

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: March 9, 2022

TIME: 9:00 a.m.

**PLACE: Niagara County Center for Economic Development
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
____ **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 – *S. Barone*
 - 3.0 Introduction of Guests – *M. Onesi*
 - 4.0 Pledge of Allegiance – *M. Onesi*
 - 5.0 Approval of Meeting Minutes
 - 5.1 Regular NCIDA/NCDC/NADC – February 9, 2022
 - 6.0 Committee Reports
 - 6.1 Finance & Audit Committee – *K. McCabe*
 - 6.1.1 Audit Report – *Lumsden & McCormick CPAs*
 - 6.1.2 Agency Payables
 - 6.1.3 Budget Variance Report
 - 6.2 Governance Committee – *J. Wolfgang*
 - 6.2.1 Annual Board Evaluations – *M. Gabriele*

- 7.0 Annual Meetings of the NCIDA, NCDC, and NADC**
- 7.1 Election of Chairperson – *M. Gabriele***
- 7.2 Election of Officers**
 - 7.2.1 First Vice Chairperson**
 - 7.2.2 Second Vice Chairperson**
 - 7.2.3 Secretary**
 - 7.2.4 Assistant Secretary**
 - 7.2.5 Treasurer**
- 7.3 Appointment of Committee Members and Committee Chairpersons**
 - 7.3.1 Finance & Audit Committee**
 - 7.3.2 Governance Committee**
 - 7.3.3 NCDC Loan/Micro Grant Committee**
 - 7.3.4 Cataract Tourism Fund Committee**
- 7.4 Ratify Board Meeting Dates/Time**
 - 7.4.1 Second (2nd) Wednesday of the Month**
- 7.5 Reaffirm Committee Charters – *M. Gabriele***
 - 7.5.1 Finance & Audit Committee Charter**
 - 7.5.2 Governance Committee Charter**
- 7.6 Reaffirm Mission Statement – *M. Gabriele***
- 7.7 Reaffirm Uniform Tax Exempt Policy – *M. Gabriele***
- 7.8 Niagara Industrial Incubator Associates (“NIIA”) - *M. Gabriele***
 - 7.8.1 Appointment of Susan Langdon**
- 7.9 Niagara Industrial Incubator Company (“NIIC”) - *M. Gabriele***
 - 7.9.1 Appointment of Susan Langdon**
- 7.10 Niagara Economic Development Fund (“NEDF”) - *M. Gabriele***
 - 7.10.1 Appointment of Susan Langdon**
- 7.11 Risk Assessment and Risk Management Letter – *M. Dudley***
- 7.12 NCIDA Real Property Assessment – *M. Dudley***
- 7.13 Annual Investment Reports – *M. Dudley***
- 7.14 Reaffirm Administrative Policies for 2022 – *M. Gabriele***
- 7.15 2021 Annual Report Summaries – *M. Gabriele***
- 7.16 2021 Annual Measurement Reports – *M. Gabriele***

8.0 Unfinished Business

8.1 Moog Inc. – *S. Langdon*

8.1.1 Final Resolution

8.2 Plati Niagara Inc. – *M. Gabriele*

8.2.1 Resolution

8.3 Cerrone Estate Properties LLC- *M. Gabriele*

8.3.1 Inducement Extension

9.0 New Business

9.1 13 W. Main LLC – *S. Barone*

9.1.1 Preliminary Resolution

9.1.2 Authorize Public Hearing

10.0 Agency Counsel – *M. Gabriele*

11.0 Information Items

12.0 Any Other Matters the Board Wishes to Discuss

13.0 Next Regular NCIDA/NCDC/NADC Meeting:

DATE: April 13, 2021

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

PLACE: Niagara County Center for Economic Development

14.0 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: February 9, 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 a 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
William L. Ross, Secretary	Present
Mary Lynn Candella, Assistant Secretary	Present – Via Phone
Robert B. Cliffe, Member	Present
Clifford Scott, Member	Present
Scott Brydges, Member	Present
Jason Krempa, Member	Present

3.0 Introduction of Guests

Tom Prohaska, Buffalo News
Gary Siddall, President and CEO/Aquarium of Niagara
Alexandria Lang, Senior Development Manager/Aquarium of Niagara

4.0 Pledge of Allegiance

Mr. Wolfgang led the Pledge of Allegiance.

5.0 Approval of Meeting Minutes

5.1 Regular NCIDA/NCDC/NADC – January 12, 2021

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

6.0 Finance & Audit Committee Reports

6.1 Agency Payables – January 31, 2021

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

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

6.2 Budget Variance Report – January 31, 2021

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

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

7.0 Unfinished Business

7.1 CVE US E13 Wheatfield, LLC

Ms. Klyczek stated that a public hearing was held on February 3, 2022 at 2:00 in the Conference Room at the Niagara County Center for Economic Development, located at 6311 Inducon Corporate Drive, Suite 1, Sanborn, New York 14132. There were no comments at the public hearing. There was one attendee, John Shoemaker from Niagara County Real Property.

Mr. Wolfgang inquired about the fact that the company did not have anyone employed full time once the project was completed. Ms. Klycek responded by saying they will be outsourcing for all the maintenance at their property.

7.1.1 Final Resolution

RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY (i) UNDERTAKE A CERTAIN PROJECT FOR THE BENEFIT OF CVE US EI3 WHEATFIELD, 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.

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

7.1 CVE US E13 Wheatfield, LLC (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 Wolfgang	x			
Kevin McCabe	x			
William Ross	x			
Mary Lynn Candella				x
Robert Cliffe		x		
Scott Brydges	x			
Clifford Scott	x			
Jason Krempa	x			
Mark Onesi	x			

The Resolution was thereupon duly adopted.

7.2 Kilmer Solar, LLC

Ms. Klyczek stated that a public hearing was held on February 2, 2022 at 2:00 in the Council Room at the Town of Lewiston Town Hall, located at 1375 Ridge Road, Lewiston, New York 14092. There were three representatives from the town of Lewiston who spoke on various aspects of the project. In addition to an initial letter from the Town, the Agency received two letters from the Town, which are attached to the public hearing transcript.

Mr. Gabriele stated that before this project, the Agency received a consent letter from the Town of Lewiston. Sometime after the original letter of support, the Agency found that the Town was not consenting and the Town wanted to wait until after the Pilot was entered into. Mr. Gabriele informed the Board that they had an opportunity to consider this by either approving it, not approving it, approving it with conditions, or tabling it.

Mr. Wolfgang stated that he has spoken to the Town of Lewiston Supervisor, and the Supervisor requested the Board table this application since there has not been any further discussions or negotiations for the Pilot.

Mr. Wolfgang made a motion to table this project; Mr. Cliffe seconded the motion. The motion passed.

8.0 New Business

8.1 Moog Inc.

Mr. Gabriele stated that this project remains as part of the same project that was entered into several years ago. However, due to the increased costs of the project, the company is going to be incurring additional sales tax, which the company had not accounted for at the time of the application. Because that amount is in excess of \$100,000, the company is filing an amended application which will necessitate a Board approval.

8.1.1 Preliminary Resolution

RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY (i) ACCEPTING THE SUPPLEMENT TO THE EXISTING PROJECT APPLICATION OF MOOG, INC. WITH RESPECT TO A CERTAIN PROJECT (AS MORE FULLY DEFINED BELOW) TO BE UNDERTAKEN BY THE AGENCY FOR THE BENEFIT OF MOOG, INC; (ii) AUTHORIZING A PUBLIC HEARING WITH RESPECT TO THE SUPPLEMENTAL BENEFITS TO THE PROJECT; (iii) DESCRIBING THE FORMS OF FINANCIAL ASSISTANCE BEING CONTEMPLATED BY THE AGENCY.

Mr. Wolfgang 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 Wolfgang	x			
Kevin McCabe	x			
William Ross	x			
Mary Lynn Candella				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 Authorize Public Hearing

Mr. Ross made a motion to approve the Public Hearing; Mr. Cliffe seconded the motion.

8.2 Niagara Creek LLC (The Eleanor Apartments, LLC)

Mr. Gabriele stated that The Eleanor Apartments, LLC was a project that was approved by the Board a number of years ago. The project was delayed by Covid. Niagara Creek, LLC is now purchasing the building. They would like the opportunity to step-into the shoes of the Eleanor Apartments, LLC for purposes of assuming all of the obligations of the Eleanor Apartments, LLC, as well as have the remaining benefits assigned to their corporation going forward.

Mr. Onesi asked if Niagara Creek LLC was looking for any other changes. Mr. Gabriele responded by saying they only other thing the company was looking for was three quarters of 1% of the mortgage tax exemption benefit.

Mr. Krempa asked if these are market rate apartments. Mr. Gabriele informed Mr. Krempa that they are market rate apartments, and are also in a distressed area.

8.2.1 Consent Resolution

RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY AUTHORIZING THE ASSIGNMENT OF AND ASSUMPTION OF THE ELEANOR APARTMENTS LLC PROJECT TO NIAGARA CREEK, LLC INCLUDING THE ORIGINAL LEASE, LEASEBACK, PILOT AGREEMENT, TOGETHER WITH ALL ASSOCIATED DOCUMENTS RELATING TO THE FACILITY CURRENTLY RECEIVING BENEFITS FROM THE AGENCY.

Mr. Ross made a motion to approve the Consent Resolution; 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 Wolfgang	x			
Kevin McCabe	x			
William Ross	x			
Mary Lynn Candella				x
Robert Cliffe	x			
Scott Brydges	x			
Clifford Scott	x			
Jason Krempa	x			
Mark Onesi	x			

The Resolution was thereupon duly adopted.

8.3 Request for Micro Enterprise Grant Approval

Ms. Klyczek stated that the Agency held an NCDC Committee meeting on January 26, 2022. At that time, each one of these projects was reviewed and approved by the Committee.

8.3.1 Halligan’s Niagara LLC

Ms. Klyczek stated that Halligan’s Niagara LLC submitted a Micro Enterprise grant request for the amount of \$25,000. This is a restaurant/bar that is located at 3997 Lower Mountain Road in Cambria. They have been operating since June of 2021. They worked with SBDC to submit their application. They will be creating two full-time, and two part-time jobs in Niagara County. This grant request was unanimously approved by the Committee.

8.3.1 Halligan’s Niagara LLC

RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY APPROVING MICRO ENTERPRISE FUND GRANT TO HALLIGAN’S NIAGARA LLC

Mr. Mr. Ross made a motion to approve the Microenterprise Grant; Mr. McCabe seconded the motion.

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

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Jerald Wolfgang	x			
Kevin McCabe	x			
William Ross	x			
Mary Lynn Candella				x
Robert Cliffe	x			
Scott Brydges	x			
Clifford Scott	x			
Jason Krempa	x			
Mark Onesi	x			

The Resolution was thereupon duly adopted.

8.3.2 MHG Food and Events Services, LLC (DBA Gypsy Kitchen)

Ms. Klyczek stated that MHG Food and Events Services, LLC is a small start-up catering business. They worked with SBDC to submit their business plan and application. They are asking for \$20,000 from the Micro Enterprise grant program. They are a low to moderate income applicant that intends to hire one full-time employee. This grant request was unanimously approved by the Committee on January 26, 2022.

8.3.2 MHG Food and Events Services, LLC (DBA Gypsy Kitchen)

RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY APPROVING MICRO ENTERPRISE FUND GRANT TO MHG FOOD AND EVENTS SERVICES, LLC.

Mr. Mr. Ross made a motion to approve the Microenterprise Grant; Mr. Krempa 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 Wolfgang	x			
Kevin McCabe	x			
William Ross	x			
Mary Lynn Candella				x
Robert Cliffe	x			
Scott Brydges	x			
Clifford Scott	x			
Jason Krempa	x			
Mark Onesi	x			

The Resolution was thereupon duly adopted.

8.3.3 I Eudaimonia, Inc. (DBA Jacobsen Chiropractic & Wellness)

Ms. Klyczek stated that I Eudaimonia is a small business that just switched to a larger location on Military Road. They will be hiring two part-time individuals, and one full-time individual. The company is requesting \$20,100 from the Micro Enterprise grant. This grant request was unanimously approved by the Committee on January 26, 2022.

8.3.3 I Eudaimonia, Inc. (DBA Jacobsen Chiropractic & Wellness)

RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY APPROVING MICRO ENTERPRISE FUND GRANT TO I EUDAIMONIA, INC.

Mr. Mr. Krempa made a motion to approve the Microenterprise Grant; Mr. Ross seconded the motion.

8.3.3 I Eudaimonia, Inc. (DBA Jacobsen Chiropractic & Wellness) (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 Wolfgang	x			
Kevin McCabe	x			
William Ross	x			
Mary Lynn Candella				x
Robert Cliffe	x			
Scott Brydges	x			
Clifford Scott	x			
Jason Krempa	x			
Mark Onesi	x			

The Resolution was thereupon duly adopted.

8.3.4 Covey's Cove

Ms. Klyczek stated that Covey's Cove is a bar/restaurant that is located in Olcott. They worked with SBDC to submit their application for \$25,000 for various inventory. COVID did have a significant effect on them, and they operate seasonal for a time. The company is committed to hiring five new employees. These positions will be made available to low to moderate income individuals.

8.3.4 Covey's Cove

RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY APPROVING MICRO ENTERPRISE FUND GRANT TO COVEY'S COVE, INC.

Mr. Mr. Krempa made a motion to approve the Microenterprise Grant; Mr. Scott seconded the motion.

8.3.4 Covey’s Cove (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 Wolfgang	x			
Kevin McCabe	x			
William Ross	x			
Mary Lynn Candella				x
Robert Cliffe	x			
Scott Brydges	x			
Clifford Scott	x			
Jason Krempa	x			
Mark Onesi	x			

The Resolution was thereupon duly adopted.

8.4 Request for Cataract Tourism Fund Grant

8.4.1 Aquarium of Niagara Discovery Center

Ms. Klyczek stated that on February 4, 2022 we held a Cataract Grant Fund Committee Meeting. The Agency introduced the Aquarium of Niagara Discovery Center. The Aquarium plans to renovate Discovery Center which is currently a NYS Parks facility located approximately 500 feet from the Aquarium. This additional 5,000 square feet of space is going to allow them to expand their physical presence, and deliver additional programming. They have an aggressive timeline, and they plan to begin construction in June of 2022. The total project cost is \$4,500,000. They are requesting 20 percent of the total project cost from the Cataract Fund, which would be \$900,000. They secured other sources of funds through Empire State Development, private foundations, and equity. The project is estimated to create at least ten jobs.

Mr. Wolfgang questioned who owned the building. Mr. Siddall, from the Niagara Falls Aquarium, responded by saying they are working out an agreement with NYS Parks for a 20 year use agreement for the project.

RESOLUTION AUTHORIZING A GRANT TO THE NIAGARA AQUARIUM FOUNDATION RELATING TO THE NIAGARA GORGE DISCOVERY CENTER PROJECT

Mr. Mr. Ross made a motion to approve the Cataract Tourism Fund Grant; Mr. Wolfgang seconded the motion.

8.4.1 Aquarium of Niagara Discovery Center (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 Wolfgang	x			
Kevin McCabe	x			
William Ross	x			
Mary Lynn Candella				x
Robert Cliffe	x			
Scott Brydges	x			
Clifford Scott	x			
Jason Krempa	x			
Mark Onesi	x			

The Resolution was thereupon duly adopted.

8.4.2 Niagara Falls Center for Tourism

Mr. Gabriele stated that this was a project that this Board approved a year ago. Due to slow downs based on Covid, they are requesting that their expiration date be extended to the end of this 2022.

RESOLUTION AUTHORIZING AN EXTENSION OF GRANT EXPIRATION DATE TO DECEMBER 31, 2022, ALL RELATING TO THE GRANT ACCEPTANCE AGREEMENT WITH THE NIAGARA FALLS CENTER FOR TOURISM, LLC.

Mr. Mr. Ross made a motion to approve the Cataract Tourism Fund Grant date extension; Mr. Cliffe seconded the motion.

8.5 Covid Relief for Small Business Grant

Ms. Barone stated that for each of these grant applications, the Agency reviewed all the documents submitted for Grant eligibility criteria and confirmed with the New York State Office of Community Renewal if necessary.

8.5.1 Ameri-Cut Tool Grinding Inc. (DBA Superior Tool Company)

Ms. Barone stated that Ameri-Cut Tool Grinding Inc. is a small family-owned company in North Tonawanda that manufactures precision cutting tools. They have been in business for over 40 years, and acquired Superior Tool in 2016. They will create one full-time, and two part-time positions. During Covid, they lost revenue due to supply issues, reduced inventory and backorders causing lost sales which resulted in decreased production.

8.5.1 Ameri-Cut Tool Grinding Inc. (DBA Superior Tool Company) (Continued)

The company is requesting \$50,000, the use of funds will be for purchasing increased inventory, and repair of machinery to increase work flow. The Agency recommends approval of this Grant request as the applicant qualifies based on meeting all Grant eligibility requirements.

8.5.1 Ameri-Cut Tool Grinding Inc. (DBA Superior Tool Company)

RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY APPROVING GRANT TO AMERI-CUT TOOL GRINDING INC. UNDER THE COVID-19 RELIEF SMALL BUSINESS PROGRAM.

Mr. Mr. Krempa made a motion to approve the Grant under the Covid-19 Relief Small Business Program; 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 Wolfgang	x			
Kevin McCabe	x			
William Ross	x			
Mary Lynn Candella				x
Robert Cliffe	x			
Scott Brydges	x			
Clifford Scott	x			
Jason Krempa	x			
Mark Onesi	x			

The Resolution was thereupon duly adopted.

8.5.2 Jacobs Ladder, LLC

Ms. Barone stated that Jacob’s Ladder, LLC is a manufacturer of cardio exercise equipment located in the Town of Wheatfield. They have been in business since 2004. They will create two new full-time assembly positions made available to low-to-moderate income individuals. During Covid, they lost revenue due to supply issues, long lead times and raw material price increases, which lead them to a decision to insource the manufacturing of 40 out of 56 parts they use.

The company is requesting \$50,000, and the funds will be used for purchasing inventory and equipment, and hiring assembly employees to get the material production process up and running. The Agency recommends approval of this Grant request as the applicant qualifies based on meeting all Grant eligibility requirements.

8.5.2 Jacobs Ladder, LLC

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

Mr. Mr. Wolfgang made a motion to approve the Grant under the Covid-19 Relief Small Business Program; Mr. Ross 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 Wolfgang	x			
Kevin McCabe	x			
William Ross	x			
Mary Lynn Candella				x
Robert Cliffe	x			
Scott Brydges	x			
Clifford Scott	x			
Jason Krempa	x			
Mark Onesi	x			

The Resolution was thereupon duly adopted.

8.5.3 Nate’s Typewriters & Computers, Inc.

Ms. Barone stated that Nate’s Typewriters & Computer, Inc. is a full-service tech company in Niagara Falls providing sales and support for Business technology, personal computer, and office needs for over 38 years. They currently have four employees, and they will create one new full-time receptionist position made available to low-to-moderate income individuals. Covid retail and service restrictions, followed by disruptions to the supply and demand of computer parts disrupted the company. Due to the non-recovering copier business, they have decided to create a new Internet Café at their location with appropriate social distancing in order to increase clientele and income.

The company is requesting \$50,000 to be used for purchasing equipment, furniture, and inventory as well as signage to market the new Internet Café. The Agency recommends approval of this Grant request as the applicant qualifies based on meeting all Grant eligibility requirements.

8.5.3 Nate’s Typewriters & Computers, Inc.

RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY APPROVING GRANT TO NATE’S TYPEWRITERS & COMPUTERS, INC. UNDER THE COVID-19 RELIEF SMALL BUSINESS PROGRAM.

Mr. Mr. Wolfgang made a motion to approve the Grant under the Covid-19 Relief Small Business Program; Mr. Krempa 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 Wolfgang	x			
Kevin McCabe	x			
William Ross	x			
Mary Lynn Candella				x
Robert Cliffe	x			
Scott Brydges	x			
Clifford Scott	x			
Jason Krempa	x			
Mark Onesi	x			

The Resolution was thereupon duly adopted.

8.5.4 Salon Nouveau Day Spa, LLC

Salon Nouveau Day Spa, LLC is a full-service salon in Wheatfield. They have been in business over ten years. They currently have seven employees, and they are looking to hire three new full-time salon positions held by low to moderate income individuals. Covid closures and restrictions had caused a dramatic decrease in business and difficulty retaining and hiring employees. With the loss in clientele, they were also unable to make necessary repairs and upgrades for the salon.

The company is requesting \$45,000 to be used for purchasing fixtures, furniture, and inventory as well as hiring staff and marketing costs to attract new business. The Agency recommends approval of this Grant request as the applicant qualifies based on meeting all Grant eligibility requirements.

8.5.4 Salon Nouveau Day Spa, LLC

RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY APPROVING GRANT TO SALON NOUVEAU DAY SPA, LLC UNDER THE COVID-19 RELIEF SMALL BUSINESS PROGRAM.

Mr. Mr. Cliffe made a motion to approve the Grant under the Covid-19 Relief Small Business Program; 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 Wolfgang	x			
Kevin McCabe	x			
William Ross	x			
Mary Lynn Candella				x
Robert Cliffe	x			
Scott Brydges	x			
Clifford Scott	x			
Jason Krempa	x			
Mark Onesi	x			

The Resolution was thereupon duly adopted.

8.5.5 Great Lakes Iron Inc.

Great Lakes Iron Inc. specializes in the erection of miscellaneous metals, stairs, and fencing for commercial and industrial projects. They are located in Ransomville, and have been in business for over four years. The business has a low-to-moderate income owner and is looking to hire one new full-time iron worker position made available to low-to-moderate income individual. As a result of Covid, several projects were put on hold, which highly effected the business and forced them to diversify and offer more services. They are now including expansion into structural steel erection, and bridge construction and repair to help them recover.

The company is requesting \$28,000, this will be used for purchasing equipment that will allow for these additional services. The Agency recommends approval of this Grant request as the applicant qualifies based on meeting all Grant eligibility requirements.

8.5.5 Great Lakes Iron Inc.

RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY APPROVING GRANT TO GREAT LAKES IRON INC. UNDER THE COVID-19 RELIEF SMALL BUSINESS PROGRAM.

Mr. Mr. Wolfgang made a motion to approve the Grant under the Covid-19 Relief Small Business Program; 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 Wolfgang	x			
Kevin McCabe	x			
William Ross	x			
Mary Lynn Candella				x
Robert Cliffe	x			
Scott Brydges	x			
Clifford Scott	x			
Jason Krempa	x			
Mark Onesi	x			

The Resolution was thereupon duly adopted.

8.5.6 Arlene & Jack Miljour (DBA Sunset Stables)

Arlene & Jack Miljour d/b/a Sunset Stables is a working farm in Sanborn that specializes in boarding horses, stable rental, horse care, and riding areas. They have been in business for 13 years. They are a low-to-moderate income owned business and looking to hire one new part-time labor position. During Covid, the farm had boarders move their horses out due to the close proximity of stalls, and riding areas. Also, due to their client’s decreased income some were not able to afford their horses, therefore, they no longer needed boarding services.

The company is requesting \$26,000 to be used for replacing and repairing equipment to keep the farm working. They also will be updating the stables, and grounds to attract new clients to board their horses. The Agency recommends approval of this Grant request as the applicant qualifies based on meeting all Grant eligibility requirements.

8.5.6 Arlene & Jack Miljour (DBA Sunset Stables)

RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY APPROVING GRANT TO JACK MILJOUR AND ARLENE MILJOUR D/B/A SUNSET STABLES UNDER THE COVID-19 RELIEF SMALL BUSINESS PROGRAM.

Mr. Mr. Brydges made a motion to approve the Grant under the Covid-19 Relief Small Business Program; Mr. Krempa 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 Wolfgang	x			
Kevin McCabe	x			
William Ross	x			
Mary Lynn Candella				x
Robert Cliffe	x			
Scott Brydges	x			
Clifford Scott	x			
Jason Krempa	x			
Mark Onesi	x			

The Resolution was thereupon duly adopted.

8.5.7 Niagara Shores Campground & Conference Center LLC

Niagara Shores Campground & Conference Center LLC is a campground offering camping and lodging accommodations, as well as a 10,000 sq. ft. convention center for special events. They are located in Appleton, and opened in 2019. They currently have five employees, and they are looking to hire one full-time, and two part-time kitchen positions held by low-to-moderate income individuals. The Covid closures and restrictions had caused a dramatic decrease in business with many camping and event cancellations.

The company is requesting \$50,000 to be used for working capital to help them through expansion of their accommodations to include upgrades, and updating restroom facilities with sanitizing equipment. This will also aid in hiring adequate staff to properly serve guests. The Agency recommends approval of this Grant request as the applicant qualifies based on meeting all Grant eligibility requirements.

8.5.7 Niagara Shores Campground & Conference Center LLC

RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY APPROVING GRANT TO NIAGARA SHORES CAMPGROUND AND CONFERENCE CENTER LLC UNDER THE COVID-19 RELIEF SMALL BUSINESS PROGRAM.

Mr. Mr. Ross made a motion to approve the Grant under the Covid-19 Relief Small Business Program; Mr. Krempa 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 Wolfgang	x			
Kevin McCabe	x			
William Ross	x			
Mary Lynn Candella				x
Robert Cliffe	x			
Scott Brydges	x			
Clifford Scott	x			
Jason Krempa	x			
Mark Onesi	x			

The Resolution was thereupon duly adopted.

8.5.8 Donovan Orchards LLC

Donovan Orchards LLC is a fruit orchard, as well as a producer of hard ciders with a tasting room in their Barker location. The fruit, and ciders are also distributed in local grocery chains, and restaurants. They have been in business for 15 years. They currently have ten employees, and are committed to hiring one full-time production position held by a low-to-moderate income individual. The shutdown of indoor restaurant/bar operations directly impacted their tasting rooms, as well as decreased sales to restaurants through their distributors. They had to lay off staff due to decreased production from supply issues. The supply and staffing issues caused a loss of income by not being able to fulfill orders.

The company requested \$50,000 to be used for equipment that will help repurpose, and create flexibility in production areas to increase production. This will also enhance employee social distancing and, add a more sanitary production system. The Agency recommends approval of this Grant request as the applicant qualifies based on meeting all Grant eligibility requirements.

8.5.8 Donovan Orchards LLC

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

Mr. Mr. Krempa made a motion to approve the Grant under the Covid-19 Relief Small Business Program; 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 Wolfgang	x			
Kevin McCabe	x			
William Ross	x			
Mary Lynn Candella				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 stated that when the Agency applied for funding for the Covid-19 Small Business Relief Grant program, we were not anticipating applications from area hotels. In the beginning of the pandemic, the Agency provided HELP loans to specifically target impacted hotels. He asked the Board for guidance on whether to consider hotels that also received the HELP loans for Covid grants. The Board agreed that the only hotels that will qualify for Covid grants, are those that have not already received a HELP loan from the NCIDA.

Mr. Gabriele informed the Board that staff received a 3% raise back in December, 2021 for the year of 2022. Because Ms. Langdon is a contract employee, any raise for her would require Board approval.

The Board entered into an executive session for the purpose of discussing a personnel issue. The Board came out of Executive session, and unanimously approved the 3% raise for Susan Langdon, retroactive to January 1, 2022

10.0 Information Items

There were no information items at this time.

11.0 Any Other Matters the Board Wishes to Discuss

There were no matters that the Board wished to discuss.

12.0 Next Regular NCIDA/NCDC/NADC Meeting:

DATE: March 9, 2022

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 10:30 a.m.

Respectfully Submitted:

Reviewed By:

Approved By:

Julie Lamoreaux
Recording Secretary

Susan C. Langdon
Executive Director

William L. Ross
Secretary

6.1.2

AGENCY

PAYABLES

Niagara County Industrial Devel. Agency
Check Register
 For the Period From Feb 1, 2022 to Feb 28, 2022

Filter Criteria includes: Report order is by Date.

Check #	Date	Payee	Cash Account	Amount
29466	2/1/22	THE HARTFORD	10001.100	
29467	2/1/22	M&T Bank	10001.100	32.47
29468	2/1/22	National Grid	10001.100	504.65
29469	2/1/22	Pitney Bowes Global Financial Services	10001.100	189.42
29470	2/8/22	360 PSG.com	10001.100	60.00
29471	2/8/22	First Choice Coffee Services	10001.100	62.29
29472	2/8/22	Gabriele & Berrigan, P.C.	10001.100	5,000.00
29473	2/8/22	MRB Group	10001.100	1,000.00
29474	2/8/22	Professional Janitorial Services, Inc.	10001.100	705.00
2/10/22	2/10/22	PAYCHEX, INC.	10001.100	78.12
2/11/22	2/11/22	NYS DEFERRED COMPENSATION PLAN	10001.100	1,106.76
29475	2/15/22	County of Niagara	10001.100	1,060.16
29476	2/15/22	Guardian	10001.100	227.46
29477	2/15/22	PURCHASE POWER	10001.100	150.00
29478	2/15/22	SAM'S CLUB/SYNCHRONY BANK	10001.100	33.94
29479	2/15/22	STAPLES CONTRACT & COMMERCIAL	10001.100	36.99
29480	2/23/22	Dawn M. Sifers	10001.100	300.00
29481	2/23/22	Niagara Gazette Lockport Union Sun	10001.100	103.54
29482	2/23/22	H. SICHERMAN & CO., INC.	10001.100	760.00
2/24/2022	2/24/22	PAYCHEX, INC.	10001.100	64.40
2/25/22	2/25/22	NYS DEFERRED COMPENSATION PLAN	10001.100	1,077.37
Total				12,552.57

NCIDA VIP-MTF Operating
Check Register
For the Period From Feb 1, 2022 to Feb 28, 2022

Filter Criteria includes: Report order is by Date.

Check #	Date	Payee	Cash Account	Amount
4599	2/1/22	H.W.BRYK & SONS, INC.	10001.600	165.00
4600	2/1/22	Frontier	10001.600	180.35
4601	2/1/22	National Grid	10001.600	320.92
4602	2/8/22	DAVIS-ULMER Sprinkler Co.	10001.600	170.00
4603	2/8/22	Niagara Lock and Key Service, Inc.	10001.600	125.00
4604	2/8/22	Professional Janitorial Services, Inc.	10001.600	195.00
4605	2/15/22	LARABA ENTERPRISES	10001.600	4,644.00
4606	2/15/22	Modern Disposal Services, Inc.	10001.600	164.10
4607	2/15/22	County of Niagara	10001.600	583.77
4608	2/15/22	Town of Wheatfield	10001.600	56.00
4609	2/23/22	H.W.BRYK & SONS, INC.	10001.600	110.00
Total				6,714.14

NCIDA - MTF - Operating Fund**Check Register**

For the Period From Feb 1, 2022 to Feb 28, 2022

Filter Criteria includes: Report order is by Date.

Check #	Date	Payee	Cash Account	Amount
3034	2/8/22	DAVIS-ULMER Sprinkler Co.	10001.600	160.00
3035	2/8/22	National Grid	10001.600	21.02
3036	2/8/22	Niagara Falls Water Board	10001.600	328.39
3037	2/15/22	LARABA ENTERPRISES	10001.600	2,799.00
3038	2/15/22	VERIZON	10001.600	126.15
Total				<u>3,434.56</u>

NCDC - CDBG/HUD - RLF

Check Register

For the Period From Feb 1, 2022 to Feb 28, 2022

Filter Criteria includes: Report order is by Date.

Check #	Date	Payee	Cash Account	Amount
198	2/15/22	H. Sicherman & Company, Inc.	10200-300	9,650.00
Total				9,650.00

Niagara Industrial Incubator Associates**Check Register**

For the Period From Feb 1, 2022 to Feb 28, 2022

Filter Criteria includes: Report order is by Date.

Check #	Date	Payee	Cash Account	Amount
1272	2/1/22	National Fuel	10000.100	206.48
1273	2/8/22	National Grid	10000.100	745.53
1274	2/8/22	Niagara Falls Water Board	10000.100	2,069.35
1275	2/15/22	Laraba Enterprises	10000.100	3,362.50
1276	2/15/22	Safeguard Business Systems	10000.100	69.90
1277	2/23/22	National Grid	10000.100	22.70
1278	2/23/22	Staples Contract & Commercial	10000.100	34.40
Total				6,510.86

6.1.3

BUDGET

VARIANCE

REPORT

NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY

BUDGET VARIANCE REPORT AS OF February 28, 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	\$ 0.00	\$ 103,184.00	\$ 0.00	\$ 126,514.00	(126,514.00)	\$ 519,096.00
Project Application Fees	1,000.00	1,000.00	2,000.00	2,000.00	0.00	12,000.00
NEDF RLF Administrative Fee	4,166.67	4,166.67	8,333.34	8,333.34	0.00	50,000.00
Administratve Fees - Other	0.00	0.00	0.00	0.00	0.00	15,432.00
Interest Earnings	24.36	26.50	51.34	53.00	(1.66)	318.00
Miscellaneous Income	0.00	0.00	0.00	0.00	0.00	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	5,191.03	108,377.17	10,384.68	136,900.34	(126,515.66)	796,906.00
<u>Operating Expenses</u>						
Salaries	26,866.40	26,380.24	53,246.64	52,760.48	486.16	342,943.00
Benefits	3,034.17	3,282.33	6,060.30	6,564.66	(504.36)	39,388.00
Retirement Benefits	3,104.33	3,104.33	6,208.66	6,208.66	0.00	37,252.00
Payroll Taxes	2,108.37	2,125.80	4,179.56	4,251.60	(72.04)	27,553.00
Unemployment Taxes	461.72	461.69	1,037.80	1,037.73	0.07	1,260.00
Consultants	2,500.00	2,500.00	5,000.00	5,000.00	0.00	30,000.00
Assisstant Director	5,462.25	5,462.25	10,924.50	10,924.50	0.00	65,547.00
Legal Services	5,000.00	5,000.00	10,000.00	10,000.00	0.00	60,000.00
Accounting Services	0.00	0.00	0.00	0.00	0.00	19,000.00
Accounting Services - NADC	0.00	0.00	0.00	0.00	0.00	2,100.00
Marketing	60.00	1,833.33	230.00	3,666.66	(3,436.66)	22,000.00
Printing	0.00	125.00	0.00	250.00	(250.00)	1,500.00
Office Supplies	36.99	208.33	181.33	416.66	(235.33)	2,500.00
Postage	150.00	154.00	640.92	1,011.00	(370.08)	3,840.00
Telephone & Fax	90.12	98.25	180.24	196.50	(16.26)	1,179.00
Internet Service	119.99	206.67	272.45	413.34	(140.89)	2,480.00
Common Area Charges	634.00	634.08	1,268.00	1,268.16	(0.16)	7,609.00
Energy	2,350.00	1,651.00	4,901.83	3,302.00	1,599.83	15,848.00
Conference & Travel	56.63	208.33	56.63	416.66	(360.03)	2,500.00
Employee Training	0.00	0.00	0.00	0.00	0.00	1,000.00
Insurance Expense	1,481.40	1,641.58	2,962.80	3,283.16	(320.36)	19,699.00
Library & Membership	0.00	0.00	1,595.00	1,595.00	0.00	2,843.00
General Office	431.77	712.33	1,186.55	1,424.66	(238.11)	8,548.00
Repairs & Maintenance	759.70	1,169.67	1,656.49	2,339.34	(682.85)	14,036.00
Computer Support	0.00	666.67	1,000.00	1,333.34	(333.34)	8,000.00
Public Hearings	0.00	33.33	0.00	66.66	(66.66)	400.00
Furniture & Equipment Purchase	0.00	166.67	0.00	333.34	(333.34)	2,000.00
Other Expense	0.00	83.33	0.00	166.66	(166.66)	1,000.00
Total Operating Expenses	54,707.84	57,909.21	112,789.70	118,230.77	(5,441.07)	742,025.00
Net Operating Income/<Loss>	(49,516.81)	50,467.96	(102,405.02)	18,669.57	(121,074.59)	54,881.00
<u>Non-Operating Revenue & Expense</u>						
Grants Rev.	0.00	73,621.83	0.00	147,243.66	(147,243.66)	883,462.00
Grant Rev- City NF Initiative	0.00	35,979.17	0.00	71,958.34	(71,958.34)	431,750.00
Grant to Subrecipient	0.00	63,291.67	0.00	126,583.34	(126,583.34)	759,500.00
Grant Sub-City NF Initiative	0.00	35,979.17	0.00	71,958.34	(71,958.34)	431,750.00
Net Non-Operating Income/<Loss>	0.00	10,330.16	0.00	20,660.32	(20,660.32)	123,962.00
Total Net Income/<Loss>	(\$ 49,516.81)	\$ 60,798.12	(\$102,405.02)	\$ 39,329.89	(141,734.91)	\$ 178,843.00

NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY

Balance Sheet
February 28, 2022

ASSETS

Current Assets	
Cash - Checking	\$ 45,316.61
Petty Cash	300.00
Mmkt Acct. - M&T Bank	1,588,068.09
Cash - First Response	65,805.79
Cash - City of N.F.	827.20
Mmkt Acct. - Cataract Tourism	3,938,661.70
Accts Rec - Public Hearings	1,884.40
Accounts rec.- Fees/Var.	129,395.00
Accounts Rec. EDA - RLF	10,833.29
Due To/From Micro RLF	10,833.29
Accounts Rec - NEDF	58,333.34
Due To/From VIP - MTF	552,352.16
Due From NCDL CDBG/HUD	10,833.42
Due To/Due From NADC	1,406.56
Due To/From MTF Operating	102,679.14
Prepaid Insurance	<u>16,238.76</u>
 Total Current Assets	 6,533,768.75
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>\$ 7,083,720.75</u>

LIABILITIES AND NET ASSETS

Current Liabilities	
NYS Retirement W/H 414(H)	\$ 358.74
Accrued Retirement	6,208.66
Deferred Rev. - First Repsonse	65,805.79
Def. Rev. - City of N.F.	3,939,488.90
Accounts Payable	19,357.63
Acct. Payable - Niag. County	<u>10,924.50</u>
 Total Current Liabilities	 4,042,144.22
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	 4,271,055.22
Net Assets	
Fund Balance - Operating Fund	2,915,070.55
Net Income	<u>(102,405.02)</u>
 Total Net Assets	 <u>2,812,665.53</u>
 Total Liabilities & Net Assets	 <u>\$ 7,083,720.75</u>

**Niagara County Industrial
Development Agency
Aged Payables
As of February 28, 2022**

Vendor ID Vendor	Invoice #	Amount Due
CARUSO Caroline M. Caruso	1/4/22- 2/24/22	56.63
char Charter Communications	Feb 2022	119.99
County County of Niagara	Jan 22 Elec	987.02
HARTFORD THE HARTFORD	297226339413 Feb 2022	249.39
ind Independent Health	Mar 2022	1,929.60
ProJan Professional Janitorial Services, Inc.	2312	705.00
Report Total		<u>4,047.63</u>

Adjusting Journal Entries

Estimated Jan 2022 Legal Fees	5,000.00
Estimated Feb 2022 Legal Fees	5,000.00
Estimated Jan 2022 Copier usage	200.00
Estimated Feb 2022 Copier usage	200.00
Estimated Jan-Feb 2022 Telephone	60.00
Estimated Feb 2022 Niagara County Electric	900.00
Estimated Feb 2022 Niagara County Gas	900.00
Estimated Feb 2022 National Grid	550.00
Estimated Feb 2022 Consulting	2,500.00
	<u>19,357.63</u>

**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		Rooftop 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	12/31/2022	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	8/31/2023	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	6/1/2023	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	11/30/2021	Business expansion to include purchase of electric scooters and bikes and tandem bi
Niagara Aquarium Foundation	900,000	900,000	2/9/2022	To Be Disbursed	0	12/31/2023	Renovations to the Niagara Gorge Discovery Center for expanded programming.
To Date Sub-Total	3,544,131	2,331,750			753,534		

Grant Fund Cash Balance as of 2/28/2022

3,939,488.90

Less: Outstanding Awards

(2,331,750.00)

Available for awarding grants

1,607,738.90

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

53,066.16

Bank Fees

(43.26)

Grant Disbursements

(753,534.00)

Grant Fund Balance

3,939,488.90

6.2.1

EVALUATIONS

2021 Summary of
NCIDA, NCDC and NADC
Confidential Evaluation of Board Performance

Criteria	Agree	Somewhat Agree	Somewhat Disagree	Disagree
Board members have a shared understanding of the mission and purpose of the Authority.	8			
The policies, practices and decisions of the Board are always consistent with this mission.	8			
Board members comprehend their role and fiduciary responsibilities and hold themselves and each other to these principals.	8			
The Board has adopted policies, by-laws, and practices for the effective governance, management and operations of the Authority and reviews these annually.	8			
The Board sets clear and measurable performance goals for the Authority that contribute to accomplishing its mission.	8			
The decisions made by Board members are arrived at through independent judgment and deliberation, free of political influence, pressure or self-interest.	8			
Individual Board members communicate effectively with executive staff so as to be well informed on the status of all important issues.	8			
Board members are knowledgeable about the Authority's programs, financial statements, reporting requirements, and other transactions.	7	1		
The Board meets to review and approve all documents and reports prior to public release and is confident that the information being presented is accurate and complete.	7		1	
The Board knows the statutory obligations of the Authority and if the Authority is in compliance with state law.	8			
Board and committee meetings facilitate open, deliberate and through discussion, and the active participation of members.	8			
Board members have sufficient opportunity to research, discuss, question and prepare before decisions are made and votes taken.	7	1		
Individual Board members feel empowered to delay votes, defer agenda items, or table actions if they feel additional information or discussion is required.	8			
The Board exercises appropriate oversight of the CEO and other executive staff, including setting performance expectations and reviewing performance annually.	7	1		
The Board has identified the areas of most risk to the Authority and works with management to implement risk mitigation strategies before problems occur.	7	1		
Board members demonstrate leadership and vision and work respectfully with each other.	8			

7.3

COMMITTEE MEMBERS

**Niagara County Industrial Development Agency
Niagara County Development Corporation
Niagara Airport Development Corporation
Committee Members
March 9, 2022**

Audit & Finance Committee

Kevin McCabe, Chairperson
William L. Ross
Scott Brydges

Governance Committee

Jerald Wolfgang, Chairperson
Clifford Scott
Robert B. Cliffe

NCDC Loan Committee/Micro Grant Committee

Mark Onesi, NCIDA Board Chairman
Jason Krempa, NCIDA Board Member
Michael Taylor, Pursuit Lending
VACANCY, Accountant
Eric C. Tudor, Coldwell Bank Meridian
Kevin McMullen, Small Business Owner
Susan Langdon, NCIDA Executive Director

Cataract Grant Fund

Honorable Robert G. Ortt, NYS Senator – 62nd District
Honorable Angelo J. Morinello, NYS Assembly – 145th District
Mayor Robert Restaino, City of Niagara Falls
Mark Onesi, NCIDA Chairman
William L. Ross, NCIDA Board Member
Paul Brown, President, NC Building Trades Council
Susan C. Langdon, NCIDA Executive Director

7.4

**BOARD
MEETING
DATES**

NCIDA BOARD MEETING DATES FOR 2022

2nd Wednesday of the Month
(All Meetings begin at 9 a.m.)

January 12, 2022

February 9, 2022

March 9, 2022

April 13, 2022

May 11, 2022

June 8, 2022

July 13, 2022

August 10, 2022

September 14, 2021

October 12, 2022

November 9, 2022

December 14, 2022

A Finance and Audit Committee Meeting is held prior to all Board Meetings at 8:45 a.m.

All Board Members are welcome to attend this meeting as well.

2022 NCIDA Governance Committee Meetings
Governance Committee Meetings are held at least once a year;
Additional meetings as needed.

7.5.1

FINANCE &

AUDIT

CHARTER

NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY ("NCIDA")

FINANCE & AUDIT COMMITTEE CHARTER

This Charter shall also serve as the charter for the Financial & Audit Committee of the Niagara County Industrial Development Agency ("Agency"), upon approval by the Board of the corporation.

ARTICLE I Core Functions

The core functions of the Financial & Audit Committee are set forth include: (i) providing assistance to members of the Agency in fulfilling their fiduciary responsibilities relating to accounting, reporting and regulatory compliance practices; (ii) maintaining, by way of regularly scheduled meetings, a direct line of communication between the members of the Agency and the Agency's independent accountants and auditors to provide for exchanges of views and information; (iii) maintaining, as appropriate, a direct line of communication between the members of the Agency and the governmental authorities having audit authority or fiscal oversight of the Agency; (iv) approving the budget of the Agency for submission to the Board; (v) approving and/or directing the transfers of moneys under the budget; and (vi) recommending to the Board the level of cash reserves and the level of fund balances of the Agency.

ARTICLE II Composition

Members of the Financial & Audit Committee shall be appointed in accordance with the Bylaws. The Board shall designate one member of the Financial & Audit Committee to serve as chair of the Financial & Audit Committee. Each member of the Financial & Audit Committee shall serve for a term of one (1) year and until his or her successor shall be appointed and qualified.

At least three members of the Financial & Audit Committee must be an "independent member" within the meaning of, and to the extent required by, Section 2825 of the New York Public Authorities Law, as amended from time to time. Financial & Audit Committee members shall be prohibited from being an employee of the Agency or an immediate family member of an employee of the Agency. Members of the Financial & Audit Committee shall not engage in any private business transactions with the Agency or receive compensation from any private entity that has material business relationships with the Agency, or be an immediate family member or an individual that engages in private business transactions with the Agency or receives compensation from an entity that has material business relationships with the Agency. In addition, Financial & Audit Committee members who are members of the Agency shall comply

with the conflict of interest provisions applicable to public officers under Article 18 of the New York General Municipal Law.

ARTICLE III Committee Meetings

The Financial & Audit Committee will meet a minimum of twice each calendar year (at least once prior to the commencement of the annual audit process and once after completion of the annual audit process). Additional meetings may be necessary or appropriate to adequately fulfill the obligations and duties outlined in this Charter. All committee members are expected to attend each meeting, in person or via videoconference. The Financial & Audit Committee may invite other individuals, such as members of management, auditors or other technical experts to attend meetings and provide pertinent information, as necessary.

Meeting notices and agendas will be prepared for each meeting and provided to Financial & Audit Committee members by electronic or regular mail at least five (5) days in advance of the scheduled meeting. A quorum of the Finance & Audit Committee shall consist of a majority of the members then serving on the Finance & Audit Committee. The affirmative vote of a majority of the members then serving on the Finance & Audit Committee shall constitute an act of the Financial & Audit Committee. Minutes of all meetings shall be recorded by the Secretary or any Assistant Secretary of the Agency. All meetings shall comply with the requirements of the Open Meetings Law.

ARTICLE IV Committee Responsibilities

The Finance & Audit Committee shall have responsibilities related: (a) the independent auditor and annual financial statements; (b) oversight of management's internal controls, compliance and risk assessment practices; (c) special investigations and whistleblower policies; (d) miscellaneous issues related to the financial practices of the Agency; and (e) shall review proposals for the issuance of debt by the Agency and make recommendations regarding such proposed debt issuance.

A. Independent Auditors and Financial Statements

The Finance & Audit Committee shall:

- (i) Recommend to the Board the hiring of independent auditors, establish the compensation to be paid to the auditors retained by the Agency and provide oversight of the audit services provided by the independent auditor.
- (ii) Establish procedures for the engagement of the independent auditor to provide permitted audit services. The Agency's independent auditor shall be prohibited from providing non-audit services unless having received previous written approval from the Finance & Audit Committee. Non-

audit services include tasks that directly support the Agency's operations, such as (a) bookkeeping or other services related to the accounting records or financial statements of the Agency; (b) financial information systems design and implementation; (c) appraisal or valuation services, fairness opinions, or contribution-in-kind reports; (d) actuarial services; (e) internal audit outsourcing services; (f) management functions or human resource services; (g) broker or dealer, investment advisor, or investment banking services; and (h) legal services and expert services unrelated to the audit function.

- (iii) Review and approval the Agency's audited financial statements, associated management letter and all other auditor communications.
- (iv) Review significant accounting and reporting issues, including complex or unusual transactions and management decisions, and recent professional and regulatory pronouncements, and understand their impact on the financial statements of the Agency.
- (v) Meeting with the Agency's independent auditor at least annually to discuss the financial statements of the Agency, and on an as-needed basis to discuss any significant issues that may have surfaced during the course of the audit.
- (vi) Review and discuss any significant risks reported in the independent audit findings and recommendations and assess the responsiveness and timeliness of management's follow-up activities pertaining to the same.

B. Internal Controls, Compliance and Risk Assessment

The Finance & Audit Committee shall review management's assessment of the effectiveness of the Agency's internal controls and review the actions taken by management on the independent accountants' and auditors' suggestions for correcting weaknesses, if any, in the Agency's internal controls, regulatory compliance, organizational structure and operations, and if applicable, any weaknesses noted.

C. Special Investigations

The Finance & Audit Committee shall:

- (i) Ensure that the Agency has an appropriate confidential mechanism for individuals to report suspected fraudulent activities, allegations of corruption, fraud, criminal activity, conflicts of interest or abuse by the directors, officers or employees of the Agency or any persons having business dealings with the Agency or breaches of internal control.
- (ii) Develop procedures for the receipt, retention, investigation and/or referral of complaints concerning accounting, internal controls and auditing.

- (iii) Request and oversee special investigations as needed and/or refer specific issues to the Board or appropriate committee of the Board for further investigation.

D. Other Responsibilities

The Finance & Audit Committee shall obtain information and training needed to enhance the committee members' understanding of the role of the independent auditor, the risk management process, internal controls and a certain level of familiarity in financial reporting standards and processes.

E. Debt Issuance

The Finance & Audit Committee shall review proposals for the issuance of debt and make recommendations regarding such proposed debt issuance.

ARTICLE V
Committee Reports

The Finance & Audit Committee shall:

- A. Report its actions and recommendations to the Board at each regular meeting of the Board following a meeting of the Finance & Audit Committee and when otherwise requested by the Board;
- B. Report to the Board, at least annually, regarding any proposed changes to this Charter;
- C. Provide a self-evaluation of the Finance & Audit Committee's functions to the Board on an annual basis; and
- D. Report to the Board on a periodic basis, at least annually, the findings of its independent auditors. These reports shall include careful consideration of the actions taken by management on the independent auditors' suggestions for correcting weaknesses, if any, in the Agency's internal controls, regulatory compliance, organizational structure and operations. These reports may include the adequacy of the audit effort by the Agency's independent auditors, the financial and regulatory compliance reporting decisions of management, the adequacy of disclosure of information essential to a fair presentation of the financial affairs and regulatory compliance efforts of the Agency, and the organization and quality of the Agency's system of management and internal accounting controls.

ARTICLE VI
Amendments

This Charter may be amended upon affirmative vote of a majority of the Board of the Agency.

7.5.2

**GOVERNANCE
CHARTER**

NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY ("NCIDA")

GOVERNANCE COMMITTEE CHARTER

This Charter shall also serve as the charter for the Governance Committee of the Niagara County Industrial Development Agency ("Agency"), upon approval by the Board of the corporation.

ARTICLE I

Establishment of Governance Committee; Core Responsibilities

The Board of Directors of the Agency authorized the establishment of the Governance Committee. The core responsibilities of the Governance Committee, as mandated under Section 2824(7) of the New York Public Authorities Law, include: (i) keeping the Board informed of current best governance practices; (ii) reviewing corporate governance trends; (iii) updating the Agency's corporate governance principles; and (iv) advising those responsible for appointing members to the Board on the skills and experiences necessary required of potential Board members.

ARTICLE II

Composition of the Governance Committee

The members of the Governance Committee shall be appointed in accordance with the Bylaws. Individuals appointed to the Governance Committee should be knowledgeable, or have expressed a willingness to become knowledgeable, in matters pertaining to governance. The Board shall designate one member of the Governance Committee to serve as chair of the Governance Committee. Each member of the Governance Committee shall serve for a term of one (1) year and until his or her successor shall be appointed and qualified.

At least three members of the Governance Committee must be an "independent member" within the meaning of, and to the extent required by, Section 2825 of the New York Public Authorities Law, as amended from time to time. Governance Committee members shall be prohibited from being an employee of the Agency or an immediate family member of an employee of the Agency. Members of the Governance Committee shall not engage in any private business transactions with the Agency or receive compensation from any private entity that has material business relationships with the Agency, or be an immediate family member or an individual that engages in private business transactions with the Agency or receives compensation from an entity that has material business relationships with the Agency. In addition, Governance Committee members who are members of the Agency shall comply with the conflict of interest provisions applicable to public officers under Article 18 of the New York General Municipal Law.

ARTICLE III
Committee Meetings

The Governance Committee will meet a minimum of once (1) each calendar year. Additional meetings may be necessary or appropriate to adequately fulfill the obligations and duties outlined in this Charter. All committee members are expected to attend each meeting in person or via videoconference.

Meeting notices and agendas will be prepared for each meeting and provided to Governance Committee members by electronic or regular mail at least five (5) days in advance of the scheduled meeting. A quorum of the Governance Committee shall consist of a majority of the members then serving on the Governance Committee. The affirmative vote of a majority of the members then serving on the Governance Committee shall constitute an act of the Governance Committee. Minutes of all meetings shall be recorded by the Secretary or any Assistant Secretary of the Agency. All meetings shall comply with the requirements of the Open Meetings Law.

ARTICLE IV
Committee Duties and Responsibilities

To accomplish the objectives of good governance and accountability, the Governance Committee has the following responsibilities as set forth below:

- A. The Board of Directors has delegated to the Governance Committee the responsibility to review, develop, draft, revise or oversee policies and practices for which the Governance Committee has specific expertise, as follows:
- (i) Develop the Agency's governance practices, which should address transparency, independence, accountability, fiduciary responsibilities and management oversight;
 - (ii) Develop a statement of the competencies and personal attributes required of Board members to assist those authorized to appoint members to the Board in identifying qualified individuals (it being acknowledged that membership in the Agency is determined pursuant to Section 891-a of the General Municipal Law);
 - (iii) Develop and recommend to the Board any revisions to the number and/or structure of Board committees;

- (iv) Develop and provide recommendations to the Board regarding Board member education, including new member orientation and regularly scheduled Board member training to be obtained from state-approved trainers as required under Section 2824(2) of the New York Public Authorities Law;
 - (v) Examine ethical and conflicts of interest; and
 - (vi) Perform full Board self-evaluations.
- B. The Governance Committee shall develop, review and recommend to the Board the adoption and/or revisions to the following:
- (i) The Agency's Code of Ethics;
 - (ii) Written policies regarding conflicts of interest;
 - (iii) Written policies regarding the protection of whistleblowers from retaliation;
 - (iv) Equal opportunity and affirmative action policies;
 - (v) Written policies regarding procurement of goods and services, including policies relating to the disclosure of persons who attempt to influence the Agency's procurement process;
 - (vi) Written policies regarding the disposition of real and personal property and the acquisition of property;
 - (vii) Committee charters, including this Charter; and
 - (viii) Any other policies or documents relating to the governance of the Agency, including rules and procedures for conducting the business of the Agency's Board, including the Agency's Bylaws. The Governance Committee will oversee the implementation and effectiveness of the Bylaws and other governance documents and recommend modifications to the Board as necessary or appropriate.

ARTICLE V Committee Reports

The Governance Committee shall:

- A. Report its actions and recommendations to the Board at each regular meeting of the Board following a meeting of the Governance Committee and when otherwise requested by the Board;

- B. Report to the Board, at least annually, regarding any proposed changes to this Charter; and
- C. Provide a self-evaluation of the Governance Committee's functions to the Board on an annual basis.

ARTICLE VI
Amendments

This Charter may be amended upon affirmative vote of a majority of the Board of the Agency.

7.6

**MISSION
STATEMENT**

MISSION STATEMENT

The Mission of the Niagara County Industrial Development Agency (“Agency”) is to undertake projects and programmatic initiatives in furtherance of and to advance the job opportunities, health, general prosperity and economic welfare of the people of the County and to improve their recreation opportunities, prosperity and standard of living. In addition, and in doing so, the Agency shall adhere to its adopted policies and applicable statutory requirements, including PAAA, PARA, OML, FOIL, and SEQRA. Further, and in accordance with GML Section 916-a, the Agency shall take into consideration the local zoning and planning regulations as well as the regional and local comprehensive land use plans. The Agency’s goals include continued compliance with current obligations and responsibilities associated with ongoing projects and programs, in addition to identifying new projects and programs that will achieve the Agency’s purposes and Mission. With these stated goals established, the Agency’s values are to maintain the highest ethical standards applicable to public officials and public benefit corporations.

7.7

**UNIFORM TAX
EXEMPTION
POLICY**

NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY UNIFORM TAX EXEMPTION POLICY AND GUIDELINES

Pursuant to the authority vested in it by Article 18-A of the General Municipal Law of the State of New York, the Niagara County Industrial Development Agency (the Agency”) is exempt from real property, sales and mortgage taxes. The Agency may participate in certain projects and confer on those projects the advantages of such exemptions to encourage project success and enhance a project’s ability to provide a positive impact on the economy and people of the County of Niagara. The Agency may provide financial assistance in the form of issuance of its tax-exempt or taxable bonds or by participation in straight lease transactions. The general policy of the Agency is to grant applicants financial assistance in the form of real property tax abatements and exemptions from sales, use and mortgage recording taxes to promote economic development, prevent economic deterioration and advance job opportunities and the general prosperity and economic welfare of the people of Niagara County through the creation or retention of jobs, and the expansion and diversification of the County’s tax base.

I. Qualifications

In order to be eligible for Agency benefits, the applicant must demonstrate to the satisfaction of the Agency’s Board of Directors the following:

1. That there is a need within the County for the project or the services offered by the applicant; and/or
2. That the project will lead to the creation or retention of a substantial number of jobs and investment; and/or
3. That the benefits derived by the transaction are necessary to induce and encourage the attraction, expansion and retention of business and industry in Niagara County.

The Agency has adopted this Uniform Tax Exemption policy to provide the applicant guidelines for the claiming of real property, sales and use tax and mortgage recording tax abatements.

II. Exemption from Real Property Taxes: Payments in Lieu of Taxes

The Agency maintains a policy for the provision of real property tax exemptions. Each project receiving an abatement will be subject to a Payment In Lieu Of Tax Agreement ("PILOT Agreement") in a form acceptable to the Agency. The abatement may be for new construction or renovation of the existing improvement. The payments under a PILOT Agreement will involve a phase in to a full tax equivalent over a period of twenty (20) years or less depending on the needs of the Project as determined by the Agency’s Board of Directors.

Any deviations from the standard policy will be made only with the specific approval of the Agency's members after giving consideration to one or more factors listed in Section VI, below, and those described in the New York State General Municipal Law Section 874(4)(a). The above factors are for Board member consideration only. Additionally, the Agency shall

notify the affected local taxing jurisdictions of the proposed deviation from such policy and the reasons therefore.

The Agency will use existing tax data to negotiate the payment in lieu of tax agreement and, therefore, appraisals will not normally be required.

A copy of the PILOT Agreement will be forwarded to each of the affected taxing jurisdictions within fifteen (15) days of complete execution. Unless otherwise agreed by the affected taxing jurisdictions, such payments shall be allocated among the affected taxing jurisdictions in proportion to the amount of real property tax and other taxes which would have been received by each affected taxing jurisdiction had the project not been tax exempt due to the status of the Agency being involved in the project.

Pursuant to Section 874 of the New York General Municipal Law and Section 412-a of the Real Property Tax Law, no real estate tax exemption with respect to a particular project shall be effective until an Exemption Form is filed with the assessor of the county, city, town, village and school district in which such project is located (each, a "Taxing Jurisdiction"). Once an exemption form with respect to a particular project is filed with a particular Taxing Jurisdiction, the real property tax exemption for such project does not take effect until (1) a tax status date for such Taxing Jurisdiction occurs subsequent to such filing, (2) an assessment roll for such Taxing Jurisdiction is finalized subsequent to such tax status date, (3) such assessment roll becomes the basis for the preparation of a tax roll for such Taxing Jurisdiction, and (4) the tax year to which such tax roll relates commences.

III. Exemption from Sales and Use Taxes

The Agency maintains a policy for the provision of sales and use tax exemptions.

Personal property that is purchased in connection with a qualified project shall be exempt from local and State sales and use taxes for the period commencing with the closing and ending on the date (as such date may be extended in the sole discretion of the Agency) by which project documents require completion to occur in respect of the undertaking of the project or other project activities. For purposes of this exemption, "personal property" may include building materials, fixtures, furnishings and equipment, as well as certain services that may relate to any of the foregoing, provided that such purchases and equipment rentals and services are made by an entity as agent for the Agency. As such, such purchases will then be afforded full exemption from local and New York State Sales and Use Taxes until the project is completed (ie. certificate of occupancy). Operating and maintenance expenses of projects are not incurred as agent of the Agency, and no sales tax exemption is provided thereof.

All project applicants must agree in writing to file with the New York State Department of Taxation, in form and at times required, an annual statement of the value of all sales and use taxes exemption claimed in connection with the facility in full compliance with Section 874(8) of the General Municipal Law.

IV. Exemption from Mortgage Recording Taxes

The Agency maintains a policy for the provision of a mortgage recording tax exemption.

The Agency's Mortgage Recording Tax Exemption policy is to permit mortgage recording tax exemptions on all project related financing to the full extent permitted by New York State Law, whether or not the Agency has issued its bonds to finance the Project. The Agency's Mortgage Recording Tax Exemption will be granted for the life of the project commencing upon the initial closing.

In addition, the Agency may, in its sole discretion, permit mortgage recording tax exemptions on non-project related financings, (eg. second mortgages on the project to secure subordinated indebtedness of the project applicant). In determining whether to permit such exemptions on non-project related financing, the Agency shall consider such factors as it deems appropriate, including but not limited to the use of the property, the degree of investment, the degree and nature of the employment and the economic condition of the areas in which the facility is located.

V. PILOT Mortgage

The Agency shall require the establishment of a PILOT Mortgage as a condition within the closing documents in order to secure the position of the PILOT payments versus other secured and unsecured claims.

The purpose of a PILOT Mortgage is to secure unpaid PILOT payments with a lien against the project real estate. The lender agrees that the PILOT Mortgage will have priority over any contemporaneous mortgage given to secure the rights of bondholders or to secure any conventional financing. This would make the PILOT a secured obligation. The Agency may negotiate alternative forms of security to insure payments under the PILOT.

VI. Deviations

An IDA is required under Article 18-A of the New York General Municipal Law to establish a procedure for deviation from its uniform tax exemption policy. The Agency may determine, on a case by case basis, to deviate from the guidelines and policies established herein. In addition to those factors referenced herein in Section II, the Agency shall also consider the following:

- (1) Economy: Local and Regional economic conditions at the time of application;
- (2) Jobs: The extent to which the project will directly create or retain permanent private sector jobs as well as "temporary" jobs during the construction period. In addition, the level of secondary "multiplier" jobs that will be created or retained as a result of the project.
- (3) Project Cost/Payroll: Level of direct annual payroll that results from the project as well as secondary "multiplier" payroll and payroll during the initial construction period.
- (4) Project Purpose: Type of industrial or commercial activity proposed for the facility.
- (5) Site Alternatives: Likelihood that the project will locate elsewhere resulting in subsequent real economic losses for retention projects and possible failure to realize future economic benefits for attraction projects.
- (6) Project Location: Nature of the property before the project (vacant land, vacant buildings, distressed community, Economic Development Zone).
- (7) Project Benefits: Amount of private sector investment as a result of the project and the level of additional revenues for local taxing jurisdictions.

- (8) Project Costs: Impact of the project and the proposed abatements/exemptions on local taxing jurisdictions and extent to which project will require additional services from local government entities.

The Agency shall set forth in writing the reasons for the deviation from such policy, and shall further notify the affected local taxing jurisdictions of the proposed deviation from such policy and the reasons therefor.

VII. Recapture of Benefits

The Agency, in its sole discretion and on a case-by-case basis, may determine (but shall not be required to do so), with respect to a particular project, that a project has failed to meet its intended goals and may require the project applicant to agree to the recapture by the Agency of the value of any or all exemptions from taxation granted with respect to the project by virtue of the Agency's involvement. Events, in the sole determination of the Agency, that trigger recapture may include, but are not limited to, the:

1. Sale or closure of facility;
2. Significant employment reduction;
3. Significant change in use in facility;
- 4) Significant change in business activities or project applicant or operator; or
5. Material noncompliance with or breach of terms of Agency transaction documents or of zoning or land use laws or regulations or federal, state or local environmental laws or regulations.

If the Agency determines to provide for the recapture with respect to a particular project, the Agency also shall, in its sole discretion and on a case-by-case basis, determine the timing and percentage of recapture.

IX. Clawback

In the event that the Agency shall determine (i) that a project applicant has submitted an application or documentation in support of an application, which contained a false or misleading statement as to any fact which is material to the project applicant's application for benefits or which omitted any information which, if included, would have rendered any information in the application or supporting documentation false or misleading in any material respect, and (ii) that such false or misleading statement or omission was made knowingly and intentionally for the purpose of obtaining financial assistance, then the project applicant shall forfeit any future tax exemptions or abatements and shall be required to pay to the appropriate taxing authority the amount of any real property, mortgage or sales tax abatements or exemptions received. The amount of benefits recaptured shall be: (i) for real property taxes, the difference between the amount of payment in lieu of taxes paid and the amount that would have been paid in real estate taxes if the Agency did not have an interest in the project; (ii) for sales taxes, the value of the sales tax exemption received and (iii) for the mortgage tax, the value of any mortgage recording tax for which an exemption was granted.

X. Effective Date

This Uniform Tax Exemption Policy shall apply to all projects for which the Agency has adopted or adopts an Inducement Resolution after March, 2017 and all refinancing of any project induced or closed before said date.

XI. Amendments

The Agency, by resolution of its members, and upon notice to all affected taxing jurisdictions as may be required by law, may amend or modify the foregoing policy as it may, from time to time, in its sole discretion determine.

7.11
RISK
LETTER

RISK ASSESSMENT AND RISK MANAGEMENT LETTER

**For Fiscal Year Ending
December 31, 2021**

Executive Summary

The underlying premise of risk management is that every organizational entity exists to provide value for its beneficiaries, stakeholders, stockholders, or owners. All organizational entities have varying degrees of uncertainty to accept as it grows that value. Uncertainty presents both risk and opportunity, with the potential to erode or enhance value. Risk management enables the organizational entity to effectively deal with uncertainty and the associated risk and opportunity, thereby enhancing the capacity to build value.

Value is enhanced when planned for by setting objectives enabling a balance between growth and return on assets and related risks while efficiently and effectively utilizing organizational resources.

The assessment of probability of risk and the planning of the appropriate mitigation actions in order to limit risk can be further enhanced by the procurement of commercial liability insurance. The Agency has developed an insurance package with coverage for employee practices and public officials; bond for criminal; errors and omissions (professional and lender liability); general liability umbrella; multi-tenant facility properties contents and liability.

Risk management helps ensure effective reporting, regulatory compliance and assists in prevention of adverse public perception and any associated consequences. In summary, risk management provides additional opportunity for an organizational entity in avoidance of pitfalls and surprises enabling further enhancement of creating value.

Sincerely,

**Niagara County Industrial Development Agency (“NCIDA”)
And its Component Units
The Niagara County Development Corporation (“NCDC”)
And
The Niagara Area Development Corporation (“NADC”)**

Mark A. Onesi, Chairperson

Susan C. Langdon, Executive Director & Treasurer

Risk Assessment

1. Generation of annual revenues from a concentration of receivables creating a dependency on large projects from the traditional core industrial/manufacturing, as well as assembly, warehousing and wholesale distribution sectors.
 - a. Risk Rating: Moderate
2. Recognizing annual expenses and effective cost containment.
 - a. Risk Rating: Low/Moderate
3. Identification of operational liabilities from external and internal activities.
 - a. Risk Rating: Moderate
4. Effective recognition of tangible and intangible assets with efficient utilization.
 - a. Risk Rating: Moderate
5. Economies of scale: Regional, Domestic, Global
 - a. Risk Rating: Moderate
6. Internal Controls:
 - a. Risk Rating: Low

Risk Management

1. Concentration of receivables is a common risk assessment relative to annual revenue recognition. Mitigation of risk can be found in the diversification of project type through transitioning from traditional core project activities of manufacturing, assembly, warehousing and wholesale distribution.

The Agency and its component units, the Niagara County Development Corporation (“NCDC”) and the Niagara Area Development Corporation (“NADC”), have diversified the core project base of economic development projects to include the below named:

- Retirement Communities; and
- Aged Person Projects; and
- Retail Projects; and
- Technology Based; and
- Commercial Services; and
- Medical Facilities; and
- Environmental/Alternative Energy (Green Industry); and
- Increased Income Sources from Program Income; and
- Administrative Fees, and Multi-tenant Facility Activities; and
- Not-for- Profits (Hospitals, Colleges)

Fiscal Year 2021 had 14 new Projects close, representing approximately \$68,118,399 in capital investments, resulting in 513 new jobs to be created. Total operating revenues reported for Fiscal year 2021, inclusive of the Agency’s Component Units, was \$1,941,334 with total operating expenses of \$1,402,4888 resulting in operating income of \$538,846 as compared to the prior fiscal period with operating income of \$78,604. The increase of operating income for Fiscal year 2021 was due to an increase of new projects and grant income for the Agency and its Component Units.

Risk Management Continued

2. Defining expenses from operational and non-operational activities, as well as effective cost containment is critical to prudent fiscal management.

The risk rating is low/moderate due to the Agency's development and implementation of a successful budget process inclusive of revenue and expense tracking, periodic reporting and monitoring budget variances to actual revenue and expense line items.

3. Defining and recognizing operational liabilities are essential to risk management and preservation of Agency assets.

Activities that merit recognition are those associated with the Lease/IRB portfolio, Revolving Loan Fund ("RLF") portfolio, three multi-tenant facilities, development of Vantage International Pointe Park, as well as grant program administration, audit compliance issues under the Federal Sarbane/Oxley Act of 2002, the New York State Public Authorities Accountability Acts of 2005, and the Public Authorities Reform Act of 2009.

Mitigation of risk is identified in the following management activities:

- Continued implementation of project origination and review procedures as determined by Agency Counsel at the direction of the Board enabling Staff's recommendations to the Board of Directors.
- Continued implementation of Revolving Loan Fund Management Plan(s) defining eligible lending activities and project costs as defined by the applicable capitalization source with terms and conditions of the commitment to lend as determined by a financial analysis and a loan review process enabling the appropriate recommendations for approval or declination to the NCDC Board of Directors.
- Facilities management has been implemented by common Lease Agreements with indemnification provisions, evidence of the appropriate commercial liability insurance, property maintenance and capital improvement programs as administered by experienced staff.

Management of Vantage International Pointe Park has been premised on the determination of the highest and best use of the real estate relative to established economic development criteria.

Facilitation of the aforementioned is by terms and conditions as put forth in a land purchase agreement inclusive of defining eligible land uses and development as further implemented in deed restrictions enabling the proper monitoring of development projects within the park.

4. The effective and efficient use of an organization's fixed (tangible) assets, as well as the skill sets of its employees (intangible) will result in an acceptable return on asset and increased revenue producing activities.

The Agency's Return on Assets (ROA) has been improving over the past several fiscal periods as evidenced by one hundred percent (100%) Multi-tenant Facilities ("MTF") occupancy rate, thus resulting in excess revenues over expenses for the MTFs.

5. The cyclical nature of the economies of scale, whether regional, domestic, or global, directly affects the Agency's ability to generate and sustain cash flow.

The Agency has mitigated risk by increasing reserve positions to compensate for non-revenue producing periods.

Risk Management Continued

As a result of the cyclical nature of the Agency's revenue producing activities, the Agency has established "reserve funds" from prior fiscal periods' excess operating revenues over expenses for the purpose of funding cash flow or off setting operating losses.

6. Risk Assessment can be associated with internal controls identified in four different areas:
 1. Cash Receipts and Accounts Receivable
 2. Cash Disbursements and Accounts Payable
 3. Payroll
 4. Board/Committee Oversight

Risk Mitigation is found in the establishment of internal control procedures and the implementation of said procedures as described below:

Cash Receipts & Accounts Receivable Processing

Handling of cash is restricted to a small amount of petty cash requiring a sign-off by two (2) individuals. Receipts (checks) are logged into a check register by the individual responsible for opening and distribution of the daily mail.

The checks, with the check register, are then given to the staff Accounting Associate for posting to the General Ledger and preparation for deposit to the appropriate bank account.

The Finance Manager then reviews the General Ledger postings and reconciles deposits to the bank statements.

Cash Disbursements and Accounts Payable

Payables are processed on a weekly basis. Approval of payables originates with the applicable staff member's approval of the statement, billing or invoice, as well as providing the evidence of prior authorization.

The Accounting Associate then posts invoices to the General Ledger, a Purchase Journal is prepared and reviewed by the Finance Manager prior to submitting checks for authorized signatures.

Check disbursements are then reviewed by the Agency Treasurer and signed by two (2) authorized check signers on a weekly basis.

There is further review done by the Agency's financial consultant relative to the reconciliation of bank statements, general ledger and adjusting journal entries as prepared by the Finance Manager.

Payroll

The bi-weekly payroll is prepared by the Finance Manager, via a payroll service. Payroll entry into the general ledger done by the Finance Manager is reviewed monthly by the Agency's financial consultant.

Risk Management Continued

Board/Committee Oversight

Additional Board control is done on a monthly basis via staff reports to the Finance / Audit Committee for review and recommendation to the Board. The monthly reports are: cash disbursements, receivable aging, payable aging, budget variance, project income, and a balance sheet.

Annual Independent Auditor's Report

The Agency and its component unit's annual financial statements are audited in accordance with standards applicable to Governmental Auditing Standards issued by the Comptroller General of the United States. Those standards require that the Audit is planned and performed to obtain reasonable assurance that said financial statements are free of material misstatement.

The audit plan includes examining, on test basis, evidence supporting the amounts and disclosures in the financial statements. The annual audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation.

7.12
REAL
PROPERTY

**Niagara County Industrial Development Agency
Real Property Assessment for
Fiscal Year 2021**

Niagara Industrial Suites Multi-tenant Facility

Building: 50,000 square foot multi tenant industrial building located at 2055 Niagara Falls Blvd. Niagara Falls, New York on a 6.1 acre parcel; fully leased to GHD Services, Inc.

Funding:	<u>Sources of Funds</u>	<u>Uses of Funds</u>
	USDC – EDA (Grant) \$1,100,000	Bldg. Const. & Land \$1,983,000
	NCDC Loan 310,000	Arch., Eng. 74,000
	NYS JDA 700,000	Project Inspect. 43,000
	NCIDA 291,000	Admin. Expense 301,000
	NEDF 250,000	Contingency 250,000
	<u>Total</u> \$2,651,000	<u>Total</u> \$2,651,000

Additional Building & Other Improvements (1993-2021):

Building	\$199,293
Landscaping	\$ 66,629
Infrastructure	\$ 42,235
<u>Total</u>	<u>\$308,157</u>

Vantage Center Multi-tenant Facility

Building: 50,000 square foot industrial and multi tenant building located at 6311 Inducon Corp. Drive, Vantage International Point, on 8.3 acres (675' x 535'). One hundred (100%) percent leased to several tenant companies.

Funding:	<u>Sources of Funds</u>	<u>Uses of Funds</u>
	USDC – EDA (Grant) \$1,000,000	Land Acquisition \$ 150,000
	Bank of America* 950,000	Arch., Eng. & Con Manag. 200,000
	NYS Job Development Au. 950,000	Building 3,545,000
	Niagara County (HUD Grant) 400,000	Contingency 175,000
	Niagara County IDA 675,000	Soft Costs 115,000
	NCDC Loan (NCIDA) 475,000	Other 265,000
	<u>Total</u> \$4,450,000	<u>Total</u> \$4,450,000

* Formerly Fleet Bank

**Niagara County Industrial Development Agency
Real Property Assessment for
Fiscal Year 2021**

Additional Building & Other Improvements (2001-2021):

Building	\$148,864
Building Improvements	\$ 8,527
Landscaping	\$ 8,625
Land Improvements	\$ 28,760
Infrastructure	\$ <u>67,862</u>
Total	\$<u>262,638</u>

Vantage International Point Park

Under Existing Ownership:

Horizon	14.40 acres
Myles Tool	5.00 acres
NCIDA Vantage Center	8.30 acres
Matrix Imaging	4.90 acres
VWR International	4.10 acres
VWR Chemicals	7.00 acres
Saksco Gourmet Baskets	7.50 acres
Vision Metalizers	7.50 acres
National Fuel	10.00 acres
National Vacuum Environmental Services	8.00 acres
DRC Development LLC	16.00 acres
Hapeman Services	8.00 acres
Avion USA, LLC	6.00 acres
Original Pizza Logs	5.50 acres
Borderworx Logistics	31.00 acres
Vantage Point LLC (Bridgestone)	10.00 acres
Greater N.F.C.O.G.	3.00 acres
Leon Safir (Sanborn Distillery, Inc.)	2.80 acres

Total Developed 159 acres

See Attached Vantage International Point Site MAP

VANTAGE
INTERNATIONAL POINT
SITE MAP

LOCKPORT ROAD

SANBORN
DISTILLERY
2.8 Ac.

HORIZON
VILLAGE
6.3 Ac.

GREATER
N.F.C.O.G.
3.0 Ac.

Niagara County
Center for Economic Development

VANTAGE CENTER
8.3 Ac.

MYLES
TOOL CO.
INC. 5.0 Ac.

HORIZON
VILLAGE
4.0 Ac.

INDUCON DRIVE

EDWARDS VACUUM

D.R.C. DEVELOPMENT
16.0 Ac.

SAKSCO GOURMET
BASKET SUPPLIES
7.5 Ac.

HORIZON
VILLAGE
4.1 Ac.

MATRIX
IMAGING SOLUTIONS
4.9 Ac.

BORDERWORK
31.0 Ac.

AVION
TECHNOLOGIES
6.0 Ac.

VWR
INTERNATIONAL
4.1 Ac.

WALMORE ROAD



INDUCON DRIVE WEST

ORIGINAL
PIZZA LOGS
5.5 Ac.

BRIDGESTONE
10.0 Ac.

INDUCON DRIVE EAST

VISION METALIZERS
7.5 Ac.

VWR
CHEMICALS
7.0 Ac.

HAPEMEN
SERVICES
8.0 Ac.

NATIONAL VACUUM
8.0 Ac.

NATIONAL FUEL
10.0 Ac.

Niagara County
Center for Economic Development

Developed	159 acres
Available	0 acres
Total Acreage	159 acres

7.13

**ANNUAL
INVESTMENT
REPORTS**

Niagara County Industrial Development Agency

Investment Report

For the year ended December 31, 2021

Niagara County Industrial Development Agency
2021 Investment Report

Purpose of Report:

Under Section 2925 of the Public Authorities Law, the NCIDA is required to prepare and approve an annual Investment Report. The Investment Report is to include: the investment guidelines (see below), the results of the annual independent investment audit (see below), a list of the total investment income received by the corporation and a list of the fees, commissions or other charges paid to each investment banker, broker, agent, dealer and advisor rendering investment associated services to the corporation since the last Investment Report.

The attached schedule details the corporation's investment income and related fees for the year ended December 31, 2021 and was approved by the NCIDA membership on March 9, 2022.

Investment Guidelines:

In accordance with Section 2925 of the Public Authorities Law, the NCIDA is required to adopt Investment Guidelines which detail its operative policy and instructions to staff regarding the investing, monitoring and reporting of funds of the Agency. In addition, the NCIDA is subject to the deposit and investment restrictions contained in Sections 10 and 11 of the General Municipal Law.

The Investment Guidelines were approved by the NCIDA membership on March 9, 2022 and are posted on the NCIDA website. The Investment Guidelines are consistent with the prior guidelines adopted on March 10, 2021.

Investment Audit:

The auditors for the NCIDA have audited the corporation's compliance with the Investment Guidelines for Public Authorities. In their report dated March 9, 2022, Lumsden & McCormick indicated that the Agency complied, in all material respects, with these investment guidelines.

Niagara County Development Corporation
Investment Report
For the year ended December 31, 2021

Niagara County Development Corporation
2021 Investment Report

Purpose of Report:

Under Section 2925 of the Public Authorities Law, the NCDC is required to prepare and approve an annual Investment Report. The Investment Report is to include: the investment guidelines (see below), the results of the annual independent investment audit (see below), a list of the total investment income received by the corporation and a list of the fees, commissions or other charges paid to each investment banker, broker, agent, dealer and advisor rendering investment associated services to the corporation since the last Investment Report.

The attached schedule details the corporation's investment income and related fees for the year ended December 31, 2021 and was approved by the NCDC membership on March 9, 2022.

Investment Guidelines:

In accordance with Section 2925 of the Public Authorities Law, the NCDC is required to adopt Investment Guidelines which detail its operative policy and instructions to staff regarding the investing, monitoring and reporting of funds of the NCDC. In addition, the NCDC is subject to the deposit and investment restrictions contained in Sections 10 and 11 of the General Municipal Law.

The Investment Guidelines were approved by the NCDC membership on March 9, 2022 and are posted on the NCIDA website. The Investment Guidelines are consistent with the prior guidelines adopted on March 10, 2021.

Investment Audit:

The auditors for the NCDC have audited the corporation's compliance with the Investment Guidelines for Public Authorities. In their report dated March 9, 2022, Lumsden & McCormick indicated that the NCDC complied, in all material respects, with these investment guidelines.

Niagara Area Development Corporation
Investment Report
For the year ended December 31, 2021

Niagara Area Development Corporation
2021 Investment Report

Purpose of Report:

Under Section 2925 of the Public Authorities Law, the NADC is required to prepare and approve an annual Investment Report. The Investment Report is to include: the investment guidelines (see below), the results of the annual independent investment audit (see below), a list of the total investment income received by the corporation and a list of the fees, commissions or other charges paid to each investment banker, broker, agent, dealer and advisor rendering investment associated services to the corporation since the last Investment Report.

The attached schedule details the corporation's investment income and related fees for the year ended December 31, 2021 and was approved by the NADC membership on March 9, 2022.

Investment Guidelines:

In accordance with Section 2925 of the Public Authorities Law, the NADC is required to adopt Investment Guidelines which detail its operative policy and instructions to staff regarding the investing, monitoring and reporting of funds of the NADC. In addition, the NADC is subject to the deposit and investment restrictions contained in Sections 10 and 11 of the General Municipal Law.

The Investment Guidelines were approved by the NADC membership on March 9, 2022 and are posted on the NCIDA website. The Investment Guidelines are consistent with the prior guidelines adopted on March 10, 2021.

Investment Audit:

The auditors for the NADC have audited the corporation's compliance with the Investment Guidelines for Public Authorities. In their report dated March 9, 2022, Lumsden & McCormick indicated that the NADC complied, in all material respects, with these investment guidelines.

7.15
ANNUAL
REPORT
SUMMARIES

2021 Annual Report Summary

This report is being submitted in accordance with the PAAA of 2005.

Operations and Accomplishments

Operations

The Niagara County Industrial Development Agency (the “Agency”) is a public benefit corporation established by an act of the New York State Legislature in 1972 under Section 1916 of the General Municipal Law. The agency operates for the benefit of the County of Niagara and its populace to accomplish any or all of the purposes specified in Title 1 of Article 18A. Specific powers and duties are conferred to the agency with respect to the acquisition of real property, whether by purchase, condemnation or otherwise, within the corporate limits of the County of Niagara. All of the local zoning and planning regulations, as well as the regional and local comprehensive land use plans, are taken into consideration to carry out the duties of the agency.

Organized in a manner consistent with the statute, the Niagara County Legislature appoints a nine (9) member Board of Directors. This Board governs the IDA by establishing official policies, reviewing and approving requests for financial assistance. Operations and activities of the agency, its members, officers and employees are carried out in accordance with State law.

The Mission of the Agency is to undertake projects and programmatic initiatives in furtherance of and to advance the job opportunities, health, general prosperity and economic welfare of the people of the County and to improve their recreation opportunities, prosperity and standard of living. In addition, and in doing so, the Agency shall adhere to its adopted policies and applicable statutory requirements, including PAAA, PARA, OML, FOIL, and SEQRA. Further, and in accordance with GML Section 916-a, the Agency shall take into consideration the local zoning and planning regulations as well as the regional and local comprehensive land use plans. The Agency’s goals include continued compliance with current obligations and responsibilities associated with ongoing projects and programs, in addition to identifying new projects and programs that will achieve the Agency’s purposes and Mission. With these stated goals established, the Agency’s values are to maintain the highest ethical standards applicable to public officials and public benefit corporations.

Accomplishments

In 2021, the Agency closed on 14 new projects during the year.

1. Stavatti Aerospace – The company will renovate a former Army hangar for aircraft prototype development at 9400 Porter Road in the Town of Niagara. The \$25,875,000 project will create 363 new jobs.

2. AMP Real Estate Holdings, LLC – The Company will construct a new headquarters for Huron Sprinklers at 95 Schenck Street in North Tonawanda. The \$522,913 project investment will retain 14 jobs and create 7 new jobs.

3. 9745 Rochester Rd, LLC – The Company will construct a new warehouse/distribution facility at 9745 Rochester Road in the Town of Royalton. The \$12,625,000 project will retain 27 jobs and create 12 new positions.

4. Enterprise Lumber and Silo – The Company will renovate a vacant lumber silo into office and professional space at 211 Main Street in North Tonawanda. The \$3,082,826 project will retain 9 jobs and create 4 new jobs.

5. Bogart-Sinatra Properties - The Company will construct a multitenant spec building at 428 Zimmerman Street in the City of North Tonawanda. The \$1,530,000 project will create 25 new jobs.

6. EW and KS Holdings LLC – The Company will renovate a vacant building to be used as a brewery at 200 Lockport Street in the Village of Youngstown. The \$955,000 project will create 20 jobs.

7. Duncan's Heating and Cooling – The Company will construct a new building to be used for manufacturing and fabrication at 3507 Hyde Park Blvd in the Town of Niagara. The \$580,000 project will retain 34 jobs and create 9 new positions.

8. 7920 JMD LLC – The Company will construct a new facility for Birch Machine at 7920 Rochester Road in the Town of Royalton. The \$795,500 project will retain 6 jobs and create 3 new positions.

9. The Niagara Club, LLC – The Company will renovate the former Niagara Club at 24 Buffalo Avenue in the City of Niagara Falls into an entertainment facility. The \$3,036,700 project will create 20 new jobs.

10. Vincent Properties – The Company will acquire and improve a nursing home/adult care facility at 41 Lexington Court in the City of Lockport. The \$6,650,000 project investment will retain 20 jobs and create 2 new positions.

11. DLC Diversified Holdings – The Company will renovate the former Tuscarora club located at 128 Walnut Street in the City of Lockport. The \$2,500,000 project investment will create 4 new jobs.

12. Iskalo 1 East Avenue - The Company will renovate a former post office at 1 East Avenue in the City of Lockport. The \$6,057,760 investment will retain 5 jobs and create 27 new positions.

13. DLV Properties – The Company will construct market-rate apartments at 624 River Road in North Tonawanda. The \$2,907,700 project investment will also create 17 new jobs.

14. 8297 Packard Road, LLC – The Company will construct a new facility for Landscape Associates of Western New York at 8297 Packard Road in the Town of Niagara. The \$1,000,000 project investment will retain 16 jobs.

Other Accomplishments

Niagara Area Development Corporation was created by the Niagara County IDA in 2011 to provide certain taxable and tax-exempt financial assistance on occasions where these incentives are no longer provided by the Agency, or in instances where the Agency's ability to assist economic development projects has been significantly limited. NADC's purpose, to promote the creation and preservation of employment opportunities, is in line with the IDA's overall objectives and, in some cases, we may deliver financial assistance in a more cost-effective manner through this not-for-profit corporation.

2021 Niagara County IDA Annual Report

CERTIFICATE OF CHAIRMAN AND THE EXECUTIVE DIRECTOR

Niagara County Industrial Development Agency

The undersigned, being the duly appointed Chairman and Executive Director of the Niagara County Industrial Development Agency (the "Agency"), hereby certify, pursuant to subdivision 3 of Section 2800 of the Public Authorities Law, as follows:

The financial information provided within the Annual Report of the Agency, dated as of March 9, 2022, is accurate, correct, and does not contain any untrue statement of material fact. The Annual Report does not omit any material fact which, if omitted, would cause the report to be misleading in light of the circumstances under which the report and any such statements made therein are made. The Annual Report fairly represents in all material respects the financial condition and results of operations of the Corporation as of, and for, the period presented in said report.

The Annual Report is hereby approved.

IN WITNESS WHEREOF, the undersigned Chairman and Executive Director have executed this Certificate as of the 9th day of March, 2022.

Mark Onesi, Chairman

Susan C. Langdon, Executive Director

2021 Annual Report Summary

This report is being submitted in accordance with the PAAA of 2005.

Operations and Accomplishments

Operations

The Niagara County Development Corporation (the "NCDC") is a not-for-profit corporation established under Section 402 of the Not-for-Profit Corporation Law of New York. The NCDC operates for the benefit of Niagara County and its populace. Specific powers and duties are conferred to the NCDC, and such purposes are mandatory and exclusive upon this corporation pursuant to said Section 1411. Those purposes are: to relieve and reduce unemployment, to promote and provide for additional and maximum employment, to maintain job opportunities and to better said job opportunities, to lease, purchase or otherwise acquire real property to be utilized and developed for commercial and industrial purposes to construct new industrial or manufacturing plants or new research and development plants and acquire machinery and equipment deemed related thereto, or acquire, rehabilitate, and improve for use by others, industrial or manufacturing plants within Niagara County, New York, to assist financially in such construction, acquisition, rehabilitation and improvement and to maintain such plans, buildings and equipment for others, to study and promote, either alone or in concert with other local officials and interested local groups, the economic growth and business prosperity of the County of Niagara, and the solution of other civic problems within the County of Niagara, to instruct or train individuals to improve or to develop their capabilities for jobs, to carry on scientific research for the purpose of aiding the community or geographical area by attracting industry to the community or area, or by encouraging the development of business concerns including small business. The public objective of each and every of the purposes enumerated above is to promote the general and public welfare of the people of the County of Niagara.

The Mission of the NCDC is to undertake projects and programmatic initiatives in furtherance of and to advance the job opportunities, health, general prosperity and economic welfare of the people of the County and to improve their recreation opportunities, prosperity and standard of living. In addition, and in doing so, the NCDC shall adhere to its adopted policies and applicable statutory requirements, including PAAA, PARA, OML, FOIL, and SEQRA. The NCDC's goals include continued compliance with current obligations and responsibilities associated with ongoing loan programs, in addition to identifying new loan projects that will achieve the NCDC's purposes and Mission.

Accomplishments

In 2021, the NCDC closed two (2) new loans and one (1) grant.

In response to the sharp downturn in the hospitality industry as a result of the COVID crisis, NCIDA established the Hospitality Emergency Loan Program (HELP). The loan program, which uses funds from the U.S. Economic Development Agency and the Department of Housing and Urban Development, is intended to assist qualifying businesses in paying their property taxes. The following hospitality establishments received HELP loans in 2021:

1. **Rupal Corporation (The Cadence)** - \$56,055.07 for Cadence Inn at 200 Rainbow Blvd. in the City of Niagara Falls.
2. **Indian Ocean LLC (Courtyard by Marriott)** - \$93,280.92 for Courtyard by Marriott at 900 Buffalo Avenue in the City of Niagara Falls.

In addition to the above HELP Loans, the NCDC provided **Craft Coffee House, LLC** a supplemental grant for use to relocate their existing coffee house business to 6612 Campbell Boulevard in Lockport. A \$25,000 grant was provided in 2020 that was used for furnishing, fixtures and equipment and working capital. An additional grant of \$3,610.00 was provided in 2021 to supplement the original grant. The Company will create one FTE position.

2021 Niagara County Development Corporation Annual Report

CERTIFICATE OF CHAIRMAN AND THE EXECUTIVE DIRECTOR

Niagara County Development Corporation

The undersigned, being the duly appointed Chairman and Executive Director of the Niagara County Development Corporation (the "NCDC"), hereby certify, pursuant to subdivision 3 of Section 2800 of the Public Authorities Law, as follows:

The financial information provided within the Annual Report of the NCDC, dated as of March 9, 2022, is accurate, correct, and does not contain any untrue statement of material fact. The Annual Report does not omit any material fact which, if omitted, would cause the report to be misleading in light of the circumstances under which the report and any such statements made therein are made. The Annual Report fairly represents in all material respects the financial condition and results of operations of the Corporation as of, and for, the period presented in said report.

The Annual Report is hereby approved.

IN WITNESS WHEREOF, the undersigned Chairman and Executive Director have executed this Certificate as of the 9th day of March, 2022.

Mark Onesi, Chairman

Susan C. Langdon, Executive Director

2021 Annual Report Summary

This report is being submitted in accordance with the PAAA of 2005.

Operations and Accomplishments

Operations

The Niagara Area Development Corporation (the "NADC") is a not-for-profit corporation established under Section 1411 of the New York Not-for-Profit Corporation Law. The NADC operates for the benefit of Niagara County and its populace. Specific powers and duties are conferred to the NADC, including:

- (a) To foster the creation, retention and expansion of jobs and economic opportunities for the benefit of Niagara County, New York State and local economies.
- (b) To construct, acquire, rehabilitate and improve for use by others, facilities in the territory in which its operations are principally to be conducted, to assist financially in such construction, acquisition, rehabilitation and improvement, to maintain and/or lease such facilities on its behalf or for others in such territory; to disseminate information and furnish advice, technical assistance and liaison with federal, state and local authorities with respect there;
- (c) To acquire by purchase, lease, gift, bequest, devise or otherwise real or personal property or interests therein;
- (d) To apply for loans and borrow money without limit as to amount; to make, draw, accept, endorse, execute and issue negotiable bonds, debentures, notes and other obligations therefore;
- (e) To sell, lease, mortgage and or otherwise dispose of or encumber any such facilities or any of its real or personal property or any interest therein upon such terms as it may determine;
- (f) To enter into covenants and agreements and to comply with all the terms, conditions and provisions thereof, and otherwise to carry out its corporate purposes and to foster and encourage the location or expansion of facilities and related business in the territory in which the operations of the NADC are principally to be conducted;
- (g) To apply for and make grants and loan and to execute any and all documents necessary in connection therewith;

- (h) To do any other act or thing incidental to or connected with the foregoing purpose or in advancement thereof, but not for the pecuniary profit or financial gain of its members, directors, officers or any private person.
- (i) In general, to perform any and all acts and things, and exercise any and all powers which may now or hereafter be lawful for the NADC to do or exercise under and pursuant to the laws of the State of New York for the purpose of accomplishing any of the foregoing purposes of the NADC.

The Mission of the NADC is to undertake projects and programmatic initiatives in furtherance of and to advance the job opportunities, health, general prosperity and economic welfare of the people of the County and to improve their recreation opportunities, prosperity and standard of living. In addition, and in doing so, the NADC shall adhere to its adopted policies and applicable statutory requirements, including PAAA, PARA, OML, FOIL, and SEQRA. Further, and in accordance with GML Section 916-a, the NADC shall take into consideration the local zoning and planning regulations as well as the regional and local comprehensive land use plans. The NADC's goals include continued compliance with current obligations and responsibilities associated with ongoing projects and programs, in addition to identifying new projects and programs that will achieve the NADC's purposes and Mission. With these stated goals established, the NADC's values are to maintain the highest ethical standards applicable to public officials and public benefit corporations.

Accomplishments

There was no activity for 2021.

2021 Niagara Area Development Corporation Annual Report

CERTIFICATE OF CHAIRMAN AND THE EXECUTIVE DIRECTOR

Niagara Area Development Corporation

The undersigned, being the duly appointed Chairman and Executive Director of the Niagara Area Development Corporation (the “NADC”), hereby certify, pursuant to subdivision 3 of Section 2800 of the Public Authorities Law, as follows:

The financial information provided within the Annual Report of the NADC, dated as of March 9, 2022, is accurate, correct, and does not contain any untrue statement of material fact. The Annual Report does not omit any material fact which, if omitted, would cause the report to be misleading in light of the circumstances under which the report and any such statements made therein are made. The Annual Report fair presents in all material respects the financial condition and results of operations of the Corporation as of, and for, the period presented in said report.

The Annual Report is hereby approved.

IN WITNESS WHEREOF, the undersigned Chairman and Executive Director have executed this Certificate as of the 9th day of March, 2022.

Mark Onesi, Chairman

Susan C. Langdon, Executive Director

7.16

**ANNUAL
MEASUREMENT
REPORTS**

2021 Measurement Report

Local Public Authority Name: Niagara County Industrial Development Agency
Fiscal Year: January 1, 2021 – December 31, 2021

Below are the measurement goals for the Niagara County Industrial Development Agency.

1. Assist new development projects that create construction jobs and/or permanent full-time positions. Assisted in ten (10) new development projects:

1. Stavatti Aerospace – The company will renovate a former Army hangar for aircraft prototype development at 9400 Porter Road in the Town of Niagara. The \$25,875,000 project will create 363 new jobs.

2. AMP Real Estate Holdings, LLC – The Company will construct a new headquarters for Huron Sprinklers at 95 Schenck Street in North Tonawanda. The \$522,913 project investment will retain 14 jobs and create 7 new jobs.

3. 9745 Rochester Rd, LLC – The Company will construct a new warehouse/distribution facility at 9745 Rochester Road in the Town of Royalton. The \$12,625,000 project will retain 27 jobs and create 12 new positions.

4. Enterprise Lumber and Silo – The Company will renovate a vacant lumber silo into office and professional space at 211 Main Street in North Tonawanda. The \$3,082,826 project will retain 9 jobs and create 4 new jobs.

5. Bogart-Sinatra Properties - The Company will construct a multitenant spec building at 428 Zimmerman Street in the City of North Tonawanda. The \$1,530,000 project will create 25 new jobs.

6. EW and KS Holdings LLC – The Company will renovate a vacant building to be used as a brewery at 200 Lockport Street in the Village of Youngstown. The \$955,000 project will create 20 jobs.

7. Duncan's Heating and Cooling – The Company will construct a new building to be used for manufacturing and fabrication at 3507 Hyde Park Blvd in the Town of Niagara. The \$580,000 project will retain 34 jobs and create 9 new positions.

8. 7920 JMD LLC – The Company will construct a new facility for Birch Machine at 7920 Rochester Road in the Town of Royalton. The \$795,500 project will retain 6 jobs and create 3 new positions.

9. The Niagara Club, LLC – The Company will renovate the former Niagara Club at 24 Buffalo Avenue in the City of Niagara Falls into an entertainment facility. The \$3,036,700 project will create 20 new jobs.

10. Vincent Properties – The Company will acquire and improve a nursing home/adult care facility at 41 Lexington Court in the City of Lockport. The \$6,650,000 project investment will retain 20 jobs and create 2 new positions.

2. Assist redevelopment projects that improve distressed areas, and bring business back to underutilized locations. Assisted in two (2) projects to improved distressed areas.

1. DLC Diversified Holdings – The Company will renovate the former Tuscarora club located at 128 Walnut Street in the City of Lockport. The \$2,500,000 project investment will create 4 new jobs.

2. Iskalo I East Avenue - The Company will renovate a former post office at 1 East Avenue in the City of Lockport. The \$6,057,760 investment will retain 5 jobs and create 27 new positions.

3. Assist in the development of quality workforce housing. Assisted in one (1) project.

1. DLV Properties – The Company will construct market-rate apartments at 624 River Road in North Tonawanda. The \$2,907,700 project investment will also create 17 new jobs.

4. Assist Niagara County businesses to keep them viable thereby retaining jobs.

1. 8297 Packard Road, LLC – The Company will construct a new facility for Landscape Associates of Western New York at 8297 Packard Road in the Town of Niagara. The \$1,000,000 project investment will retain 16 jobs.

5. Issue Tax exempt bonds for qualified projects.

None

2021 Measurement Report

Local Public Authority Name: Niagara County Development Corporation
Fiscal Year: January 1, 2021 – December 31, 2021

Below are the measurement goals for the Niagara County Industrial Development Agency.

1. Assist new development projects that create construction jobs and/or permanent fulltime positions.

1. **Craft Coffee House, LLC** - The Company will be purchasing commercial property located at 6612 Campbell Boulevard in Lockport to relocate their existing coffee house and restaurant. A \$25,000 grant was provided in 2020 that was used for furnishing, fixtures and equipment and working capital. An additional grant of \$3,610.00 was provided in 2021 to supplement the original grant. The Company will create one FTE position.

2. Assist redevelopment projects that improve distressed areas, and bring business back to underutilized locations.

None

3. Assist in the development of quality workforce housing.

None

4. Assist Niagara County businesses to keep them viable thereby retaining jobs.

HELP Loans

In response to the sharp downturn in the hospitality industry as a result of the COVID crisis, NCIDA established the Hospitality Emergency Loan Program (HELP). The loan program, which uses funds from the U.S. Economic Development Agency and the Department of Housing and Urban Development, is intended to assist qualifying businesses in paying their property taxes. The following hospitality establishments received HELP loans in 2021:

1. **Rupal Corporation (The Cadence)** - \$56,055.07 for Cadence Inn at 200 Rainbow Blvd. in the City of Niagara Falls.
2. **Indian Ocean LLC (Courtyard by Marriott)** - \$93,280.92 for Courtyard by Marriott at 900 Buffalo Avenue in the City of Niagara Falls.

5. Issue tax exempt bonds for qualified projects.

None

2021 Measurement Report

Local Public Authority Name: Niagara Area Development Corporation
Fiscal Year: January 1, 2021 – December 31, 2021

Below are the measurement goals for the Niagara Area Development Corporation.

1. Assist new development projects that create construction jobs and/or permanent full time positions.

None

2. Assist redevelopment projects that improve distressed areas, and bring business back to underutilized locations.

None

3. Assist in the development of quality workforce housing.

None

4. Assist Niagara County businesses to keep them viable thereby retaining jobs.

None

5. Issue tax exempt bonds for qualified projects.

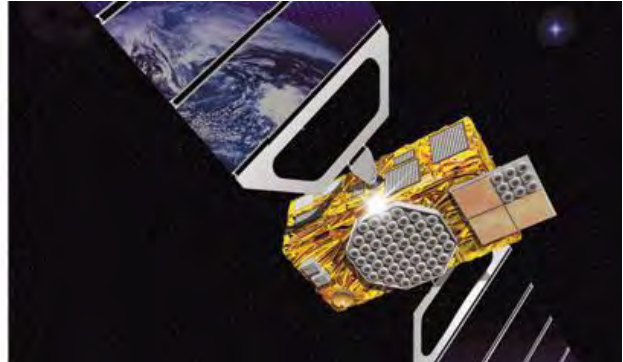
None

8.1

MOOG INC.

PROJECT SUMMARY

Moog Inc.



Applicant:	Moog Inc.	
Project Location:	6686 Walmore Road, Town of Wheatfield	
Assistance:	15 year property tax abatement Sales tax abatement	
Description:	<p>At its facility within the Wheatfield Business Park, Moog designs, assembles and test small thrusters, components and systems for space propulsion. The hardware made and tested at the Wheatfield facility is used on a wide range of government and private satellites to control orbits and orientation. Applications of these satellites range from communication to scientific missions to national defense. Moog's hardware is also used on interplanetary exploration vehicles and missiles.</p> <p>The space propulsion hardware complements other hardware and systems that Moog designs and manufactures for launch vehicles, satellites and missiles and supports Moog's impressive legacy in the aerospace space markets that goes back to its founding in the 1950's.</p> <p>Moog is committed to the future of this business and as such has decided to invest in the Wheatfield facility to ensure that it meets the company's needs and those of its aerospace customers for decades to come. The planned investments will provide a more reliable, safer and more efficient facility through investments in infrastructure modernization, upgraded environmental and safety systems and modern equipment.</p>	
Project Costs:	New construction Renovation Furniture, fixtures and equipment Production Equipment A & E Other <p style="text-align: right;">TOTAL</p>	\$ 4,500,000 \$ 4,925,000 \$ 3,000,000 \$ 7,950,000 \$ 4,450,000 \$ <u>175,000</u> \$ 25,000,000
Employment:	Existing jobs in Niagara County 50 FTE's New jobs 25 FTE's Skills: Administrative, Technical, Professional, Production	

REGIONAL ECONOMIC IMPACT ANALYSIS
Moog Inc.

Estimated State & Regional Benefits / Estimated Project Incentives Analysis		
Total State and Regional Benefits	\$12,290,604	
Total Project Incentives	\$1,430,075	
Benefit to Cost Ratio	8.6:1	
Projected Employment	State	Region
Total Employment	301	301
Direct*	75	75
Indirect**	48	48
Induced***	84	84
Temporary Construction (Direct and Indirect)	94	94

Estimated State and Regional Benefits	
Total State and Regional Benefits	\$ 12,920,064
Property Tax/PILOT revenue	\$ 128,270
Income Tax Revenue	\$ 8,480,351
Sales Tax Revenue	\$ 4,311,442

Estimated Project Incentives	
Total Project Incentives	\$1,430,075
Property Tax	\$ 813,075
Sales Tax	\$ 617,000

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

Public Hearing held on March 1, 2022 at 2:00 p.m.
at 6311 Inducon Corporate Drive

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

We are here to hold the public hearing on Moog Inc, 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 Agency assisted Moog with a leaseback incentive in 2017. This project remains as part of the same project that was approved in 2017. However, due to the increased costs of the project, the project will be incurring additional sales tax, which the company had not accounted for at the time of the application. The company has filed an amended application and, because the amount of additional sales tax savings is in excess of \$100,000, a public hearing must be held.

Project documents are posted on the Agency's website at niagaracountybusiness.com and I have copies with me today.

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 March 4, 2022,

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

Are there any more comments? Hearing no further comments, I will now adjourn the meeting. It is now 2:00 p.m. Thank you.

**SIGN IN SHEET
PUBLIC HEARING**

March 1, 2022 2 p.m.
6311 Inducon Corporate Drive

regarding:

**Moog, Inc 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 SHOENAKER	NCRPTS	

8.2

**PLATI NIAGARA
INC.**



RODNEY A. GIOVE, ESQ.



7304 Berkshire Drive
North Tonawanda, New York 14120
(716) 573-6334 ~ Fax (716) 264-4948

VIA EMAIL ONLY

March 2, 2022

Mark J. Gabriele, Esq.
Gabriele & Berrigan P.C.
800 Main Street, Suite 4B
Niagara Falls, New York 14301

**RE: Plati Niagara Inc. – 311 Rainbow Boulevard, Niagara Falls
Construction of Cambria Hotel**

Dear Mr. Gabriele:

Please let this correspondence serve as Plati Niagara's request for consent from the Niagara County IDA of their increased mortgage now in the amount of \$12,500,000.00 with respect to their construction of the Cambria Hotel along with approval for a corresponding \$26,150.00 increase in mortgage tax exemptions. My client's mortgage with CNB Bank has been increased due to the construction delay caused by the COVID 19 pandemic along with the increased costs of construction since the time of the initial approval of the project by the IDA. If there is any additional information which you desire, kindly feel free to contact me.

Thank you for your kind courtesies and cooperation.

Yours very truly,

Rodney Giove

Rodney A. Giove

cc: client

8.3

CERRONE

ESTATE

PROPERTIES LLC

REGIONAL ECONOMIC IMPACT ANALYSIS
Tecmotiv

Estimated State & Regional Benefits / Estimated Project Incentives Analysis

Total State and Regional Benefits	\$ 7,619,196
Total Project Incentives	\$ 807,552
Community Benefit to Cost Ratio	11:1
Projected Employment	
Total Employment	155
Direct**	65
Indirect***	74
Temporary Construction (Direct and Indirect)	16

Estimated State & Regional Benefits (Discounted Present Value*)

Total State and Regional Benefits	\$ 7,619,196
Income Tax Revenue	\$ 5,299,000
Property Tax Revenue	\$ 752,196
Sales Tax Revenue	\$ 1,568,000

Estimated Project Incentives (Discounted Present Value*)

Total Project Incentives	\$ 807,552
Property Tax	\$ 719,327
Sales Tax	\$ 76,000
Mortgage Tax	\$ 12,225

* 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.

9.1

13 W. MAIN LLC

PROJECT SUMMARY
13 W. Main LLC
(Barrier West Brewing LLC)
13 W. Main Street, Lockport, NY



Applicant:	13 W. Main LLC	
Project Location:	13 W. Main St. Lockport, New York	
Assistance:	Sales Tax Abatement Mortgage Recording Tax Abatement 10 Year PILOT	
Description:	<p>The company will purchase and renovate a dilapidated abandoned 17,000 square foot building located at 13 W. Main Street in the City of Lockport. The building will serve as a brewery, restaurant and gaming attraction (shuffleboard, bocce, etc.) and event center. There will also be four market rate apartments in the building.</p> <p>This mixed-use project is located within a distressed census tract in the City of Lockport.</p>	
Project Costs:	Property Acquisition Construction/Improvements Equipment Purchases Soft Costs/Other Costs TOTAL	\$ 101,865 1,850,000 750,000 <u>279,477</u> \$ 2,981,342
Employment:	Current jobs in Niagara County: Permanent New Jobs (FTE): Skills: Food Service, Brewing Technicians, Marketing, Sales	0 50
Evaluative Criteria:	Distressed Census Tract, Elimination of Slum and Blight, Building Vacancy, Redevelopment Aligns with Local Development Plan, Regional Wealth, Tourism Attraction, In Region Purchases	

Niagara County Industrial Development Agency

MRB Cost Benefit Calculator

Date: March 1, 2022
 Project Title: 13 W. Main LLC
 Project Location: 13 W Main St, Lockport NY 14094

Economic Impacts

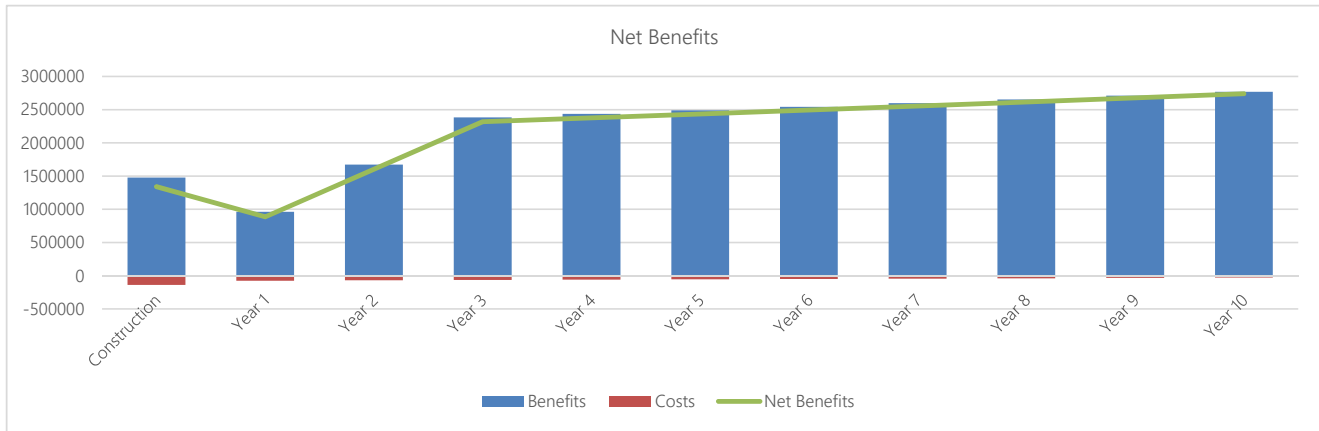
Summary of Economic Impacts over the Life of the PILOT

Project Total Investment
 \$2,981,342

Temporary (Construction)			
	Direct	Indirect	Total
Jobs	19	6	25
Earnings	\$1,112,534	\$283,610	\$1,396,144
Local Spend	\$2,656,679	\$958,663	\$3,615,341

Ongoing (Operations)			
Aggregate over life of the PILOT			
	Direct	Indirect	Total
Jobs	50	9	59
Earnings	\$15,374,134	\$6,140,917	\$21,515,051

Figure 1



Net Benefits chart will always display construction through year 10, irrespective of the length of the PILOT.

Figure 2

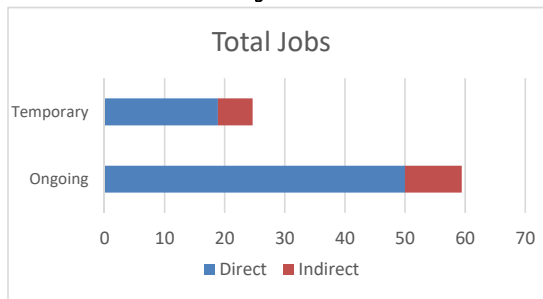
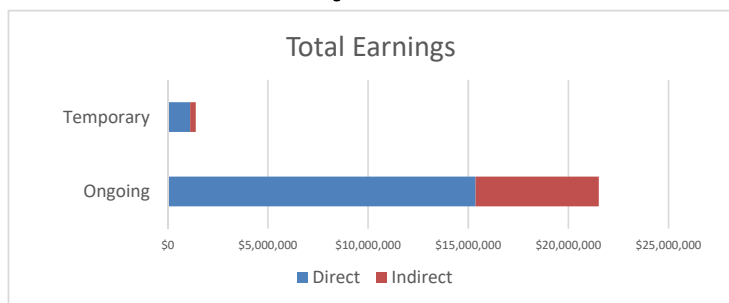


Figure 3



Fiscal Impacts

Estimated Costs of Exemptions

	Nominal Value	Discounted Value*
Property Tax Exemption	\$517,896	\$472,799
Sales Tax Exemption	\$134,000	\$134,000
Local Sales Tax Exemption	\$67,000	\$67,000
State Sales Tax Exemption	\$67,000	\$67,000
Mortgage Recording Tax Exemption	\$4,575	\$4,575
Local Mortgage Recording Tax Exemption	\$1,525	\$1,525
State Mortgage Recording Tax Exemption	\$3,050	\$3,050
Total Costs	\$656,471	\$611,374

State and Local Benefits

	Nominal Value	Discounted Value*
Local Benefits	\$23,501,105	\$21,034,800
To Private Individuals	\$22,911,196	\$20,512,791
Temporary Payroll	\$1,396,144	\$1,396,144
Ongoing Payroll	\$21,515,051	\$19,116,647
Other Payments to Private Individuals	\$0	\$0
To the Public	\$589,910	\$522,009
Increase in Property Tax Revenue	\$429,531	\$378,419
Temporary Jobs - Sales Tax Revenue	\$9,773	\$9,773
Ongoing Jobs - Sales Tax Revenue	\$150,605	\$133,817
Other Local Municipal Revenue	\$0	\$0
State Benefits	\$1,191,382	\$1,066,665
To the Public	\$1,191,382	\$1,066,665
Temporary Income Tax Revenue	\$62,827	\$62,827
Ongoing Income Tax Revenue	\$968,177	\$860,249
Temporary Jobs - Sales Tax Revenue	\$9,773	\$9,773
Ongoing Jobs - Sales Tax Revenue	\$150,605	\$133,817
Total Benefits to State & Region	\$24,692,488	\$22,101,465

Benefit to Cost Ratio

	Benefit*	Cost*	Ratio
Local	\$21,034,800	\$541,324	39:1
State	\$1,066,665	\$70,050	15:1
Grand Total	\$22,101,465	\$611,374	36:1

*Discounted at 2%

Does the IDA believe that the project can be accomplished in a timely fashion?

Yes

Additional Revenues:

School District	\$221,873
County	\$68,764
City/Town	\$138,894

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

\$ 1,675,000 (to be used on the NYS ST-60)

NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY

APPLICATION FOR FINANCIAL ASSISTANCE

13 W. Main LLC & Barrier West Brewing LLC

(Applicant Name)

6311 Inducon Corporate Drive, Suite One
Sanborn, New York 14132

Phone: 716-278-8760 Fax: 716-278-8769

<http://niagaracountybusiness.com>

Updated 2021

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

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

6311 Inducon Corporate Drive, Suite One ■ Sanborn, NY 14132-9099 ■ 716-278-8760
Fax 716-278-8769 ■ www.niagaracountybusiness.com

NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY

APPLICATION FOR FINANCIAL ASSISTANCE

I. APPLICANT INFORMATION

Company Name: 13 W. Main LLC (Real Estate Holding entity) / Barrier West Brewing LLC (Operating Rest/ Brewery entity)

Mailing Address: 3055 Maple Rd

City/Town/Village & Zip code: Newfane, NY 14108

Phone: (716) 544-4146

Website: _____

Fed Id. No.: 87-3311679 (13 W. Main LLC) / 88-0949278 (Barrier West Brewing LLC)

Contact Person, and Title: CJ Martin / Member

Email: cjmartin@aerialeterior.com

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

Charles J. Martin Jr (60%) / Matthew J. Martin (40%)

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

Form of Entity

Corporation

Date of Incorporation: _____

State of Incorporation: _____

Partnership

General _____ or Limited _____

Number of general partners _____

If applicable, number of limited partners _____

Date of formation _____

Jurisdiction of Formation _____

Limited Liability Company/Partnership (number of members 2)

Date of organization: 10/23/2019 (13W. Main) 2/10/2022 (Barrier West Brewing)

State of Organization: New York

Sole Proprietorship

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

Applicant's Counsel

Company Name: Brian Hutchison Esq Attorney at Law

Contact Person, and Title: Brian Hutchison

Mailing Address: 14 W. Main St,

City/Town/Village & Zip code: Lockport, NY 14094

Email: brian@bjhesq.com

Phone: (716) 302-8090

Fax No.: (716) 302-8091

II. PROJECT INFORMATION

A) Project Address: 13 West Main St

Tax Map Number (SBL) 109.62-1-12.2
(Section/Block/Lot)

SWIS Number 290900

Located in City of Lockport, NY

Located in Town of _____

Located in Village of _____

School District of Lockport

B) Current Assessment of Property:

Land 18400.00

Total 44800.00

C) Present legal owner of the site Great Lockport Development Corporation

If other than from applicant, by what means will the site be acquired for this project?
Purchase - currently under purchase agreement

D) Describe the project:

Renovate dilapidated abandoned building into a brewery, restaurant and
gaming activity (shuffleboard, bocce, cornhole) event center. There will also
be four market rate apartments. Two one bedroom and 2 two bedroom.

1. Project site (land)
 - (a) Indicate approximate size (In acres or square feet) of project site.
17,000 sq feet. foot print is 12,000
 - (b) Indicate the present use of the project site.
Vacant building

2. Indicate number, size (in square feet) and approximate age of existing buildings on site
 one total building 17,000 sq ft. renovated / rebuilt 1950-1960s

3. Does the project consist of the construction of a new building or buildings?
 If yes, indicate number and size (in square feet) of new buildings.
 NO

4. Does the project consist of additions and/or renovations to existing buildings? If yes,
 indicate nature of expansion and/or renovation.
 Yes, complete renovation of interior including exterior modifications

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

6. List principal items/categories of equipment to be acquired as part of the project.
 Building materials - flooring, drywall, plumbing, HVAC, lumber, electrical, etc..

 Building finishings - fixtures, furniture and equipment

 Brewery, restaurant, gaming equipment

7. Has construction work on this project begun?
 EPA - Grant - cleanup - facilitated under GLDC

E) Inter-Municipal Move Determination

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

Yes or No

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

Yes or No

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

Yes or No

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

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

III. **SOURCES & USES OF FUNDS**

A) Estimated Project Costs:

Property Acquisition		\$	101,865
Construction (Improvements)		\$	1,850,000
Equipment Purchases/Fixtures/Furnishings		\$	750,000
Soft costs (i.e. engineering, architectural)		\$	250,000
Other (describe)	Miscellaneous Costs/ Fees	\$	29,477
TOTAL USES OF FUNDS		\$	2,981,342

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

Bank Financing	Interviewing Banks	\$	610,000
Equity		\$	817,349
Grants/Tax Credits	OCR & Restore NY	\$	715,000
Taxable or Tax Exempt Bond	Historic Tax Credits	\$	463,993
Other	OCR Loan	\$	375,000
TOTAL SOURCES OF FUNDS		\$	2,981,342

C) Identify each state and federal grant/credit:

Restore New York	\$	340,000.00
Office of Community Renewal Grant	\$	375,000.00
Office of Community Renewal Loan	\$	375,000.00
Historic Tax Credits - NYS credit(\$463,993) calculated at cash value as it is refundable - Using Fed (\$397,872) as Long term Credit	\$	861,865.00
TOTAL PUBLIC FUNDS		\$ 1,951,865.00

IV. FINANCIAL ASSISTANCE REQUESTED

A.) Benefits Requested:

Sales Tax Exemption

Mortgage Recording Tax Exemption

Real Property Tax Abatement (PILOT)

B.) Value of Incentives:

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

Estimated duration of Property Tax exemption: 10 years

Sales and Use Tax

Estimated value of Sales Tax exemption for facility construction: \$ 74,000

Estimated value of Sales Tax exemption for fixtures and equipment: \$ 60,000

Estimated duration of Sales Tax exemption: 1 year

Mortgage Recording Tax Exemption Benefit

Estimated value of Mortgage Recording Tax exemption: \$ 4,575

C.) Financial Assistance Determination:

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

Yes or No

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

NCIDA could really help insure the success of the project with financial incentives. We believe the tools from the IDA will give us the ability to utilize our limited financial resources further and make sure we are building a great project for the community of Lockport.

V. EMPLOYMENT PLAN

	# of Retained Jobs	Retained Jobs Average Annual Salary	# of Created Jobs <i>(3 yrs after project completion)</i>	Created Jobs Average Annual Salary
Full Time (FTE)			50	\$ 31,755
Part time (PTE)	0	\$ 0	0	\$ 0
TOTAL	0	\$ 0	50	31,755

Annual Salary Range of Jobs to be Created: \$ 20,000 to \$ 60,000

Category of Jobs to be Retained and Created:

Job Categories (ie. Management, Administrative, Production, etc.) Bartender

Food Service, Brewing Technicians, Marketing & Sales ambassadors

Food Prep

VI. REPRESENTATIONS BY THE APPLICANT

The Applicant understands and agrees with the Agency as follows:

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

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

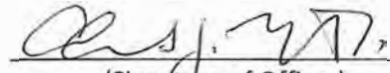
- G. Compliance with Applicable Laws: The Applicant confirms and acknowledges that the owner, occupant, or operator receiving Financial Assistance for the proposed Project is in substantial compliance with applicable local, state and federal tax, worker protection and environmental laws, rules and regulations.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

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

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

CHARLES J MARTIN JR, being first duly sworn, deposes and says:

1. That I am the Manager (Corporate Office) of 13 W Main St, LLC) Barriere West (Applicant) and that I am duly authorized on behalf of the Applicant to bind the Applicant. Brewing, LLC
2. That I have read the attached Application, I know the contents thereof, and that to the best of my knowledge and belief, this Application and the contents of this Application are true, accurate and complete.


(Signature of Officer)

Subscribed and affirmed to me under penalties of perjury
this 3 day of March, 20 22


(Notary Public)

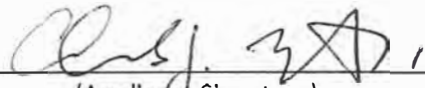
BRIAN J. HUTCHISON
Notary Public, State of New York
Qualified in Niagara County
My Commission Expires 3/22/2022

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

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

HOLD HARMLESS AGREEMENT

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


(Applicant Signature)

By: 13 W. Main St, LLC / Berrico Water Brewing
Name: Charles J. Martin, Jr LLC
Title: Member


(Notary Public)

Sworn to before me this 3 day
of March, 2023

[stamp]

BRIAN J. HUTCHISON
Notary Public, State of New York
Qualified in Niagara County
My Commission Expires 3/22/2022

Real Property Tax Benefits (Detailed):

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

PILOT Estimate Table Worksheet

Dollar Value of New Construction and Renovation Costs	Estimated New Assessed Value of Property Subject to IDA*	County Tax Rate/1000	Local Tax Rate (Town/City/Village)/1000	School Tax Rate/1000
\$1,850,000	\$1,750,000	9.245599	18.674796	29.831704

*Apply equalization rate to value

PILOT Year	% Payment	County PILOT Amount	Local PILOT amount	School PILOT Amount	Total PILOT	Full Tax Payment w/o PILOT	Net Exemption
1	20%	\$ 3,236	\$ 6,536	\$ 10,441	\$ 20,213	\$ 101,066	\$ 80,853
2	25%	\$ 4,045	\$ 8,170	\$ 13,051	\$ 25,267	\$ 101,066	\$ 75,800
3	30%	\$ 4,854	\$ 9,804	\$ 15,662	\$ 30,320	\$ 101,066	\$ 70,746
4	35%	\$ 5,663	\$ 11,438	\$ 18,272	\$ 35,373	\$ 101,066	\$ 65,693
5	40%	\$ 6,472	\$ 13,072	\$ 20,882	\$ 40,426	\$ 101,066	\$ 60,640
6	45%	\$ 7,281	\$ 14,706	\$ 23,492	\$ 45,480	\$ 101,066	\$ 55,586
7	50%	\$ 8,090	\$ 16,340	\$ 26,103	\$ 50,533	\$ 101,066	\$ 50,533
8	55%	\$ 8,899	\$ 17,974	\$ 28,713	\$ 55,586	\$ 101,066	\$ 45,480
9	60%	\$ 9,708	\$ 19,609	\$ 31,323	\$ 60,640	\$ 101,066	\$ 40,426
10	65%	\$ 10,517	\$ 21,243	\$ 33,934	\$ 65,693	\$ 101,066	\$ 35,373
TOTAL		\$ 68,764	\$ 138,894	\$ 221,873	\$ 429,531	\$ 1,010,662	\$ 581,130

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

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

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

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

Part 1 – Project and Sponsor Information			
Name of Action or Project:			
Project Location (describe, and attach a location map): 13 West Main Street, Lockport New York 14094			
Brief Description of Proposed Action: Adaptive reuse of a former bowling alley and bar / restaurant into a mixed use development. The first floor of 17,926 sq.ft. building to be reactivated as a restaurant / brew pub with bar and table seating to the front of the building, and recreational games, such as shuffleboard, and brewpub to the rear. Second floor of building to be converted to four (4) residential apartment units with dedicated tenant entry off primary facade. The 1953 building is eligible for listing on the National Registry and will be pursuing Historic Tax Credits, and therefore will be complying with Department of Interior Standards for Historic Preservation and falling under guidance of New York State Historic Preservation Office (NY SHPO) and the National Park Service (NPS).			
Name of Applicant or Sponsor: Carmina Wood Morris DPC c/o Paul R. Lang		Telephone: 716-842-3165 ext. 118 E-Mail: plang@cwmm-ae.com	
Address: 487 Main Street, Suite 500			
City/PO: Buffalo	State: New York	Zip Code: 14203	
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO <input type="checkbox"/>	YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: Local Municipal - Planning Board & Building Permit, NY SHPO, NPS		NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		.4 acres	
b. Total acreage to be physically disturbed?		0 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		.31 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <input checked="" type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):			
<input type="checkbox"/> Parkland			

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ _____	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	

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

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

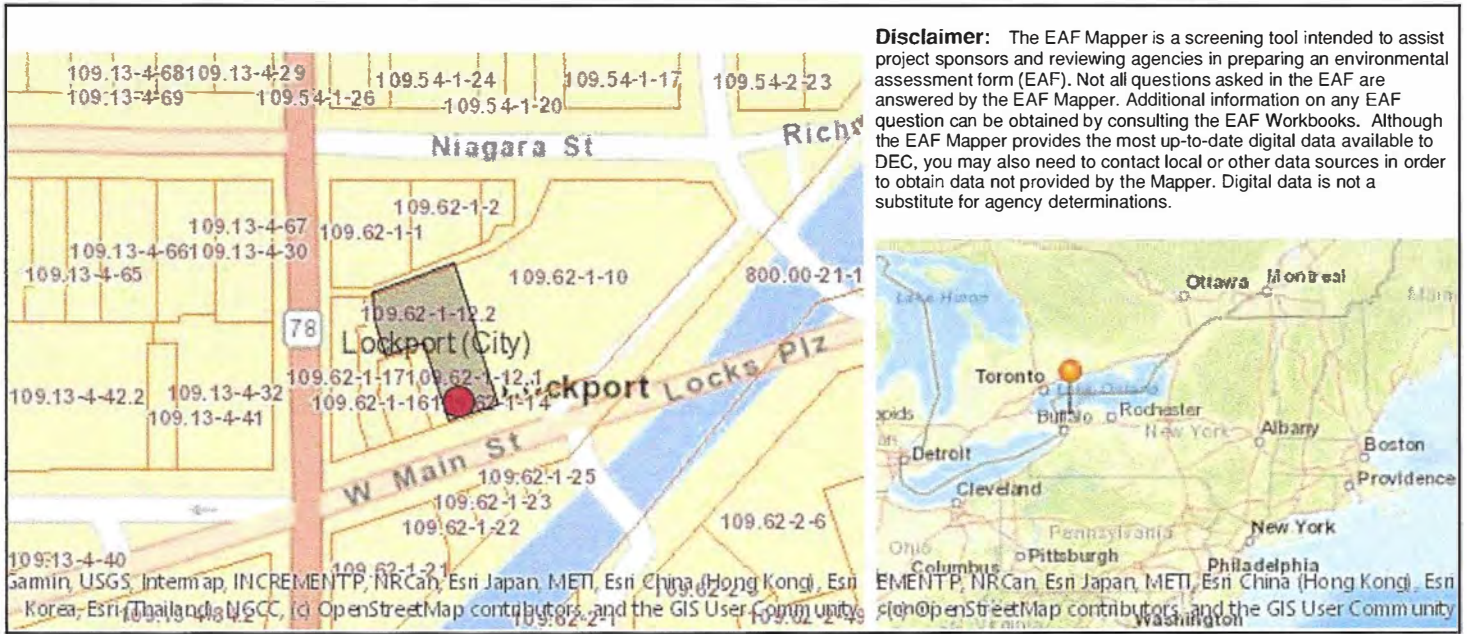
	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity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

	No, or small impact may occur	Moderate to large impact may occur
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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

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

PRINT



Disclaimer: The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.

Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	Yes
Part 1 / Question 12b [Archeological Sites]	Yes
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	Yes