

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 12, 2022
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
___ **Scott Brydges**, Asst. Secretary
___ **Robert B. Cliffe**, Member
___ **Jason Krempa**, Member
___ **Clifford Scott**, Member
___ **Maria V. Lopez**, Member

Staff Members:

___ **Susan C. Langdon**, Executive Director
___ **Andrea Klyczek**, Assistant Director
___ **Michael S. Dudley**, Finance Manager
___ **Caroline Caruso**, Accounting Associate
___ **Susan Barone**, Grants & Operations Manager
___ **Mark J. Gabriele**, Agency Counsel
___ **Julie Lamoreaux**, Administrative & HR Officer
___ **Jeremy Geartz**, Project Manager

-
- 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 – *W. Ross*
 - 5.1 Regular NCIDA/NCDC/NADC – September 14, 2022

 - 6.0 Finance & Audit Committee Reports – *K. McCabe*
 - 6.1 Agency Payables – September 30, 2022
 - 6.2 Budget Variance Report – September 30, 2022
 - 6.3 2023 Proposed Budgets

7.0 Unfinished Business

7.1 Cerrone Estate Properties LLC – *M.Gabriele*

7.1.1 Inducement Extension

7.2 Kilmer Solar, LLC– *M.Gabriele*

7.2.2 Additional Sales Tax

8.0 New Business

8.1 Snow Removal RFP – *J.Lamoreaux*

8.1.1 Snow Removal for Center for Economic Development

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: November 9, 2022

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: September 14, 2022
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 Mark Onesi at 9:00 a.m.

2.0 Roll Call

Mark A. Onesi, Chairperson	Present
Jerald I. Wolfgang, 1 st Vice Chairperson	Present
Kevin McCabe, 2 nd Vice Chairperson	Excused
William L. Ross, Secretary	Present
Scott Brydges, Assistant Secretary,	Present
Clifford Scott, Member	Present
Robert B. Cliffe, Member	Present
Jason Krempa, Member	Present
Maria V. Lopez, Member	Present

3.0 Introduction of Guests

Jonathan Epstein, Buffalo News
Jim Fink, Business First
J. Dale Shoemaker, Investigative Post
Robert Creenan, Niagara Gazette
Stephen L. Yonaty, Cannon Heyman & Weiss, LLP
Nick Dolpp, Iskalo Development Corporation

Staff Present

Susan C. Langdon, Executive Director
Andrea Klyczek, Assistant Director
Michael S. Dudley, Finance Manager
Carrie Caruso, Accounting Associate
Jeremy Geartz, Project Manager
Susan Barone, Grants & Operations Manager
Julie Lamoreaux, Administrative & HR Officer
Mark J. Gabriele, Agency Counsel

4.0 Pledge of Allegiance

Mr. Gabriele led the Pledge of Allegiance.

5.0 Approval of Meeting Minutes

5.1 Regular NCIDA/NCDC/NADC – August 10, 2022

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

6.0 Finance & Audit Committee Reports

6.1 Agency Payables – August 31, 2022

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

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

6.2 Budget Variance Report – August 31, 2022

Mr. Ross stated that the monthly Budget Variance Report has been reviewed and found to be in order.

Mr. Brydges made a motion to approve the Budget Variance Report; Ms. Lopez seconded the motion. The motion passed.

7.0 Unfinished Business

7.1 DLV Properties, LLC

Ms. Klyczek stated that on August 30, 2022 at 2:00 p.m., the Agency held a Public Hearing in the Conference Room at North Tonawanda Public Library. In attendance was the Mayor, Austin Tylec, Doug Taylor from Lumber City Development Corporation, the North Tonawanda Assessor, and the Niagara County Director of Real Property. Mayor Tylec, and Mr. Taylor spoke in favor of the project.

7.1.1 Final Resolution

RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY TO (i) UNDERTAKE A CERTAIN PROJECT FOR THE BENEFIT OF DLV PROPERTIES 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 PARTIAL ABATEMENT FROM REAL PROPERTY TAXES BENEFIT THROUGH THE PILOT AGREEMENT

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

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 Wolfgang	x			
Kevin McCabe				x
William Ross	x			
Maria V. Lopez	x			
Robert Cliffe	x			
Scott Brydges	x			
Clifford Scott	x			
Jason Krempa	x			
Mark Onesi	x			

The Resolution was thereupon duly adopted.

7.2 Micbarcer Realty Co. Inc.

Ms. Klyczek stated that on August 31, 2022 at 2:00 p.m., the Agency held a Public Hearing at the Niagara Falls City Hall. In attendance was the Director of Real Property for Niagara County. There were no comments made at the hearing.

7.2.1 Final Resolution

RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY TO (i) UNDERTAKE A CERTAIN PROJECT FOR THE BENEFIT OF MICBARCER REALTY CO. 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 ACQUISITION, CONSTRUCTION AND EQUIPPING OF THE PROJECT, (B) A MORTGAGE RECORDING TAX EXEMPTION FOR THE FINANCING RELATED TO THE PROJECT; AND (C) A PARTIAL ABATEMENT FROM REAL PROPERTY TAXES BENEFIT THROUGH THE PILOT AGREEMENT

Mr. Scott made a motion to approve the Final Resolution; Mr. Cliffe seconded the motion. The motion passed.

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 Wolfgang	x			
Kevin McCabe				x
William Ross	x			
Maria V. Lopez	x			
Robert Cliffe	x			
Scott Brydges	x			
Clifford Scott	x			
Jason Krempa	x			
Mark Onesi	x			

The Resolution was thereupon duly adopted.

7.3 Kilmer Solar, LLC

Ms. Klyczek stated that on February 2, 2022 at 2:00 p.m., the Agency held a Public Hearing at the Town of Lewiston Town Hall. The Agency was just informed last week that the Town of Lewiston Board has approved the Community Benefit Agreement, they are in support of this project.

7.3.1 Final Resolution

RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY (i) UNDERTAKE A CERTAIN PROJECT FOR THE BENEFIT OF KILMER SOLAR 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) ADOPTED FINDINGS THAT THE PROJECT WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT; (iii) NEGOTIATE AND EXECUTE A LEASE AGREEMENT AND LEASEBACK AGREEMENT AND RELATED DOCUMENTS: AND (iv) PROVIDE FINANCIAL ASSISTANCE TO THE COMPANY IN THE FORM OF (A) A SALES TAX EXEMPTION FOR PURCHASES AND RENTALS RELATED TO THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF THE PROJECT; AND (B) A MORTGAGE RECORDING TAX EXEMPTION FOR THE FINANCING RELATED TO THE PROJECT.

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

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 Wolfgang	x			
Kevin McCabe				x
William Ross	x			
Maria V. Lopez	x			
Robert Cliffe		x		
Scott Brydges	x			
Clifford Scott	x			
Jason Krempa	x			
Mark Onesi	x			

The Resolution was thereupon duly adopted.

7.4 Niagara Towers TC LLC/Urban Towers TC LLC

7.4.1 Company Discussion

Mr. Gabriele stated this matter involves two Bond Resolutions previously proposed to the Board. Representatives were not here last month, but were available at this meeting to answer any questions the Board might have. Mr. Yonaty from the company stated that his client bought this portfolio about a year and a half ago with the intension of rehabbing the property. Some of the new work will address remodeling, and new emergency systems, because as of now there are a lot of faulty calls going out to police and the Fire Company. The buildings will be getting a full rehab including interior and exterior work. He noted that this will benefit the community and the residents at the property.

Mr. Krempa inquired about the current occupancy of the building, he asked if current tenants would be displaced during the renovations. Mr. Yonaty informed everyone that both of the buildings are fully occupied, and the intent is to do a rehab in place. In this situation, they will take the tenants out for the day or two, and when they return, the work will be completed.

7.5 Iskalo 1 East Avenue LLC

Mr. Gabriele stated this is an existing project that has closed and it is moving forward. Due to significant price increases in regards to this development, the company is asking for additional benefits relating to sales tax. The company has requested an additional \$72,000 in sales tax benefit.

7.5.1 Additional Sales Tax Exemption

RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY (i) UNDERTAKE A CERTAIN PROJECT FOR THE BENEFIT OF ISKALO 1 EAST AVENUE LLC ON ITS BEHALF (AS MORE FULLY DEFINED BELOW); (ii) PROVIDE FINANCIAL ASSISTANCE TO THE COMPANY IN THE FORM OF AN ADDITIONAL SALES TAX EXEMPTION FOR PURCHASES AND RENTALS RELATED TO THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF THE PROJECT.

Mr. Krempa made a motion to approve the Additional Sales Tax Exemption; Mr. Scott seconded the motion. The motion passed.

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 Wolfgang	x			
Kevin McCabe				x
William Ross	x			
Maria V. Lopez	x			
Robert Cliffe	x			
Scott Brydges	x			
Clifford Scott	x			
Jason Krempa	x			
Mark Onesi	x			

The Resolution was thereupon duly adopted.

7.6 525 Wheat LLC

Mr. Gabriele stated that this is a previous project. The company is asking the Board for Consent to Refinance.

7.8.1 Consent to Refinance

RESOLUTION CONSENTING AND AUTHORIZING THE EXECUTION AND DELIVERY OF A MORTGAGE AND MORTGAGE TAX EXEMPTION AFFIDAVIT TO 525 WHEAT LLC AND RELATED DOCUMENTS.

Mr. Ross made a motion to approve the Consent to Refinance; Mr. Cliffe seconded the motion. The motion passed.

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 Wolfgang	x			
Kevin McCabe				x
William Ross	x			
Maria V. Lopez	x			
Robert Cliffe	x			
Scott Brydges	x			
Clifford Scott	x			
Jason Krempa	x			
Mark Onesi	x			

The Resolution was thereupon duly adopted.

8.0 New Business

8.1 Covid Relief for Small Business Grant

Ms. Barone stated that for each of the Grant applications, our Consultants from H. Sichernan along with IDA staff reviewed all of the documents submitted for Grant eligibly criteria.

8.1.1 87Buf, LLC

Ms. Barone stated that 87Buf Sports Bar on Buffalo Avenue has been in business since 2018. The business was shut down for over four months due to COVID. They re-opened at 50 percent capacity. Once they opened, they added a kitchen, and staff to raise profits with food sales. The company is looking to hire two new part-time cooks which will be made available to low-to-moderate income individuals.

The company is requesting \$50,000 in Grant Funds and they expect to use the funds for working capital, inventory, and equipment. The Agency recommends approval of this Grant Request as the Applicant qualifies based on meeting all Grant eligibility requirements.

RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY APPROVING GRANT TO 87BUF LLC UNDER THE COVID-19 RELIEF SMALL BUSINESS PROGRAM.

Mr. Krempa made a motion to approve the Covid Relief Small Business Grant; Mr. Brydges seconded the motion. The motion passed.

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 Wolfgang	x			
Kevin McCabe				x
William Ross	x			
Maria V. Lopez	x			
Robert Cliffe	x			
Scott Brydges	x			
Clifford Scott	x			
Jason Krempa	x			
Mark Onesi	x			

The Resolution was thereupon duly adopted.

8.1.2 Gonzalez Boxing LLC

Ms. Barone stated that Gonzalez Boxing LLC operates as Fight Night Boxing Club. It is a fitness center that offers personal training, strength training, training in boxing and core training for all ages. The company has been in business for over 3 years. The business had significant losses during Covid due to the required shutdowns, and restrictions which closed their business for six months. The recovery was slow due to member hesitation to return to gyms.

The company is requesting \$47,000 in Grant Funds, they expect to use the funds to continue safety protocols, purchase new equipment, and working capital. They plan to create one full time staff position made available to low-to-moderate income individuals. The Agency recommends approval of this Grant Request as the Applicant qualifies based on meeting all Grant eligibility requirements.

8.1.2 Gonzalez Boxing LLC

RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY APPROVING GRANT TO GONZALEZ BOXING LLC UNDER THE COVID-19 RELIEF SMALL BUSINESS PROGRAM.

Mr. Krempa made a motion to approve the Covid Relief Small Business Grant; Mr. Wolfgang seconded the motion. The motion passed.

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 Wolfgang	x			
Kevin McCabe				x
William Ross	x			
Maria V. Lopez	x			
Robert Cliffe	x			
Scott Brydges	x			
Clifford Scott	x			
Jason Krempa	x			
Mark Onesi	x			

The Resolution was thereupon duly adopted.

8.1.3 Iroquois Energy Group

Ms. Barone stated that Iroquois Energy Group, Inc. is a fuel and energy supplier to Native American fuel stations, they provide gas, diesel, propane, home heating fuel, and kerosene in the United States and Canada. The business acts as an energy consultant and negotiates to provide various energy and fuel direct from a world-wide supplier and distributor to the Native American retail suppliers. The business decreased significantly with reduced gas sales, and the closure of the US/Canada border.

The company is requesting \$30,500 in Grant Funds and they expect to use the funds for working capital, safety supplies, and equipment. They plan to create 2 part-time sales clerk positions. The Agency recommends approval of this Grant Request as the Applicant qualifies based on meeting all Grant eligibility requirements.

RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY APPROVING GRANT TO IROQUOIS ENERGY GROUP, INC. UNDER THE COVID-19 RELIEF SMALL BUSINESS PROGRAM.

Mr. Wolfgang made a motion to approve the Covid Relief Small Business Grant; Mr. Krempa seconded the motion. The motion passed.

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 Wolfgang	x			
Kevin McCabe				x
William Ross	x			
Maria V. Lopez	x			
Robert Cliffe	x			
Scott Brydges	x			
Clifford Scott	x			
Jason Krempa	x			
Mark Onesi	x			

The Resolution was thereupon duly adopted.

9.0 Agency Counsel

Mr. Gabriele 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

Mr. Cliffe asked if there were any more funds available through the Covid Relief Small Business Grant. Ms. Barone stated that as of now, there are no more funds available.

12.0 Next Regular NCIDA/NCDC/NADC Meeting:

DATE: October 12, 2022

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

PLACE: Niagara County Center for Economic Development

13.0 Adjournment

The meeting adjourned at 9:23 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 Sep 1, 2022 to Sep 30, 2022

Filter Criteria includes: Report order is by Date.

Check #	Date	Payee	Cash Account	Amount
29625	9/1/22	THE HARTFORD	10001.100	284.12
9/6/22	9/6/22	NEW YORK STATE AND LOCAL	10001.100	398.08
29626	9/7/22	360 PSG.com	10001.100	60.00
29627	9/7/22	Gabriele & Berrigan, P.C.	10001.100	5,000.00
29628	9/7/22	Jeremy Geartz	10001.100	1,351.66
29629	9/7/22	M&T Bank	10001.100	2,146.18
2008	9/7/22	Niagara Falls Center for Tourism, LLC	10660.100	584,580.09
9/8/22	9/8/22	PAYCHEX, INC.	10001.100	92.25
9/9/22	9/9/22	NYS DEFERRED COMPENSATION PLAN	10001.100	1,293.51
9/12/22	9/12/22	NEW YORK STATE AND LOCAL	10001.100	214.62
29630	9/13/22	County of Niagara	10001.100	48.90
29631	9/13/22	Eaton Office Supply Co., Inc.	10001.100	33.96
29632	9/13/22	Walsh Duffield Companies, Inc.	10001.100	500.00
29633	9/20/22	Charter Communications	10001.100	119.99
29634	9/20/22	County of Niagara	10001.100	874.74
29635	9/20/22	FedEx	10001.100	15.02
29636	9/20/22	Gabriele & Berrigan, P.C.	10001.100	6,954.20
29637	9/20/22	Guardian	10001.100	388.33
29638	9/20/22	PURCHASE POWER	10001.100	150.00
29639	9/20/22	Professional Janitorial Services, Inc.	10001.100	793.17
9/22/22	9/22/22	PAYCHEX, INC.	10001.100	76.66
9/23/22	9/23/22	NYS DEFERRED COMPENSATION PLAN	10001.100	1,203.51
9/26/22	9/26/22	NEW YORK STATE AND LOCAL	10001.100	612.70
29640	9/27/22	First Choice Coffee Services	10001.100	84.02
29641	9/27/22	Independent Health	10001.100	3,460.48
29642	9/27/22	Niag Cnty Dept of Economic Development	10001.100	194.49
29643	9/27/22	STAPLES CONTRACT & COMMERCIAL	10001.100	169.28
29644	9/30/22	Cintas Corporation LOC. 067P	10001.100	92.30
29645	9/30/22	VOID CHECK	10001.100	
29646	9/30/22	The Hartford	10001.100	888.23
Total				612,080.49

NCIDA VIP-MTF Operating
Check Register
For the Period From Sep 1, 2022 to Sep 30, 2022

Filter Criteria includes: Report order is by Date.

Check #	Date	Payee	Cash Account	Amount
4677	9/7/22	Frontier	10001.600	197.74
4678	9/7/22	Landscape Associate of WNY, Inc.	10001.600	779.86
4679	9/7/22	National Grid	10001.600	22.70
4680	9/13/22	H.W.BRYK & SONS, INC.	10001.600	672.50
4681	9/13/22	Modern Disposal Services, Inc.	10001.600	169.03
4682	9/13/22	County of Niagara	10001.600	22.90
4683	9/13/22	Niagara Gazette Lockport Union	10001.600	50.60
4684	9/20/22	County of Niagara	10001.600	781.43
4685	9/20/22	Professional Janitorial Services, Inc.	10001.600	219.42
Total				<u>2,916.18</u>

NCIDA - MTF - Operating Fund
Check Register
For the Period From Sep 1, 2022 to Sep 30, 2022

Filter Criteria includes: Report order is by Date.

Check #	Date	Payee	Cash Account	Amount
3070	9/7/22	DAVIS-ULMER Sprinkler Co.	10001.600	160.00
3071	9/7/22	Landscape Associate of WNY, Inc.	10001.600	422.71
3072	9/7/22	National Grid	10001.600	57.71
3073	9/13/22	Niagara Gazette Lockport Union	10001.600	52.40
3074	9/13/22	VERIZON	10001.600	115.73
3075	9/20/22	H.W. Bryk & Sons, Inc.	10001.600	280.00
3076	9/20/22	Gabriele and Berrigan P.C.	10001.600	97.50
3077	9/20/22	Willdan Energy Solutions	10001.600	4,393.12
Total				<u><u>5,579.17</u></u>

Niagara Industrial Incubator Associates
Check Register
For the Period From Sep 1, 2022 to Sep 30, 2022

Filter Criteria includes: Report order is by Date.

Check #	Date	Payee	Cash Account	Amount
1316	9/7/22	National Grid	10000.100	383.46
1317	9/13/22	Blue Ox Roofing	10000.100	611.00
1318	9/13/22	Niagara Gazette Lockport union Sun &	10000.100	52.40
1319	9/20/22	H.W. Bryk & Sons, Inc.	10000.100	155.00
1320	9/20/22	Gabriele & Berrigan, P.C.	10000.100	427.50
1321	9/20/22	Town of Wheatfield	10000.100	43.16
Total				1,672.52

NCDC - CDBG/HUD - RLF

Check Register

For the Period From Sep 1, 2022 to Sep 30, 2022

Filter Criteria includes: Report order is by Date.

Check #	Date	Payee	Cash Account	Amount
234	9/27/22	Griffon Brewing Inc.	10200-300	273,411.03
Total				273,411.03

Niag. Cnty Dev. Corp. - Micro RLF
Check Register
For the Period From Sep 1, 2022 to Sep 30, 2022

Filter Criteria includes: Report order is by Date.

Check #	Date	Payee	Cash Account	Amount
2066	9/7/22	Cornelius Construction Co. Inc.	10004.400	25,000.00
2067	9/7/22	Gabrielle Enchanted LLC d/b/a	10004.400	25,000.00
2068	9/13/22	3 Sisters Garlic LLC	10004.400	13,740.14
2069	9/13/22	Covey's Cove Inc.	10004.400	0.53
2070	9/13/22	Creekside Income Tax LLC	10004.400	6,135.61
2071	9/13/22	I Eudaimonia Inc. d/b/a Jacobsen	10004.400	7,047.13
2072	9/13/22	MHG Food and Events Services, LLC	10004.400	1,674.09
2073	9/13/22	VOID CHECK	10004.400	
2075	9/13/22	Ruff Rock LLC	10004.400	13.59
2074	9/13/22	VOID CHECK	10004.400	
Total				<u><u>78,611.09</u></u>

6.2

BUDGET

VARIANCE

REPORT

NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY

BUDGET VARIANCE REPORT AS OF September 30, 2022

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	\$ 19,875.00	\$ 66,939.00	\$ 256,336.70	\$ 367,375.00	(111,038.30)	\$ 519,096.00
Project Application Fees	0.00	1,000.00	14,000.00	9,000.00	5,000.00	12,000.00
NEDF RLF Administrative Fee	4,166.67	4,166.67	37,500.03	37,500.03	0.00	50,000.00
EDA RLF-Grant 2020 Admin Fees	0.00	0.00	15,393.25	0.00	15,393.25	0.00
Administrative Fees - Other	12,012.38	0.00	12,012.38	0.00	12,012.38	15,432.00
Interest Earnings	245.81	26.50	773.46	238.50	534.96	318.00
Miscellaneous Income	0.00	0.00	192.17	60.00	132.17	60.00
Distrib From Niag. Ind. Suites	0.00	0.00	0.00	0.00	0.00	100,000.00
Distribution from VIP MTF	0.00	0.00	0.00	0.00	0.00	100,000.00
Total Operating Revenues	36,299.86	72,132.17	336,207.99	414,173.53	(77,965.54)	796,906.00
<u>Operating Expenses</u>						
Salaries	33,500.02	26,380.24	267,176.40	250,612.28	16,564.12	342,943.00
Benefits	5,471.26	3,282.33	32,420.75	29,540.97	2,879.78	39,388.00
Retirement Benefits	3,104.33	3,104.33	27,938.97	27,938.97	0.00	37,252.00
Payroll Taxes	2,605.01	2,125.80	20,881.51	20,153.88	727.63	27,553.00
Unemployment Taxes	100.16	0.00	1,614.15	1,260.00	354.15	1,260.00
Consultants	2,500.00	2,500.00	22,500.00	22,500.00	0.00	30,000.00
Assistant Director	5,462.25	5,462.25	49,160.25	49,160.25	0.00	65,547.00
Legal Services	5,000.00	5,000.00	65,124.91	45,000.00	20,124.91	60,000.00
Accounting Services	0.00	0.00	19,500.00	19,000.00	500.00	19,000.00
Accounting Services - NADC	0.00	0.00	1,200.00	2,100.00	(900.00)	2,100.00
Marketing	60.00	1,833.33	3,578.42	16,499.97	(12,921.55)	22,000.00
Printing	0.00	125.00	786.06	1,125.00	(338.94)	1,500.00
Office Supplies	194.71	208.33	1,130.60	1,874.97	(744.37)	2,500.00
Postage	198.87	160.00	2,027.33	3,073.00	(1,045.67)	3,840.00
Telephone & Fax	95.91	98.25	736.81	884.25	(147.44)	1,179.00
Internet Service	192.83	206.67	1,661.15	1,860.03	(198.88)	2,480.00
Common Area Charges	634.00	634.08	5,706.00	5,706.72	(0.72)	7,609.00
Energy	1,446.84	1,106.00	15,302.87	11,854.00	3,448.87	15,848.00
Conference & Travel	167.55	208.33	681.35	1,874.97	(1,193.62)	2,500.00
Employee Training	1,820.10	0.00	3,435.15	1,000.00	2,435.15	1,000.00
Insurance Expense	1,481.40	1,641.58	13,332.60	14,774.22	(1,441.62)	19,699.00
Library & Membership	0.00	0.00	2,701.94	2,273.00	428.94	2,843.00
General Office	2,061.84	712.33	7,307.94	6,410.97	896.97	8,548.00
Repairs & Maintenance	941.81	1,169.67	8,420.43	10,527.03	(2,106.60)	14,036.00
Computer Support	0.00	666.67	1,260.00	6,000.03	(4,740.03)	8,000.00
Public Hearings	0.00	33.33	0.00	299.97	(299.97)	400.00
Furniture & Equipment Purchase	0.00	166.67	16,965.47	1,500.03	15,465.44	2,000.00
Other Expense	0.00	83.33	0.00	749.97	(749.97)	1,000.00
Total Operating Expenses	67,038.89	56,908.52	592,551.06	555,554.48	36,996.58	742,025.00
Net Operating Income/<Loss>	(30,739.03)	15,223.65	(256,343.07)	(141,380.95)	(114,962.12)	54,881.00
<u>Non-Operating Revenue & Expense</u>						
Grants Rev.	0.00	73,621.83	0.00	662,596.47	(662,596.47)	883,462.00
Grant Rev- City NF Initiative	584,580.09	35,979.17	584,580.09	323,812.53	260,767.56	431,750.00
Grant to Subrecipient	0.00	63,291.67	0.00	569,625.03	(569,625.03)	759,500.00
Grant Sub-City NF Initiative	584,580.09	35,979.17	584,580.09	323,812.53	260,767.56	431,750.00
Net Non-Operating Income/<Loss>	0.00	10,330.16	0.00	92,971.44	(92,971.44)	123,962.00
Total Net Income/<Loss>	(\$ 30,739.03)	\$ 25,553.81	(\$ 256,343.07)	(\$ 48,409.51)	(207,933.56)	\$ 178,843.00

NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY

Balance Sheet
September 30, 2022

ASSETS

Current Assets	
Cash - Checking	\$ 88,838.28
Petty Cash	300.00
Mmkt Acct. - M&T Bank	1,794,541.59
Cash - First Response	65,814.52
Cash - City of N.F.	828.11
Mmkt Acct. - Cataract Tourism	3,355,570.13
Accts Rec - Public Hearings	2,586.87
Accounts Rec. EDA - RLF	6,666.64
Due To/From Micro RLF	6,666.64
Due To/From VIP - MTF	380,220.29
Due From NCDC CDBG/HUD	6,666.72
Due To/Due From NADC	151,406.56
Prepaid Insurance	<u>6,978.03</u>
 Total Current Assets	 5,867,084.38
Other Assets	
Deferred Outflows	239,614.00
Investment in NIIA	<u>342,500.00</u>
 Total Other Assets	 582,114.00
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	 0.00
 Total Assets	 <u>\$ 6,449,198.38</u>

LIABILITIES AND NET ASSETS

Current Liabilities	
Accrued Retirement	\$ 27,938.97
Deferred Rev. - NEDF	12,499.97
Deferred Rev. - First Repsonse	65,814.52
Def. Rev. - City of N.F.	3,356,398.24
Accounts Payable	28,974.42
Acct. Payable - Niag. County	<u>18,685.78</u>
 Total Current Liabilities	 3,510,311.90
Long-Term Liabilities	
Pension Liability	757.00
Deferred Inflows of Resources	<u>236,693.00</u>
 Total Long-Term Liabilities	 <u>237,450.00</u>
 Total Liabilities	 3,747,761.90
Net Assets	
Fund Balance - Operating Fund	2,957,779.55
Net Income	<u>(256,343.07)</u>
 Total Net Assets	 <u>2,701,436.48</u>
 Total Liabilities & Net Assets	 <u>\$ 6,449,198.38</u>

**Niagara County Industrial
Development Agency
Aged Payables
As of September 30, 2022**

Vendor ID Vendor	Invoice #	Amount Due
M&TBUS M&T Bank	Sep 2022	3,548.75
NATGRID National Grid	39004 9/22	566.84
Powered Powered Protection, Inc.	22827	186.00
STAPLES STAPLES CONTRACT & COMM	8067682217 8067682227	79.67 129.99
Report Total		4,511.25

Adjusting Journal Entries

Estimated Jun 2022 Legal Fees	5,000.00
Estimated Jul 2022 Legal Fees	5,000.00
Estimated Aug 2022 Legal Fees	5,000.00
Estimated Sep 2022 Legal Fees	5,000.00
Estimated Sep 2022 Copier usage	200.00
Estimated Jul-Sep 2022 Telephone	90.00
Estimated Sep 2022 Niagara County Electric	800.00
Estimated Sep 2022 Niagara County Gas	80.00
Estimated Sep 2022 Cleaning service	793.17
Estimated Sep 2022 Consulting	2,500.00
	28,974.42

NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY

10/5/2022

**Project Income - 2022
Lease/Lease Back and Bonds**

Closed 2022	Project Type	Total Project Amount	IDA Project Amount	Fees	Application Fee	Amount Received to Date	Date Received	Balance Due	Date Closed
Twogood Holdings LLC(Rubberform Recycled Moog Inc.	L/L Back	2,955,000	2,050,000	20,500	1,000	21,500	3/24/22	-	3/15/22
Catholic Health System Inc.	Sales Tax Only	4,120,210	4,120,210	32,962	0	32,962	3/28/22	-	3/9/22
Vantage Pointe LLC	Bond	48,874,501	36,420,018	112,500	0	112,500	3/28/22	-	
PEMM LLC	L/L Back	1,403,220	1,370,450	8,500	1,000	9,500	6/6/22	-	5/25/22
Eleanor Apartments at Niagara, LLC(Niagara C Assumption of The Eleanor Apartments, LLC PILOT	L/L Back	8,500,000	6,200,000	62,000	1,000	63,000	7/8/22	-	6/24/22
Lockport Schools Federal Credit Union	L/L Back	2,107,607	1,767,500	17,675	1,000	1,000	2/4/22	-	8/1/22
Iskalo 1 East Avenue LLC	Additional Sales Tax Only			2,200	0	18,675	9/28/22	-	9/9/22
				2,200	0	2,200	9/28/22	-	9/14/22
				0					
TOTAL				<u>256,337</u>					
				Fees received in prior year					-
				Total fees received to date in 2022		<u>256,337</u>			
				Total 2022 Budgeted Fees		<u>519,096</u>			
				Balance of Budgeted Fees		<u>262,759</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
Cerrone Estate Properties, LLC	L/L Back	1,780,000	1,750,000	17,500	1,000	1,000	2/3/21	17,500	9/30/22
Olcott Yacht Club Inc.	Sales Tax & Mtg Tax Only	456,000	450,000	0	250	250	2/16/21	-	2/9/23
Niacet Corporation	L/L Back	13,250,000	8,525,000	70,000	1,000			71,000	12/31/22
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	1/31/23
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	1/31/23
CVE US E13 Wheatfield, LLC	Sales Tax & Mtg Tax Only	9,760,000	7,740,000	32,000	1,000	1,000	12/20/21	32,000	2/28/23
Kilmer Solar LLC	Sales Tax & Mtg Tax Only	9,145,000	8,775,000	34,000	1,000	1,000	1/13/22	34,000	9/30/23
13 W. Main LLC	L/L Back	2,981,342	2,701,865	27,019	1,000	1,000	3/7/22	27,019	4/30/23
Niacet Corporation (NxTD Project)	L/L Back	48,750,000	46,750,000	467,500	1,000	1,000	5/2/22	467,500	6/30/23
4600 Group, LLC	L/L Back	5,292,351	3,955,893	39,559	1,000	1,000	5/31/22	39,559	8/31/23
DRC Development LLC 2022	L/L Back	3,000,000	2,883,000	28,830	1,000	1,000	6/1/22	28,830	7/31/23
Amazon.com Services LLC	L/L Back	550,000,000	550,000,000		1,000	1,000	7/13/22	-	8/31/23
CALF Development Associates, LLC	L/L Back	25,760,000	24,010,000	240,100	1,000	1,000	7/13/22	240,100	8/31/23
OAHS Niagara Towers TC LLC	Bond	19,000,000			1,000	1,000	7/8/22	-	8/31/23
OAHS Urban Park TC LLC	Bond	16,000,000			1,000	1,000	7/8/22	-	8/31/23
DLV Properties LLC	L/L Back	23,089,050	20,707,900	207,079	1,000	1,000	8/15/22	207,079	9/30/23
Micbarcer Realty Company	L/L Back	598,930	573,930	5,739	1,000	1,000	8/3/22	5,739	9/30/23
TOTAL				<u>1,195,425</u>	<u>16,250</u>	<u>15,250</u>		<u>1,196,425</u>	0
TOTAL - Projected Income 2022				<u>1,451,762</u>	<u>16,250</u>	<u>15,250</u>		<u>1,196,425</u>	256,337

Projected 2023	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>	0

* 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	0.00	10/11/2017	1/23/2018	37,667.00		Feasibility study for Niagara Falls area multi-use facility
Niagara Aquarium Foundation	88,147	0.00	2/14/2018	7/15/2019	88,147.00		Jellyfish exhibit and equipment
The Tourism Research Entrepreneurship Center (TReC)	176,600	0.00	8/8/2018	6/2/2020	176,600.00		Buildout, audio/visual equipment and network connectivity hardware
Niagara Aquarium Foundation	16,717	0.00	2/12/2020	10/21/2020	16,717.00		Renovations to second floor event room
Niagara Aquarium Foundation	370,000	0.00	8/14/2019	2/9/2021	370,000.00		Interactive touch pools adjacent to main entrance of the Aquarium
Red Star Builders, LLC (The Niagara Club)	523,250	0.00	7/10/2019	9/7/2021	64,403.00		Rooftop bar and lounge, banquet space, virtual entertainment lounge & Spot Coffee
Niagara Falls Center for Tourism LLC	1,000,000	415,419.91	6/12/2019	Partial 9/7/2022	584,580.09	12/31/2022	Construction of an indoor family entertainment center and outdoor improvements
The Center for Kashmir, Inc.	273,000	273,000.00	8/12/2020	To Be Disbursed	0.00	6/30/2023	Renovations to vacant church for a museum of art and culture for Kashmir
Savarino Companies, LLC	155,000	155,000.00	4/14/2021	To Be Disbursed	0.00	6/1/2023	Rehabilitation of 4,000 square feet of commercial/retail storefront space.
Niagara Aquarium Foundation	900,000	900,000.00	2/9/2022	To Be Disbursed	0.00	12/31/2023	Renovations to the Niagara Gorge Discovery Center for expanded programming.
To Date Sub-Total	3,540,381	1,743,419.91			1,338,114.09		

Grant Fund Cash Balance as of 9/30/2022
3,356,398.24
 Less: Outstanding Awards
 (1,743,419.91)
 Available for awarding grants
1,612,978.33

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
 54,555.59
 Bank Fees
 (43.26)
 Grant Disbursements
 (1,338,114.09)
 Grant Fund Balance
3,356,398.24

7.1

**Cerrone Estate
Properties LLC**

SECOND INDUCEMENT EXTENSION RESOLUTION

(Cerrone Estate Properties LLC. Project)

A regular meeting of Niagara County Industrial Development Agency (the "Agency") was convened in public session at the offices of the Agency located at 6311 Inducon Corporate Drive, Suite One, Sanborn, New York on the 12th day of October, 2022 at 9:00 a.m., local time.

The meeting was called to order by the (Acting) Chairperson and, upon roll being called, the following members of the Agency were:

PRESENT:

ABSENT:

THE FOLLOWING PERSONS WERE ALSO PRESENT:

Susan C. Langdon	Executive Director
Andrea Klyczek	Assistant Director
Michael Dudley	Manager of Finance
Susan Barone	Project Manager
Julie Lamoreaux	Administrative Assistant/Property Associate
Mark Gabriele, Esq.	Agency Counsel

The following resolution was offered by _____, seconded by _____, to wit:

Resolution No. _____

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

WHEREAS, by Title 1 of Article 18-A of the General Municipal Law of the State of New York, as amended, and Chapter 569 of the Laws of 1972 of the State of New York (the "Act"), **NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY** (the "Agency") was created with the authority and power to own, lease and sell property and to issue its bonds as authorized by the Act; and

WHEREAS, the Company has requested the Agency's assistance with a certain project (the "Project") consisting of: : (A) the acquisition (or retention) by the Agency of fee title to or other interest in a parcel of land located at 1500 James Avenue in the City of Niagara Falls, Niagara County, New York (the "Land"), together with the existing 20,000 square foot building located thereon (the "Existing Improvements"); (B) the construction of an approximately 24,000 square foot addition to the Existing Improvement to be leased to and utilized by existing tenant Tecmotiv (USA), Inc. for maintenance and storage of parts and equipment allowing for an increase in the manufacturing facility (the "Improvements"); and (C) the acquisition of and installation in and around the Improvements by the Company of certain equipment and items of personal property (the "Equipment" and collectively with the Land and the Improvements, the "Facility"); and

WHEREAS, the inducement for this Project will expire on March 31, 2022 and the Company has requested that the Agency extend this inducement through September 30, 2022; and

WHEREAS, the Agency desires to adopt a resolution authorizing the extension of the inducement term for this Project through March 31, 2023.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE AGENCY AS FOLLOWS:

Section 1. The Agency hereby approves the extension of the inducement term for this Project through March 31, 2023.

Section 2. This Resolution shall take effect immediately.

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

	<i>Yea</i>		<i>Nea</i>		<i>Abstain</i>		<i>Absent</i>	
Mark Onesi	[]	[]	[]	[]
Jerald Wolfgang	[]	[]	[]	[]
Kevin McCabe	[]	[]	[]	[]
William L. Ross	[]	[]	[]	[]
Maria V. Lopez	[]	[]	[]	[]
Scott Brydges	[]	[]	[]	[]
Clifford Scott	[]	[]	[]	[]
Robert B. Cliff	[]	[]	[]	[]
Jason Krempa	[]	[]	[]	[]

The Resolutions were thereupon duly adopted.

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

I, the undersigned (Assistant) Secretary of Niagara County Industrial Development Agency (the "Agency"), do hereby certify that I have compared the foregoing extract of the minutes of the meeting of the members of the Agency, including the Resolution contained therein, held on October 12, 2022 with the original thereof on file in my office, and that the same is a true and correct copy of said original and of such Resolution set forth therein and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that (A) all members of the Agency had due notice of said meeting; (B) said meeting was in all respects duly held; (C) pursuant to Article 7 of the Public Officers Law (the "Open Meetings Law"), said meeting was open to the general public, and due notice of the time and place of said meeting was duly given in accordance with such Open Meetings Law; and (D) there was a quorum of the members of the Agency present throughout said meeting.

I FURTHER CERTIFY that, as of the date hereof, the attached Resolution is in full force and effect and has not been amended, repealed or rescinded.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Agency this 12th day of October, 2022.

[SEAL]

(Assistant) Secretary

7.2

Kilmer Solar, LLC

AMENDING RESOLUTION
(Kilmer Solar LLC Project)

A regular meeting of Niagara County Industrial Development Agency (the "Agency") was convened in public session at the offices of the Agency located at 6311 Inducon Corporate Drive, Suite One, Sanborn, New York on the 12th day of October, 2022 at 9:00 a.m., local time.

The meeting was called to order by the (Vice) Chairman and, upon roll being called, the following members of the Agency were:

PRESENT:

ABSENT:

THE FOLLOWING PERSONS WERE ALSO PRESENT:

Susan C. Langdon	Executive Director
Andrea Klyczek	Assistant Director
Michael Dudley	Manager of Finance
Caroline Caruso	Accounting Associate
Susan Barone	Grants & Operations Manager
Julie Lamoreaux	Administrative & HR Officer
Jeremy Geartz	Project Manager
Mark Gabriele, Esq.	Agency Counsel

The following resolution was offered by _____, seconded by _____, to wit:

Resolution No. _____

AMENDED RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY (i) UNDERTAKE A CERTAIN PROJECT FOR THE BENEFIT OF KILMER SOLAR 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) ADOPTED FINDINGS THAT THE PROJECT WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT; (iii) NEGOTIATE AND EXECUTE A LEASE AGREEMENT AND LEASEBACK AGREEMENT, AND RELATED DOCUMENTS; AND (iv) PROVIDE FINANCIAL ASSISTANCE TO THE COMPANY IN THE FORM OF (A) A SALES TAX EXEMPTION FOR PURCHASES AND RENTALS RELATED TO THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF THE PROJECT, (B) A MORTGAGE RECORDING TAX EXEMPTION FOR THE FINANCING RELATED TO THE PROJECT.

WHEREAS, by Title 1 of Article 18-A of the General Municipal Law of the State of New York, as amended, and Chapter 569 of the Laws of 1972 of the State of New York (the "Act"), **NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY** (the "Agency") was created with the authority and power to own, lease and sell property and to issue its bonds as authorized by the Act; and

WHEREAS, **KILMER SOLAR LLC** and/or an individual(s) or affiliate, subsidiary, or entity or entities formed or to be formed on its behalf (the "Company"), has submitted an application to the Agency, a copy of which is on file at the office of the Agency, requesting that the Agency consider undertaking a project (the "Project") consisting of: (A) the acquisition (or retention) by the Agency of leasehold interest in an approximately 33 acre parcel of land located at 4616 Townline Road in the Town of Lewiston, New York, (the "Land"), (B) the planning, design, construction and operation of a 5MWac solar electrical generation system, including panel foundations, inverters, transformers, interconnect wiring, utility connections, sitework, landscaping, fencing, security and related improvements (collectively the "Improvements"); (C) the acquisition and installation in and around the Land and Improvements by the Company of certain items of machinery, equipment and other tangible personal property (the "Equipment" and, collectively with the Land and the Improvements, the "Facility"); and

WHEREAS, pursuant to Article 18-A of the General Municipal Law the Agency desires to adopt a resolution describing the Project and the financial assistance that the Agency is contemplating with respect to the Project; and

WHEREAS, on January 12, 2022, the Agency adopted a resolution (the "Preliminary Resolution") accepting the Application and directing that a public hearing be held; and

WHEREAS, it was contemplated that the Agency would hold a public hearing and (i) negotiate an agent agreement (the "Agent Agreement") whereby the Agency will designate the Company as its agent for the purpose of acquiring, constructing and equipping the Project, (ii) negotiate a lease agreement (the "Lease Agreement") and leaseback agreement (the "Leaseback Agreement") with the Company, (iii) take or retain fee title to, leasehold or other interest in the Land, Improvements, Equipment and personal property constituting the Facility (once the Lease Agreement and Leaseback Agreement have been negotiated), and (iv) provide financial assistance to the Company in the form of sales and use tax exemptions and a mortgage recording tax exemption for financing related to the Project, consistent with the policies of the Agency; and

WHEREAS, in accordance with the Preliminary Resolution, the Agency published and forwarded a Notice of Public Hearing to the Town of Lewiston (the "Town"), the County of Niagara (the "County") and the Niagara Wheatfield Central School District (the "School", and together with the Town and County, the "Affected Tax Jurisdiction") at least ten (10) days prior to said Public Hearing: and

WHEREAS, on the 2nd day of February, 2022, at 2:00 p.m. at the Town of Lewiston Town Hall, Council Room, 1375 Ridge Road, Lewiston, New York 14092, the Agency held a public hearing with respect to the Project and the proposed financial assistance being contemplated by the Agency (the "Public Hearing") whereat interested parties were provided a reasonable opportunity, both orally and in writing, to present their views; and

WHEREAS, the Town of Lewiston Planning Board reviewed the proposed Project pursuant to the State Environmental Quality Review Act, as codified under Article 8 of the Environmental Conservation Law and Regulations adopted pursuant thereto by the Department of Environmental Conservation of the State (collectively, "SEQR") and related Environmental Assessment Form (the "EAF) with respect to the Project: and

WHEREAS, on September 14, 2022, the Agency adopted a final resolution (the "Final Resolution") granting benefits to the Company; and

WHEREAS, the Company is requesting that the amount of sales tax benefit and mortgage exemption benefit be increased by \$94,234.00 due to increases in the costs of equipment and financing of the Project.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE AGENCY AS FOLLOWS:

Section 1. The Agency hereby grants additional mortgage tax exemption benefit of \$66,067.00 (already approved for \$61,733.00), together with the granting of additional \$28,167.00 of local sales tax exemption benefits (already approved for \$209,833.00).

Section 2. In that the additional benefits granted herein are not in excess of \$100,000.00, a public hearing is not required.

Section 3. The actions contemplated by this resolution are conditioned upon payment by the Company of any fees of the Agency as well as payment of any costs and expenses incurred by the Agency in connection therewith, including, but not limited to, fees of the Agency's counsel.

Section 4. This resolution shall take effect immediately.

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

	<u>Yea</u>		<u>Nay</u>		<u>Abstain</u>		<u>Absent</u>	
Mark Onesi	[]	[]	[]	[]
Jerald I Wolfgang	[]	[]	[]	[]
Kevin McCabe	[]	[]	[]	[]
William L. Ross	[]	[]	[]	[]
Robert B. Cliff	[]	[]	[]	[]
Scott Brydges	[]	[]	[]	[]
Maria V. Lopez	[]	[]	[]	[]
Clifford Scott	[]	[]	[]	[]
Jason Krempa	[]	[]	[]	[]

The Resolution was thereupon duly adopted.

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

I, the undersigned (Assistant) Secretary of Niagara County Industrial Development Agency (the "Agency"), do hereby certify that I have compared the foregoing extract of the minutes of the meeting of the members of the Agency, including the Resolution contained therein, held on October 12, 2022 with the original thereof on file in my office, and that the same is a true and correct copy of said original and of such Resolution set forth therein and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that (A) all members of the Agency had due notice of said meeting; (B) said meeting was in all respects duly held; (C) pursuant to Article 7 of the Public Officers Law (the "Open Meetings Law"), said meeting was open to the general public, and due notice of the time and place of said meeting was duly given in accordance with such Open Meetings Law; and (D) there was a quorum of the members of the Agency present throughout said meeting.

I FURTHER CERTIFY that, as of the date hereof, the attached Resolution is in full force and effect and has not been amended, repealed or rescinded.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Agency this _____ day of October, 2022.

[SEAL]

(Assistant) Secretary

8.1

Snow Removal

RFP

Snow Removal RFP 2023

6311 Inducon Corporate Drive

S & R Lanscape and Snowplowing Inc.

\$13,635.00 Per Season
\$478.00 Per Salting Application
\$450.00 per hour for extra snow removal

Mike Sinatra Landscaping & Snowplowing

\$18,500.00 Per Season
\$225.00 Per Salting Application
\$175.00 per hour for extra snow removal

Laraba Enterprises

\$27,800.00 Per Season
\$325.00 Per Salting Application
\$150.00 per hour for extra snow removal