

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: May 11, 2022
MEETING TIME: 9:00 a.m.
MEETING PLACE: Niagara County Industrial Development Agency
Vantage Center, Suite One
6311 Inducon Corporate Drive
Sanborn, NY 14132

Board of Directors:

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

Staff Members:

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

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- 1.0 Meeting Called to Order – *M. Onesi*
 - 2.0 Roll Call – *J. Lamoreaux*
 - 3.0 Introduction of Guests – *M. Onesi*
 - 4.0 Pledge of Allegiance – *M. Onesi*
 - 5.0 Approval of Meeting Minutes
 - 5.1 Regular NCIDA/NCDC/NADC – April 13, 2022
 - 6.0 Finance & Audit Committee Reports – *K. McCabe*
 - 6.1 Agency Payables – April 30, 2022
 - 6.2 Budget Variance Report – April 30, 2022

7.0 Governance Committee – *M. Gabriele*

7.1 Solar Project Policy

7.2 Local Labor Policy

8.0 Unfinished Business

8.1 Niacet Corporation – *M. Gabriele*

8.1.1 Inducement of Extension

8.2 Eleanor Apartments (Eleanor Apartments at Niagara, LLC) – *M. Gabriele*

8.2.1 Assignment and Assumption

9.0 New Business

9.1 Niacet Corporation (NxTD Project) – *A. Klyczek*

9.1.1 Preliminary Resolution

9.1.2 Authorize Public Hearing

9.2 COVID Relief for Small Business Grant Approvals – *S. Barone*

9.2.1 T's YOU-nique Hair & Beauty, LLC

9.2.2 Willie A. Price Speaks, LLC

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: June 8, 2022

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

PLACE: Niagara County Center for Economic Development

14.0 Adjournment - *M. Onesi*

5.1

MEETING MINUTES

REGULAR NCIDA/NCDC/NADC BOARD MEETING

DATE: April 13, 2022
MEETING TIME: 9:00 a.m.
MEETING PLACE: Niagara County Industrial Development Agency
Vantage Center, Suite One
6311 Inducon Corporate Drive
Sanborn, NY 14132

1.0 Meeting Called to Order

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

2.0 Roll Call

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

3.0 Introduction of Guests

Tom Prohaska, Buffalo News
Jim Fink, Business First
Jacob Fries, Lockport Sun & Journal
Byron DeLuke, Montante Group

4.0 Pledge of Allegiance

Mr. McCabe led the Pledge of Allegiance.

5.0 Approval of Meeting Minutes

5.1 Regular NCIDA/NCDC/NADC – March 9, 2022

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

6.0 Finance & Audit Committee Reports

6.1 Agency Payables – March 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. Ross seconded the motion. The motion passed.

6.2 Budget Variance Report – March 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 the motion. The motion passed.

7.0 Unfinished Business

7.1 13 W. Main LLC

Ms. Langdon stated that the Agency had a public hearing for 13 W. Main LLC in the City of Lockport on March 30, 2022. There were several representatives from the City of Lockport, and Real property Tax Office in attendance. There were no comments from any of the attendees.

7.1.1 Final Resolution

RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY (i) UNDERTAKE A CERTAIN PROJECT FOR THE BENEFIT OF 13 W. MAIN LLC AND/OR AN INDIVIDUAL(S) OR AFFILIATE, SUBSIDIARY, OR ENTITY FORMED OR TO BE FORMED ON ITS BEHALF (AS MORE FULLY DEFINED BELOW); (ii) DETERMINE THAT THE PROJECT WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT; (iii) NEGOTIATE AND EXECUTE A LEASE AGREEMENT, LEASEBACK AGREEMENT, PAYMENT-IN-LIEU-OF-TAX AGREEMENT, PILOT MORTGAGE AND RELATED DOCUMENTS: AND (iv) PROVIDE FINANCIAL ASSISTANCE TO THE COMPANY IN THE FORM OF (A) A SALES TAX EXEMPTION FOR PURCHASES AND RENTALS RELATED TO THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF THE PROJECT, (B) A MORTGAGE RECORDING TAX EXEMPTION FOR THE FINANCING RELATED TO THE PROJECT; AND (C) A MORTGAGE RECORDING TAX EXEMPTION FOR THE MORTGAGE RELATED TO THE PILOT AGREEMENT.

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

7.1 13 W. Main 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			
Maria V. Lopez				x
Robert Cliffe				x
Scott Brydges	x			
Clifford Scott				x
Jason Krempa	x			
Mark Onesi	x			

The Resolution was thereupon duly adopted.

7.2 Wheatfield Development II LLC

Mr. Gabriele stated that Wheatfield Development II LLC is a project that dates back to 2006, it is a Charter School owned by Savarino Group on Lockport Road. They are refinancing their existing debt, there are no additional benefits.

7.2.1 Consent to Refinance

RESOLUTION AUTHORIZING THE CONSENT TO THE EXECUTION AND DELIVERY OF A MORTGAGE AND MORTGAGE TAX EXEMPTION AFFIDAVIT, ALONG WITH OTHER DOCUMENTS WITH REGARD TO THE WHEATFIELD DEVELOPMENT II LLC PROJECT.

Mr. Ross made a motion to consent to the refinance; Mr. Krempa seconded the motion.

7.2 Wheatfield Development II 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			
Maria V. Lopez				x
Robert Cliffe				x
Scott Brydges	x			
Clifford Scott				x
Jason Krempa	x			
Mark Onesi	x			

The Resolution was thereupon duly adopted.

8.0 New Business

8.1 Vantage Point LLC

Bridgestone APM constructed a 65,000 square foot manufacturing facility in VIP in 2016 for the manufacture of polyurethane seat foam for automotive applications for Canadian customers. Montante Construction has submitted an application to complete a 5,000 square foot addition to this facility to be used for a blending room, which will increase the efficiency of the operation here.

Mr. Gabriele noted that this 5,000 square foot addition would be added to the existing Pilot. He also stated that there will be no public hearing on this project. Since the ultimate benefit from this project is under the threshold of \$100,000.

Mr. DeLuke stated that this phase of their project will retain the positions that Bridgestone APM has already created, and help with future expansion. He noted that the additional square footage still has to be designed, and receive Planning Board approvals. They plan on starting construction in June of 2022.

Mr. McCabe asked if there would be additional jobs, and Mr. Deluca said this would just help to retain current jobs at the facility.

8.1.1 Final Resolution (Vantage Point LLC)

RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY (i) UNDERTAKE A CERTAIN PROJECT FOR THE BENEFIT OF VANTAGE POINT LLC AND/OR AN INDIVIDUAL(S) OR AFFILIATE, SUBSIDIARY, OR ENTITY FORMED OR TO BE FORMED ON ITS BEHALF (AS MORE FULLY DEFINED BELOW); (ii) DETERMINE THAT THE PROJECT WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT; (iii) NEGOTIATE AND EXECUTE AN AMENDED LEASE AGREEMENT, AMENDED LEASEBACK AGREEMENT, AMENDED AND RESTATED PAYMENT-IN-LIEU-OF-TAX 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 MORTGAGE RELATED TO THE PILOT AGREEMENT.

Mr. Wolf made a motion to approve the Final Resolution; 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			
Maria V. Lopez				x
Robert Cliffe				x
Scott Brydges	x			
Clifford Scott				x
Jason Krempa	x			
Mark Onesi	x			

The Resolution was thereupon duly adopted.

8.2 Request for Micro Enterprise Grant Approval

Ms. Barone stated that the following Micro Enterprise Grant Applications were reviewed for grant eligibility with the NCDC Loan/Grant Committee on April 6, 2022. She also noted that, if approved, all grant agreements are written so that the funds are loans until the grant terms and conditions are met. At that time, the funds convert to a grant.

8.2.1 Gabrielle Enchanted LLC (d/b/a) Enchanted Florist

Ms. Barone stated that Gabriele Enchanted LLC is acquiring an existing shop at 739 Center Street in Lewiston. The applicant is low-to-moderate and has applied for an SBA loan for \$50,000, and the existing owner is holding a note for \$210,000. They plan on hiring three people, and they also worked with SBDC on a business plan and are working to complete the training.

The Committee voted to approve the grant for \$25,000 pending loan approval.

8.2.1 Gabrielle Enchanted LLC (d/b/a) Enchanted Florist

RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY APPROVING MICRO ENTERPRISE FUND GRANT TO GABRIELLE ENCHANTED LLC.

Mr. Wolf 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			
Maria V. Lopez				x
Robert Cliffe				x
Scott Brydges	x			
Clifford Scott				x
Jason Krempa	x			
Mark Onesi	x			

The Resolution was thereupon duly adopted.

8.2.2 Cornelius Construction Co. Inc.

Cornelius Construction Co. Inc. is located in Middeport, New York. They provide residential/commercial carpentry services. The applicant is low-to-moderate income and will be hiring one person. The funds will be used to purchase a man lift for \$32,900, which the company is already approved for a loan with Cornerstone. The owner has completed the SBDC training.

The committee voted to approve the grant for \$25,000.

8.2.2 Cornelius Construction Co. Inc.

RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY APPROVING MICRO ENTERPRISE FUND GRANT TO CORNELIUS CONSTRUCTION CO. INC.

Mr. McCabe 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			
Maria V. Lopez				x
Robert Cliffe				x
Scott Brydges	x			
Clifford Scott				x
Jason Krempa	x			
Mark Onesi	x			

The Resolution was thereupon duly adopted.

8.2.3 3 Sisters Garlic LLC

The company grows garlic as well as using it to make a variety of products. They are located in the Town of Cambria and have a location on the Niagara Wine Trail. The applicant is a low-to-moderate owner, and they are looking to add one job. Funds would be used to create a Fusti Bar for tasting infused oils and vinegars, as well as other product tasting, marketing, and additional inventory. The company worked with SBDC to complete training.

The committee voted to approve the grant for \$25,000.

8.2.3 3 Sisters Garlic LLC

RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY APPROVING MICRO ENTERPRISE FUND GRANT TO 3 SISTERS GARLIC LLC.

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

8.2.3 3 Sisters Garlic 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			
Maria V. Lopez				x
Robert Cliffe				x
Scott Brydges	x			
Clifford Scott				x
Jason Krempa	x			
Mark Onesi	x			

The Resolution was thereupon duly adopted.

8.2.4 Creekside Income Tax LLC

Creekside Income Tax LLC is a tax preparation, and bookkeeping business that was acquired recently from a family member. The applicant is low-to-moderate income. The applicant worked with SBDC to draft a business plan, and is working to complete the educational training. The applicant requested 15,000 for working capital and equipment. They also requested a \$1,000 subscription to Go Daddy, and that was determined to be not eligible.

The committee voted to approve the grant for \$14,000.

8.2.4 Creekside Income Tax LLC

RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY APPROVING MICRO ENTERPRISE FUND GRANT TO CREEKSIDE INCOME TAX LLC.

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

8.2.4 Creekside Income Tax 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			
Maria V. Lopez				x
Robert Cliffe				x
Scott Brydges	x			
Clifford Scott				x
Jason Krempa	x			
Mark Onesi	x			

The Resolution was thereupon duly adopted.

8.2.5 Spoons! 716 LLC

Spoons! 716 LLC, is a baby café that will manufacture healthy baby food for onsite consumption or frozen purchase. They are located in Lockport, NY. The applicants will create at least one job made available to a low-to-moderate person. The applicant worked with SBDC to prepare a business plan and has completed the training program. The applicant needs a 20-C food processing license to make the food onsite, but needs the grant to build out the kitchen in order to apply for the license.

The committee voted to approve the \$25,000 grant with terms are that it does not convert from a loan to a grant until they receive the food processing license.

8.2.5 Spoons! 716 LLC

RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY APPROVING MICRO ENTERPRISE FUND GRANT TO SPOONS! 716 LLC.

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

8.2.5 Spoons! 716 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			
Maria V. Lopez				x
Robert Cliffe				x
Scott Brydges	x			
Clifford Scott				x
Jason Krempa	x			
Mark Onesi	x			

The Resolution was thereupon duly adopted.

8.2.6 Ruff Rock Mining LLC

Ruff Rock Mining LLC, is a traveling gemstone and mineral mining business for educational and entertainment purposes. The company will create one job made available to a low-to-moderate person. The applicant has worked with an SBDC representative to prepare a business plan, and has completed the SBDC training. Staff has worked with a bank representative from Pathstone Lending, they are considering a loan for \$15,000.

The committee voted to approve a \$13,000 grant subject to loan approval.

8.2.6 Ruff Rock Mining LLC

RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY APPROVING MICRO ENTERPRISE FUND GRANT TO RUFF ROCK MINING, LLC.

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

8.2.6 Ruff Rock Mining 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			
Maria V. Lopez				x
Robert Cliffe				x
Scott Brydges	x			
Clifford Scott				x
Jason Krempa	x			
Mark Onesi	x			

The Resolution was thereupon duly adopted.

8.3 Request for Loan Extension

8.3.1 Legacy Dance Studio, Inc.

Mr. Gabriele stated that the owner of Legacy Dance Studio, Inc. submitted a letter requesting to only pay for interest for the duration of six months. The owner referenced in the letter that the reason for the request is because of the financial impact COVID has had on the business. The owner also said that she was originally located in the Wegman's Plaza and the rent was increased from \$1,500 a month to \$3,800 a month. Because of the increase, the Studio had to relocate. Because of all of these changes, they have had additional expenditures and they would like additional time of only paying the interest only.

Mr. McCabe made a motion to approve the loan extension; Mr. Krempa seconded the motion.

8.3.1 Legacy Dance Studio, Inc. (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			
Maria V. Lopez				x
Robert Cliffe				x
Scott Brydges	x			
Clifford Scott				x
Jason Krempa	x			
Mark Onesi	x			

The Resolution was thereupon duly adopted.

8.4 Covid Relief for Small Business Grant Approvals

Ms. Barone Stated that for each of the following grant applications, our consultants from H. Sicherman, along with the IDA staff reviewed all the documents submitted for grant eligibility criteria.

8.4.1 David J. Fronczak (d/b/a) Village Inn

David J. Fronczak d/b/a Village Inn is a small established restaurant and bar located on Oliver Street in North Tonawanda. The company has been in business over 30 years. The company currently has four employees and expects to create 5 part-time jobs made available to low-to-moderate income individuals. During COVID, the company lost revenue mainly due to closures and operating restrictions as well as supply and staffing issues.

The company is requesting a total of \$50,000. The funds will be used to update furniture, fixtures, to purchase inventory and for working capital used to increase business and keep the restaurant running at capacity.

The Agency recommends approval of this grant request, as the applicant qualifies based on meeting all grant eligibility requirements.

8.4.1 David J. Fronczak (d/b/a) Village Inn

RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY APPROVING GRANT TO DAVID J. FRONCZAK D/B/A VILLAGE INN UNDER THE COVID-19 RELIEF SMALL BUSINESS PROGRAM.

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			
Maria V. Lopez				x
Robert Cliffe				x
Scott Brydges	x			
Clifford Scott				x
Jason Krempa	x			
Mark Onesi	x			

The Resolution was thereupon duly adopted.

8.4.2 Escarpment Arms, Inc.

Escarpment Arms, Inc. is a veteran owned business in Lockport that sells and manufactures regulated products for law enforcement. The company currently has seven employees, and will create two new full time positions made available to low-to-moderate income individuals. The company opened in March of 2019. They saw a significant decline in sales during Covid due to staff exposure closures, retail restrictions, as well as supply deficiencies.

The company is requesting a total of \$50,000. The use of funds will be used for purchasing machinery, hiring a machinist, and for purchasing inventory and equipment to help keep up with demand and increase sales.

The Agency recommends approval of this grant request as the applicant qualifies based on meeting all grant eligibility requirements.

8.4.2 Escarpment Arms, Inc.

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

Mr. McCabe 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			
Maria V. Lopez				x
Robert Cliffe				x
Scott Brydges	x			
Clifford Scott				x
Jason Krempa	x			
Mark Onesi	x			

The Resolution was thereupon duly adopted.

8.4.3 Calhoun’s Pub of Newfane, Inc.

Calhoun’s Pub of Newfane, Inc. has been in business since 1976, and the current owner is the third generation of the Calhoun family. They are requesting the grant to help retain employees that are low-to-moderate income. They saw a significant drop in sales from 2019 to 2020, and the losses exceeded the wages of the 5 part-time positions to be retained. The business was not fully opened or staffed in 2021, but has seen some growth. They have changed their business model to include more catering and events to increase revenue and maintain higher staffing levels.

The company is requesting a total of \$50,000 to be used for equipment and furniture to upgrade their catering and outdoor event space, as well as working capital including marketing to promote the new services.

The Agency recommends approval of this grant request as the applicant qualifies based on meeting all grant eligibility requirements.

8.4.3 Calhoon’s Pub of Newfane, Inc.

RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY APPROVING GRANT TO CALHOON’S PUB OF NEWFANE, INC. UNDER THE COVID-19 RELIEF SMALL BUSINESS PROGRAM.

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			
Maria V. Lopez				x
Robert Cliffe				x
Scott Brydges	x			
Clifford Scott				x
Jason Krempa	x			
Mark Onesi	x			

The Resolution was thereupon duly adopted.

8.4.4 The Craft Kitchen & Bar LLC

The Craft Kitchen & Bar LLC serves pub food, and a wide variety of local craft beers. The company opened in 2017 as part of a mixed-use redevelopment in the City’s Third Street Business District. They qualify as a low-to-moderate owner. They are looking to hire three new full-time, and two part-time positions made available to low-to-moderate income individuals. The business closed for three months, and re-opened with limited capacity in accordance with government imposed restrictions. They have shown an increase in sales in 2021, but need assistance to continue growth.

The company is requesting a total of \$50,000 to be used for equipment, inventory, and working capital expenses that will help the business expand. The expansion would include breakfast and lunch service, expand outdoor seating, and creating more to-go options for customers.

The agency recommend approval of this grant request as the applicant qualifies based on meeting all grant eligibility requirements.

8.4.4 The Craft Kitchen & Bar LLC

RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY APPROVING GRANT TO THE CRAFT KITCHEN & BAR LLC UNDER THE COVID-19 RELIEF SMALL BUSINESS PROGRAM.

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			
Maria V. Lopez				x
Robert Cliffe				x
Scott Brydges	x			
Clifford Scott				x
Jason Krempa	x			
Mark Onesi	x			

The Resolution was thereupon duly adopted.

8.4.5 708 E. Market Street Niagara Falls Inc.

708 E Market Street Niagara Falls Inc. operates as Gagster’s restaurant, and has been an established business in Niagara Falls for 20 years. The company currently has five employees, and they plan to create three new part time positions made available to low-to-moderate income individuals. The business reduced its operating hours as a result of the pandemic, which resulted in decreased revenues.

The company is requesting a total of \$50,000 to be used to stock up on inventory, purchase and repair kitchen equipment as well as other operating expenses to keep the restaurant running at capacity.

The Agency recommends approval of this grant request as the applicant qualifies based on meeting all grant eligibility.

8.4.5 708 E. Market Street Niagara Falls Inc.

RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY APPROVING GRANT TO 708 E. MARKET STREET NIAGARA FALLS INC. UNDER THE COVID-19 RELIEF SMALL BUSINESS PROGRAM.

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			
Maria V. Lopez				x
Robert Cliffe				x
Scott Brydges	x			
Clifford Scott				x
Jason Krempa	x			
Mark Onesi	x			

The Resolution was thereupon duly adopted.

8.4.6 The Why Coffee Shop LLC

The Why Coffee Shop LLC is a family owned business, and a traditional neighborhood coffee shop that has served residents and visitors to the Niagara Falls neighborhood for many years. They are requesting the grant to help retain three low-to-moderate income employees as well as restore additional staffing hours. The business closed during the pandemic and was negatively impacted by operating restrictions imposed which limited seating capacity to enforce social distancing.

The company is requesting a total of \$36,000. The funds will be used to fund equipment, inventory, and working capital expenses that will help the business replace aging equipment, cover the increasing cost of inventory, and maintain its current employees.

The agency recommends approval of this grant request as the applicant qualifies based on meeting all grant eligibility requirements.

8.4.6 The Why Coffee Shop LLC

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

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			
Maria V. Lopez				x
Robert Cliffe				x
Scott Brydges	x			
Clifford Scott				x
Jason Krempa	x			
Mark Onesi	x			

The Resolution was thereupon duly adopted.

9.0 Agency Counsel

There were no comments from agency counsel at this time.

10.0 Information Items

There were no information items at this time.

11.0 Any Other Matters the Board Wishes to Discuss

There were no matters the Board wished to discuss.

12.0 Next Regular NCIDA/NCDC/NADC Meeting:

DATE: May 11, 2022
TIME: ** 9:00 a.m. **
PLACE: Niagara County Center for Economic Development

13.0 Adjournment

Mr. Onese made a motion to adjourn; Mr. Wolfgang seconded the motion. The meeting adjourned at 9:35 a.m.

Respectfully Submitted:

Reviewed by:

Approved by:

Julie Lamoreaux
Recording Secretary

Susan C. Langdon
Executive Director

William L. Ross
Secretary

6.1

AGENCY

PAYABLES

Niagara County Industrial Devel. Agency
Check Register
For the Period From Apr 1, 2022 to Apr 30, 2022

Filter Criteria includes: Report order is by Date.

Check #	Date	Payee	Cash Account	Amount
29511	4/5/22	360 PSG.com	10001.100	60.00
29512	4/5/22	Annex Business Media Inc.	10001.100	1,795.00
29513	4/5/22	Cooper Electric	10001.100	168.00
29514	4/5/22	First Choice Coffee Services	10001.100	110.02
29515	4/5/22	The Hartford	10001.100	764.89
29516	4/5/22	Lumsden & McCormick, LLP	10001.100	10,200.00
29517	4/5/22	PITNEY BOWES	10001.100	23.79
4/7/22	4/7/22	PAYCHEX, INC.	10001.100	78.12
4/8/22	4/8/22	NYS DEFERRED COMPENSATION PLAN	10001.100	1,118.91
29518	4/12/22	Cintas Corporation LOC. 067P	10001.100	41.61
29519	4/12/22	Professional Janitorial Services, Inc.	10001.100	793.17
29520	4/19/22	Guardian	10001.100	227.46
29521	4/19/22	PURCHASE POWER	10001.100	150.00
4/21/22	4/21/22	PAYCHEX, INC.	10001.100	64.40
4/22/22	4/22/22	NYS DEFERRED COMPENSATION PLAN	10001.100	1,040.91
29522	4/26/22	Charter Communications	10001.100	119.99
29523	4/26/22	County of Niagara	10001.100	44.43
29524	4/26/22	Gabriele & Berrigan, P.C.	10001.100	11,321.56
29525	4/26/22	Independent Health	10001.100	1,929.60
29526	4/26/22	Summit MSP, LLC	10001.100	408.12
4/29/22	4/29/22	NEW YORK STATE AND LOCAL	10001.100	358.74
29527	4/30/22	Cintas Corporation LOC. 067P	10001.100	83.22
Total				30,901.94

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

Filter Criteria includes: Report order is by Date.

Check #	Date	Payee	Cash Account	Amount
4622	4/5/22	H.W.BRYK & SONS, INC.	10001.600	1,025.00
4623	4/5/22	Frontier	10001.600	180.35
4624	4/12/22	Modern Disposal Services, Inc.	10001.600	169.03
4625	4/12/22	Professional Janitorial Services, Inc.	10001.600	219.42
4626	4/26/22	H.W.BRYK & SONS, INC.	10001.600	238.30
Total				<u>1,832.10</u>

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

Filter Criteria includes: Report order is by Date.

Check #	Date	Payee	Cash Account	Amount
3045	4/5/22	National Grid	10001.600	55.84
3046	4/19/22	Gabriele and Berrigan P.C.	10001.600	315.00
3047	4/19/22	VERIZON	10001.600	122.21
Total				<u><u>493.05</u></u>

NCDC - CDBG/HUD - RLF

Check Register

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

Filter Criteria includes: Report order is by Date.

Check #	Date	Payee	Cash Account	Amount
200	4/5/22	Lumsden & McCormick, LLP	10200-300	<u>1,275.51</u>
Total				<u><u>1,275.51</u></u>

Niag. Cnty Dev. Corp. - EDA RLF

Check Register

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

Filter Criteria includes: Report order is by Date.

Check #	Date	Payee	Cash Account	Amount
1343	4/5/22	Lumsden & McCormick, LLP	10001.100	<u>2,819.67</u>
Total				<u><u>2,819.67</u></u>

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

Filter Criteria includes: Report order is by Date.

Check #	Date	Payee	Cash Account	Amount
2053	4/5/22	Lumsden & McCormick, LLP	10004.400	604.82
Total				604.82

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

Filter Criteria includes: Report order is by Date.

Check #	Date	Payee	Cash Account	Amount
1290	4/5/22	H.W. Bryk & Sons, Inc.	10000.100	110.00
1291	4/5/22	Lumsden & McCormick, LLP	10000.100	1,000.00
1292	4/5/22	National Grid	10000.100	430.73
1293	4/19/22	Gabriele & Berrigan, P.C.	10000.100	345.00
Total				<u><u>1,885.73</u></u>

NIAG ECONOMIC DEV FUND

Check Register

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

Filter Criteria includes: Report order is by Date.

Check #	Date	Payee	Cash Account	Amount
1338	4/5/22	Lumsden & McCormick, LLP	10000-200	1,400.00
Total				1,400.00

6.2

BUDGET

VARIANCE

REPORT

NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY

BUDGET VARIANCE REPORT AS OF April 30, 2022

UN-AUDITED STATEMENT FOR INTERNAL MANAGEMENT USE ONLY

	Current Month Actual	Current Month Budget	Year To Date Actual	Year To Date Budget	Year To Date Variance	Total Budget
<u>Operating Revenues</u>						
Project Administrative Fees	\$ 0.00	\$ 24,015.00	\$ 165,961.70	\$ 167,957.00	(1,995.30)	\$ 519,096.00
Project Application Fees	1,000.00	1,000.00	4,000.00	4,000.00	0.00	12,000.00
NEDF RLF Administrative Fee	4,166.67	4,166.67	16,666.68	16,666.68	0.00	50,000.00
EDA RLF-Grant 2020 Admin Fees	0.00	0.00	15,393.25	0.00	15,393.25	0.00
Administratve Fees - Other	0.00	0.00	0.00	0.00	0.00	15,432.00
Interest Earnings	26.10	26.50	104.42	106.00	(1.58)	318.00
Miscellaneous Income	0.00	0.00	149.76	0.00	149.76	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	5,192.77	29,208.17	202,275.81	188,729.68	13,546.13	796,906.00
<u>Operating Expenses</u>						
Salaries	26,623.32	26,380.24	106,493.28	105,520.96	972.32	342,943.00
Benefits	2,911.41	3,282.33	12,766.75	13,129.32	(362.57)	39,388.00
Retirement Benefits	3,104.33	3,104.33	12,417.32	12,417.32	0.00	37,252.00
Payroll Taxes	2,089.77	2,125.80	8,359.10	8,503.20	(144.10)	27,553.00
Unemployment Taxes	33.45	33.43	1,260.10	1,260.00	0.10	1,260.00
Consultants	2,500.00	2,500.00	10,000.00	10,000.00	0.00	30,000.00
Assisstant Director	5,462.25	5,462.25	21,849.00	21,849.00	0.00	65,547.00
Legal Services	6,858.40	5,000.00	29,303.36	20,000.00	9,303.36	60,000.00
Accounting Services	0.00	0.00	19,500.00	19,000.00	500.00	19,000.00
Accounting Services - NADC	0.00	0.00	1,200.00	2,100.00	(900.00)	2,100.00
Marketing	60.00	1,833.33	2,440.00	7,333.32	(4,893.32)	22,000.00
Printing	408.12	125.00	408.12	500.00	(91.88)	1,500.00
Office Supplies	0.00	208.33	428.49	833.32	(404.83)	2,500.00
Postage	339.42	809.00	1,187.54	1,967.00	(779.46)	3,840.00
Telephone & Fax	90.12	98.25	314.91	393.00	(78.09)	1,179.00
Internet Service	152.26	206.67	728.40	826.68	(98.28)	2,480.00
Common Area Charges	634.00	634.08	2,536.00	2,536.32	(0.32)	7,609.00
Energy	1,112.33	1,090.00	7,821.06	5,840.00	1,981.06	15,848.00
Conference & Travel	56.63	208.33	277.24	833.32	(556.08)	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	5,925.60	6,566.32	(640.72)	19,699.00
Library & Membership	0.00	0.00	1,595.00	1,595.00	0.00	2,843.00
General Office	828.38	712.33	2,651.34	2,849.32	(197.98)	8,548.00
Repairs & Maintenance	932.73	1,169.67	3,731.56	4,678.68	(947.12)	14,036.00
Computer Support	0.00	666.67	1,000.00	2,666.68	(1,666.68)	8,000.00
Public Hearings	0.00	33.33	0.00	133.32	(133.32)	400.00
Furniture & Equipment Purchase	0.00	166.67	0.00	666.68	(666.68)	2,000.00
Other Expense	0.00	83.33	0.00	333.32	(333.32)	1,000.00
Total Operating Expenses	55,678.32	57,574.95	254,194.17	254,332.08	(137.91)	742,025.00
Net Operating Income/<Loss>	(50,485.55)	(28,366.78)	(51,918.36)	(65,602.40)	13,684.04	54,881.00
<u>Non-Operating Revenue & Expense</u>						
Grants Rev.	0.00	73,621.83	0.00	294,487.32	(294,487.32)	883,462.00
Grant Rev- City NF Initiative	0.00	35,979.17	0.00	143,916.68	(143,916.68)	431,750.00
Grant to Subrecipient	0.00	63,291.67	0.00	253,166.68	(253,166.68)	759,500.00
Grant Sub-City NF Initiative	0.00	35,979.17	0.00	143,916.68	(143,916.68)	431,750.00
Net Non-Operating Income/<Loss>	0.00	10,330.16	0.00	41,320.64	(41,320.64)	123,962.00
Total Net Income/<Loss>	(\$ 50,485.55)	(\$ 18,036.62)	(\$ 51,918.36)	(\$ 24,281.76)	(27,636.60)	\$ 178,843.00

NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY

Balance Sheet

April 30, 2022

ASSETS

Current Assets

Cash - Checking	\$ 178,168.75
Petty Cash	300.00
Mmkt Acct. - M&T Bank	1,588,121.17
Cash - First Response	65,806.89
Cash - City of N.F.	827.21
Mmkt Acct. - Cataract Tourism	3,938,793.35
Accts Rec - Public Hearings	1,521.78
Accounts Rec. EDA - RLF	13,333.28
Due To/From Micro RLF	13,333.28
Due To/From VIP - MTF	550,906.70
Due From NCDC CDBG/HUD	13,333.44
Due To/Due From NADC	151,406.56
Due To/From MTF Operating	121,765.14
Prepaid Insurance	<u>13,109.48</u>

Total Current Assets 6,650,727.03

Other Assets

Deferred Outflows	239,614.00
Investment in NIIA	<u>342,500.00</u>

Total Other Assets 582,114.00

Fixed Assets

Furniture & Equipment	199,360.75
Furn & Fixtures - Fed purchase	5,861.08
Accum Dep. - Furn & Equip	(199,360.75)
Accum Dep. - F&F Fed Purch	<u>(5,861.08)</u>

Total Fixed Assets 0.00

Total Assets \$ 7,232,841.03

LIABILITIES AND NET ASSETS

Current Liabilities

Accrued Retirement	\$ 12,417.32
Deferred Rev. - NEDF	33,333.32
Deferred Rev. - First Repsonse	65,806.89
Def. Rev. - City of N.F.	3,939,620.56
Accounts Payable	16,502.75
Acct. Payable - Niag. County	<u>21,849.00</u>

Total Current Liabilities 4,089,529.84

Long-Term Liabilities

Pension Liability	757.00
Deferred Inflows of Resources	<u>236,693.00</u>

Total Long-Term Liabilities 237,450.00

Total Liabilities 4,326,979.84

Net Assets

Fund Balance - Operating Fund	2,957,779.55
Net Income	<u>(51,918.36)</u>

Total Net Assets 2,905,861.19

Total Liabilities & Net Assets \$ 7,232,841.03

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

Vendor ID	Invoice #	Amount Due
Vendor		
CARUSO Caroline M. Caruso	3/1/22- 4/28/22	56.63
County County of Niagara	Mar 2022 Gas Mar 22 Elec	827.71 426.98
FCCoffee First Choice Coffee Services	242514	124.23
GABRIELE Gabriele & Berrigan, P.C.	Apr 2022 Engagement Apr 2022	5,000.00 6,858.40
M&TBUS M&T Bank	Apr 2022	32.27
NATGRID National Grid	39004 4/22	462.33
PITBOW Pitney Bowes Global Financial	3315614265	189.42
ProJan Professional Janitorial Services, Inc.	2429	793.17
SAFGUA Safeguard Business Systems	34951876	251.61
Report Total		<u>15,022.75</u>
 <u>Adjusting Journal Entries</u>		
Estimated Jan-Apr 2022 Copier usage		800.00
Estimated Apr 2022 Telephone		30.00
Estimated Apr 2022 Niagara County Electric		300.00
Estimated Apr 2022 Niagara County Gas		350.00
		<u><u>16,502.75</u></u>

NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY

5/4/2022

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

Closed 2022	Project Type	Total Project Amount	IDA Project Amount	Fees	Application Fee	Amount Received to Date	Date Received	Balance Due	Date Closed
Twogood Holdings LLC(Rubberform Recycled	L/L Back	2,955,000	2,050,000	20,500	1,000	21,500	3/24/22	-	3/15/22
Moog Inc.	Sales Tax Only	329,617	329,617	32,962	0	32,962	3/28/22	-	3/9/22
Catholic Health System Inc.	Bond	48,874,501	36,420,018	112,500	0	112,500	3/28/22	-	-
				0				-	
TOTAL				<u>165,962</u>					
				Fees received in prior year					-
				Total fees received to date in 2022		<u>165,962</u>			
				Total 2022 Budgeted Fees		<u>519,096</u>			
				Balance of Budgeted Fees		<u>353,134</u>			

Projected 2022	Project Type	Total Project Amount	IDA Project Amount	Anticipated Fees	Application Fee	Amount Received to Date	Date Received	Anticipated Balance Due	Inducement Expiration
Cerrone Estate Properties, LLC	L/L Back	1,780,000	1,750,000	17,500	1,000	1,000	2/3/21	17,500	9/30/22
Olcott Yacht Club Inc.	Sales Tax & Mtg Tax Only	456,000	450,000	0	250	250	2/16/21	-	8/31/22
Niacet Corporation	L/L Back	13,250,000	8,525,000	70,000	1,000			71,000	6/30/22
TM Montante Development LLC - 512 3rd St.	L/L Back	2,687,001	2,059,941	20,599	1,000	1,000	6/7/21	20,599	7/31/22
TM Montante Development LLC - 500 3rd St.	L/L Back	693,001	550,000	5,500	1,000	1,000	6/9/21	5,500	7/31/22
PEMM LLC	L/L Back	8,500,000	6,350,000	63,500	1,000	1,000	10/13/21	63,500	11/30/22
CVE US EI3 Wheatfield, LLC	Sales Tax & Mtg Tax Only	9,760,000	7,740,000	32,000	1,000	1,000	12/20/21	32,000	2/28/23
Kilmer Solar LLC	Sales Tax & Mtg Tax Only	9,145,000	8,775,000	34,000	1,000	1,000	1/13/22	34,000	
Niagara Creek LLC	Assumption of The Eleanor Apartments, LLC PILOT				1,000	1,000	2/4/22	-	2/28/23
13 W. Main LLC	L/L Back	2,981,342	2,701,865	27,019	1,000	1,000	3/7/22	27,019	4/30/23
Vantage Pointe LLC	L/L Back	1,403,220	1,370,450	13,705	1,000	1,000	4/5/22	13,705	4/30/23
TOTAL				<u>283,823</u>	<u>10,250</u>	<u>9,250</u>		<u>284,823</u>	<u>0</u>
TOTAL - Projected Income 2022				<u>449,785</u>	<u>10,250</u>	<u>9,250</u>		<u>284,823</u>	<u>165,962</u>

Projected 2023	Project Type	Total Project Amount	IDA Project Amount	Anticipated Fees	Application Fee	Amount Received to Date	Date Received	Anticipated Balance Due	Inducement Expiration
TOTAL				<u>0</u>	<u>0</u>	<u>0</u>		<u>0</u>	<u>0</u>

* Pending Board Approval

**Cataract Tourism Fund
Grant Program**

Grant 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	12/31/2022	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	8/31/2023	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	6/1/2023	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	11/30/2021	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	12/31/2023	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		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 4/30/2022

Less: Outstanding Awards

Available for awarding grants

Grant Fund Balance

Grant Funding from NYS 11/22/2016

Grant Funding from NYS 10/16/2017

Grant Funding from NYS 10/12/2018

Bank Interest

Bank Fees

Grant Disbursements

Grant Fund Balance

	3,939,620.56						
	(2,331,750.00)						
	1,607,870.56						
	-						
	1,600,000.00						
	1,440,000.00						
	1,600,000.00						
	53,197.82						
	(43.26)						
	(753,534.00)						
	3,939,620.56						

7.1

**SOLAR PROJECT
POLICY**

SOLAR PROJECT POLICY

WHEREAS, the Niagara County Industrial Development Agency (“Agency”) encourages clean energy projects in Niagara County that are located on capped landfills, remediated brownfield sites or sites enrolled in the New York State Brownfield Cleanup Program, and the Agency may confer on those projects, financial assistance in the form of a sales and use tax exemption: and

WHEREAS, due to the potential effect solar projects have on the cities, villages and towns located in Niagara County, the Agency will not accept a solar project application without the written consent of the host municipality where the project is located: and

WHEREAS, if the Agency receives written consent from the host municipality requesting that the Agency consider financial assistance to a solar project located on or within one-half mile of a capped landfill, remediated brownfield site or a site accepted in the New York State Brownfield Cleanup Program, the Agency would thereafter entertain such a project application; and

WHEREAS, the Agency desires to encourage the development of solar projects on sites located on or within one-half mile of a capped landfill, a remediated brownfields site or a site accepted into the New York State Brownfield Cleanup Program; now, therefore

THE AGENCY HEREBY RESOLVES AS FOLLOWS:

1. The Agency will not accept an application for a solar project without express written consent from the host community where the project is to be located requesting that the Agency consider financial assistance to the project.
2. The Agency will only entertain solar projects located on or within one-half mile of capped landfills, remediated brownfield sites or sites enrolled in the New York State Brownfield Cleanup Program. The Agency will verify that the project is located in an approved area.
3. The Agency will not enter into a Payment-in-lieu-of Tax agreement on solar projects. The financial assistance provided by the Agency will be limited to sales and use tax exemptions related to the construction of the solar project.

7.2

**LOCAL LABOR
POLICY**

LOCAL LABOR POLICY

Project applicants (the “Company”), as a condition to receiving Financial Assistance (including a sales tax exemption, mortgage recording tax exemption, real property tax abatement) from the Niagara County Industrial Development Agency (the “Agency”), will be required to utilize qualified local labor, as defined below, for all projects involving the construction, expansion, equipping, demolition and/or remediation of new, existing, expanded or renovated facilities (collectively, the “Project”).

Local Labor Defined

Local labor is defined as individuals permanently residing in Niagara County, Erie County, Chautauqua County, Cattaraugus County, Wyoming County, Genesee County and Orleans County (collectively, the “Local Labor Area”).

Local Labor Requirement

The Company will have 90% of all Project employees of the general contractor, subcontractor, or subcontractor to a subcontractor (collectively, the “Workers”) working on the Project permanently reside within the Local Labor Area. The general contractor, subcontractor, or subcontractor to the subcontractor do not have to be local companies as defined herein, but must employ Workers residing within the Local Labor Area to qualify under the 90% local labor criteria.

It is understood that at certain times, Workers residing within the Local Labor Area may not be available with respect to a Project. Under this condition, the Company is required to contact the Agency to request a waiver of the Local Labor Requirement (the “Local Labor Waiver Request”) based on the following circumstances: (i) warranty issues related to installation of specialized equipment or materials whereby the manufacturer requires installation by only approved installers; (ii) specialized construction for which qualified Local Labor Area Workers are not available; (iii) lack of Workers that would allow the Company to meet the Local Labor Area requirement; and (iv) where use of Local Labor Area Workers increases the cost of any construction trade by an amount in excess of twenty percent (20%). In respect to section (iv) Local Labor Area bidders shall have been given the opportunity to match the lower cost bid, provided that the timing and delivery of services shall not have an impact on the Project. The Agency’s Executive Director, in consultation with Agency Counsel, shall evaluate each Local Labor Waiver Request and make a determination related thereto based upon information received with such waiver request.

Local Labor Reporting Requirement

Companies authorized to receive Financial Assistance from the Agency will be required to file or cause to be filed a Local Labor Utilization Report (the "Report") on such form as made available by the Agency, and as directed by the Agency, which will identify, for each Worker and associated zip code that each such Worker is domiciled in. The Report shall be submitted to the Agency or its designated agents on or by the next following semi-annual dates of January 1 and July 1, and for each period thereafter through the construction completion date.

The Agency, or its designated agents, shall have the right, during normal business hours, to examine and copy the applicable books and records of the Company, and to perform spot checks of all Workers at the Project site to verify compliance with the Local Labor Requirement throughout the construction period. The Company shall insure that the Agency shall have access to the records of the contractor, subcontractor and subcontractor to the subcontractor as it relates to Workers on the Project. If Agency determines that the local labor requirement has fallen below 90% for a given period, the Agency will work with the Company to determine the cause of the shortfall and to increase Local Labor Area Workers to the required level by the end of the Project construction. If the Agency determines that the Local Labor Area requirement at the end of the Project construction is less than 90%, the Agency may terminate any and all Financial Assistance being provided to the Project in accordance with the terms of the underlying agreements between the Agency and the Company with respect to the Project.

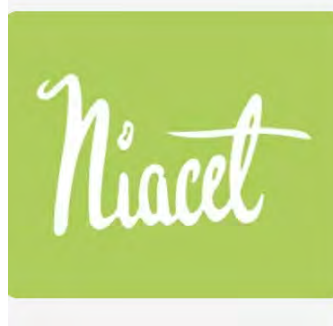
8.1

Niacet

Corporation

PROJECT SUMMARY

Niacet Corporation



Applicant:	Niacet Corporation	
Project Location:	400 47 th Street Niagara Falls	
Assistance:	15 Year PILOT Sales Tax Abatement Mortgage Recording Tax Abatement	
Description:	<p>Niacet is a leading producer of organic salts, including propionates and acetates, serving the Pharmaceutical, Food, Feed and Technical industries. The company has two longstanding and fully automated manufacturing sites, located in Niagara Falls, NY USA, and Tiel, The Netherlands which represent over 85 years of chemical manufacturing experience.</p> <p>Niacet wishes to construct a new, approximately 3,500 square foot building at the south end of its property in Niagara Falls and to install new chemical processing equipment to produce Anhydrous Hydrogen Chloride (AHCL) for use in the semiconductor, pharmaceutical and technical industries.</p>	
Project Costs:	Construction/Improvements Equipment Soft costs <div style="text-align: right;">TOTAL</div>	\$ 8,000,000 \$ 3,500,000 <u>\$ 1,750,000</u> \$13,250,000
Employment:	Current jobs in Niagara County: 91 New Jobs in Niagara County within 3 years: 8 Skills: Supervisory, Production	
Evaluative Criteria:	Brownfields area, Regional Wealth Creation, Alignment with local planning and development efforts.	

REGIONAL ECONOMIC IMPACT ANALYSIS
Niacet Corporation

Estimated Project Benefits / Incentives Analysis

Total Project Benefits	\$ 35,574,452
Total Project Incentives	\$ 1,189,720
Community Benefit to Cost Ratio	29:1
Projected Employment	
Total Employment	592
Direct**	99
Indirect***	414
Temporary Construction (Direct and Indirect)	79

Estimated Project Benefits

Total Project Benefits	\$ 35,574,452
Income Tax Revenue	\$ 26,171,000
Property Tax Revenue	\$ 2,188,452
Sales Tax Revenue	\$ 7,215,000

Estimated Project Incentives

Total Project Incentives	\$ 1,189,720
Property Tax	\$ 299,720
Sales Tax	\$ 845,000
Mortgage Tax	\$ 45,000

** 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.

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

8.2

Eleanor

Apartments

**(Eleanor Apartments at
Niagara, LLC)**

REGIONAL ECONOMIC IMPACT ANALYSIS
Gary Aminov – LLC to be formed (Eleanor Apartments)

Estimated State & Regional Benefits / Estimated Project Incentives Analysis

Total State and Regional Benefits	\$ 370,429
Total Project Incentives	\$ 304,810
Benefit to Cost Ratio	1.22:1

Projected Employment	State	Region
Total Employment	18	18
Direct**	3	3
Indirect***	0	0
Induced****	0	0
Temporary Construction (Direct and Indirect)	15	15

Estimated State & Regional Benefits (Discounted Present Value*)

Total State and Regional Benefits	\$ 370,429
Income Tax Revenue	\$ 42,335
Property Tax/PILOT Revenue	\$ 283,703
Sales Tax Revenue	\$ 44,391

Estimated Project Incentives (Discounted Present Value*)

Total Project Incentives	\$ 304,810
Mortgage Tax	\$ 10,500
Property Tax	\$ 218,310
Sales Tax	\$ 76,000

* Figures over 15 years and discounted by 3.49%

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

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

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

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

9.1

Niacet

Corporation

(NxTD Project)

PROJECT SUMMARY

Niacet Corporation



Applicant:	Niacet Corporation	
Project Location:	400 47 th Street Niagara Falls	
Assistance:	15 Year PILOT Sales Tax Abatement	
Description:	<p>Niacet Corporation (“Niacet” or “Company”) is a leading global chemical manufacturer of propionates and acetates primarily for the pharmaceutical, food, and feed industries. The company has two longstanding and fully automated manufacturing sites, located in Niagara Falls, NY USA, and Tiel, The Netherlands, which represent over 85 years of chemical manufacturing experience. In September of 2021, Niacet was acquired by Kerry Group, an Ireland based global food company with extensive offerings in dairy, beverage, and prepared food productions. Kerry also has a significant presence in the U.S. with over 35 manufacturing locations.</p> <p>Kerry/Niacet is contemplating possible expansion projects at its Niagara Falls facility. This specific project (NxDT), is a novel production process utilizing a proprietary new liquid drying technology to more efficiently produce acetate and propionate salt preservatives. These salts would then be coated or blended with various compounds like acids, oils, and anti-caking agents to give them secondary functionality in addition to their inherent preservative qualities.</p> <p>NxDT expansion would include a 25,000 – 35,000 sq. ft. building at site, as well as a capital investment of \$48.75M. If NxDT is successfully implemented and the project receives significant local support, the Company is considering a Phase Two at site, which would be of similar investment and scope.</p>	
Project Costs:	Construction/Improvements Equipment FF&E Soft costs TOTAL	\$ 12,500,000 \$ 21,750,000 \$ 12,500,000 \$ <u>2,000,000</u> \$ 48,750,000
Employment:	Current jobs in Niagara County: New Jobs in Niagara County within 3 years: Skills: Operators, engineers, chemists, mechanics, electrician, production managers, material handlers	102 51
Evaluative Criteria:	Regional Wealth Creation, Research and Development Activities, Locational Land Use Factors, Retention, Workforce Access	

NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY

APPLICATION FOR FINANCIAL ASSISTANCE

Niacet Corporation

(Applicant Name)

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

Updated April 2022

- 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: Niacet Corporation

Mailing Address: 400 47th Street

City/Town/Village & Zip code: Niagara Falls 14304

Phone: (716) 285-1474

Website: niacet.com

Fed Id. No.: 16-1105788

Contact Person, and Title: Greg Corder, Senior Project manager

Email: greg.corder@kerry.com

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

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

Form of Entity



Corporation

Date of Incorporation: 1978

State of Incorporation: New York



Partnership

General _____ or Limited _____

Number of general partners _____

If applicable, number of limited partners _____

Date of formation _____

Jurisdiction of Formation _____



Limited Liability Company/Partnership (number of members _____)

Date of organization: _____

State of Organization: _____



Sole Proprietorship

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

Applicant's Counsel

Company Name: Kerry Inc.

Contact Person, and Title: Jason Corridini, Head of Legal

Mailing Address: 3400 Millington Road

City/Town/Village & Zip code: Beloit, WI 53511

Email: Jason.Corridini@kerry.com

Phone: (608) 363-1200

Fax No.: _____

II. PROJECT INFORMATION

A) Project Address: 400 47th Street, Niagara Falls, NY 14304

Tax Map Number (SBL) 160.06-3-2.1
(Section/Block/Lot)

SWIS Number _____

Located in City of Niagara Falls

Located in Town of _____

Located in Village of _____

School District of Niagara Falls

B) Current Assessment of Property:

Land \$283,300

Total \$2,032,300

C) Present legal owner of the site Niacet Corporation

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

D) Describe the project:

Significant expansion of existing manufacturing operations to increase capacity

and introduce new technology and product lines.

1. Project site (land)

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

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

2. Indicate number, size (in square feet) and approximate age of existing buildings on site
18 buildings totaling 125,000 SF. Buildings were built from 1920-2009

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.
25,000 to 35,000 SF building to support the manufacturing operations

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

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

6. List principal items/categories of equipment to be acquired as part of the project.
Production machinery and additional storage tanks.

7. Has construction work on this project begun?
No

E) Inter-Municipal Move Determination

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

Yes or No

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

Yes or No

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

Yes or No

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

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

III. SOURCES & USES OF FUNDS

A) Estimated Project Costs:

Property Acquisition	\$	0
Construction (Improvements)	\$	12,500,000
Equipment Purchases/Fixtures/Furnishings	\$	21,750,000
Soft costs (i.e. engineering, architectural)	\$	12,500,000
Other (describe) software, other tech	\$	2,000,000
TOTAL USES OF FUNDS	\$	48,750,000

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

Bank Financing	\$	
Equity	\$	48,750,000
Grants/Tax Credits	\$	
Taxable or Tax Exempt Bond	\$	
Other	\$	
TOTAL SOURCES OF FUNDS	\$	48,750,000

C) Identify each state and federal grant/credit:

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

IV. FINANCIAL ASSISTANCE REQUESTED

A.) Benefits Requested:

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

B.) Value of Incentives:

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

Estimated duration of Property Tax exemption: _____

Sales and Use Tax

Estimated value of Sales Tax exemption for facility construction: \$ 500,000

Estimated value of Sales Tax exemption for fixtures and equipment: \$ 1,112,000

Estimated duration of Sales Tax exemption: 3 years

Mortgage Recording Tax Exemption Benefit

Estimated value of Mortgage Recording Tax exemption: \$ _____

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:

Local incentives such as property tax abatements and sales and use tax exemptions can help the economics of the project therefore leading the Company's Board of Directors to approve this project to move forward in Niagara Falls.

V. EMPLOYMENT PLAN

	# of Retained Jobs	Retained Jobs Average Annual Salary	# of Created Jobs (3 yrs after project completion)	Created Jobs Average Annual Salary
Full Time	102	\$ 84,000	51	\$ 70,960
Part time	0	\$ 0	0	\$ 0
TOTAL FTEs	102	\$ 84,000	51	\$ 70,960

Annual Salary Range of Jobs to be Created: \$ 60,000 to \$ 130,000

Category of Jobs to be Retained and Created:

Job Categories (ie. Management, Administrative, Production, etc.) _____
 Operators, engineers, mechanics, production managers, lab technicians,
 material handlers

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)("JTPA") in which the project is located.

- B. First Consideration for Employment: In accordance with Section 858-b(2) of the General Municipal Law, the applicant understands and agrees that, if the proposed project receives any Financial Assistance from the Agency, except as otherwise provided by collective bargaining agreements, where practicable, the applicant must first consider persons eligible to participate in JTPA programs who shall be referred by the JTPA Entities for new employment opportunities created as a result of the proposed project.

- C. Compliance with Section 224-a(8)(a) of N.Y Labor Law. The applicant acknowledges receipt of notice from the Agency pursuant to Section 224-a(8)(d) of the New York Labor Law that the estimated mortgage recording tax exemption benefit amount, the estimated sales and use tax exemption benefit amount, and the estimated real property tax abatement benefit amount as so identified within this Application are "public funds" and not otherwise excluded under Section 224-a(3) of the New York Labor Law. You further acknowledge and understand that you have certain obligations as related thereto pursuant to Section 224-a(8)(a) of the New York Labor.

- D. Annual Sales Tax Filings: In accordance with Section 874(8) of the General Municipal Law, the Applicant understands and agrees that, if the proposed project receives any sales tax exemptions as part of the Financial Assistance from the Agency, in accordance with Section 874(8) of the General Municipal Law, the applicant agrees to file, or cause to be filed, with the New York State Department of Taxation and Finance, the annual form prescribed by the Department of Taxation and Finance, describing the value of all sales tax exemptions claimed by the applicant and all consultants or subcontractors retained by the Applicant.

- E. Annual Employment Reports: The applicant understands and agrees that, if the proposed project receives any Financial Assistance from the Agency, the applicant agrees to file, or cause to be filed, with the Agency, on an annual basis, reports regarding the number of people employed at the project site.

- F. Compliance with N.Y. GML Sec. 862(1): Applicant understands and agrees that the provisions of Section 862(1) of the New York General Municipal Law, as provided below, will not be violated if Financial Assistance is provided for the proposed Project:

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

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

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

STATE OF NEW YORK)
COUNTY OF) ss.:

Paul Hennebery, being first duly sworn, deposes and says:

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

[Signature]
(Signature of Officer)

Subscribed and affirmed to me under penalties of perjury
this 6th day of May, 2022.

[Signature]
(Notary Public)



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

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

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.

Paul Hennebery
(Applicant Signature)

By: _____

Name: Paul Hennebery

Title: VP & CFO of Kerry

Julie K. Bagniewski
(Notary Public)

Sworn to before me this 6th day
of May, 2022



Real Property Tax Benefits (Detailed):

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

PILOT Estimate Table Worksheet

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

*Apply equalization rate to value

PILOT Year	% Payment	County PILOT Amount	Local PILOT amount	School PILOT Amount	Total PILOT	Full Tax Payment w/o PILOT	Net Exemption
1	20%	\$ 959	\$ 3,876	\$ 1,958	\$ 6,793	\$ 33,963	\$ 27,170
2	20%	\$ 959	\$ 3,876	\$ 1,958	\$ 6,793	\$ 33,963	\$ 27,170
3	30%	\$ 1,438	\$ 5,814	\$ 2,937	\$ 10,189	\$ 33,963	\$ 23,774
4	30%	\$ 1,438	\$ 5,814	\$ 2,937	\$ 10,189	\$ 33,963	\$ 23,774
5	40%	\$ 1,918	\$ 7,751	\$ 3,916	\$ 13,585	\$ 33,963	\$ 20,378
6	40%	\$ 1,918	\$ 7,751	\$ 3,916	\$ 13,585	\$ 33,963	\$ 20,378
7	40%	\$ 1,918	\$ 7,751	\$ 3,916	\$ 13,585	\$ 33,963	\$ 20,378
8	40%	\$ 1,918	\$ 7,751	\$ 3,916	\$ 13,585	\$ 33,963	\$ 20,378
9	40%	\$ 1,918	\$ 7,751	\$ 3,916	\$ 13,585	\$ 33,963	\$ 20,378
10	50%	\$ 2,397	\$ 9,689	\$ 4,895	\$ 16,981	\$ 33,963	\$ 16,981
11	50%	\$ 2,397	\$ 9,689	\$ 4,895	\$ 16,981	\$ 33,963	\$ 16,981
12	50%	\$ 2,397	\$ 9,689	\$ 4,895	\$ 16,981	\$ 33,963	\$ 16,981
13	50%	\$ 2,397	\$ 9,689	\$ 4,895	\$ 16,981	\$ 33,963	\$ 16,981
14	50%	\$ 2,397	\$ 9,689	\$ 4,895	\$ 16,981	\$ 33,963	\$ 16,981
15	50%	\$ 2,397	\$ 9,689	\$ 4,895	\$ 16,981	\$ 33,963	\$ 16,981
TOTAL		\$ 28,767	\$ 116,272	\$ 58,739	\$ 203,777	\$ 509,443	\$ 305,666

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

Cost Benefit Analysis:

To be completed/calculated by AGENCY

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

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

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

UPDATED 2021

617.20
Appendix B
Short Environmental Assessment Form

Instructions for Completing

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

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

Part 1 - Project and Sponsor Information			
Name of Action or Project: Project Preserve			
Project Location (describe, and attach a location map): 400 47th Street, Niagara Falls, NY 14304			
Brief Description of Proposed Action: First phase of the project will include an expansion of the current manufacturing facility to increase production of Di-Acetyl Tartaric Esters of Monoglycerides (DATEM) emulsifier. Creating a DATEM production line in the Niagara Falls facility would require retooling its sodium stearoyl lactylate (SSL) emulsifier production line to allow both DATEM and SSL to be produced. The second phase of the project will include investments to bring a new technology to the site. NxDT (Next-generation Drying Technology) is a novel production method that Niacet is contemplating pursuing that would utilize a proprietary new liquid drying technology to more efficiently produce acetate and propionate salt preservatives.			
Name of Applicant or Sponsor: Tim Kolb		Telephone: 716-285-1474 E-Mail: TKolb@niacet.com	
Address: 400 47th Street			
City/PO: Niagara Falls		State: NY	Zip Code: 14304
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/> YES <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			NO <input type="checkbox"/> YES <input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action? _____ 19 acres b. Total acreage to be physically disturbed? _____ acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ 19 acres			
4. Check all land uses that occur on, adjoining and near the proposed action. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input checked="" 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, a. A permitted use under the zoning regulations?	NO	YES	N/A
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	NO	YES	N/A
	<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	YES	
	<input type="checkbox"/>	<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	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation service(s) available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	<input type="checkbox"/>	<input checked="" 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	YES	
	<input type="checkbox"/>	<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	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places? b. Is the proposed action located in an archeological sensitive area?	NO	YES	
	<input checked="" type="checkbox"/>	<input 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	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input checked="" type="checkbox"/> Urban <input type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input 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 checked="" 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 checked="" 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: _____ <u>The project site is currently undergoing a remediation overseen by the NYSDEC.</u>	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor name: <u>Fin Kolb</u>	Date: <u>4/27/22</u>	
Signature: <u>[Signature]</u>		

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

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<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.
NCIDA	5/2/22
Name of Lead Agency	Date
S. Langdon	EO
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

9.2.1

**T's YOU-nique
Hair &
Beauty, LLC**

the Harrison Studio
160 Washburn Street, Suite 200
P.O. Box 473
Lockport, New York 14095
Tel: (716) 462-6600
Fax: (716) 201-1738

Memorandum

To: Andrea Klyczek
From: Mike Thomas
Date: April 27, 2022
Re: COVID Relief for Small Business Grant Fund Application – T's YOU-nique Hair & Beauty, LLC

Applicant

Company: T's YOU-nique Hair & Beauty, LLC
Owners: Tawanda P. Bassham (100%)

Eligibility

Location: 1313 Main St, Niagara Falls, New York 14301
For-profit: Yes
Pre-COVID: Operating (business opened in March 2020 right before the Covid pandemic)
Current: Operating (business was closed for 4 months from March – June 2020).
Distress: The business was negatively impacted by the onset of Covid within days of their grand opening. As a beauty salon / retail location, they were unable to remain open during the most stringent social distancing requirements. The lack of revenue during these months strained working capital and drained resources from marketing, thereby affecting future revenue.
L/M Micro: Y
L/M Jobs: N/A

Use of Funds

Funds will be primarily used for working capital, marketing, and inventory purchases.

Credit Summary

A D&B report was not obtained for the business due to its lack of history. A credit report for Ms. Bassham shows a FICO score of 519, which would be considered poor credit. She has multiple tradelines that are currently delinquent. Applicant indicates this is due to the timing of opening her store at the beginning of Covid. Lack of revenue forced her to access her available credit to maintain operations and has strained cash flow, affecting her ability to meet monthly obligations. Applicant has resumed working a full time job and scaled back store hours in order to improve her cash flow position until the store can provide adequate cash flow.

CDBG Underwriting

Project Costs – Applicant will use grant funds working capital, marketing, and inventory purchases, with all costs to be incurred prior to September 8, 2022. Documentation of business-related costs will be required prior to disbursement and must be eligible and reasonable.

Commitment of Other Sources of Funds – None required.

No Substitution of CDBG Funds for Non-Federal Funds – There are no other non-federal grant sources available to assist in post-COVID business restoration costs.

Financial Feasibility – The 2020 Federal income tax return shows that the business was able to generate \$25k in revenue during the year, despite only being open for five months and Covid disrupting the launch of the business. This demonstrates a market for their services. The owner's business plan states that by using the grant money to purchase inventory and increase marketing efforts they will be able to remain viable in this location.

Reasonable Return on Equity – There is nothing in the company's historical operating performance that suggests that the proposed grant would produce an unreasonable return on equity or result in profitability substantially in excess of industry standards.

Pro Rata Disbursement of CDBG Funds – Documentation of all project expenditures will be required prior to the disbursement of CDBG funds.

Connection to Coronavirus

Per Niagara County's application to the CDBG-CV program, the proposed project meets the following program goals:

- Assist a business that experienced restricted operations and a significant drop in sales due to the COVID-19 pandemic

Recommendation

Applicant can be conditionally approved for a grant of up to \$47,000 based on the owner's LMI status which was determined based on her 2021 personal tax return.

9.2.2

**Willie A. Price
Speaks, LLC**

the Harrison Studio
160 Washburn Street, Suite 200
P.O. Box 473
Lockport, New York 14095
Tel: (716) 462-6600
Fax: (716) 201-1738

Memorandum

To: Andrea Klyczek
From: Mike Thomas
Date: April 27, 2022
Re: COVID Relief for Small Business Grant Fund Application – Willie A. Price Speaks, LLC

Applicant

Company: Willie A. Price Speaks, LLC
Owners: Willie A. Price (100%)

Eligibility

Location: 800 Niagara Ave, #320, Niagara Falls, New York 14305
For-profit: Yes
Pre-COVID: Operating
Current: Operating
Distress: Business experienced a 56.5% drop in revenue from 2019 to 2020 due to the Covid pandemic. Much of Mr. Price's programming was coordinated through schools, which didn't offer these services to students in 2020 or 2021.
L/M Micro: Y
L/M Jobs: While not required due to the Owner's LMI status, the Applicant states they will retain one part time position and create another part time position.

Use of Funds

Funds will be primarily used for working capital, equipment and inventory purchases.

Credit Summary

A credit report was pulled for Mr. Price. A FICO score was not available as he had zero eligible tradelines reported. A D&B report was also obtained for his business. The report indicated a moderate-high risk of delinquency, however, there was minimal concrete data contained within the report.

CDBG Underwriting

Project Costs – Applicant will use grant funds working capital, equipment, and inventory purchases, with all costs to be incurred prior to September 8, 2022. Documentation of business-related costs will be required prior to disbursement and must be eligible and reasonable.

Commitment of Other Sources of Funds – None required.

No Substitution of CDBG Funds for Non-Federal Funds – There are no other non-federal grant sources available to assist in post-COVID business restoration costs.

Financial Feasibility – The business showed a small loss in 2019, while reporting a small profit on less revenue in 2020. With investment in technology and materials through this grant, combined with a return to normal school programming, it can be reasonably assumed that the business will remain feasible.

Reasonable Return on Equity – There is nothing in the company’s historical operating performance that suggests that the proposed grant would produce an unreasonable return on equity or result in profitability substantially in excess of industry standards.

Pro Rata Disbursement of CDBG Funds – Documentation of all project expenditures will be required prior to the disbursement of CDBG funds.

Connection to Coronavirus

Per Niagara County’s application to the CDBG-CV program, the proposed project meets the following program goals:

- Assist a business that experienced restricted operations and a significant drop in sales due to the COVID-19 pandemic

Recommendation

Applicant can be conditionally approved for a grant of up to \$8,400 based on the owner’s LMI status which was determined based on his 2020 personal tax return.

□□□