

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: November 10, 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 – October 13, 2021

- 6.0 Finance & Audit Committee Reports – *K. McCabe***
 - 6.1 Agency Payables – October 31, 2021**
 - 6.2 Budget Variance Report – October 31, 2021**
 - 6.3 Adopt 2022 Budgets**
 - 6.3.1 Niagara County Industrial Development Agency**
 - 6.3.2 Niagara County Development Corporation**
 - 6.3.3 Niagara Area Development Corporation**

- 7.0 Unfinished Business**
 - 7.1. Duncan’s Heating & Cooling Corp. – A. Klyczek**
 - 7.1.1 Final Resolution**

 - 7.2 PEMM LLC – A. Klyczek**
 - 7.2.1 Final Resolution**

- 8.0 New Business**

- 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: December 8, 2021**
 - TIME: ** 9:00 a.m. ****
 - PLACE: Niagara County Center for Economic Development**

- 13.0 Adjournment - *M. Onesi***

5.1

MEETING

MINUTES

REGULAR NCIDA/NCDC/NADC BOARD MEETING

DATE: October 13, 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
Kevin McCabe, Vice Chairperson	Present (Via Telephone)
William L. Ross, Secretary	Present
Mary Lynn Candella, Assistant Secretary	Excused
Robert B. Cliffe, Member	Present
Clifford Scott, Member	Present
Scott Brydges, Member	Present
Jason Krempa, Member	Present

3.0 Introductions

Guests Present

Lou Terragnoli, PEMM LLC
Duane Duncan, Duncan's Heating & Cooling Corp. (Via Telephone)
Jim Fink, Business First
Jonathan Epstein, Buffalo News (Via Telephone)

Staff Present

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

4.0 Mr. Krempa led the Pledge of Allegiance

5.0 Approval of Meeting Minutes

5.1 Regular NCIDA/NCDC/NADC – September 8, 2021

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

5.2 Special NCIDA/NCDC/NADC Board Meeting – September 29, 2021

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

6.0 Finance & Audit Committee Reports

6.1 Agency Payables – September 30, 2021

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. McCabe seconded the motion. The motion passed.

6.2 Budget Variance Report – September 30, 2021

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

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

6.3 2022 Proposed Budgets

Mr. Dudley stated that three Budgets were reviewed in the previous Audit and Finance Committee meeting with several of the Board members and the objective of the Board is to approve these budgets, then they will be sent to the Niagara County Clerk and Legislature for a mandatory 20-day review. The Board will then be asked to formally adopt the 2022 Budgets at the November 10, 2021 Regular Board Meeting.

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

7.0 Unfinished Business

7.1. Metropolis Properties Management, LLC

7.1.1 Unpaid PILOT Payments

Mr. Gabriele stated that this project was undertaken by this Agency with a closing date in 2018. The project has not progressed since the date of closing and, the company has two years of unpaid Pilot payments. Mr. Gabriele asked for board authorization to start the process for termination of the Pilot based on the non-payment of Pilot payments. The Board unanimously agreed to start the termination of the Pilot.

8.0 New Business

8.1 Duncan's Heating & Cooling Corporation

Ms. Klyczek stated that Duncan's Heating & Cooling Corporation is seeking to construct a 4,500 sq. ft. addition to its present facility for additional manufacturing and fabrication space. As a result of this expansion, Duncan's Heating and Cooling will be able to hire at least nine additional individuals. All Employees undergo a lengthy training process that provide certifications in welding, and associated skills. Duncan's Heating and Cooling works closely with Niagara Worksouce One in the hiring and training of persons in Niagara County. They have partnered with Worksource on several successful on-the-job training programs and certificates, each new hire receives 160 hours of training.

Mr. Duncan stated that Duncan's Heating and Cooling started off as a small heating and cooling company. As of today, they build most of the medical machines for Pfizer worldwide. He is looking for his company to get more technical and advanced in parts manufacturing.

8.1.1 Preliminary Resolution

RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY (i) ACCEPTING THE APPLICATION OF DUNCAN'S HEATING & COOLING CORP. WITH RESPECT TO A CERTAIN PROJECT (AS MORE FULLY DEFINED BELOW) TO BE UNDERTAKEN BY THE AGENCY FOR THE BENEFIT OF DUNCAN'S HEATING & COOLING CORP. OR AN ENTITY FORMED OR TO BE FORMED; (ii) AUTHORIZING A PUBLIC HEARING WITH RESPECT TO THE PROJECT; (iii) AUTHORIZING THE EXECUTIVE DIRECTOR OF THE AGENCY TO TAKE CERTAIN ACTIONS UNDER ARTICLE 8 OF THE ENVIRONMENTAL CONSERVATION LAW IN CONNECTION WITH THE PROJECT; (iv) DESCRIBING THE FORMS OF FINANCIAL ASSISTANCE BEING CONTEMPLATED BY THE AGENCY.

Mr. Scott made a motion to approve the Preliminary Resolution; Mr. Wolfgang seconded the motion

8.1 Duncan’s Heating and Cooling Corporation (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.

8.1.2 Authorize Public Hearing Date

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

8.2 PEMM LLC

Ms. Klyczek stated that PEMM LLC is proposing the building of a full-service travel center on three vacant parcels of land in the Town of Niagara. The 8-acre area will have food accommodations for travelers, and offer a service area for trucks which will provide minor maintenance and repairs. There will be a weigh station for trucks to meet interstate transfer requirements, and amenities available for those industry employees who require additional accommodations. The company will service the tourist busses and host tourism materials that will promote local attractions. Their primary consumer group is the tourism and distribution networks.

Mr. Terragnoli stated that PEMM LLC is a family-owned business that has 21 convenience stores, and two travel centers. He explained that their company will be catering mostly to truckers and busses. The Company expects that the project will mainly attract out of area truckers and tourism buses.

Mr. Scott asked Mr. Terragnoli to give the board some insight on this \$8,500,000.00 project in a COVID environment. Mr. Terragnoli responded by saying twenty percent of that number is land cost, and most of their profit will come from diesel and fuel sales in addition to sales for goods and services in the building.

8.2 PEMM LLC (Continued)

8.2.1 Preliminary Resolution

RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY (i) ACCEPTING THE APPLICATION OF PEMM LLC WITH RESPECT TO A CERTAIN PROJECT (AS MORE FULLY DEFINED BELOW) TO BE UNDERTAKEN BY THE AGENCY FOR THE BENEFIT OF PEMM LLC OR AN ENTITY FORMED OR TO BE FORMED; (ii) AUTHORIZING A PUBLIC HEARING WITH RESPECT TO THE PROJECT; (iii) AUTHORIZING THE EXECUTIVE DIRECTOR OF THE AGENCY TO TAKE CERTAIN ACTIONS UNDER ARTICLE 8 OF THE ENVIRONMENTAL CONSERVATION LAW IN CONNECTION WITH THE PROJECT; (iv) DESCRIBING THE FORMS OF FINANCIAL ASSISTANCE BEING CONTEMPLATED BY THE AGENCY.

Mr. Krempa made a motion to approve the Preliminary 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.

8.1.2 Authorize Public Hearing Date

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

8.3 Covanta Holding Corporation

Mr. Gabriele stated that the Agency had previously entered into a tax-exempt bond issuance with Covanta Holding Corporation. Covanta is now merging with another company. The language in the existing Bond Indenture triggers a bond balloon payment to the existing Bondholders. Covanta is asking the existing Bondholders and the NADC for the consent to keep the existing Bonds in place.

8.3 Covanta Holding Corporation (Continued)

8.3.1 Amendment to the Indenture of Trust

RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF THE FIRST SUPPLEMENT TO THE INDENTURE OF TRUST RELATED TO THE NIAGARA AREA DEVELOPMENT CORPORATION’S SOLID WASTE DISPOSAL FACILITY REFUNDING REVENUE BONDS (COVANTA PROJECT), SERIES 2018A AND SERIES 2018B; AND AUTHORIZING THE TAKING OF ALL NECESSARY OR APPROPRIATE ACTION IN CONNECTION THEREWITH AND THE EXECUTION AND DELIVERY OF ALL DOCUMENTS AND INSTRUMENTS IN CONNECTION THEREWITH; ADDRESSING OTHER MATTERS AND RESCINDING ALL INCONSISTENT RESOLUTIONS.

Mr. Krempa made a motion to approve the Amendment to the Indenture of Trust; Mr. Cliffe 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.

8.4 CDBG Cares Grant

8.4.1 Authorization to Sign

Ms. Klyczek stated that the Niagara County IDA Staff applied for Cares funding through the New York State Office of Community Renewal on behalf of Niagara County. NCIDA has an administrative services agreement between the County and the NCDC and, the NCDC administers the funding. The Agency received 1.7 million dollars in funding. One million dollars will be used for small business that were negatively impacted because of COVID. The other \$766,000.00 will be going towards the expansion of broadband throughout Niagara County. Staff is asking for the approval for Ms. Langdon to sign the Award Acceptance Agreement.

Mr. Scott made a motion to approve the Authorization to Sign; Mr. Krempa seconded the motion.

8.4 CDBG Cares Grant (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.

8.5 Center for Kashmir Inc. – Cataract Fund

8.5.1 Extension of Grant

Mr. Gabriele stated that The Center for Kashmir, Inc. is requesting that their completion date be extended to the end of August 2023. They had some difficulty moving forward with the project due to COVID.

Mr. Ross made a motion to approve the Extension of Grant; 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.

8.6 Craft Coffee, LLC
8.6.1 Grant Increase

Ms. Klyczek stated that in our last allocation of Microenterprise Funding, there was one Grant where the project did not move forward. Because the project did not move forward, the Agency re-allocated some of the funding to administrative costs. There was an outstanding balance of \$3,610.00 that staff wishes to allocate to Craft Coffee, LLC. Craft Coffee LLC reached out to the Agency because they were doing another expansion. Staff is asking the Board to approve an increase of their initial grant.

Mr. Wolfgang made a motion to approve the Grant increase; Mr. Scott 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.

8.7 D.R.C. Development
8.7.1 Consent to Transfer of Ownership Units

Mr. Gabriele stated that the D.R.C. Development project has been in operation for a number of years. The company owner is doing some estate planning, and would like to transfer his units to a Trust. Agency project documents require that if there is a change in ownership (50%) or more, they need the consent of the Agency. Mr. Gabriele stated that formal consent from the Board is needed.

Mr. Wolfgang made a motion to approve the Consent to Transfer of Ownership Units; Mr. Krempa seconded the motion.

8.7 D.R.C. Development (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.

9.0 Agency Counsel

There were no comments from Agency Counsel at this time.

10.0 Information Items

10.1 Authorization to issue RFP's for Consultants

10.1.1 NCIDA – General Consulting Services

For informational purposes, Ms. Klyczek informed the Board that the Agency is preparing an RFP for General Consulting Services. The Agency will be hiring a consultant to help with the underwriting of loans that we may issue, review, or accept.

10.1.2 NCDC – OCR, Micro-enterprise, CARES Act

For informational purposes, Ms. Klyczek informed the Board that the Agency will also be issuing an RFP for the NCDC. The NCDC mandates that we have an RFP when we are dealing with money coming from the NYS Office of Community Renewal.

11.0 Any Other Matters the Board Wishes to Discuss

There were no matters the Board wished to discuss.

12.0 Next Regular NCIDA/NCDC/NADC Meeting:

DATE: November 10, 2021

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

PLACE: Niagara County Center for Economic Development

13.0 Adjournment

Mr. Onesi made a motion to adjourn; Mr. Wolfgang seconded the motion. The meeting adjourned at 9:40 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 Oct 1, 2021 to Oct 31, 2021

Filter Criteria includes: Report order is by Date.

Check #	Date	Payee	Cash Account	Amount
29368	10/1/21	THE HARTFORD	10001.100	238.87
29369	10/5/21	360 PSG.com	10001.100	60.00
29370	10/5/21	County of Niagara	10001.100	625.05
29371	10/5/21	First Choice Coffee Services	10001.100	100.35
29372	10/5/21	Julie Lamoreaux	10001.100	40.10
29373	10/5/21	M&T Bank	10001.100	1,223.55
29374	10/5/21	National Grid	10001.100	659.85
29375	10/5/21	STAPLES CONTRACT & COMMERCIAL	10001.100	71.53
10/7/21	10/7/21	PAYCHEX, INC.	10001.100	78.12
10/8/21	10/8/21	NYS DEFERRED COMPENSATION PLAN	10001.100	1,087.83
29376	10/12/21	County of Niagara	10001.100	44.31
29377	10/19/21	County of Niagara	10001.100	73.99
29378	10/19/21	Guardian	10001.100	227.46
29379	10/19/21	PURCHASE POWER	10001.100	150.00
29380	10/19/21	Professional Janitorial Services, Inc.	10001.100	793.17
29381	10/19/21	STAPLES CONTRACT & COMMERCIAL	10001.100	14.38
10/21/21	10/21/21	PAYCHEX, INC.	10001.100	64.40
10/22/21	10/22/21	NYS DEFERRED COMPENSATION PLAN	10001.100	1,009.83
10/26/21	10/26/21	NEW YORK STATE AND LOCAL	10001.100	348.28
29382	10/26/21	Gabriele & Berrigan, P.C.	10001.100	6,492.60
29383	10/26/21	Independent Health	10001.100	1,998.27
29384	10/26/21	Niag Cnty Dept of Economic Development	10001.100	105.24
29385	10/26/21	STAPLES CONTRACT & COMMERCIAL	10001.100	63.46
29386	10/26/21	Time Warner Cable	10001.100	119.99
29387	10/31/21	Cintas Corporation LOC. 067P	10001.100	83.22
29388	10/31/21	Gabriele & Berrigan, P.C.	10001.100	5,000.00
Total				20,773.85

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

Filter Criteria includes: Report order is by Date.

Check #	Date	Payee	Cash Account	Amount
4547	10/5/21	Blue Ox Roofing	10001.600	332.00
4548	10/5/21	Frontier	10001.600	184.68
4549	10/5/21	Modern Electrical Construction Inc.	10001.600	131.25
4550	10/5/21	National Grid	10001.600	552.69
4551	10/5/21	County of Niagara	10001.600	491.12
4552	10/12/21	H.W.BRYK & SONS, INC.	10001.600	404.60
4553	10/12/21	Modern Disposal Services, Inc.	10001.600	164.10
4554	10/19/21	H.W.BRYK & SONS, INC.	10001.600	802.00
4555	10/19/21	DAVIS-ULMER Sprinkler Co.	10001.600	700.00
4556	10/19/21	County of Niagara	10001.600	22.64
4557	10/19/21	Professional Janitorial Services, Inc.	10001.600	219.42
4558	10/27/21	Town of Wheatfield Water/	10001.600	210.00
Total				<u><u>4,214.50</u></u>

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

Filter Criteria includes: Report order is by Date.

Check #	Date	Payee	Cash Account	Amount
3016	10/5/21	National Grid	10001.600	21.02
3017	10/5/21	Niagara Falls Water Board	10001.600	760.00
3018	10/19/21	VERIZON	10001.600	120.69
Total				<u><u>901.71</u></u>

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

Filter Criteria includes: Report order is by Date.

Check #	Date	Payee	Cash Account	Amount
193	10/5/21	Ultimate Physique, Inc.	10200-300	50,373.19
194	10/19/21	Niagara Gazette Lockport Union Sun	10200-300	<u>276.60</u>
Total				<u><u>50,649.79</u></u>

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

Filter Criteria includes: Report order is by Date.

Check #	Date	Payee	Cash Account	Amount
2047	10/6/21	Brewed and Bottled, LLC d/b/a	10004.400	7,226.32
2048	10/6/21	Calhoon's Pub of Newfane, Inc.	10004.400	12,361.24
2049	10/6/21	Craft Coffee House, LLC	10004.400	3,610.00
2050	10/6/21	H. Sichertman & Company, Inc.	10004.400	10,000.00
Total				<u><u>33,197.56</u></u>

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

Filter Criteria includes: Report order is by Date.

Check #	Date	Payee	Cash Account	Amount
1236	10/5/21	H.W. Bryk & Sons, Inc.	10000.100	165.00
1237	10/5/21	National Grid	10000.100	442.20
1238	10/5/21	Niagara Lock & Key Service, Inc.	10000.100	140.00
1239	10/12/21	Blue Ox Roofing	10000.100	166.00
1240	10/12/21	Gabriele & Berrigan, P.C.	10000.100	558.40
1241	10/12/21	National Grid	10000.100	104.93
1242	10/19/21	Blue Ox Roofing	10000.100	806.00
1243	10/19/21	Modern Electrical Construction Inc.	10000.100	2,375.00
1244	10/19/21	National Grid	10000.100	57.22
Total				4,814.75

6.2

BUDGET

VARIANCE

REPORTS

NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY

Balance Sheet
October 31, 2021

ASSETS

Current Assets	
Cash - Checking	\$ 279,297.67
Petty Cash	300.00
Mmkt Acct. - M&T Bank	1,587,968.46
Cash - First Response	65,803.63
Cash - City of N.F.	827.17
Mmkt Acct. - Cataract Tourism	3,938,414.60
Accts Rec - Public Hearings	1,721.79
Accounts rec.- Fees/Var.	129,395.00
Accounts Rec. EDA - RLF	8,333.30
A/R EDA - RLF 2020 Grant	31,039.03
Due To/From Micro RLF	8,333.30
Accounts Rec - NEDF	41,666.70
Due To/From VIP - MTF	416,233.15
Due From NCDC CDBG/HUD	8,333.40
Due To/Due From NADC	406.56
Prepaid Insurance	<u>3,803.83</u>
 Total Current Assets	 6,521,877.59
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	 0.00
 Total Assets	 <u>\$ 7,071,829.59</u>

LIABILITIES AND NET ASSETS

Current Liabilities	
Accrued Retirement	\$ 53,314.20
Deferred Rev. - First Repsonse	65,803.63
Def. Rev. - City of N.F.	3,939,241.77
Accounts Payable	8,431.77
Acct. Payable - Niag. County	<u>24,062.26</u>
 Total Current Liabilities	 4,090,853.63
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	 4,319,764.63
Net Assets	
Fund Balance - Operating Fund	2,701,099.22
Net Income	<u>50,965.74</u>
 Total Net Assets	 <u>2,752,064.96</u>
 Total Liabilities & Net Assets	 <u>\$ 7,071,829.59</u>

NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY

11/4/2021

**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 Cilli	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.								
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
Diversified Manufacturing Acquisition, Inc.	Assumption of Costello Investors, LLC PILOT				1,000	1,000	7/9/21	-	7/29/21
The Niagara Club	L/L Back	3,036,700	2,172,000	21,720	1,000	22,720	8/30/21	-	8/27/21
Bogart-Sinatra Development, LLC	L/L Back	1,530,000	1,420,000	14,200	1,000	15,200	5/12/21	-	8/27/21
MassMutual Asset Finance LLC	Assumption of Riester Wheatfield USA, LLC PILOT				1,000	1,000	9/1/21	-	9/30/21

TOTAL				<u>562,686</u>	<u>15,000</u>	<u>448,291</u>		<u>-</u>	
				Fees received in prior year	-	-			
				Total fees received to date in 2021	<u>562,686</u>				
				Total 2021 Budgeted Fees	<u>543,976</u>				
				Balance of Budgeted Fees	<u>(18,710)</u>				

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
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
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
EW and KS Holdings LLC	L/L Back	955,000	905,000	9,050	1,000	1,000	8/11/21	9,050	9/30/22
Duncan's Heating and Cooling Corp.	L/L Back	580,000	580,000	5,800	1,000	1,000	10/18/21	5,800	
PEMM LLC	L/L Back	8,500,000	6,350,000	63,500	1,000	1,000	10/13/21	63,500	

TOTAL				<u>325,549</u>	<u>10,250</u>	<u>9,250</u>		<u>326,549</u>	<u>0</u>
TOTAL - Projected Income 2021				<u>888,236</u>	<u>25,250</u>	<u>457,541</u>		<u>326,549</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
Red Star Builders, LLC (The Niagara Club)	523,250	0	7/10/2019	9/7/2021	64,403		Roof top bar and lounge, banquet space, virtual entertainment lounge & Spot Coffee
Niagara Falls Center for Tourism LLC	1,000,000	1,000,000	6/12/2019	To Be Disbursed	0		Construction of an indoor family entertainment center and outdoor improvements
The Center for Kashmir, Inc.	273,000	273,000	8/12/2020	To Be Disbursed	0		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		Rehabilitation of 4,000 square feet of commercial/retail storefront space.
Buffalo Niagara Hospitality Inc.	3,750	3,750	4/14/2021	To Be Disbursed	0		Business expansion to include purchase of electric scooters and bikes and tandem bi
To Date Sub-Total	<u>2,644,131</u>	<u>1,431,750</u>			<u>753,534</u>		

Grant Fund Cash Balance as of 10/31/2021	3,939,241.77
Less: Outstanding Awards	(1,431,750.00)
Available for awarding grants	<u>2,507,491.77</u>

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	52,819.03
Bank Fees	(43,26)
Grant Disbursements	<u>(753,534.00)</u>
Grant Fund Balance	<u>3,939,241.77</u>

6.3

Adopt 2022

Budgets

*NIAGARA COUNTY
INDUSTRIAL DEVELOPMENT
AGENCY*

APPROVED 2022 BUDGET

*TO BE
ADOPTED*

November 10, 2021

***NIAGARA COUNTY DEVELOPMENT
CORPORATION***

APPROVED 2022 BUDGET

***TO BE
ADOPTED***

November 10, 2021

NIAGARA COUNTY DEVELOPMENT CORPORATION
INCOME & EXPENSE
Operating Fund Forecasted Actual Income and Expense 2021
Operating Fund 2022 Budget

	<u>2021</u> <u>Budget</u>	<u>Forecasted</u> <u>2021</u> <u>Actual</u>	<u>2022</u> <u>Budget</u>
Revenues and other support			
Interest from loans	\$ 35,456	\$ 46,564	\$ 39,609
Application and commitment fees	5,000	1,000	-
Grant Income	<u>345,441</u>	<u>110,775</u>	<u>300,000</u>
Total revenues and other support	<u>385,897</u>	<u>158,339</u>	<u>339,609</u>
Operating expenses			
Professional fees	30,000	96,331	39,600
Office supplies and other	-	1,496	600
Grant to Subrecipient	<u>318,441</u>	<u>50,402</u>	<u>255,000</u>
Total Operating Expenses	<u>348,441</u>	<u>148,229</u>	<u>295,200</u>
Income (loss) from operations	37,456	10,110	44,409
Interest income	<u>72</u>	<u>71</u>	<u>72</u>
Net Income(Loss)	<u>\$ 37,528</u>	<u>\$ 10,181</u>	<u>\$ 44,481</u>

*NIAGARA AREA DEVELOPMENT
CORPORATION*

APPROVED 2022 BUDGET

*TO BE
ADOPTED*

November 10, 2021

NIAGARA AREA DEVELOPMENT CORPORATION
INCOME & EXPENSE
Operating Fund Forecasted Actual Income and Expense 2021
Operating Fund 2022 Budget

	<u>2021 Budget</u>	<u>Forecasted 2021 Actual</u>	<u>2022 Budget</u>
Revenue			
Project Fee Income	\$ 1,000	\$ 101,000	\$ 1,000
Total Operating Revenue	<u>1,000</u>	<u>101,000</u>	<u>1,000</u>
 Expenses			
Other Operating Expenses	1,000	101,000	1,000
Total Operating Expenses	<u>1,000</u>	<u>101,000</u>	<u>1,000</u>
Net Income(Loss)	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>

7.1

**Duncan's Heating
& Cooling Corp.**

PROJECT SUMMARY
Duncan's Heating and Cooling Corp.



Applicant:	Duncan's Heating and Cooling Corp.	
Project Location:	3507 Hyde Park Blvd. Niagara Falls, NY 14305	
Assistance:	Sales Tax Abatement Property Tax Abatement Mortgage Recording Tax	
Description:	<p>Duncan's Heating and Cooling Corp. will construct a 4,500 sq. ft. addition for manufacturing and fabrication space. As a result of this expansion, Duncan's Heating and Cooling will be able to hire at least nine additional individuals. All employees undergo a lengthy training process that provides certifications in welding and associated skills.</p> <p>Duncan's Heating and Cooling works closely with Niagara Worksource One in the hiring and training of persons in Niagara County. They've partnered with Worksource One on several successful on-the-job training programs and certifies that each new hire will receive 160 hours of training.</p>	
Project Costs:	Construction/Improvements Furniture, Fixtures & Equipment Soft costs & other <p align="right">TOTAL</p>	\$ 250,000 \$ 320,000 <u>\$ 10,000</u> \$ 580,000
Employment:	Current jobs in Niagara County 34 FTE New Jobs in Niagara County within 3 years: 9 FTE Estimated Annual Payroll End Year 3: \$2,762,000 Skills: welding, fabrication	
Evaluative Criteria:	15 year Industrial - Regional Wealth Creation, Research and Development Activities, Retention, Workforce Access	

REGIONAL ECONOMIC IMPACT ANALYSIS
Duncan's Heating and Cooling Corp.

Estimated Project Benefits / Estimated Project Incentives Analysis

Total Project Benefits	\$ 1,149,136
Total Project Incentives	\$ 114,258
Community Benefit to Cost Ratio	10:1
Total Employment	32
Direct**	9
Indirect***	20
Temporary Construction	3

Estimated Project Benefits

Total Project Benefits	\$ 1,149,136
Income Tax Revenue	\$ 810,000
Property Tax Revenue	\$ 99,136
Sales Tax Revenue	\$ 240,000

Estimated Project Incentives

Total Project Incentives	\$ 114,258
Property Tax	\$ 75,433
Sales Tax	\$ 35,600
Mortgage Tax	\$ 3,225

* Figures over 15 years and discounted by 3.49%

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

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

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

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

PUBLIC HEARING
Duncan's Heating & Cooling Corp. and/or
Individual(s) or Affiliate(s), Subsidiary(ies), or
Entity(ies) formed or to be formed on its behalf

Public Hearing to be held on November 1, 2021 at 2:15 p.m.
at Town of Niagara, Town Hall

Andrea Klyczek: *Welcome. This public hearing is now open; it is 2:15 p.m. My name is Andrea Klyczek, I am the Assistant Director of the Niagara County Industrial Development Agency, and I have been designated by the Agency to be the hearing officer to conduct this public hearing. Notice of this public hearing was published in the Niagara Gazette.*

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

The proposed project (the "Project") includes the renovation of the vacant property located at 3507 Hyde Park Blvd., Town of Niagara, NY 14305 to be used as a manufacturing facility. The project application and project summary are posted on the Agency's website at niagaracountybusiness.com and I have copies with me today.

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

If you have a written comment to submit for the record, you may do so. Written comments may also be delivered to Agency at 6311 Inducon Corporate Drive, Suite One, Sanborn, New York 14132 until the comment period closes on September 3, 2021.

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

Hearing no comments, I will now adjourn the meeting. It is now 2: p.m. Thank you.

NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY

PUBLIC HEARING FOR DUNCAN'S HEATING & COOLING, CORP.

November 1, 2021

2:15 P.M.

Taken at: Town of Niagara Town Hall

1 PRESENT: ANDREA KLYCZEK,
 Assistant Director,
2 Niagara County Industrial
 Development Agency.
3 Appearing as Hearing Officer.

4 SUSAN LANGDON
 Executive Director
5 Niagara County Industrial
 Development Agency

6 REPORTED BY: DAWN M. SITERS,
7 Court Reporter.

8
9 ATTENDANCE NOTED ON ATTACHED SIGN-IN SHEET

10
11 MS. KLYCZEK: Welcome.

12 This public hearing is now open. It is 2:15 p.m.

13 My name is Andrea Klyczek. I
14 am the Assistant Director of the Niagara County
15 Industrial Development Agency. I have been
16 designated by the Agency to be the hearing officer
17 to conduct this public hearing.

18 Notice of this public hearing was
19 published in the Niagara Gazette.

20 We are here to hold the public
21 hearing on Duncan's Heating and Cooling Corporation
22 and/or individuals or affiliates, subsidiaries or
23 entities formed, or to be formed, on its behalf.

1 The transcript of this hearing
2 will be reviewed and considered by the Agency in
3 determination of this project.

4 The proposed project includes the
5 renovation and build out of vacant property located
6 at 3507 Hyde Park Boulevard, Town of Niagara, New
7 York 14305 to be used as a manufacturing facility.
8 The project application and project summary are
9 posted on the Agency's website at
10 *niagaracountybusiness.com*. I have copies with
11 me today.

12 The proposed financial assistance
13 contemplated by the Agency includes New York State
14 and local sales and use tax exemption benefits and
15 mortgage recording tax exemption benefits in
16 compliance with the Agency's uniform tax exemption
17 policy.

18 If you have a written comment to
19 submit for the record, you may do so. Written
20 comments may also be delivered to the Agency at
21 6311 Inducon Corporate Drive, Suite One, Sanborn,
22 New York 14132.

23 If anyone is interested in making

1 a comment, please state your name and address. If
2 you are representing a company, please identify the
3 company.

4 Hearing no comments, I will now
5 adjourn this hearing. It is now 2:17 p.m.

6 Thank you.

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8 (Off the record at 2:17 p.m.)

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**SIGN IN SHEET
PUBLIC HEARING**

November 1, 2021 at 2:15 p.m.
Town of Niagara, Town Hall

regarding:

**Duncan's Heating & Cooling Corp. and/or Individual(s) or Affiliate(s), Subsidiary(ies),
or Entity(ies) formed or to be formed on its behalf**

Name	Company and/or Address	X box to speak/ comment
JOHN SHELLER	NCRPTS	

7.2

PEMM LLC

PROJECT SUMMARY
PEMM LLC



Applicant:	PEMM LLC	
Project Location:	Porter Rd. Niagara Falls, NY 14304	
Assistance:	Sales Tax Abatement Property Tax Abatement Mortgage Recording Tax	
Description:	<p>PEMM LLC proposes the build out of a full service travel center on three vacant parcels of land in the Town of Niagara. The 8-acre area will have food accommodations for travelers and offer a service area for trucks to provide minor maintenance and repairs. There will be a weight station for trucks to meet interstate transfer requirements and amenities available for those industry employees who require additional accommodations.</p> <p>PEMM LLC will service the tourist busses and host tourism materials that will promote local attractions. There will also be refueling canopies to serve both the traditional traveler and the diesel consumer.</p> <p>PEMM LLC primary consumer group is the tourism and distribution networks, as such the typical build out will center around meeting those demands.</p>	
Project Costs:	Acquisition Construction/Improvements Furniture, Fixtures & Equipment Soft costs & other <p align="right">TOTAL</p>	\$ 2,150,000 \$ 3,750,000 \$ 2,350,000 <u>\$ 250,000</u> \$ 8,500,000
Employment:	Current jobs in Niagara County New Jobs in Niagara County within 3 years: Estimated Annual Payroll End Year 3: Skills: management, operational staff	0 FTE 20 FTE \$750,000
Evaluative Criteria:	10 year Tourism- regional wealth creation, support of regional tourism, In region purchases, general of regional revenues	

**REGIONAL ECONOMIC IMPACT ANALYSIS
PEMM LLC Tourism Center**

Estimated Project Benefits / Estimated Project Incentives Analysis

Total Project Benefits	\$ 1,158,781
Total Project Incentives	\$ 725,102
Community Benefit to Cost Ratio	1.6:1
Total Employment	60
Direct**	20
Indirect***	13
Temporary Construction	27

Estimated Project Benefits

Total Project Benefits	\$ 1,158,781
Income Tax Revenue	\$ 548,000
Property Tax Revenue	\$ 423,781
Sales Tax Revenue	\$ 187,000

Estimated Project Incentives

Total Project Incentives	\$ 725,102
Property Tax	\$ 336,102
Sales Tax	\$ 338,000
Mortgage Tax	\$ 51,000

* Figures over 15 years and discounted by 3.49%

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

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

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

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

PUBLIC HEARING
PEMM LLC and/or Individual(s) or Affiliate(s),
Subsidiary(ies), or Entity(ies) formed or to be
formed on its behalf

Public Hearing to be held on November 1, 2021 at 2:00 p.m.
at Town of Niagara, Town Hall

Andrea Klyczek: *Welcome. This public hearing is now open; it is 2:00 p.m. My name is Andrea Klyczek, I am the Assistant Director of the Niagara County Industrial Development Agency, and I have been designated by the Agency to be the hearing officer to conduct this public hearing. Notice of this public hearing was published in the Niagara Gazette.*

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

The proposed project (the "Project") includes the build out of a full travel center on three vacant parcels of land located at 6000 Porter Rd. in the Town of Niagara. PEMM LLC will build a travel center to include food accommodations for travelers and a service area for trucks that will provide maintenance and repairs. There will also be a weight station for trucks, to assist in meeting interstate transfer requirements and amenities available for those industry employees who require additional accommodations. PEMM LLC will service the tourist busses and host tourism materials, promoting local attractions. There will be refueling canopies to serve both the traditional travel, as well as the diesel consumer.

The NCIDA has determined that based on year 2019 Census data, the poverty rate for the adjacent census tract was 25.70% and the unemployment rate was 1.41 times the state average, for the year to which the date related, with respect to the adjacent census tract in which the Project is located enabled the Agency to determine that the Project is located in a "highly distressed area".

The project application and project summary are posted on the Agency's website at niagaracountybusiness.com and I have copies with me today.

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

If you have a written comment to submit for the record, you may do so. Written comments may also be delivered to Agency at 6311 Inducon Corporate Drive, Suite One, Sanborn, New York 14132 until the comment period closes on November 3, 2021.

We have received letters of support for this project from Frank's Vacuum Truck Service, Inc. and Niagara Falls Center for Tourism, LLC. These letters will be included into the record, in their entirety. We also received an email from Niagara Falls USA, the regional tourism agency, which I will read into the record now.

From Andrea Czopp, Vice President of Operations

This project will serve two needed benefits for the tourism industry. First, it will provide our motorcoach groups with an elevated customer experience at a facility that is tailored specifically for high volume traffic. Additionally, many of the motorcoach operators currently idle in the downtown tourism district while they wait for their groups. This can often contribute to traffic issues on high volume days. Motorcoach operators will now have a location within close proximity to downtown where they can wait for their groups, providing much needed relief on downtown streets.

If anyone is interested in making a comment, please, state your name and address; if you are representing a company, please identify the company. Hearing no comments, I will now adjourn the meeting. It is now 2: p.m. Thank you.

NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY

PUBLIC HEARING FOR PEMM, LLC

November 1, 2021

2:00 P.M.

Taken at: Town of Niagara Town Hall

1 PRESENT: ANDREA KLYCZEK,
 Assistant Director,
2 Niagara County Industrial
 Development Agency.
3 Appearing as Hearing Officer.

4 SUSAN LANGDON
 Executive Director
5 Niagara County Industrial
 Development Agency

6 REPORTED BY: DAWN M. SITERS,
7 Court Reporter.

8
9 ATTENDANCE NOTED ON ATTACHED SIGN-IN SHEET

10
11 MS. KLYCZEK: Welcome.

12 This public hearing is now open. It is 2:00 p.m.

13 My name is Andrea Klyczek. I am
14 Assistant Director of the Niagara County Industrial
15 Development Agency, and I have been designated by
16 the Agency to be the hearing officer to conduct this
17 public hearing.

18 Notice of the public hearing was
19 published in the Niagara Gazette.

20 We are here to hold the public
21 hearing on PEMM, LLC, and/or individuals or
22 affiliates, subsidiaries, entities formed, or to
23 be formed, on its behalf.

1 The transcript of this hearing
2 will be reviewed and considered by the Agency in
3 determination of this project.

4 The proposed project includes the
5 build out of a full travel center on three vacant
6 parcels of land located at 6000 Porter Road in the
7 Town of Niagara. PEMM, LLC will build a travel
8 center to include food accommodations for travelers,
9 and a service area for trucks that will provide
10 maintenance and repairs. There will also be a weigh
11 station for trucks to assist in meeting interstate
12 transfer requirements and amenities available for
13 those industry employees who require additional
14 accommodations.

15 PEMM, LLC will service the tourist
16 buses, and host tourism materials promoting local
17 attractions. There will be refueling canopies to
18 serve both the traditional traveler, as well as the
19 diesel consumer.

20 The NCIDA has determined that
21 based on year 2019 Census data, the poverty rate for
22 the adjacent Census tract was 25.7 percent, and the
23 unemployment rate was 1.41 times the state average

1 for the year to which the date related with respect
2 to the adjacent census tract in which the Project is
3 located enabled the Agency to determine that the
4 Project is located in a highly distressed area.

5 The Project application and
6 Project summary are posted on the Agency's website
7 at *niagaracountybusiness.com*, and I have copies with
8 me today.

9 The proposed financial assistance
10 contemplated by the Agency includes New York State
11 and local sales and use tax exemption benefits and
12 mortgage recording tax exemption benefits in
13 compliance with the Agency's uniform tax exemption
14 policy.

15 If you have a written comment to
16 submit for the record, you may do so. Written
17 comments may also be delivered to the Agency at
18 6311 Inducon Corporate Drive, Suite One, Sanborn,
19 New York 14132 until the comment period closes on
20 November 3, 2021.

21 We have received letters of
22 support for this project from Frank's Vacuum Truck
23 Service, Inc., and Niagara Falls Center for Tourism,

1 LLC. These letters will be included into the record
2 in their entirety.

3 We also received an e-mail from
4 Niagara Falls USA, the regional tourism agency,
5 which I will read into the record now.

6 From Andrea Czopp, Vice President
7 of Operations, Niagara Falls Center, Niagara Falls,
8 USA.

9 This project will serve two needed
10 benefits for the tourism industry. First, it will
11 provide our motorcoach groups with an elevated
12 customer experience at the facility that is tailored
13 specifically for high-volume traffic. Additionally,
14 many of the motorcoach operators currently idle in
15 the downtown tourism district while they wait for
16 their groups. This can often contribute to traffic
17 issues on high-volume days. Motorcoach operators
18 will now have a location within proximity to
19 downtown where they can wait for their groups,
20 providing much needed relief on downtown streets.

21 If anyone else is interested in
22 making a comment, please state your name and
23 address. If you are representing a company,

1 please identify the company.

2 Hearing no comments, I will now
3 adjourn this hearing. It is now 2:03 p.m.

4 Thank you.

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6 (Off the record at 2:03 p.m.)

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**SIGN IN SHEET
PUBLIC HEARING**

November 1, 2021 at 2:00 p.m.
Town of Niagara, Town Hall

regarding:

**PEMM LLC and/or Individual(s) or Affiliate(s), Subsidiary(ies),
or Entity(ies) formed or to be formed on its behalf**

Name	Company and/or Address	X box to speak/ comment
JOHN SHOEMAKER	NCRPTS	



Frank's Vacuum Truck Service Inc.
1717 New Road
Niagara Falls, NY 14304
(716) 284-2132

I am the general manager of a local trucking firm. We are located on New Road in Niagara Falls and currently have a fleet of 40 tractors and 125 assorted trailers. I am keenly interested in the proposed project to build a Travel Center in Niagara County.

Currently there is very little opportunity for truckers to obtain diesel fuel in Niagara County specifically within close proximity to the Lewiston / Queenston bridge. Industry data indicates that an average of approximately 30,000 trucks cross over the bridge each month. The ten-year average crossing numbers are 388,800 per year. The numbers dropped after the recession in 2008 but rebounded pre covid.

There are 2 diesel outlets in close proximity to our New Road location, however neither is conducive to truck traffic, Sam's Club and Delta Sonic. In addition, there is Diesel fuel available on the reservation however the fuel sold there does not meet International Fuel Tax Association (IFTA) Mandates. IFTA taxes are collected by, in our case New York State, and then disbursed to all IFTA member jurisdictions. Buying fuel from non-taxing fuel providers circumvents the IFTA system requirements and is thus illegal.

The closest actual Travel Centers that provide fuel are Jim's on Walden Avenue in Cheektowaga located 25.1 miles from our New Road location or the Pilot Flying J Travel Center in Pembroke which is 40 miles down the road.

With the onset of electronic logging devices Safe Haven Travel Centers have become extremely strategic and important. Drivers must get off the road to a safe haven after 11 hours of driving or a 14-hour workday when including off duty hours. Once again Travel Centers / safe haven areas are non-existent in Niagara County. In addition to the lack of fuel and safe havens, there are also no certified scales in Niagara County. Many loads must be scaled to prevent exceeding axle weights or gross weight regulations. By providing fuel, a safe haven and a certified scale, the proposed project will add immense value to the local as well as national trucking industry.

In traveling to and from my home to my office I notice trucks parked at Home depot, vacant gas stations or wherever else a driver can get off the road. This is not safe for the driver nor is it good for the local residents and or businesses. A Travel Center designed to properly serve truckers is the correct solution.

The trucking industry is looking at driverless trucks as well as electric vehicles. Obviously charging and recharging electric vehicles will become a new challenge in the transportation industry. A travel center providing this service will be a great benefit to truckers of the not to distant future.

Currently the transportation industry is under much duress, primarily because of the significant shortage of drivers both locally and nationally. Many economists feel this problem will only get worse in the coming years. In providing the added service of food, fuel, a safe haven and scales will address some driver stress points.

In addition to serving to assist truckers the proposed project will provide a tremendous boost to the Niagara County economy as a result of job generation and the sales and fuel taxes generated.

Thomas B. Lewis

Niagara Falls Center for Tourism LLC

"The One Niagara Center"

360 Rainbow Blvd.
Niagara Falls, NY 14303
(716) 946-5757

October 29, 2021

Susan Langdon, Executive Director
Niagara County Center for Economic Development
6311 Inducon Corporate Drive
Samuel M. Ferraro Center, Suite One
Sanborn, New York 14132

RE: Proposed Quicklee's Travel Center

Dear Ms. Landon:

After reading the recent Buffalo News article regarding the proposed Quicklee's development, we at Niagara Falls Center for Tourism LLC thought it proper to express our support for their proposed Travel Center development.

NFCT LLC owns and operates the One Niagara Welcome Center in downtown Niagara Falls. As part of our promotional efforts, we have invested in excess \$250,000 annually toward marketing Niagara Falls, New York directly to international sightseeing tour operators, primarily in the Asian markets. Our efforts included an extended tour of mainland China in 2014.

Prior to 2014, the average number of the Asian-market motorcoach visits to Niagara Falls, NY totaled 450 "buses" per annum (carrying approximately 23,400 individuals per season). Within two years of our direct marketing efforts, commercially operated Asian motorcoach visits to Niagara Falls, NY increased exponentially, peaking at 7,000 motorcoach trips in a single tourism season (accounting for an additional 370,000 visitors per year). Admittedly, the beautification of the Niagara Falls State Park coupled with the County's tourism efforts and the City's improved hotel room stock – amongst others' efforts - contributed to this success.

Eventually, and pre-COVID, these numbers "leveled off" at approximately 5,000 motorcoach visits to Niagara Falls, NY per annum. We clearly attribute the 28% reduction from the 7,000-peak period to two factors. First, under the City of Niagara Falls' prior administration, mandatory designated motorcoach parking was initiated, and strictly enforced, at parking rates that exceed what motorcoach operators are charged even in New York City. Second, there does not exist, at least within a reasonable distance to downtown, a facility capable of servicing these motorcoaches and their drivers.

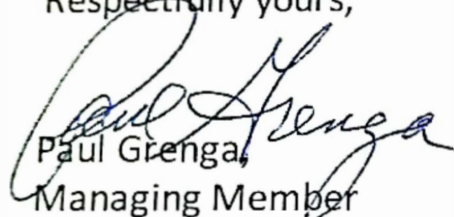
A service-oriented infrastructure capable of handling the needs of motorcoach operators is a practical necessity needed for our tourism industry to continue attracting international tour

operators here. In our experience, the nearby existence of a "Travel Service Center" as proposed by Quicklee's would significantly improve the marketability of Niagara Falls, NY to such commercial motorcoach tour operators.

If appropriate, please feel free to submit this correspondence into the record at the NCIDA public hearing regarding the Quicklee's Travel Center development.

As always, thank you for your kind consideration.

Respectfully yours,


Paul Grenga,
Managing Member