

# Niagara County Industrial Development Agency

Niagara County Center for Economic Development • 6311 Inducon Corporate Drive, Ste. 1 • Sanborn, NY 14132

## **NCIDA/NCDC/NADC GOVERNANCE COMMITTEE AGENDA**

**Date:** Wednesday, June 8, 2022

**Time:** 8:30 a.m.

**Place:** Niagara County Center for Economic Development

6311 Inducon Corporate Drive

Sanborn, NY 14132

### **NCIDA Governance Committee Members:**

\_\_\_\_\_ Jerald Wolfgang, Chairperson

\_\_\_\_\_ Clifford Scott

\_\_\_\_\_ Robert B. Cliffe

### **Copies to:**

\_\_\_\_\_ Mark Onesi

\_\_\_\_\_ Kevin McCabe

\_\_\_\_\_ William L. Ross

\_\_\_\_\_ Scott Bridges

\_\_\_\_\_ Jason Krempa

\_\_\_\_\_ Maria Lopez

\_\_\_\_\_ Susan 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 – J. Wolfgang**

**2.0 Roll Call – J. Lamoreaux**

**3.0 Approval of Meeting Minutes – J. Wolfgang**

**3.1 May 11, 2022**

**4.0 Local Labor Policy – M. Gabriele**

**5.0 Apprenticeship Policy – M. Gabriele**

**6.0 Any Other Matters the Committee Wishes to Discuss**

**7.0 Adjournment – K. McCabe**

## **NCIDA/NCDC/NADC GOVERNANCE COMMITTEE AGENDA**

**Date: Wednesday, May 11, 2022**

**Time: 8:00 a.m.**

**Place: Niagara County Center for Economic Development**

**6311 Inducon Corporate Drive**

**Sanborn, NY 14132**

### **NCIDA Governance Committee Members:**

Jerald Wolfgang, Chairperson	Present
Clifford Scott	Present
Robert B. Cliffe	Present

### **Copies to:**

Mark Onesi	Susan Langdon, Executive Director
Scott Brydges	Andrea Klyczek, Assistant Director
	Susan Barone, Project Manager
	Mark J. Gabriele, Agency Counsel
	Julie Lamoreaux, Administrative Assistant

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### **1.0 Meeting Called to Order**

Mr. Wolfgang called the meeting to order at 8:00 a.m.

### **2.0 Roll Call**

Ms. Lamoreaux called the roll; a quorum was established.

### **3.0 Approval of Meeting Minutes**

#### **3.1 March 9, 2022**

***Mr. Wolfgang stated the he had reviewed the meeting minutes and he made a motion for approval; Mr. Cliffe seconded the motion. The motion passed.***

#### **4.0 Solar Project Policy**

Mr. Gabriele stated that the Agency placed a six month moratorium on solar projects in the month of March, 2022. Since then, staff has been meeting with the County and discussed the policy. Based on those discussions, staff proposes a new Solar Project Policy that states that the Agency will upon consent from the local municipality, entertain an application for financial assistance. The financial assistance would consist of only the county's portion of the sales tax benefit. The Agency would not entertain PILOTS, but would leave that to the local municipalities to enter into and negotiate on their own behalf. The financial assistance would be limited to solar projects on sites located on or within ½ mile of a capped landfill, a remediated brownfield site, or a site accepted into the New York State Brownfield cleanup program.

The Governance Committee discussed and recommended the Solar Policy as stated, be approved and taken to the Regular Board meeting for approval.

***Mr. Wolfgang made a motion to recommend the Solar Policy be taken to the Board for approval; Mr. Cliffe seconded the motion. The motion passed.***

#### **5.0 Local Labor Policy**

The committee discussed the Local Labor Policy, and they agreed that the policy should be tabled. The committee would like to schedule a work session to further review the policy.

***Mr. Wolfgang made a motion to table the Local Labor Policy; Mr. Cliffe seconded the motion. The motion passed.***

#### **6.0 Any Other Matters the Committee Wishes to Discuss**

There were no other matters the Committee wished to discuss.

**7.0 Adjournment**

***Hearing no other comments, Mr. Cliffe made a motion to adjourn the meeting; Mr. Wolfgang seconded the motion. The motion passed.***

Respectfully Submitted:

Reviewed By:

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Julie Lamoreaux  
Administrative Assistant

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Susan C. Langdon  
Executive Director

## LOCAL LABOR POLICY

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

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 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”). The creation of construction jobs in the local labor area, though limited in duration, remains a vital component of the Agency’s overall mission.

### Local Labor Defined

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

### Local Labor Requirement

The Company will have 90% of all Project employees work hours 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 the Chairman and/or Vice Chairman, shall evaluate each Local Labor Waiver Request and make a determination related thereto based upon information received with such waiver request.

### Monitoring

The Agency, on an annual basis, will select a completed project, either randomly or based upon information provided to the Agency, to conduct an investigation into whether the Company was compliant with the Agency's Local Labor Policy. The Agency, or its designated agents, shall, during normal business hours, examine and copy the applicable books and wage records of the Company, Contractor and/or Subcontractor as related to work performed on the Project. If Agency determines that the local labor requirement is found to be below 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.

### 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 as follows: (i) immediately prior to commencement of construction activities; and (ii) 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.

At the conclusion of the Project, the Agency or its designated agents shall have the right to verify compliance with the Local Labor Requirement. The Agency, or its designated agents, shall have the right, during normal business hours, to examine and copy the applicable books and wage records of the Company, Contractor and/or Subcontractor as related to work performed on the Project. If Agency determines that the local labor requirement was below 90%, the Agency may take action to terminate or modify any and all Financial Assistance being provided to the Project in its sole discretion, and as in accordance with the terms of the underlying agreements between the Agency and the Company with respect to the Project.

# Apprenticeship Policy

The Niagara County Industrial Development Agency (“Agency”) recognizes the importance of having a highly skilled workforce to perform quality work on projects located in Niagara County. A highly skilled workforce will help attract new business and investment to the Niagara County and the surrounding area. Certified apprenticeship programs are a vital tool in providing the training and experience necessary to insure that Niagara County has a highly skilled workforce presently and into the future. These programs have shown a high graduation rate for participants.

Project applicants (the “Company”), as an additional incentive to the standard financial assistance provided by Agency, the Company will be eligible for enhanced PILOT benefits by its commitment to utilizing a certified apprenticeship program as part of their project.

## Apprenticeship Programs

Set forth herein are the certified apprenticeship programs that are deemed acceptable and will qualify the Company for the additional benefits of this policy.\*

- Electricians
- Sheet Metal Workers
- Plumbers and Steamfitters
- Carpenters and Millwrights
- Roofers
- Ironworkers
- Cement Masons
- Boilermakers
- Bricklayers and Allied Craft
- Laborers
- Sprinkler Fitters
- Heat and Frost Insulators
- Elevator Constructors
- Operating Engineers
- Painters and Glazers
- Plasterers
- Teamsters

A complete list of New York State Certified Apprenticeship Programs can be found at:

<http://labor.ny.gov/pressreleases/apprenticeshiparchive.shtm>

### Enhanced PILOT benefit

If a Company commits to the use of a contractor that participates in the above referenced apprenticeship programs specific to the project, that Company will be provided with an additional 5% reduction from the Agency's standard PILOT schedule for the first five (5) years of the PILOT. Companies authorized to receive the additional financial assistance from the Agency will be required to file or cause to be filed an Apprenticeship Report (the "Report") on such form as made available by the Agency, and as directed by the Agency, which will identify each trade used in the project, along with each contractor that participates in a certified apprenticeship program. The Report shall be submitted to the Agency upon the completion of construction. If Agency determines in its sole discretion that the apprenticeship requirements have not been met, the Agency will not provide the additional benefits to the project.