

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: August 11, 2021
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, 1st Vice Chairperson
___ Kevin McCabe, 2nd 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
___ Caroline Caruso, Accounting Associate
___ Susan Barone, Project Manager
___ Mark J. Gabriele, Agency Counsel
___ Julie Lamoreaux, Administrative Assistant

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- 1.0 Meeting Called to Order – *M. Onesi*
 - 2.0 Roll Call – *J. Lamoreaux*
 - 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 – July 14, 2021
 - 6.0 Finance & Audit Committee Reports – *K. McCabe*
 - 6.1 Agency Payables – July 31, 2021
 - 6.2 Budget Variance Report – July 31, 2021

7.0 Unfinished Business

7.1 Ultimate Physique OCR Grant – *A. Klyczek*

7.1.1 Approval of NCDC Agreement with Niagara County

7.1.2 Approval of NCDC Agreement with Company

7.2 324 Niagara Street Landlord, LLC – *A. Klyczek*

7.2.1 Extension of Grant Completion Date

7.2.2 Approval of Collateral Assignment of Grant

8.0 New Business

8.1 EW and KS Holdings LLC – *A. Klyczek*

8.1.1 Preliminary Resolution

8.1.2 Authorize Public Hearing Date

9.0 Agency Counsel – *M. Gabriele*

10.0 Information Items

11.0 Any Other Matters the Board Wishes to Discuss

12.0 Next Regular NCIDA/NCDC/NADC Meeting:

DATE: September 8, 2021

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

PLACE: Niagara County Center for Economic Development

13.0 Adjournment - *M. Onesi*

5.1 MEETING MINUTES

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: July 14, 2021
MEETING TIME: 9:00 a.m.
MEETING PLACE: Niagara County Industrial Development Agency
Vantage Center, Suite One
6311 Inducon Corporate Drive
Sanborn, NY 14132

1.0 Meeting Called to Order

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

2.0 Roll Call

Mark A. Onesi, Chairperson	Present
Jerald I. Wolfgang, 1 st Vice Chairperson	Present – Arrived at 9:03 a.m.
Kevin McCabe, 2nd Vice Chairperson	Present
William Ross, Secretary	Excused
Mary Lynn Candella, Asst. Secretary	Present – Arrived at 9:05 a.m.
Robert B. Cliffe, Member	Present
Scott Brydges, Member	Present
Clifford Scott, Member	Present – Arrived at 9:23 a.m.
Jason Krempa, Member	Present

3.0 Introduction of Guests

Guests Present

Jim Fink, Business First
Tom Prohaska, Buffalo News
Mike Scheer, Investigative Post

Staff Present

Susan C. Langdon, Executive Director
Andrea Klyczek, Assistant Director
Michael S. Dudley, Finance Manager
Caroline Caruso, Accounting Associate
Susan Barone, Project Manager
Mark J. Gabriele, Agency Counsel
Julie Lamoreaux, Administrative Assistant

4.0 Mr. Onesi led the Pledge of Allegiance.

5.0 Approval of Meeting Minutes

5.1 Regular NCIDA/NCDC/NADC – June 9, 2021

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

6.0 Finance & Audit Committee Reports

6.1 Agency Payables – June 30, 2021

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

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

6.2 Budget Variance Report – June 30, 2021

Mr. McCabe stated that the reports have been reviewed and found to be in order.

Mr. McCabe made a motion to approve the reports; Mr. Brydges seconded the motion. The motion passed.

7.0 Unfinished Business

7.1 TM Montante Development LLC – 500 3rd Street

Ms. Klyczek stated that a public hearing was held on July 1, 2021 at Niagara Falls City Hall. In attendance was, John Schoemaker from Niagara County Real Property, Wesley Walker from TM Montane, and Mike Scheer, and Ms. Dowdell from investigative post. There were no comments.

7.1.1 Final Resolution

RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY (i) UNDERTAKE A CERTAIN PROJECT FOR THE BENEFIT OF TM MONTANTE DEVELOPMENT 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.

**7.1 Final Resolution TM Montante Development LLC – 500 3rd Street
(Continued)**

Mr. Krempa made a motion to approve the Final Resolution; Mr. Brydges seconded the motion.

The question of the approval of the Resolution as duly put to a vote on roll call, which resulted as follows.

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Jerald 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			
Mark A. Onesi	X			

The Resolution was thereupon duly adopted.

7.2 TM Montante Development LLC – 512 3rd Street

Ms. Klyczek stated that a public hearing was held on July 1, 2021 at Niagara Falls City Hall. In attendance was John Schoemaker from Niagara County Real Property, Wesley Walker from TM Montane, Mr. Bird from the City of Niagara Falls, and Mike Scheer, and Ms. Dowdell from Investigative post. There were no comments.

After the vote, Mr. McCabe inquired if the NCIDA gives money to TM Montane Development. Mr. Gabriele explained that the Agency does not give money, but provides real property, sales tax, and mortgage recording tax abatements. He also informed the Board that if the project does not move forward, no benefits are provided.

Mr. Wolfgang also inquired if any of this money goes to salaries. Mr. Gabriele responded by saying we do not give money, we help companies with incentives. He followed by saying after the PILOT payments are made, the money they have is operational and up to the company how to disburse it.

7.2.1 Final Resolution

RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY (i) UNDERTAKE A CERTAIN PROJECT FOR THE BENEFIT OF TM MONTANTE DEVELOPMENT 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,

**7.2.1 Final Resolution TM Montante Development LLC – 512 3rd Street
(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.

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

The question of the approval of the Resolution as duly put to a vote on roll call, which resulted as follows.

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Jerald 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			
Mark A. Onesi	X			

The Resolution was thereupon duly adopted.

8.0 New Business

8.1 Diversified Manufacturing Acquisition, Inc. – Assumption of PILOT

Mr. Gabriele stated that we received an application from Diversified RE Holdings for Assumption of the existing PILOT for Costello Investors in Lockport. The company is not asking for any additional PILOT benefits. They are requesting to “step into the shoes” off Costello Inventors, LLC. The new company would take over and be responsible for all the obligations of the original company, including jobs at the current level, PILOT payments or costs associated with the project.

Mr. Cliffe made a motion to approve the Final Resolution; Mr. McCabe seconded the motion.

8.1 Diversified Manufacturing Acquisition, Inc. – Assumption of PILOT – (Continued)

The question of the approval of the Resolution as duly put to a vote on roll call, which resulted as follows.

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Jerald 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	
Mark A. Ones	X			

The Resolution was thereupon duly adopted.

8.2 EDA H.E.L.P Loan Request

8.2.1 Rupal Corporation

Ms. Klyczek stated that we received two HELP Loans for the Board to consider. HELP loans are set at 120% of the annual real property tax liability for the company. She informed the Board that we verified that Rupal Corporation, and Indian Ocean, LLC paid their 2019 & 2020 taxes along with their normal PILOT payments. A credit check was deemed satisfactory for both companies. Rupal Corporation operates as Cadence and is located at 200 Rainbow Boulevard. They are requesting a loan in the amount of \$56,055.

Mr. Gabriele added that these monies are first to be used for the 2021, and 2022 school, and the 2022 town and City PILOTS. Any additional money after that can be used for working capital.

Mr. Wolfgang asked the current status of the construction. Mr. Gabriele responded by saying the construction is done at both sites.

Mr. Krempa made a motion to approve the HELP Loan Request; Mr. Brydges seconded the motion.

8.2 EDA H.E.L.P Loan Request (Continued)

The question of the approval of the Resolution as duly put to a vote on roll call, which resulted as follows.

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Jerald 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			
Mark A. Onesi	X			

The Resolution was thereupon duly adopted.

During the vote, Mr. Wolfgang questioned the UCC Liens against the properties.

8.2.2 Indian Ocean, LLC

Ms. Klyczek stated that Indian Ocean, LLC is located at Buffalo Avenue and operates as Courtyard Marriott. Their loan request is in the amount of \$93, 208.

Mr. Onesi questioned how the loan would be paid back. Mr. Gabriele stated the loan is interest only for one year, and is amortized over the following 4 years. The loan is paid off over a period of four years.

Mr. Krempa made a motion to approve the HELP Loan Request; Mr. Brydges seconded the motion.

The question of the approval of the Resolution as duly put to a vote on roll call, which resulted as follows.

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Jerald 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			
Mark A. Onesi	X			

The Resolution was thereupon duly adopted.

9.0 Agency Counsel

Agency counsel had no comments at this time.

10.0 Information Items

There were no information items at this time.

11.0 Any Other Matters the Board Wishes to Discuss

12.0 Next Regular NCIDA/NCDC/NADC Meeting:

DATE: August 11, 2021

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

PLACE: Niagara County Center for Economic Development

13.0 Adjournment

Mr. Onesi made a motion to adjourn; Mr. McCabe seconded the motion. The meeting adjourned at 9:20 a.m.

Respectfully Submitted:

Reviewed by:

Approved by:

Julie Lamoreaux
Recording Secretary

Susan C. Langdon
Executive Director

William L. Ross
Secretary

6.1 AGENCY PAYABLES

Niagara County Industrial Devel. Agency
Check Register
For the Period From Jul 1, 2021 to Jul 31, 2021

Filter Criteria includes: Report order is by Date.

Check #	Date	Payee	Cash Account	Amount
7/1/21	7/1/21	PAYCHEX, INC.	10001.100	105.40
29305	7/1/21	THE HARTFORD	10001.100	238.87
7/2/21	7/2/21	NYS DEFERRED COMPENSATION PLAN	10001.100	1,054.14
29306	7/7/21	360 PSG.com	10001.100	60.00
29307	7/7/21	Cintas Corporation LOC. 067P	10001.100	124.83
29308	7/7/21	Eaton Office Supply Co., Inc.	10001.100	8.99
29309	7/7/21	Gabriele & Berrigan, P.C.	10001.100	5,000.00
29310	7/7/21	The Hartford	10001.100	736.01
29311	7/7/21	M&T Bank	10001.100	192.00
29312	7/7/21	Magavern Magavern Grimm LLP	10001.100	50.00
29313	7/7/21	National Grid	10001.100	607.38
29314	7/7/21	Niag Cnty Dept of Economic Development	10001.100	30,057.74
29315	7/7/21	Niagara Gazette Lockport Union Sun	10001.100	212.90
29316	7/7/21	STAPLES CONTRACT & COMMERCIAL	10001.100	105.06
29317	7/13/21	SUSAN C. LANGDON	10001.100	177.18
29318	7/13/21	PURCHASE POWER	10001.100	150.00
29319	7/13/21	Professional Janitorial Services, Inc.	10001.100	793.17
29320	7/13/21	SAM'S CLUB/SYNCHRONY BANK	10001.100	68.44
7/15/21	7/15/21	PAYCHEX, INC.	10001.100	32.78
7/16/21	7/16/21	NYS DEFERRED COMPENSATION PLAN	10001.100	979.14
29321	7/22/21	County of Niagara	10001.100	485.65
29322	7/22/21	Guardian	10001.100	227.46
29323	7/27/21	Gabriele & Berrigan, P.C.	10001.100	3,909.20
29324	7/27/21	Independent Health	10001.100	1,998.27
29325	7/27/21	Niagara Gazette Lockport Union Sun	10001.100	106.94
29326	7/27/21	Time Warner Cable	10001.100	119.99
7/29/21	7/29/21	PAYCHEX, INC.	10001.100	64.40
7/29/21	7/29/21	NEW YORK STATE AND LOCAL	10001.100	522.42
7/30/21	7/30/21	NYS DEFERRED COMPENSATION PLAN	10001.100	979.14
Total				49,167.50

NCIDA VIP-MTF Operating
Check Register
For the Period From Jul 1, 2021 to Jul 31, 2021

Filter Criteria includes: Report order is by Date.

Check #	Date	Payee	Cash Account	Amount
4517	7/7/21	Frontier	10001.600	185.65
4518	7/7/21	National Grid	10001.600	553.73
4519	7/13/21	Modern Disposal Services, Inc.	10001.600	164.10
4520	7/13/21	Professional Janitorial Services, Inc.	10001.600	219.42
4521	7/13/21	Safeguard Business Systems	10001.600	231.12
4522	7/22/21	H.W.BRYK & SONS, INC.	10001.600	110.00
4523	7/22/21	County of Niagara	10001.600	333.94
Total				<u><u>1,797.96</u></u>

NCIDA - MTF - Operating Fund
Check Register
For the Period From Jul 1, 2021 to Jul 31, 2021

Filter Criteria includes: Report order is by Date.

Check #	Date	Payee	Cash Account	Amount
3000	7/7/21	National Grid	10001.600	21.02
3001	7/13/21	VERIZON	10001.600	122.33
3002	7/22/21	H.W. Bryk & Sons, Inc.	10001.600	427.50
3003	7/22/21	Niagara County Industrial	10001.600	125,510.00
3004	7/22/21	Niagara Frontier Transportation	10001.600	125,510.00
Total				<u>251,590.85</u>

NCDC - CDBG/HUD - RLF
Check Register
For the Period From Jul 1, 2021 to Jul 31, 2021

Filter Criteria includes: Report order is by Date.

Check #	Date	Payee	Cash Account	Amount
188	7/13/21	Safeguard Business Systems	10200-300	66.01
189	7/22/21	H. Sicherman & Company, Inc.	10200-300	<u>13,976.36</u>
Total				<u><u>14,042.37</u></u>

Niag. Cnty Dev. Corp. - EDA RLF
Check Register
For the Period From Jul 1, 2021 to Jul 31, 2021

Filter Criteria includes: Report order is by Date.

Check #	Date	Payee	Cash Account	Amount
1336	7/13/21	Safeguard Business Systems	10001.100	66.02
1337	7/22/21	Gabriele & Berrigan P.C.	10001.100	31.40
1338	7/22/21	H. Sicherman & Company, Inc.	10001.100	136.00
Total				<u><u>233.42</u></u>

NIAG ECONOMIC DEV FUND
Check Register
For the Period From Jul 1, 2021 to Jul 31, 2021

Filter Criteria includes: Report order is by Date.

Check #	Date	Payee	Cash Account	Amount
1330	7/27/21	531 Third Street, LLC	10000-200	60,000.00
1331	7/27/21	H. Sicherman & Company, Inc.	10000-200	<u>2,565.00</u>
Total				<u><u>62,565.00</u></u>

Niagara Industrial Incubator Associates
Check Register
For the Period From Jul 1, 2021 to Jul 31, 2021

Filter Criteria includes: Report order is by Date.

Check #	Date	Payee	Cash Account	Amount
1209	7/7/21	Blue Ox Roofing	10000.100	379.00
1210	7/7/21	H.W. Bryk & Sons, Inc.	10000.100	165.00
1211	7/7/21	JGM Installation Service Inc.	10000.100	465.00
1212	7/7/21	National Fuel	10000.100	25.85
1213	7/7/21	National Grid	10000.100	394.62
1214	7/7/21	Niagara Lock & Key Service, Inc.	10000.100	92.45
1215	7/13/21	Blue Ox Roofing	10000.100	183.00
1216	7/13/21	JGM Installation Service Inc.	10000.100	335.00
1217	7/13/21	National Grid	10000.100	22.70
1218	7/22/21	H.W. Bryk & Sons, Inc.	10000.100	257.00
1219	7/22/21	Gabriele & Berrigan, P.C.	10000.100	1,530.00
1220	7/27/21	LM Venture	10000.100	350.00
1221	7/27/21	Vaughn Door Center, Inc.	10000.100	1,865.00
Total				<u><u>6,064.62</u></u>

6.2 BUDGET VARIANCE

NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY
BUDGET VARIANCE REPORT AS OF July 31, 2021
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
<u>Operating Revenues</u>						
Project Administrative Fees	\$ 40,367.00	\$ 8,780.00	\$ 526,766.13	\$ 211,807.00	314,959.13	\$ 543,976.00
Project Application Fees	1,000.00	1,000.00	13,250.00	7,000.00	6,250.00	12,000.00
NEDF RLF Administrative Fee	4,166.67	4,166.67	29,166.69	29,166.69	0.00	50,000.00
Administratve Fees - Other	0.00	0.00	7,400.00	7,400.00	0.00	42,668.00
Interest Earnings	26.97	148.92	497.19	1,042.44	(545.25)	1,787.00
Training Room Income	0.00	11.67	0.00	81.69	(81.69)	140.00
Miscellaneous Income	55.70	0.00	55.70	0.00	55.70	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	150,000.00
Total Operating Revenues	45,616.34	14,107.26	577,135.71	256,497.82	320,637.89	980,571.00
<u>Operating Expenses</u>						
Salaries	38,771.79	38,180.88	194,219.97	203,631.36	(9,411.39)	330,901.00
Benefits	2,843.27	3,329.25	21,801.87	23,304.75	(1,502.88)	39,951.00
Retirement Benefits	5,331.42	5,331.42	37,319.94	37,319.94	0.00	63,977.00
Payroll Taxes	3,003.98	2,897.46	15,139.34	15,561.45	(422.11)	25,314.00
Unemployment Taxes	51.21	0.00	1,238.99	443.00	795.99	443.00
Consultants	2,500.00	2,500.00	17,500.00	17,500.00	0.00	30,000.00
Assisstant Director	5,412.00	5,412.00	37,884.00	37,884.00	0.00	64,944.00
Legal Services	5,000.00	5,000.00	57,110.00	35,000.00	22,110.00	60,000.00
Accounting Services	0.00	0.00	18,500.00	18,800.00	(300.00)	18,800.00
Accounting Services - NADC	0.00	0.00	2,100.00	2,100.00	0.00	2,100.00
Marketing	60.00	1,833.33	1,872.73	12,833.31	(10,960.58)	22,000.00
Printing	0.00	125.00	88.79	875.00	(786.21)	1,500.00
Office Supplies	0.00	208.33	840.96	1,458.31	(617.35)	2,500.00
Postage	339.42	584.00	1,891.84	2,428.00	(536.16)	3,344.00
Telephone & Fax	91.56	91.67	550.33	641.69	(91.36)	1,100.00
Internet Service	182.67	231.67	1,473.23	1,621.69	(148.46)	2,780.00
Common Area Charges	680.00	623.08	4,760.00	4,361.56	398.44	7,477.00
Energy	1,120.30	1,297.00	9,088.17	9,328.00	(239.83)	15,140.00
Conference & Travel	177.18	250.00	649.97	1,750.00	(1,100.03)	3,000.00
Employee Training	0.00	83.33	400.00	583.31	(183.31)	1,000.00
Depreciation Expense	0.00	0.00	0.24	0.00	0.24	0.00
Insurance Expense	1,480.00	1,580.25	10,360.00	11,061.75	(701.75)	18,963.00
Library & Membership	0.00	87.27	2,103.54	2,108.62	(5.08)	2,545.00
General Office	537.10	824.33	3,814.54	5,770.31	(1,955.77)	9,892.00
Repairs & Maintenance	931.09	1,188.67	6,424.87	8,320.69	(1,895.82)	14,264.00
Computer Support	0.00	666.67	0.00	4,666.69	(4,666.69)	8,000.00
Public Hearings	0.00	16.67	0.00	116.69	(116.69)	200.00
Furniture & Equipment Purchase	0.00	166.67	0.00	1,166.69	(1,166.69)	2,000.00
Other Expense	0.00	83.33	20.06	583.31	(563.25)	1,000.00
Total Operating Expenses	68,512.99	72,592.28	447,153.38	461,220.12	(14,066.74)	753,135.00
Net Operating Income/<Loss>	(22,896.65)	(58,485.02)	129,982.33	(204,722.30)	334,704.63	227,436.00
<u>Non-Operating Revenue & Expense</u>						
Grants Rev.	0.00	0.00	9,200.00	0.00	9,200.00	0.00
Grant Rev- City NF Initiative	0.00	0.00	370,000.00	370,000.00	0.00	1,796,250.00
Grant to Subrecipient	0.00	0.00	9,200.00	0.00	9,200.00	0.00
Grant Sub-City NF Initiative	0.00	0.00	370,000.00	370,000.00	0.00	1,796,250.00
Net Non-Operating Income/<Loss>	0.00	0.00	0.00	0.00	0.00	0.00
Total Net Income/<Loss>	(\$ 22,896.65)	(\$ 58,485.02)	\$ 129,982.33	(\$ 204,722.30)	334,704.63	\$ 227,436.00

NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY

Balance Sheet

July 31, 2021

ASSETS

Current Assets	
Cash - Checking	\$ 358,590.01
Petty Cash	300.00
Mmkt Acct. - M&T Bank	1,587,888.85
Cash - First Response	65,801.97
Cash - City of N.F.	827.05
Mmkt Acct. - Cataract Tourism	4,002,619.02
Accts Rec - Public Hearings	2,016.07
Accounts rec.- Fees/Var.	149,062.00
Accounts Rec. EDA - RLF	4,999.98
Due To/From Micro RLF	4,999.98
Accounts Rec - NEDF	29,166.69
Due To/From VIP - MTF	422,260.07
Due From NCDC CDBG/HUD	5,000.04
Due To/Due From NADC	406.56
Due To/From MTF Operating	2,780.95
Prepaid Insurance	<u>8,538.34</u>
 Total Current Assets	 6,645,257.58
Other Assets	
Deferred Outflows	207,452.00
Investment in NIIA	<u>342,500.00</u>
 Total Other Assets	 549,952.00
Fixed Assets	
Furniture & Equipment	199,360.75
Furn & Fixtures - Fed purchase	5,861.08
Accum Dep. - Furn & Equip	(199,360.75)
Accum Dep. - F&F Fed Purch	<u>(5,861.08)</u>
 Total Fixed Assets	 <u>0.00</u>
 Total Assets	 <u>\$ 7,195,209.58</u>

LIABILITIES AND NET ASSETS

Current Liabilities	
Accrued Retirement	\$ 37,319.94
Deferred Rev. - First Repsonse	65,801.97
Def. Rev. - City of N.F.	4,003,446.07
Accounts Payable	20,822.79
Acct. Payable - Niag. County	<u>7,826.26</u>
 Total Current Liabilities	 4,135,217.03
Long-Term Liabilities	
Pension Liability	204,072.00
Deferred Inflows of Resources	<u>24,839.00</u>
 Total Long-Term Liabilities	 <u>228,911.00</u>
 Total Liabilities	 4,364,128.03
Net Assets	
Fund Balance - Operating Fund	2,701,099.22
Net Income	<u>129,982.33</u>
 Total Net Assets	 <u>2,831,081.55</u>
 Total Liabilities & Net Assets	 <u>\$ 7,195,209.58</u>

**Niagara County Industrial
Development Agency
Aged Payables
As of July 31, 2021**

Vendor ID Vendor	Invoice #	Amount Due
cin Cintas Corporation #782	9785902;1084545	83.22
CNIT County of Niagara	Apr-Jun 2021	44.00
M&TBUS M&T Bank	Jul 2021	62.68
NATGRID National Grid	39004 7/21	680.30
PITBOW Pitney Bowes Global Financial	3313982905	189.42
Report Total		<u>1,059.62</u>

Adjusting Journal Entries

Estimated May 2021 Legal Fees	5,000.00
Estimated Jun 2021 Legal Fees	5,000.00
Estimated Jul 2021 Legal Fees	5,000.00
Estimated Apr 2021 Copier usage	250.00
Estimated May 2021 Copier usage	250.00
Estimated Jun 2021 Copier usage	250.00
Estimated Jul 2021 Copier usage	250.00
Estimated Jul 2021 Telephone	30.00
Estimated Jul 2021 Niagara County Electric	400.00
Estimated Jul 2021 Niagara County Gas	40.00
Estimated Jul 2021 Cleaning service	793.17
Estimated Jul 2021 Consulting	2,500.00
	<u>20,822.79</u>

NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY

8/3/2021

**Project Income - 2021
Lease/Lease Back and Bonds**

Closed 2021	Project Type	Total Project Amount	IDA Project Amount	Fees	Application Fee	Amount Received to Date	Date Received	Balance Due	Date Closed
Vincent Properties, Inc.	L/L Back	6,650,000	6,100,000	61,000	1,000	62,000	1/12/21	-	1/4/2021
DLC Diversified Holdings, LLC(Dominick Cilil	L/L Back	2,500,000	2,230,000	21,550	1,000	22,550	1/19/21	-	1/14/21
Hotel Niagara Development, LLC	No assistance provided.				1,000	1,000	6/4/18	-	
Stavatti Aerospace Ltd.	L/L Back	25,875,000	10,600,000	258,750	1,000	130,355	3/3/21	129,395	2/18/21
Iskalo 1 East Avenue LLC	L/L Back	6,057,760	4,100,000	41,000	1,000	42,000	4/19/21	-	4/5/21
AMP Real Estate Holdings of Erie County, LLC	L/L Back	522,913	509,913	5,099	1,000	6,099	6/1/21	-	5/20/21
8297 Packard Road, LLC	L/L Back	1,000,000	975,000	9,750	1,000	10,750	6/1/21	-	5/20/21
9745 Rochester Road LLC (Brent Industries)	L/L Back	12,625,000	11,050,000	82,000	1,000	83,000	6/28/21	-	6/18/21
7920 JMD LLC	L/L Back	795,500	725,000	7,250	1,000	8,250	7/6/21	-	6/25/21
Enterprise Lumber & Silo, LLC	L/L Back	3,082,826	2,069,156	20,700	1,000	21,700	7/21/21	-	7/9/21
DLV Properties, LLC	L/L Back	2,907,700	1,966,700	19,667	1,000	20,667	8/2/21	-	7/28/21
TOTAL				<u>526,766</u>	<u>11,000</u>	<u>408,371</u>		<u>-</u>	

Fees received in prior year -

Total fees received to date in 2021 526,766

Total 2021 Budgeted Fees 543,976

Balance of Budgeted Fees 17,210

Projected 2021	Project Type	Total Project Amount	IDA Project Amount	Anticipated Fees	Application Fee	Amount Received to Date	Date Received	Anticipated Balance Due	Inducement Expiration
Merani Hotel Group	Sales Tax Only	22,500,000	20,286,000	75,000	1,000	1,000	3/13/19	75,000	11/30/21
The Niagara Club	L/L Back	3,036,700	2,872,000	28,720	1,000	1,000	1/3/19	28,720	8/31/21
Cerrone Estate Properties, LLC	L/L Back	1,780,000	1,750,000	17,500	1,000	1,000	2/3/21	17,500	3/31/22
Olcott Yacht Club Inc.	Sales Tax & Mtg Tax Only	456,000	450,000	0	250	250	2/16/21	-	2/28/22
Trek Inc.	Sales Tax Only	8,235,000	6,500,000	30,000	1,000	1,000	2/16/21	30,000	3/31/22
Rubberform Recycled Products, LLC	L/L Back	2,955,000	2,860,000	28,600	1,000	1,000	4/5/21	28,600	5/31/22
Bogart-Sinatra Development, LLC	L/L Back	1,530,000	1,420,000	14,200	1,000	1,000	5/12/21	14,200	6/30/22
Niacet Corporation	L/L Back	13,250,000	8,525,000	70,000	1,000			71,000	6/30/22
TM Montante Development LLC - 512 3rd St.	L/L Back	2,687,001	2,059,941	20,599	1,000	1,000	6/7/21	20,599	7/31/22
TM Montante Development LLC - 500 3rd St.	L/L Back	693,001	550,000	5,500	1,000	1,000	6/9/21	5,500	7/31/22
Diversified Manufacturing Acquisition, Inc.	Assumption of Costello Investors, LLC PILOT				1,000	1,000	7/9/21	-	7/31/22
TOTAL				<u>290,119</u>	<u>10,250</u>	<u>9,250</u>		<u>291,119</u>	<u>0</u>
TOTAL - Projected Income 2021				<u>816,886</u>	<u>21,250</u>	<u>417,621</u>		<u>291,119</u>	<u>129,395</u>

Projected 2022	Project Type	Total Project Amount	IDA Project Amount	Anticipated Fees	Application Fee	Amount Received to Date	Date Received	Anticipated Balance Due	Inducement Expiration
TOTAL				<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 Aquarium Foundation	16,717	0	2/12/2020	10/21/2020	16,717		Renovations to second floor event room
Niagara Aquarium Foundation	370,000	0	8/14/2019	2/9/2021	370,000		Interactive touch pools adjacent to main entrance of the Aquarium
Niagara Falls Center for Tourism LLC	1,000,000	1,000,000	6/12/2019	To Be Disbursed	0	11/30/2021	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	8/1/2021	Roof top bar and lounge, banquet space, virtual entertainment lounge & Spot Coffee
The Center for Kashmir, Inc.	273,000	273,000	8/12/2020	To Be Disbursed	0	2/28/2022	Renovations to vacant church for a museum of art and culture for Kashmir
Savarino Companies, LLC	155,000	155,000	4/14/2021	To Be Disbursed	0	9/30/2022	Rehabilitation of 4,000 square feet of commercial/retail storefront space.
Buffalo Niagara Hospitality Inc.	25,000	25,000	4/14/2021	To Be Disbursed	0	11/30/2021	Business expansion to include purchase of electric scooters and bikes and tandem bi
To Date Sub-Total	2,665,381	1,976,250			689,131		

Grant Fund Cash Balance as of 7/31/2021

4,003,446.07

Less: Outstanding Awards

(1,976,250.00)

Available for awarding grants

2,027,196.07

Grant Fund Balance

Grant Funding from NYS 11/23/2016

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

52,620.33

Bank Fees

(43.26)

Grant Disbursements

(689,131.00)

Grant Fund Balance

4,003,446.07

**7.1 OCR
GRANT
AGREEMENT**

NIAGARA COUNTY LEGISLATURE

FROM: Economic Development Committee and Administration Committee DATE: 02/16/21 RESOLUTION # ED-008-21

APPROVED CO. ATTORNEY REVIEWED CO. MANAGER COMMITTEE ACTION ED - 2/10/21 AD - 2/8/21 LEGISLATIVE ACTION Approved: Ayes Abs. Noes 0 Rejected: Ayes Abs. Noes Referred:

AUTHORIZATION TO SUBMIT A GRANT APPLICATION TO THE NEW YORK STATE OFFICE OF COMMUNITY RENEWAL FOR BLOCK GRANT FUNDING ULTIMATE PHYSIQUE, INC.

WHEREAS, Ultimate Physique, Inc. (the "Company") was forced to shut down their health and fitness center located in the former Washington Hunt School building at 50 Rogers Avenue in the City of Lockport, New York for an extended period of time due to State-imposed COVID-19 restrictions, and

WHEREAS, the Company is investing funds in order to resume and increase operations at said location (the "Project"), and

WHEREAS, the Company has requested that Niagara County apply for funding on its behalf from the New York State Office of Community Renewal (the "OCR") to finance a portion of the Project costs, and

WHEREAS, the Niagara County Development Corporation (the "NCDC") is assisting in the facilitation of the Project and has requested that the County provide the OCR funding to the NCDC as a grant for the purpose of making a loan or loans to the Company, and

WHEREAS, the Project will result in substantial benefit to Niagara County in the form of new investment and new employment positions, and

WHEREAS, the County has held a public hearing to obtain citizens' views regarding the CDBG program as administered by OCR and the project, now, therefore, be it

RESOLVED, that the Chairman of the Legislature is hereby authorized to submit a grant application on behalf of Niagara County to the OCR to support the Project, and be it further

RESOLVED, that the Chairman is hereby authorized to execute a grant agreement between the County and the OCR and all related documents associated with the OCR grant, including entering into a grant agreement with the NCDC for the implementation of the Project and administration of the OCR grant, all such documents to be subject to review and approval by the County Attorney, and be it further

RESOLVED, that the Chairman is hereby designated as the Certifying Officer responsible for all activities associated with the federal environmental review process to be completed in conjunction with the Project.

[Signature] ECONOMIC DEVELOPMENT COMMITTEE

[Signature] ADMINISTRATION COMMITTEE

7.2 GRANT EXTENTION & GRANT ASSIGNMENT

From: Courtney Samuels-Cox <courtneyc@savarinocompanies.com>
Sent: Thursday, August 5, 2021 3:06 PM
To: Susan C Langdon <Susan.Langdon@niagaracounty.com>
Cc: Andrea L Klyczek <Andrea.Klyczek@niagaracounty.com>
Subject: RE: 320-324 Niagara Grant Agreement - Expiration Date Extension

[EXTERNAL MESSAGE]

This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

- Niagara County IT

Dear Ms. Langdon,

I am writing to respectfully request an extension of the expiration date in the Grant Acceptance Agreement for the \$155,000 grant approved to 324 Niagara Street Landlord, LLC by your Board on April 14, 2021 for the Project commonly known as 324 Niagara Street. Specifically, I am requesting that the expiration date be extended from September 22, 2022, to June 1, 2023 for the sole purpose of aligning with our construction lender's construction loan expiration date, as requested by our construction lender.

The Project remains on track to be completed in the Spring of 2022. Construction commenced July 2021 and the construction contract is approximately 9% completed to date.

On behalf of Savarino Companies and 324 Niagara Street Landlord, LLC, we appreciate your consideration of this request. If you have any questions or require additional information, please do not hesitate to contact me.

Courtney Samuels-Cox, MSRED, CDT
Vice President of Development

m: (716) 213-3997
o: (716) 332-5959 x 106



Savarino Companies, LLC
500 Seneca Street, Suite 508
Buffalo, New York 14204

8.1 NEW PROJECT

PROJECT SUMMARY
EW and KS Holdings LLC
200 Lockport Street, Village of Youngstown



Applicant:	EW and KS Holdings LLC	
Project Location:	200 Lockport Rd., Youngstown, NY 14174	
Assistance:	15 Year PILOT Sales Tax Abatement	
Description:	The vacant former Melloni's market on Lockport Street in the Village of Youngstown was sold to EW and KS Holdings Company, to repurpose the facility for the establishment of a brewing operation. The site will primarily be a manufacturing location that will brew beer for the Griffon Pub's various retail establishments, as well as direct customer sales. The project will employ brewing staff and delivery personnel. A small retail dining component, comprising less than 30% of the total sq. footage, will also be built out at site.	
Project Costs:	Construction/Improvements	\$ 420,000
	Furniture, Fixtures & Equipment	\$ 485,000
	Soft costs	\$ 50,000
		\$ 0
	TOTAL	\$ 955,000
Employment:	Current jobs in Niagara County:	0
	New Jobs in Niagara County within 3 years:	20
	Estimated Annual Payroll for New Jobs:	1,260,000
	Skills: Head brewer, brewer's assistant, janitorial, maintenance, delivery drivers, beverage servers, chefs, and cleaners	
Evaluative Criteria:	Regional wealth creation, in region purchases, building vacancy, redevelopment supports regional and local development plans, generation of local revenues	

REGIONAL ECONOMIC IMPACT ANALYSIS
Griffon Brewery and Gastropub
200 Lockport Street

Estimated Project Benefits / Incentives Analysis

Total Project Benefits	\$ 3,663,453
Total Project Incentives	\$ 289,357
Community Benefit to Cost Ratio	12:1
Total Employment	77
Direct**	20
Indirect***	54
Temporary Construction (Direct and Indirect)	3

Estimated Project Benefits

Total Project Benefits	\$ 3,663,453
Income Tax Revenue	\$ 2,666,000
Property Tax Revenue	\$ 200,453
Sales Tax Revenue	\$ 797,000

Estimated Project Incentives

Total Project Incentives	\$ 289,357
Property Tax	\$ 233,757
Sales Tax	\$ 55,600
Mortgage Tax	\$ 0

** 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.

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.

NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY

APPLICATION FOR FINANCIAL ASSISTANCE

EW and KS Holdings LLC

(Applicant Name)

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

Updated 2021

- 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, Suite 1 ■ Sanborn, NY 14132-9099 ■ 716-278-8760
Fax 716-278-8769 ■ www.niagaracountybusiness.com

**NIAGARA COUNTY
INDUSTRIAL DEVELOPMENT AGENCY**

APPLICATION FOR FINANCIAL ASSISTANCE

I. APPLICANT INFORMATION

Company Name: EW and KS Holdings LLC

Mailing Address: 200 Lockport Street

City/Town/Village & Zip code: Youngstown, NY 14174

Phone: (716) 946-0565

Website: _____

Fed Id. No.: EIN 84-2146594

Contact Person, and Title: Edward H. Webster, Member

Email: griffonberwing@gmail.com

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

Edward H. Webster 50% President, Kenneth C. Scibetta 50% Vice President

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

Form of Entity

Corporation

Date of Incorporation: _____

State of Incorporation: _____

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 ² _____)

Date of organization: 8/3/21

State of Organization: New York

Sole Proprietorship

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

Applicant's Counsel

Company Name: McCarthy Williams, PLLC

Contact Person, and Title: Chanel McCarthy

Mailing Address: 471 Delaware Avenue

City/Town/Village & Zip code: Buffalo, NY 14202

Email: cmccarthy@mccarthy-williams.com

Phone: (716) 463-2400

Fax No.: _____

II. PROJECT INFORMATION

A) Project Address: 200 Lockport Rd., Youngstown, NY 14174

Tax Map Number (SBL) 45.18-3-52

(Section/Block/Lot)

SWIS Number 293401

Located in City of Niagara County

Located in Town of Town of Porter

Located in Village of Youngstown

School District of Lewiston Porter

B) Current Assessment of Property:

Land 71,000.00

Total 277,000.00

C) Present legal owner of the site EW and KS Holdings llc

If other than from applicant, by what means will the site be acquired for this project?

D) Describe the project:

A new brewery, manufacturing of various beers for retail consumption. Food will
also be served at the facility, but primary use will be manufacturing of beer.

1. Project site (land)

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

.58 acres

(b) Indicate the present use of the project site.

vacant building

2. Indicate number, size (in square feet) and approximate age of existing buildings on site
 One unit, 6,000 sq. ft., 1978

3. Does the project consist of the construction of a new building or buildings?
 If yes, indicate number and size (in square feet) 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.
 Yes, renovations, to the building to accommodate brewing equipment and a restaurant

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.
 Full brewing manufacturing system, restaurant equipment- ovens, broiler, fryers,

7. Has construction work on this project begun?
 No

E) 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:

- F) 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.

III. SOURCES & USES OF FUNDS

A) Estimated Project Costs:

Property Acquisition	\$	
Construction (Improvements)	\$	420,000
Equipment Purchases/Fixtures/Furnishings		485,000
Soft costs (i.e. engineering, architectural)	\$	50,000
Other (describe)	\$	
TOTAL USES OF FUNDS	\$	955,000

B) Sources of Funds for Project Costs *(Must match above Total Uses of Funds):*

Bank Financing	\$	
Equity	\$	955,000
Grants/Tax Credits	\$	
Taxable or Tax Exempt Bond	\$	
Other	\$	
TOTAL SOURCES OF FUNDS	\$	955,000

C) Identify each state and federal grant/credit:

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

IV. FINANCIAL ASSISTANCE REQUESTED

A.) Benefits Requested:

- Sales Tax Exemption
 Mortgage Recording Tax Exemption
 Real Property Tax Abatement (PILOT)

B.) Value of Incentives:

Property Tax Exemption (To be estimated by NCIDA Staff. See Page 13)

Estimated duration of Property Tax exemption: 15 years

Sales and Use Tax

Estimated value of Sales Tax exemption for facility construction: \$ 16,800

Estimated value of Sales Tax exemption for fixtures and equipment: \$ 38,800

Estimated duration of Sales Tax exemption: 1 year

Mortgage Recording Tax Exemption Benefit

Estimated value of Mortgage Recording Tax exemption: \$ 0

C.) Financial Assistance Determination:

If financial incentives are not provided by NCIDA, is the project financially viable?

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:

V. EMPLOYMENT PLAN

	# of Retained Jobs	Retained Jobs Average Annual Salary	# of Created Jobs (3 yrs after project completion)	Created Jobs Average Annual Salary
Full Time (FTE)			20	\$ 63,000
Part time (PTE)	0	\$ 0	0	\$ 0
TOTAL	0	\$ 0	20	\$ 63,000

Annual Salary Range of Jobs to be Created: \$ 55,000 to \$ 95,000

Category of Jobs to be Retained and Created:

Job Categories (ie. Management, Administrative, Production, etc.) Head brewer and brewers and brewers assistant, janitorial, delivery drivers, servers, chiefs, and cleaners

VI. 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) ("JPTA") 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 Filings: 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) ss.:

Edward H. Webster, being first duly sworn, deposes and says:

1. That I am the President (Corporate Office) of Griffon Brewery and Gastropub (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 4th day of August, 2021

Cathie L. Synor
(Notary Public)

Cathie L. Synor
Notary Public, State of New York
Qualified in Niagara County
Commission Expires January 23, 2025

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.

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: Edward H. Webster

Name: Edward H. Webster

Title: President



(Notary Public)

Sworn to before me this 4th day

[stamp]

of August, 2021

Cathie L. Synor
Notary Public, State of New York
Qualified In Niagara County
Commission Expires January 23, 2025

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
\$420,000	\$620,000	9.708532	9.364620	22.818730

*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	20%	\$ 1,204	\$ 1,161	\$ 2,830	\$ 5,195	\$ 25,973	\$ 20,778
2	20%	\$ 1,204	\$ 1,161	\$ 2,830	\$ 5,195	\$ 25,973	\$ 20,778
3	30%	\$ 1,806	\$ 1,742	\$ 4,244	\$ 7,792	\$ 25,973	\$ 18,181
4	30%	\$ 1,806	\$ 1,742	\$ 4,244	\$ 7,792	\$ 25,973	\$ 18,181
5	40%	\$ 2,408	\$ 2,322	\$ 5,659	\$ 10,389	\$ 25,973	\$ 15,584
6	40%	\$ 2,408	\$ 2,322	\$ 5,659	\$ 10,389	\$ 25,973	\$ 15,584
7	40%	\$ 2,408	\$ 2,322	\$ 5,659	\$ 10,389	\$ 25,973	\$ 15,584
8	40%	\$ 2,408	\$ 2,322	\$ 5,659	\$ 10,389	\$ 25,973	\$ 15,584
9	40%	\$ 2,408	\$ 2,322	\$ 5,659	\$ 10,389	\$ 25,973	\$ 15,584
10	50%	\$ 3,010	\$ 2,903	\$ 7,074	\$ 12,986	\$ 25,973	\$ 12,986
11	50%	\$ 3,010	\$ 2,903	\$ 7,074	\$ 12,986	\$ 25,973	\$ 12,986
12	50%	\$ 3,010	\$ 2,903	\$ 7,074	\$ 12,986	\$ 25,973	\$ 12,986
13	50%	\$ 3,010	\$ 2,903	\$ 7,074	\$ 12,986	\$ 25,973	\$ 12,986
14	50%	\$ 3,010	\$ 2,903	\$ 7,074	\$ 12,986	\$ 25,973	\$ 12,986
15	50%	\$ 3,010	\$ 2,903	\$ 7,074	\$ 12,986	\$ 25,973	\$ 12,986
TOTAL		\$ 36,116	\$ 34,836	\$ 84,886	\$ 155,838	\$ 389,595	\$ 233,757

*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	\$ <u>55,600</u>	New Jobs Created Permanent <u>20</u> Temporary <u>3</u>
		Existing Jobs Retained Permanent _____ Temporary _____
Estimated Mortgage Tax Exemption	\$ <u>0</u>	Expected Yearly Payroll \$ <u>1,260,000</u>
Estimated Property Tax Abatement	\$ <u>233,757</u>	Additional Revenues to School Districts \$ <u>84,886</u>
		Additional Revenues to Municipalities County: \$ <u>36,116</u> Town&Village: <u>\$34,836</u>
		Other Benefits _____
Estimated Interest Savings IRB Issue	\$ _____	Private Funds invested \$ <u>955,000</u>
		Likelihood of accomplishing proposed project within three (3) years <input checked="" 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.

\$ 695,000 (to be used on the NYS ST-60)

UPDATED 2021

617.20
Appendix B
Short Environmental Assessment Form

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information			
Griffon Brewery and Gastropub			
Name of Action or Project: 200 Lockport Street, Youngstown, NY 14174			
Project Location (describe, and attach a location map):			
Brief Description of Proposed Action: Manufacture beer for retail consumption as well as the sale of food to consumers			
Name of Applicant or Sponsor: Edward H. Webster		Telephone: 716-946-0565	
		E-Mail: griffonbrewing@gmail.com	
Address: 5040 Bronson Drive			
City/PO: Lewiston		State: NY	Zip Code: 14092
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/> YES <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval: New York Liquor Authority			NO <input type="checkbox"/> YES <input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		.58 acres	
b. Total acreage to be physically disturbed?		0 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		.58 acres	
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____			
<input type="checkbox"/> Parkland			

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ _____	NO	YES
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____	NO	YES
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____	NO	YES
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor name: <u>Edward Hamilton Webster</u>		Date: <u>August 4, 2021</u>
Signature: <u>[Signature]</u>		

Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2. Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	✓	
2. Will the proposed action result in a change in the use or intensity of use of land?	✓	
3. Will the proposed action impair the character or quality of the existing community?	✓	
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	✓	
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	✓	
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	✓	
7. Will the proposed action impact existing: a. public / private water supplies? b. public / private wastewater treatment utilities?	✓ ✓	
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	✓	
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	✓	

	No, or small impact may occur	Moderate to large impact may occur
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	✓	
11. Will the proposed action create a hazard to environmental resources or human health?	✓	

Part 3 - Determination of significance. The Lead Agency is responsible for the completion of Part 3. For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

<input type="checkbox"/> Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.	
<input type="checkbox"/> Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.	
<u>NCIDA</u> Name of Lead Agency	<u>8/5/21</u> Date
<u>S. LAM</u> Print or Type Name of Responsible Officer in Lead Agency	<u>EO</u> Title of Responsible Officer
<u>[Signature]</u> Signature of Responsible Officer in Lead Agency	<u>[Signature]</u> Signature of Preparer (if different from Responsible Officer)