable non-profit operator to take over the facility and the demographic of the facility suited their non-profit purpose so they decided to acquire the properties. As a result of the COVID crisis there were some reductions in occupancy but the company worked through the issues and is on path to acquire the properties by the end of the year. The intent is to assume the management of the facility, preserve the asset, improve aesthetics, mainly cosmetic, preserve the FTE and then add at least 2 FTEs.

Mr. Gabriele explained that normally the company would seek a real property law 420 exemption for treatment as not-for-profit corporation which they are. However, in this particular case there is a deviation from the uniform tax exempt policy. Normally the PILOT amount is based on a fixed percentage of assessment, but in this case the company proposes a fixed payment along with an annual increase of 2%. The company will also explore bond financing through the Niagara Area Development Corporation. Mr. Gabriele explained that generally the maximum term for a PILOT in that case would be 20 years and the cost benefit analysis was prepared by staff with a 20-year term. If accepted, a deviation letter will be sent to all affected taxing jurisdictions giving them 30 days to reply whether they support it or not.

#### 8.1.1 Preliminary Resolution

***Mr. Krempa made a motion 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 VINCENT PROPERTIES INC. WITH RESPECT TO A CERTAIN PROJECT (AS MORE FULLY DEFINED BELOW) TO BE UNDERTAKEN BY THE AGENCY FOR THE BENEFIT OF VINCENT PROPERTIES INC. 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



**8.1.1 (continued)****8.1.1 Preliminary Resolution**

WITH THE PROJECT; (iv) DESCRIBING THE FORMS OF FINANCIAL ASSISTANCE BEING CONTEMPLATED BY THE AGENCY AND (v) AUTHORIZING THE DISTRIBUTION OF A PILOT DEVIATION LETTER.

**8.1.2 Authorize Public Hearing**

*Mr. Cliffe motioned to authorize the Public Hearing; Mr. Scott seconded the motion. The motion passed.*

**8.1.3 Authorize Deviation Letter**

*Mr. Wolfgang motioned to authorize the Public Hearing; Mr. Ross seconded the motion. The motion passed.*

**8.2 Stavatti Aerospace Ltd.**

Mr. Liadski stated the project is located in the Town of Niagara and they are requesting a 15-year PILOT sales tax abatement as well as a mortgage tax abatement. The project entails Stavatti Aerospace Ltd. purchasing the vacant 150,000 sq. ft. former U.S. Army Reserve hangar for the purpose of establishing an aircraft research, design and prototype facility. This will serve as temporary headquarters. The building will be repaired, modified and improved and new machinery and equipment installed, as well as new energy efficient HVAC systems. The total project cost is \$25,875,000 with 363 new jobs anticipated.

Mr. John Simon, Chief Strategic Development and Asset Officer for Stavatti, spoke to the Board. Mr. Simon described Stavatti as an innovative aerospace and defense manufacturing enterprise that is focused on the design and production of military, commercial, and general aviation aircraft.

He stated an RFI was sent to several North American interests to find out what state or province may be interested in locating Stavatti's headquarters and manufacturing facilities, one main component being a prototyping facility, as Stavatti has yet to manufacture an aircraft. He described their site selection process and the prospect for new jobs, investment in the community and being a good community partner. They have a positive interest in the Niagara County location but he also noted some issues in locating in New York and Niagara County such as high taxes and a large investment in the proposed location. Mr. Matt Fitzgerald, counsel for Stavatti, added with a comment that they were awaiting a rezoning decision from the Town of Niagara Board from light industrial to heavy industrial district. They cannot proceed with due diligence without this rezoning, which is scheduled to be voted on by the Town on October 14, 2020.

## **8.2 (continued)**

Mr. Scott inquired about the aircraft type to be manufactured and the types of jobs created post-construction. Mr. Simon replied with some details on proposed aircraft and the creation of many professional-type positions such as engineering.

Mr. Wolfgang inquired about environmental concerns, plans for the administrative space, the rationale of the amount being financed, electrical usage and staffing plans for this project. Mr. Simon acknowledged they were aware of the environmental concerns and both Mr. Simon and Mr. Fitzgerald stated that it is a work in progress until the property is acquired and these issues will be part of their due diligence.

### **8.2.1 Preliminary Resolution**

***Mr. Ross made a motion to approve the Preliminary Resolution; Mr. Krempa seconded the motion. The motion passed.***

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

### **8.2.2 Authorize Public Hearing**

***Mr. Cliffe motioned to authorize the Public Hearing; Mr. Scott seconded the motion. The motion passed.***

## **9.0 Agency Counsel**

Mr. Gabriele proposed changing the October NCIDA Board meeting from October 14<sup>th</sup> to the 21<sup>st</sup> keeping it at one meeting in October on a Wednesday, which will accomplish timing for Vincent Properties and Stavatti outstanding matters. All board members agreed.

**10.0 Information Items**

There were no information items at this time.

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

Mr. Wolfgang inquired about the status of the Hotel Niagara extension. Mr. Gabriele explained that he sent a letter to the company and their counsel that the Board had approved 3rd and final extension for 6 months and that more information is necessary from them regarding the project. No response yet. Will follow up in two weeks.

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

**DATE: OCTOBER 21, 2020**

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

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

**13.0 Adjournment**

***Mr. Scott made a motion to adjourn; Mr. Wolfgang seconded the motion. The meeting adjourned at 10:09 a.m.***

Respectfully submitted:

Reviewed by:

Approved by:

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Susan L. Barone  
Administrative Assistant

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Susan C. Langdon  
Executive Director

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William L. Ross  
Secretary

**6.1**

**AGENCY**

**PAYABLES**

**Niagara County Industrial Devel. Agency**  
**Check Register**  
**For the Period From Sep 1, 2020 to Sep 30, 2020**

Filter Criteria includes: Report order is by Date.

Check #	Date	Payee	Cash Account	Amount
29076	9/1/20	Cintas Corporation #782	10001.100	87.64
29077	9/1/20	County of Niagara	10001.100	102.42
29078	9/1/20	Gabriele & Berrigan, P.C.	10001.100	5,000.00
29079	9/1/20	THE HARTFORD	10001.100	229.03
29080	9/1/20	M&T Bank	10001.100	1,104.48
29081	9/1/20	National Grid	10001.100	585.14
29082	9/1/20	STAPLES CONTRACT & COMMERCIAL	10001.100	53.94
29083	9/8/20	360 PSG.com	10001.100	60.00
29084	9/8/20	Niag Cnty Dept of Economic Development	10001.100	308.18
29085	9/8/20	Professional Janitorial Services, Inc.	10001.100	793.17
29086	9/8/20	Summit MSP, LLC	10001.100	53.78
9/10/20	9/10/20	PAYCHEX, INC.	10001.100	90.71
9/11/20	9/11/20	NYS DEFERRED COMPENSATION PLAN	10001.100	996.32
29087	9/22/20	CoStar Realty Information, Inc.	10001.100	217.31
29088	9/22/20	County of Niagara	10001.100	351.28
29089	9/22/20	Eaton Office Supply Co., Inc.	10001.100	9.03
29090	9/22/20	First Choice Coffee Services	10001.100	97.52
29091	9/22/20	Guardian	10001.100	303.28
29092	9/22/20	SAM'S CLUB/SYNCHRONY BANK	10001.100	24.88
9/24/20	9/24/20	PAYCHEX, INC.	10001.100	75.63
9/25/20	9/25/20	NYS DEFERRED COMPENSATION PLAN	10001.100	924.32
9/28/20	9/28/20	NEW YORK STATE AND LOCAL	10001.100	326.60
29093	9/29/20	Independent Health	10001.100	3,389.65
29094	9/29/20	National Grid	10001.100	594.57
29095	9/29/20	H. SICHERMAN & CO., INC.	10001.100	449.50
29096	9/29/20	STAPLES CONTRACT & COMMERCIAL	10001.100	73.78
29097	9/29/20	Time Warner Cable	10001.100	123.85
29098	9/30/20	Cintas Corporation #782	10001.100	87.64
29099	9/30/20	The Hartford	10001.100	542.75
<b>Total</b>				<b>17,056.40</b>

**NCIDA VIP-MTF Operating**  
**Check Register**  
For the Period From Sep 1, 2020 to Sep 30, 2020

Filter Criteria includes: Report order is by Date.

Check #	Date	Payee	Cash Account	Amount
4401	9/1/20	H.W.BRYK & SONS, INC.	10001.600	689.62
4402	9/1/20	DAVIS-ULMER Sprinkler Co.	10001.600	170.00
4403	9/1/20	Frontier	10001.600	174.67
4404	9/1/20	National Grid	10001.600	581.54
4405	9/8/20	Professional Janitorial Services, Inc.	10001.600	219.42
4406	9/22/20	H.W.BRYK & SONS, INC.	10001.600	326.25
4407	9/22/20	Modern Disposal Services, Inc.	10001.600	177.23
4408	9/22/20	County of Niagara	10001.600	307.11
4409	9/29/20	FIRE SAFETY SYSTEMS, INC.	10001.600	240.00
4410	9/29/20	Mike Darlak Signs	10001.600	120.00
4411	9/29/20	National Grid	10001.600	496.66
<b>Total</b>				<u><u>3,502.50</u></u>

**NCIDA - MTF - Operating Fund**  
**Check Register**  
For the Period From Sep 1, 2020 to Sep 30, 2020

Filter Criteria includes: Report order is by Date.

Check #	Date	Payee	Cash Account	Amount
2958	9/1/20	DAVIS-ULMER Sprinkler Co.	10001.600	160.00
2959	9/8/20	National Grid	10001.600	37.78
2960	9/22/20	H.W. Bryk & Sons, Inc.	10001.600	215.00
2961	9/22/20	VERIZON	10001.600	116.06
<b>Total</b>				<b>528.84</b>

**NCDC - CDBG/HUD - RLF**  
**Check Register**  
For the Period From Sep 1, 2020 to Sep 30, 2020

Filter Criteria includes: Report order is by Date.

Check #	Date	Payee	Cash Account	Amount
177	9/1/20	H. Sicherman & Company, Inc.	10200-300	980.50
<b>Total</b>				<u>980.50</u>



**NIAG ECONOMIC DEV FUND**  
Check Register  
For the Period From Sep 1, 2020 to Sep 30, 2020

Filter Criteria includes: Report order is by Date.

Check #	Date	Payee	Cash Account	Amount
1317	9/1/20	H. Sicherman & Company, Inc.	10000-200	609.00
<b>Total</b>				<u>609.00</u>

**Niagara Industrial Incubator Associates**  
Check Register  
For the Period From Sep 1, 2020 to Sep 30, 2020

Filter Criteria includes: Report order is by Date.

Check #	Date	Payee	Cash Account	Amount
1134	9/8/20	National Grid	10000.100	987.16
1135	9/22/20	Blue Ox Roofing	10000.100	422.00
1136	9/22/20	H.W. Bryk & Sons, Inc.	10000.100	140.00
1137	9/22/20	Town of Wheatfield	10000.100	43.50
1138	9/29/20	Blue Ox Roofing	10000.100	483.00
1139	9/29/20	Gray Furnace Service, Inc.	10000.100	8,395.00
1140	9/29/20	NIIA MTF Escrow	10000.100	450.00
<b>Total</b>				<b>10,920.66</b>

# **6.2**

# **BUDGET**

# **VARIANCE**

# **REPORT**

**NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY**  
**BUDGET VARIANCE REPORT AS OF September 30, 2020**  
**UN-AUDITED STATEMENT FOR INTERNAL MANAGEMENT USE ONLY**

	Current Month Actual	Current Month Budget	Year To Date Actual	Year To Date Budget	Year To Date Variance	Total Budget
<b>Operating Revenues</b>						
Project Administrative Fees	\$ 8,200.00	\$ 69,335.00	\$ 113,220.00	\$ 279,652.00	(166,432.00)	\$ 543,163.00
Project Application Fees	1,000.00	1,000.00	8,000.00	9,000.00	(1,000.00)	12,000.00
Bad Debt Recovery - Fees	322.03	0.00	322.03	0.00	322.03	0.00
NEDF RLF Administrative Fee	4,166.67	4,166.67	37,500.03	37,500.03	0.00	50,000.00
Administrative Fees - Other	3,532.00	0.00	3,532.00	0.00	3,532.00	7,354.00
Interest Earnings	146.87	228.75	7,648.86	8,461.75	(812.89)	9,148.00
Training Room Income	0.00	33.33	140.00	299.97	(159.97)	400.00
Miscellaneous Income	(115.90)	0.00	116.34	0.00	116.34	0.00
Distrib From Niag. Ind. Suites	0.00	0.00	0.00	0.00	0.00	100,000.00
Distributions From Affiliates	0.00	0.00	0.00	0.00	0.00	80,000.00
Distribution from VIP MTF	0.00	0.00	0.00	0.00	0.00	100,000.00
<b>Total Operating Revenues</b>	<b>17,251.67</b>	<b>74,763.75</b>	<b>170,479.26</b>	<b>334,913.75</b>	<b>(164,434.49)</b>	<b>902,065.00</b>
<b>Operating Expenses</b>						
Salaries	28,383.24	30,161.76	282,634.90	301,617.60	(18,982.70)	392,103.00
Benefits	4,109.77	5,740.00	40,874.50	51,660.00	(10,785.50)	68,880.00
Retirement Benefits	4,470.33	4,470.33	40,232.97	40,232.97	0.00	53,644.00
Payroll Taxes	2,245.88	2,315.09	22,118.36	23,050.73	(932.37)	29,996.00
Unemployment Taxes	22.59	0.00	509.88	614.00	(104.12)	614.00
Consultants	2,500.00	2,500.00	26,912.57	22,500.00	4,412.57	30,000.00
Assisstant Director	5,201.25	5,201.25	45,583.00	46,811.25	(1,228.25)	62,415.00
Legal Services	5,000.00	5,000.00	46,820.20	45,000.00	1,820.20	60,000.00
Accounting Services	0.00	0.00	18,401.00	18,700.00	(299.00)	18,700.00
Accounting Services - NADC	0.00	0.00	2,000.00	2,000.00	0.00	2,000.00
Marketing	571.31	1,833.33	5,466.89	16,499.97	(11,033.08)	22,000.00
Printing	53.78	208.33	53.78	1,874.97	(1,821.19)	2,500.00
Office Supplies	63.23	250.00	637.69	2,250.00	(1,612.31)	3,000.00
Postage	0.00	137.00	1,662.01	2,761.00	(1,098.99)	3,296.00
Telephone & Fax	88.22	126.67	709.98	1,140.03	(430.05)	1,520.00
Internet Service	217.32	328.33	1,587.72	2,954.97	(1,367.25)	3,940.00
Common Area Charges	680.00	687.50	6,120.00	6,187.50	(67.50)	8,250.00
Energy	928.18	1,112.00	9,280.81	12,369.00	(3,088.19)	16,063.00
Conference & Travel	58.54	291.67	771.93	2,625.03	(1,853.10)	3,500.00
Employee Training	0.00	1,250.00	500.00	11,250.00	(10,750.00)	15,000.00
Insurance Expense	1,424.68	1,570.25	12,822.12	14,132.25	(1,310.13)	18,843.00
Library & Membership	0.00	54.45	2,029.00	1,935.60	93.40	2,099.00
General Office	1,566.36	774.67	7,198.96	6,972.03	226.93	9,296.00
Repairs & Maintenance	981.79	1,221.08	8,015.15	10,989.72	(2,974.57)	14,653.00
Computer Support	0.00	666.67	1,435.00	6,000.03	(4,565.03)	8,000.00
Public Hearings	0.00	16.67	203.80	150.03	53.77	200.00
Furniture & Equipment Purchase	0.00	166.67	259.18	1,500.03	(1,240.85)	2,000.00
Other Expense	0.00	83.33	0.00	749.97	(749.97)	1,000.00
<b>Total Operating Expenses</b>	<b>58,566.47</b>	<b>66,167.05</b>	<b>584,841.40</b>	<b>654,528.68</b>	<b>(69,687.28)</b>	<b>853,512.00</b>
<b>Net Operating Income/&lt;Loss&gt;</b>	<b>(41,314.80)</b>	<b>8,596.70</b>	<b>(414,362.14)</b>	<b>(319,614.93)</b>	<b>(94,747.21)</b>	<b>48,553.00</b>
<b>Non-Operating Revenue &amp; Expense</b>						
Grant Rev- City NF Initiative	0.00	74,437.50	176,600.00	669,937.50	(493,337.50)	893,250.00
Grant Sub-City NF Initiative	0.00	74,437.50	176,600.00	669,937.50	(493,337.50)	893,250.00
<b>Net Non-Operating Income/&lt;Loss&gt;</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>
<b>Total Net Income/&lt;Loss&gt;</b>	<b>(\$ 41,314.80)</b>	<b>\$ 8,596.70</b>	<b>(\$ 414,362.14)</b>	<b>(\$ 319,614.93)</b>	<b>(94,747.21)</b>	<b>\$ 48,553.00</b>

**NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY**

Balance Sheet  
September 30, 2020

**ASSETS**

Current Assets	
Cash - Checking	\$ 92,511.65
Petty Cash	300.00
Mmkt Acct. - M&T Bank	1,786,965.20
Cash - First Response	3.58
Cash - City of N.F.	536.49
Mmkt Acct. - Cataract Tourism	4,387,289.99
Accts Rec - Public Hearings	1,710.12
Accounts rec.- Fees/Var.	18,355.86
Accounts Receivable Niag. Cnty	294.00
Accounts Rec. EDA - RLF	11,297.97
Due To/From Micro RLF	19,474.60
Accounts Rec - NEDF	37,500.03
Due To/From VIP - MTF	355,546.29
Due From NCDL CDBG/HUD	19,270.80
Due To/Due From NADC	406.56
Prepaid Insurance	<u>5,389.80</u>
 Total Current Assets	 6,736,852.94
Other Assets	
Deferred Outflows	105,908.00
Investment in NIIA	<u>342,500.00</u>
 Total Other Assets	 448,408.00
Fixed Assets	
Furniture & Equipment	199,360.75
Furn & Fixtures - Fed purchase	5,861.08
Accum Dep. - Furn & Equip	(198,952.59)
Accum Dep. - F&F Fed Purch	<u>(5,861.00)</u>
 Total Fixed Assets	 408.24
 Total Assets	 <u>\$ 7,185,669.18</u>

**LIABILITIES AND NET ASSETS**

Current Liabilities	
Accrued Retirement	\$ 40,232.97
Deferred Rev. - First Repsonse	3.58
Def. Rev. - City of N.F.	4,387,826.48
Accounts Payable	34,605.19
Acct. Payable - Niag. County	<u>15,603.75</u>
 Total Current Liabilities	 4,478,271.97
Long-Term Liabilities	
Pension Liability	80,244.00
Deferred Inflows of Resources	<u>30,743.00</u>
 Total Long-Term Liabilities	 <u>110,987.00</u>
 Total Liabilities	 4,589,258.97
Net Assets	
Fund Balance - Operating Fund	3,010,772.35
Net Income	<u>(414,362.14)</u>
 Total Net Assets	 <u>2,596,410.21</u>
 Total Liabilities & Net Assets	 <u>\$ 7,185,669.18</u>

**Niagara County Industrial  
Development Agency  
Aged Payables  
As of September 30, 2020**

Vendor ID Vendor	Invoice #	Amount Due
CARUSO Caroline M. Caruso	8/4/20 - 9/25/20	58.54
County County of Niagara	Sep 2020 Gas	33.61
M&TBUS M&T Bank	Sep 2020	1,732.18
NIAGLOCKPORT Niagara Gazette Lockport Union	273253	119.06
ProJan Professional Janitorial Services, Inc.	1285	793.17
SICHER H. SICHERMAN & CO., INC.	#2 2019 #3 2020	2,105.00 1,623.63
Report Total		6,465.19

**Adjusting Journal Entries**

Estimated May 2020 Legal Fees	5,000.00
Estimated Jun 2020 Legal Fees	5,000.00
Estimated Jul 2020 Legal Fees	5,000.00
Estimated Aug 2020 Legal Fees	5,000.00
Estimated Sep 2020 Legal Fees	5,000.00
Estimated Sep 2020 Copier usage	250.00
Estimated Jul - Sep 2020 Telephone	90.00
Estimated Sep 2020 Niagara County Electric	300.00
Estimated Sep 2020 Consulting	2,500.00
	34,605.19

**NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY**

10/14/2020

**Project Income - 2020  
Lease/Lease Back and Bonds**

<b>Closed 2020</b>	<b>Project Type</b>	<b>Total Project Amount</b>	<b>IDA Project Amount</b>	<b>Fees</b>	<b>Application Fee</b>	<b>Amount Received to Date</b>	<b>Date Received</b>	<b>Balance Due</b>	<b>Date Closed</b>
Penn Terra - USRE Corp.	L/L Back	5,635,000	5,285,000	52,850	1,000	53,850	2/25/20	-	2/25/20
Rock One Development				5,000		5,000	3/19/20	-	
Neighborhood Redevelopment LLC	L/L Back	338,000	315,000	3,150	1,000	4,150	5/1/20	-	4/14/20
LMR Real Property Holdings LLC	L/L Back	516,000	485,000	4,850	1,000	5,850	5/1/20	-	4/14/20
Buffalo Fuel Corp.	L/L Back	2,240,000	2,217,000	22,170	1,000	23,170	9/3/20	-	8/8/20
LSNY Holdings, LLC	L/L Back	2,000,000	1,700,000	17,000	1,000	18,000	10/1/20	-	8/28/20
Santarosa Holdings, Inc.	L/L Back	820,000	820,000	8,200	1,000	9,200	9/24/20	-	7/27/20
Zimmie's Service	L/L Back	435,000	435,000	4,350	1,000	5,350	10/9/20	-	10/1/20
<b>TOTAL</b>				<u>117,570</u>	<u>7,000</u>	<u>124,570</u>		<u>-</u>	
				Fees received in prior year				-	
				<b>Total fees received to date in 2020</b>		<u>117,570</u>			
				<b>Total 2020 Budgeted Fees</b>		<u>543,163</u>			
				<b>Balance of Budgeted Fees</b>		<u>425,593</u>			

<b>Projected 2020</b>	<b>Project Type</b>	<b>Total Project Amount</b>	<b>IDA Project Amount</b>	<b>Anticipated Fees</b>	<b>Application Fee</b>	<b>Amount Received to Date</b>	<b>Date Received</b>	<b>Anticipated Balance Due</b>	<b>Inducement Expiration</b>
Merani Hotel Group	Sales Tax Only	22,500,000	20,286,000	75,000	1,000	1,000	3/13/19	75,000	11/30/20
1300 Pine Avenue LLC	Sales Tax Only	900,000	425,000	-	1,000	1,000	5/8/19	-	5/31/20
DLC Diversified Holdings, LLC(Dominick Cili	L/L Back	2,500,000	2,230,000	22,300	1,000	1,000	6/17/19	22,300	10/31/20
Hotel Niagara Development, LLC	L/L Back	34,075,020	33,032,832	230,000	1,000	1,000	6/4/18	230,000	1/31/21
The Niagara Club	L/L Back	3,036,700	2,872,000	28,720	1,000	1,000	1/3/19	28,720	2/28/21
Iskalo 1 East Avenue LLC	L/L Back	6,057,760	4,100,000	41,000	1,000	1,000	7/28/20	41,000	9/30/21
Stavatti Aerospace Ltd.	L/L Back	25,875,000	25,875,000	258,750	1,000	1,000	8/31/20	258,750	
Vincent Properties, Inc.	L/L Back	6,650,000	6,650,000	66,500	1,000	1,000	9/4/20	66,500	
<b>TOTAL</b>				<u>722,270</u>	<u>8,000</u>	<u>8,000</u>		<u>722,270</u>	<u>0</u>
<b>TOTAL - Projected Income 2020</b>				<u>839,840</u>	<u>15,000</u>	<u>132,570</u>		<u>722,270</u>	<u>0</u>

<b>Projected 2021</b>	<b>Project Type</b>	<b>Total Project Amount</b>	<b>IDA Project Amount</b>	<b>Anticipated Fees</b>	<b>Application Fee</b>	<b>Amount Received to Date</b>	<b>Date Received</b>	<b>Anticipated Balance Due</b>	<b>Inducement Expiration</b>
								-	
								-	
								-	
<b>TOTAL</b>				<u>0</u>	<u>0</u>	<u>0</u>		<u>0</u>	<u>0</u>

\* Pending Board Approval

**Cataract Tourism Fund  
Grant Program**

Grantee Name	Grant Awards	Outst'd'g Awards	Approval Date	Disbursement Date	Disbursement Amount	Offer Expiration	Project Description
Niagara County Dept. of Economic Development	37,667	0	10/11/2017	1/23/2018	37,667		Feasibility study for Niagara Falls area multi-use facility
Niagara Aquarium Foundation	88,147	0	2/14/2018	7/15/2019	88,147		Jellyfish exhibit and equipment
The Tourism Research Entrepreneurship Center (TReC)	176,600	0	8/8/2018	6/2/2020	176,600		Buildout, audio/visual equipment and network connectivity hardware
Niagara Falls Center for Tourism LLC	1,000,000	1,000,000	6/12/2019	To Be Disbursed	0	5/31/2021	Construction of an indoor family entertainment center and outdoor improvements
Red Star Builders, LLC (The Niagara Club)	523,250	523,250	7/10/2019	To Be Disbursed	0	11/30/2020	Rooftop bar and lounge, banquet space, virtual entertainment lounge & Spot Coffee
Niagara Aquarium Foundation	370,000	370,000	8/14/2019	To Be Disbursed	0	5/31/2020	Interactive touch pools adjacent to main entrance of the Aquarium
Niagara Aquarium Foundation	16,717	16,717	2/12/2020	To Be Disbursed	0	1/20/2021	Renovations to second floor event room
The Center for Kashmir, Inc.	273,000	273,000	8/12/2020	To Be Disbursed	0	8/31/2021	Renovations to vacant church for a museum of art and culture for Kashmir
<b>To Date Sub-Total</b>	<b>2,485,381</b>	<b>2,182,967</b>			<b>302,414</b>		

Grant Fund Cash Balance as of 9/30/2020 **4,387,826.48**  
 Less: Outstanding Awards **(2,182,967.00)**  
 Available for awarding grants **2,204,859.48**

Grant Fund Balance -  
 Grant Funding from NYS 11/22/2016 1,600,000.00  
 Grant Funding from NYS 10/16/2017 1,440,000.00  
 Grant Funding from NYS 10/12/2018 1,600,000.00  
 Bank Interest 50,283.74  
 Bank Fees (43.26)  
 Grant Disbursements **(302,414.00)**  
 Grant Fund Balance **4,387,826.48**



**7.1**

**STAVATTI**

**AEROSPACE LTD.**

**PROJECT SUMMARY**  
**Stavatti Aerospace Ltd**



<b>Applicant:</b>	Stavatti Aerospace Ltd	
<b>Project Location:</b>	9400 Porter Road Town of Niagara NY	
<b>Assistance:</b>	15 Year PILOT Sales Tax Abatement Mortgage Recording Tax Abatement	
<b>Description:</b>	<p>This project entails Stavatti Aerospace Ltd's purchase of the vacant 150,000 sq. ft. former U.S. Army Reserve Station hangar for the purpose of establishing an aircraft research, design and prototyping facility. This facility will serve as a temporary headquarters for the company.</p> <p>The former USARC Buildings will be repaired, modified, and improved and new machinery &amp; equipment will be installed, as well as new energy efficient HVAC systems.</p>	
<b>Project Costs:</b>	Property Acquisition	\$ 1,300,000
	Construction/Improvements	\$ 3,500,000
	Furniture, Fixtures & Equipment	\$ 5,800,000
	Soft costs & other	<u>\$15,275,000</u>
	TOTAL	\$ 25,875,000
<b>Employment:</b>	Current jobs in Niagara County	0
	New Jobs in Niagara County within 3 years:	363
	Total Annual Payroll End Year 3:	\$ 48,440,258
	Skills: Management, Professional, Administrative, Production	
<b>Evaluative Criteria:</b>	Age of Structure, Building or Facility Vacancy, Redevelopment Supports or aligns with Regional or Local Development Plans, Regional Wealth Creation, Investments in Energy Efficiency.	

**REGIONAL ECONOMIC IMPACT ANALYSIS**  
**Stavatti Aerospace Ltd**

Estimated State & Regional Benefits / Estimated Project Incentives Analysis

<b>Total State and Regional Benefits</b>	<b>\$ 85,170,821</b>
<b>Total Project Incentives</b>	<b>\$ 2,150,092</b>
<b>Community Benefit to Cost Ratio</b>	<b>39.61:1</b>

<b>Projected Employment</b>	<b>State</b>	<b>Region</b>
Total Employment	<b>1,214</b>	<b>1,214</b>
Direct**	389	389
Indirect***	790	790
Temporary Construction (Direct and Indirect)	35	35

Estimated State & Regional Benefits (Discounted Present Value\*)

<b>Total State and Regional Benefits</b>	<b>\$85,170,821</b>
Income Tax Revenue	\$ 66,677,000
Sales Tax Revenue	\$ 17,912,000
Property Tax Revenue	\$ 581,821

Estimated Project Incentives (Discounted Present Value\*)

<b>Total Project Incentives</b>	<b>\$2,150,092</b>
Property Tax	\$ 1,371,436
Sales Tax	\$ 604,000
Mortgage Tax	\$ 174,656

\* Figures over 15 years and discounted by 3.49%

\*\* Direct - The recipient of IDA assistance adds new jobs to the regional economy and/or retains jobs at risk of being lost to another region. Investments that result in displacing existing jobs (e.g., most retail and many service sector industries) do not fall under this definition.

\*\*\* Indirect - The recipient of IDA assistance makes purchases from regional firms, which stimulates suppliers to add jobs and payroll that are new to the regional economy or are saved from being lost to competitors outside the region.

\*\*\*\* Induced - The recipient of IDA assistance by adding to and/or retaining payroll stimulates household spending that is new to the regional economy and/or saved from being lost to competitors outside the region.

Utilizing informANALYTICS modeling software, an economic impact analysis was conducted to measure new investment and employment for the project. This software is a widely accepted and an industry standard for economic impact modeling measuring employment and salary impacts and facility output on the community for a given project.

## PUBLIC HEARING SCRIPT

**Stavatti Aerospace Ltd and/or Individual(s)  
or Affiliate(s), Subsidiary(ies), or Entity(ies)  
formed or to be formed on its behalf**

Public Hearing to be held on October 2, 2020 at 2:15 p.m.  
remotely at NCIDA offices

### ATTENDANCE

Susan Langdon: *Welcome. This public hearing is now open; it is 2:17 p.m. My name is Susan Langdon, I am the Executive Director of the Niagara County Industrial Development Agency, and I have been designated by the Agency to be the hearing officer to conduct this public hearing. We are conducting this meeting remotely and the public can access this hearing via telephone, as advertised in the public hearing notice published in the Niagara Gazette and posted on our website. We do have a number of guests on the telephone and I will ask you to identify yourselves if you wish to comment on the project during the public comment period of this hearing..*

*We are here to hold the public hearing on Stavatti Aerospace Ltd and/or Individual(s) or Affiliate(s), Subsidiary(ies), or Entity(ies) formed or to be formed on its behalf. The transcript of this hearing will be reviewed and considered by the Agency in determination of this project.*

*The proposed project (the "Project") includes the purchase of vacant 150,000 sq. ft. former U.S. Army Reserve Station hangar by Stavatti Aerospace Ltd The project application and project summary are posted on the Agency's website at [niagaracountybusiness.com](http://niagaracountybusiness.com)*

*The proposed financial assistance contemplated by the Agency includes New York State and local sales and use tax exemption benefits and mortgage recording tax exemption benefits (in compliance with Agency's uniform tax exemption policy).*

*If you have a written comment to submit for the record, you may do so. Written comments may also be delivered to Agency at 6311 Inducon Corporate Drive, Suite One, Sanborn, New York 14132 until the comment period closes on October 7, 2020.*

*If anyone is interested in making a comment, please respond and state your name and address; if you are representing a company, please identify the company.*

John Scherrer: *My name is John Scherrer, I am Business Manager of IBEW, Local 237. I would like to speak in support of the project because I feel that it would be a great economic engine for our region and we haven't had this chance in a long time.*

Susan Langdon: *Does anyone on the telephone wish to speak on the project? I hear no response from anyone of the phone. In that case I will now close the public hearing, it is 2:20 p.m.*

**SIGN IN SHEET  
PUBLIC HEARING**

October 2, 2020 at 2:15 p.m.  
remotely at NCIDA offices

regarding:

**Stavatti Aerospace Ltd and/or Individual(s) or Affiliate(s), Subsidiary(ies), or Entity(ies)  
formed or to be formed on its behalf  
Project Location: 9400 Porter Road**

Name	Company and/or Address	X box to speak/ comment
John Simon	STAVATTI	
Bob Sugarman	STAVATTI	
John Scherrer	Bus, Mgr IBEW, Local 237	
LISA Glenna	N.C RPT (via phone)	
Jeff Pasnick	LOCAL 276 (via phone)	
GARY SWAIN	OE LOCAL 17 (via phone)	

**7.2**

**DLC DIVERSIFIED  
HOLDINGS LLC**





**REGIONAL ECONOMIC IMPACT ANALYSIS**  
**Tuscarora Club**

Estimated State & Regional Benefits / Estimated Project Incentives Analysis

<b>Total State and Regional Benefits</b>	<b>\$ 232,671</b>
<b>Total Project Incentives</b>	<b>\$ 316,605</b>
<b>Community Benefit to Cost Ratio</b>	<b>0.73:1</b>

<b>Projected Employment</b>	<b>State</b>	<b>Region</b>
Total Employment	<b>25</b>	<b>25</b>
Direct**	4	4
Indirect***	0	0
Induced****	1	1
Temporary Construction (Direct and Indirect)	20	20

Estimated State & Regional Benefits (Discounted Present Value\*)

<b>Total State and Regional Benefits</b>	<b>\$ 232,671</b>
Income Tax Revenue	\$ 117,854
Property Tax Revenue	\$ 76,506
Sales Tax Revenue	\$ 38,311

Estimated Project Incentives (Discounted Present Value\*)

<b>Total Project Incentives</b>	<b>\$ 311,580</b>
Mortgage Tax	\$ 6,750
Property Tax	\$ 211,455
Sales Tax	\$ 98,400

\* Figures over 15 years and discounted by 3.49%

\*\* Direct - The recipient of IDA assistance adds new jobs to the regional economy and/or retains jobs at risk of being lost to another region. Investments that result in displacing existing jobs (e.g., most retail and many service sector industries) do not fall under this definition.

\*\*\* Indirect - The recipient of IDA assistance makes purchases from regional firms, which stimulates suppliers to add jobs and payroll that are new to the regional economy or are saved from being lost to competitors outside the region.

\*\*\*\* Induced - The recipient of IDA assistance by adding to and/or retaining payroll stimulates household spending that is new to the regional economy and/or saved from being lost to competitors outside the region.

Utilizing informANALYTICS modeling software, an economic impact analysis was conducted to measure new investment and employment for the project. This software is a widely accepted and an industry standard for economic impact modeling measuring employment and salary impacts and facility output on the community for a given project.

**8.1**

**Global Dominion  
Access USA  
Corp.**

# NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY

## APPLICATION FOR FINANCIAL ASSISTANCE

Global Dominion Access USA Corp.  
(Applicant Name)

6311 Inducon Corporate Drive, Suite One  
Sanborn, New York 14132  
Phone: 716-278-8760 Fax: 716-278-8769  
<http://niagaracountybusiness.com>

Updated 2020

- I. Subject to the applicable statute, information provided by applicant will be treated as confidential until such time as the Agency takes action on the request. However, in accordance with Article 6 of the Public Officers Law, all records in possession of the Agency are open to public inspection and copy.
- II. The Niagara County Industrial Development Agency has a one thousand dollar (\$1000.00) non-refundable application fee that must accompany the application submission.
- III. At the time of the project closing, project applicant is required to pay certain costs associated with the project. The applicant shall be responsible for the payment of an Agency fee in the amount of one percent (1.00%) of the total value of the project, together with Agency counsel fees as set forth in the Agency fee policy schedule, together with various related costs, including but not limited to public hearing expenses. Upon request, a fee summary will be provided to each applicant.
- IV. One (1) original signed copy of the Application and Environmental Assessment form should be submitted with the Application for Assistance.

*The Niagara County Industrial Development Agency does not discriminate on the basis of race, color, religion, sex, sexual orientation, marital status, age, national origin, disability or status as a disabled or Vietnam Veteran or any other characteristic protected by law.*

6311 Inducon Corporate Drive ■ Sanborn, NY 14132-9099 ■ 716-278-8760  
Fax 716-278-8769 ■ [www.niagaracountybusiness.com](http://www.niagaracountybusiness.com)

**NIAGARA COUNTY**  
**INDUSTRIAL DEVELOPMENT AGENCY**

**APPLICATION FOR FINANCIAL ASSISTANCE**

**I. APPLICANT INFORMATION**

Company Name: \_\_\_\_\_ Global Dominion Access USA Corp. \_\_\_\_\_

Mailing Address: \_\_\_\_\_ 55 South Long St. Buffalo, NY 14221 \_\_\_\_\_

Phone: \_\_\_\_\_ 716-634-3967 \_\_\_\_\_

Website: \_\_\_\_\_ <https://www.icc-commonwealth.com/> \_\_\_\_\_

Fed Id. No.: \_\_\_\_\_ 33-1072719 \_\_\_\_\_

Contact Person: \_\_\_\_\_ Thomas Sullivan \_\_\_\_\_

Principal Owners/Officers/Directors (list owners with 15% or more in equity holdings with percentage ownership):

President – Guillermo Alvarez

No individual holds more than 15% of the equity

Corporate Structure (*attach schematic if applicant is a subsidiary or otherwise affiliated with another entity*)

Form of Entity

**Corporation**

Date of Incorporation: \_\_\_\_\_ 10/8/2003 \_\_\_\_\_

State of Incorporation: \_\_\_\_\_ Delaware \_\_\_\_\_

**Partnership**

General \_\_\_\_\_ or Limited \_\_\_\_\_

Number of general partners \_\_\_\_\_

If applicable, number of limited partners \_\_\_\_\_

Date of formation \_\_\_\_\_

Jurisdiction of Formation \_\_\_\_\_

**Limited Liability Company/Partnership (number of members \_\_\_\_\_)**

Date of organization: \_\_\_\_\_

State of Organization: \_\_\_\_\_

**Sole Proprietorship**

If a foreign organization, is the applicant authorized to do business in the State of New York?

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**APPLICANT'S COUNSEL**Name: Terrence M. Gilbride Hodgson RussAddress: The Guaranty Building 140 Pearl Street Suite 100 Buffalo, NY 14202Phone: 716-848-1236Fax No.: 716-819-4625**II. PROJECT INFORMATION**A) Project Address: 795 Wurlitzer DriveTax Map Number 176.020-0001-059.0010000  
(Section/Block/Lot)

Swiss Number \_\_\_\_\_

Located in City of North Tonawanda

Located in Town of \_\_\_\_\_

Located in Village of \_\_\_\_\_

School District of North TonawandaB) Current Assessment:  
Land \$105,000  
Total \$1,100,000C) Present legal owner of the site Ascension Industries  
If other than from applicant, by what means will the site be acquired for this project?

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D) Furnish a copy of any environmental application presently in process of completion concerning this project, providing name and address of the agency, and copy all pending or completed documentation and determinations.

E) Describe the project:

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F) *Estimated Project Costs:*

Property Acquisition	\$1,900,000
Construction (Improvements)	\$300,000
Equipment Purchases/Fixtures/Furnishings	\$100,000
Soft costs (i.e., engineering, architectural)	\$100,000
Other (describe)	\$
TOTAL USES OF FUNDS	\$2,400,000

G) *Sources of Funds for Project Costs (Must match Total uses of Funds):*

Bank Financing	\$1,520,000
Equity	\$880,000
Grants/Tax Credits	\$
Tax Exempt Bond	\$
Taxable Bond	\$
TOTAL SOURCES OF FUNDS	\$2,400,000

Identify each state and federal grant/credit:

	\$
	\$
	\$
	\$
TOTAL PUBLIC FUNDS	\$

H) Inter-Municipal Move Determination

Will the project result in the removal of a plant or facility of the applicant from one area of the State of New York to another?

Yes or  No

Will the project result in the removal of a plant or facility of another proposed occupant of the project from one area of the State of New York to another area of the State of New York?

Yes or  No

Will the project result in the abandonment of one or more plants or facilities located in the State of New York?

Yes or  No

If Yes to any of the questions above, explain how, notwithstanding the aforementioned closing or activity reduction, the Agency's Financial Assistance is required to prevent the Project from relocating out of the State, or is reasonably necessary to preserve the Project occupant's competitive position in its respective industry:

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Project Data

1. Project site (land)

(a) Indicate approximate size (In acres or square feet) of project site

\_\_\_\_\_

(b) Indicate the present use of the project site

\_\_\_\_\_

2. Indicate number, size and approximate age of existing buildings on site

\_\_\_\_\_

3. Does the project consist of the construction of a new building or buildings?  
If yes, indicate number and size of new buildings

No

\_\_\_\_\_

4. Does the project consist of additions and/or renovations to existing buildings? If yes, indicate nature of expansion and/or renovation

Possibly in future

\_\_\_\_\_

5. If any space in the project is to be leased to third parties, indicate total square footage of the project amount to be leased to each tenant and proposed use by each tenant.

N/A

\_\_\_\_\_

6. List principal items/categories of equipment to be acquired as part of the project.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

8. Has construction work on this project begun?

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III. **FINANCIAL ASSISTANCE REQUESTED**

A) Benefits Requested:

Sales Tax Exemption                       Mortgage Recording Tax Exemption

X  Real Property Tax Abatement (PILOT)

B.) Value of Incentives:

Property Tax Exemption (To be estimated by NCIDA Staff. See Page 14)

Estimated duration of Property Tax exemption: \_\_\_\_\_

Sales and Use Tax

Estimated value of Sales Tax exemption for facility construction: \$ \_\_\_\_\_

Estimated value of Sales Tax exemption for fixtures and equipment: \$ \_\_\_\_\_

Estimated duration of Sales Tax exemption: \_\_\_\_\_

Mortgage Recording Tax Exemption Benefit

Estimated value of Mortgage Recording Tax exemption: \$ \_\_\_\_\_

C.) Likelihood of Undertaking Project without Receiving Financial Assistance:

Please confirm by checking the box, below, if there is likelihood that the Project would not be undertaken but for the Financial Assistance provided by the Agency?

Yes or  No

If the Project could be undertaken without Financial Assistance provided by the Agency, then provide a statement in the space provided below indicating why the Project should be undertaken by the Agency:

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IV. EMPLOYMENT PLAN

	Current # of jobs at proposed project location or to be relocated to project location	If financial assistance is granted, what is the number of Full Time Equivalent (FTE) jobs to be RETAINED	If financial assistance is granted, what is the number of Full Time Equivalent (FTE) jobs to be CREATED upon three years after project completion	Estimate number of residents of the Labor Market Area in which the Project is located that will fill the FTE and PTE jobs to be created upon THREE Years after Project Completion **
Full time (FTE)	38	38	0	
Part Time (PTE)				
Total Payroll	38	38	0	

\*\* For purposes of this question, please estimate the number of FTE and PTE jobs that will be filled, as indicated in the third column, by residents of the Local Labor Marker Area, in the fourth column. The Local Labor Marker Area includes Niagara County, Erie County, Chautauqua County, Cattaraugus County, Allegany County, Wyoming County, Genesee County, and Orleans County.

Salary and Fringe Benefits for Jobs to be Retained and Created:

Category of Jobs to be Retained and Created	Number of Jobs Per Category	Average Salary or Range of Salary	Average Fringe Benefits or Range of Fringe Benefits
Management	3	\$195,000	\$30,000
Professional	13	\$95,000	\$19,000
Administrative	4	\$65,000	\$13,000
Production	18	\$55,000	\$17,500
Other			

III. REPRESENTATIONS BY THE APPLICANT

The Applicant understands and agrees with the Agency as follows:

- A. Job Listings: In accordance with Section 858-b(2) of the New York General Municipal Law, the applicant understands and agrees that, if the proposed project receives any Financial Assistance from the Agency, except as otherwise provided by collective bargaining agreements, new employment opportunities created as a result of the proposed project must be listed with the New York State Department of Labor Community Services Division (the "DOL") and with the administrative entity (collectively with the DOL, the "JTPA Entitle") of the service delivery area created by the federal job training partnership act (Public Law 97-300) ("JTPA") in which the project is located.
- B. First Consideration for Employment: In accordance with Section 858-b(2) of the General Municipal Law, the applicant understands and agrees that, if the proposed project receives any Financial Assistance from the Agency, except as otherwise provided by collective bargaining agreements, where practicable, the applicant must first consider persons eligible to participate in JTPA programs who shall be referred by the JTPA Entities for new employment opportunities created as a result of the proposed project.
- C. A liability and contract liability policy for a minimum of three million dollars will be furnished by the Applicant insuring the Agency.
- D. Annual Sales Tax Fillings: In accordance with Section 874(8) of the General Municipal Law, the Applicant understands and agrees that, if the proposed project receives any sales tax exemptions as part of the Financial Assistance from the Agency, in accordance with Section 874(8) of the General Municipal Law, the applicant agrees to file, or cause to be filed, with the New York State Department of Taxation and Finance, the annual form prescribed by the Department of Taxation and Finance, describing the value of all sales tax exemptions claimed by the applicant and all consultants or subcontractors retained by the Applicant.
- E. Annual Employment Reports: The applicant understands and agrees that, if the proposed project receives any Financial Assistance from the Agency, the applicant agrees to file, or cause to be filed, with the Agency, on an annual basis, reports regarding the number of people employed at the project site.
- F. Compliance with N.Y. GML Sec. 862(1): Applicant understands and agrees that the provisions of Section 862(1) of the New York General Municipal Law, as provided below, will not be violated if Financial Assistance is provided for the proposed Project:

§ 862. Restrictions on funds of the agency. (1) No funds of the agency shall be used in respect of any project if the completion thereof would result in the removal of an industrial or manufacturing plant of the project occupant from one area of the state to another area of the state or in the abandonment of one or more plants or facilities of the project occupant located within the state, provided, however, that neither restriction shall apply if the agency shall determine on the basis of the application before it that the project is reasonably necessary to

discourage the project occupant from removing such other plant or facility to a location outside the state or is reasonably necessary to preserve the competitive position of the project occupant in its respective industry.

- G. Compliance with Applicable Laws: The Applicant confirms and acknowledges that the owner, occupant, or operator receiving Financial Assistance for the proposed Project is in substantial compliance with applicable local, state and federal tax, worker protection and environmental laws, rules and regulations.
- H. False and Misleading Information: The Applicant confirms and acknowledges that the submission of any knowingly false or knowingly misleading information may lead to the immediate termination of any Financial Assistance and the reimbursement of an amount equal to all or part of any tax exemption claimed by reason of the Agency's involvement the Project.
- I. Recapture: Should the Applicant not expend or hire as presented, the Agency may view such information/status as failing to meet the established standards of economic performance. In such events, some or all of the benefits taken by the Applicant will be subject to recapture.
- J. Absence of Conflicts of Interest: The applicant has received from the Agency a list of the members, officers, and employees of the Agency. No member, officers or employee of the Agency has an interest, whether direct or indirect, in any transaction contemplated by this Application, except as herein described.


The Applicant and the individual executing this Application on behalf of applicant acknowledge that the Agency and its counsel will rely on the representations made in this Application when acting hereon and hereby represents that the statements made herein do not contain any untrue statement of a material fact and do not omit to state a material fact necessary to make the statements contained herein not misleading.

STATE OF NEW YORK )  
COUNTY OF NIAGARA ) ss.:

GUILLERMO ALVAREZ, being first duly sworn, deposes and says:

That I am the **President (Corporate Office) of Global Dominion Access USA Corp.**

1. (Applicant) and that I am duly authorized on behalf of the Applicant to bind the Applicant.
2. That I have read the attached Application, I know the contents thereof, and that to the best of my knowledge and belief, this Application and the contents of this Application are true, accurate and complete.

  
\_\_\_\_\_  
(Signature of Officer)

Subscribed and affirmed to me under penalties of perjury  
this 15 day of OCTOBER, 2020

Pamela K. McLaerty  
(Notary Public)

This Application should be submitted to the Niagara County Industrial Development Agency, 6311 Inducon Corporate Drive, Suite One, Sanborn, New York 14132.

Attach copies of preliminary plans or sketches of proposed construction or rehabilitation or both.

PAMELA K. MCLAVERTY  
NOTARY PUBLIC, STATE OF NEW YORK  
Registration No. 01MC6226605  
Qualified in Niagara County  
Commission Expires August 16, 2022

**HOLD HARMLESS AGREEMENT**

Applicant hereby releases the NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY and the members, officers, servants, agents and employees thereof (the "Agency") from, agrees that the Agency shall not be liable for and agrees to indemnify, defend and hold the Agency harmless from and against any and all liability arising from or expense incurred by (A) the Agency's examination and processing of, and action pursuant to or upon, the attached Application, regardless of whether or not the Application or the Project described therein or the tax exemptions and other assistance requested therein are favorably acted upon by the Agency, (B) the Agency's acquisition, construction and/or installation of the Project described therein and (C) any further action taken by the Agency with respect to the Project; including without limiting the generality of the foregoing, all causes of action and attorneys' fees and any other expenses incurred in defending any suits or actions which may arise as a result of any of the foregoing. If, for any reason, the Applicant fails to conclude or consummate necessary negotiations, or fails, within a reasonable or specified period of time, to take reasonable, proper or requested action, or withdraws, abandons, cancels or neglects the Application, or if the Agency or the Applicant are unable to reach final agreement with respect to the Project, then, and in the event, upon presentation of an invoice itemizing the same, the Applicant shall pay to the Agency, its agents or assigns, all costs incurred by the Agency in processing of the Application, including attorneys' fees, if any.

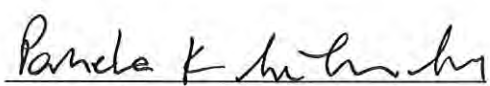


\_\_\_\_\_  
(Applicant Signature)

By: \_\_\_\_\_

Name: GUILLERMO ALVAREZ

Title: PRESIDENT

  
(Notary Public)

Sworn to before me this 15 day [stamp]  
of OCTOBER, 2020

PAMELA K. MCLAVERTY  
NOTARY PUBLIC, STATE OF NEW YORK  
Registration No. 01MC6226605  
Qualified in Niagara County  
Commission Expires August 16, 2022

**Real Property Tax Benefits (Detailed):**

\*\* This section of this Application will be: (i) completed by IDA Staff based upon information contained within the Application, and (ii) provided to the Applicant for ultimate inclusion as part of this completed Application.

PILOT Estimate Table Worksheet

Dollar Value of New Construction and Renovation Costs	Estimated New Assessed Value of Property Subject to IDA*	County Tax Rate/1000	Local Tax Rate (Town/City/Village)/1000	School Tax Rate/1000

\*Apply equalization rate to value

PILOT Year	% Payment	County PILOT Amount	Local PILOT Amount	School PILOT Amount	Total PILOT	Full Tax Payment w/o PILOT	Net Exemption
1							
2							
3							
4							
5							
6							
7							
8							
9							
10							
11							
12							
13							
14							
15							
<b>TOTAL</b>							

\*Estimates provided are based on current property tax rates and assessment value



**Cost Benefit Analysis:**

**To be completed/calculated by AGENCY**

	<u>Costs =</u> <u>Financial Assistance</u>	<u>Benefits =</u> <u>Economic Development</u>
*Estimated Sales Tax Exemption	\$ _____	New Jobs Created Permanent _____ Temporary _____
		Existing Jobs Retained Permanent _____ Temporary _____
Estimated Mortgage Tax Exemption	\$ _____	Expected Yearly Payroll \$ _____
Estimated Property Tax Abatement	\$ _____	Expected Gross Receipts \$ _____
		Additional Revenues to School Districts _____
		Additional Revenues to Municipalities
		County: _____
		City: _____
		Other Benefits _____
Estimated Interest Savings IRB Issue	\$ _____	Private Funds invested \$ _____
		Likelihood of accomplishing proposed project within three (3) years
		<input type="checkbox"/> Likely or <input type="checkbox"/> Unlikely

\* Estimated Value of Goods and Services to be exempt from sales and use tax as a result of the Agency's involvement in the Project. PLEASE NOTE: These amounts will be verified and there is a potential for a recapture of sales tax exemptions (see "Recapture" on page 11).

\$ \_\_\_\_\_ (to be used on the NYS ST-60)

**UPDATED 2020**

**9.1**

**NCIDA**

**GREEN ENERGY**

**POLICY**

**MEMO**

To: Board of Directors  
Susan C. Langdon

From: Mark J. Gabriele, Esq.

Date: October 7, 2020

Re: Green Energy Policy

New York State Real Property Tax Law Section 487 provides a 15-year real property exemption for solar, wind energy, and farm waste energy systems constructed in New York State. The exemption is mandatory. However, in 1990 an opt out provision was added to Section 487 that allows an affected taxing jurisdiction not to provide said exemption to the applicable company if that jurisdiction believes that the such projects are not beneficial to the community at large.

Over the years, a loophole became apparent in the law. Even though State Law allowed the jurisdictions not to provide the exemption by opting out, that company could bypass Section 487 and go directly to an IDA without the consent of the affected tax jurisdiction. By going directly to the IDA, the company bypassed the wishes of the community and the opt out option provided by Section 487 itself.

In 2016, the Niagara County Industrial Development Agency adopted a Green Energy Policy. In essence, it stated that the Agency would not independently entertain a PILOT for a green energy project if the host municipality in which the project was located had opted out of Section 487. However, if the host municipality that has opted out of Section 487 consents to a PILOT for a specific project in its community, the Agency would thereafter entertain such a green energy project. A copy of the current Green Energy Policy is attached for your review.

## **GREEN ENERGY POLICY**

The Niagara County Industrial Development Agency (“Agency”) encourages clean energy projects in Niagara County, and may confer on those projects, financial assistance in the form of real property tax abatements and exemptions from sales, use and mortgage recording taxes. However, due to the potential effect such clean energy projects have on the host communities, the Agency will not entertain a green energy project if the host affected taxing jurisdiction has opted out of Section 487 of the New York State Real Property Tax Law. However, if the host municipality that has opted out of Section 487 consents to a **PILLOT** for a specific project in its community, the Agency would thereafter entertain an application for such a green energy project.

**10.1**

**M&T BANK  
RESOLUTION  
AND RIDER**

## MEMORANDUM

TO: NCIDA Audit/Finance Committee  
NCIDA Board of Directors

FROM: Caroline M. Caruso, Accounting Associate  
Michael S. Dudley, Finance Manager  
Susan C. Langdon, Executive Director

DATE: October 21, 2020

SUBJECT: New Bank Account Signature Cards

We will be submitting to M & T Bank a new “Public Funds Certified Resolution” (new signature cards). This is necessary due to the changes in Board membership that have occurred during the past few years. We have prepared the new “Public Funds Certified Resolution” and “Rider-Additional Signors” to contain the names of each of the current nine Board Officers and Board Members along with the Executive Director.

We ask that each of you take a moment immediately following the October 21<sup>st</sup> Board Meeting to complete **your date of birth, telephone number and sign your name** to the form which we will present to you.

Once all of the signatures are completed, the new resolution and rider will be submitted to M & T Bank and updated to all of our existing bank accounts. Each of you will then be an authorized signer on all of our accounts.

We sincerely appreciate your assistance in this matter.

C. Mark J. Gabriele, Agency Counsel