

REGULAR NCIDA/NCDC/NADC BOARD MEETING

DATE: September 8, 2021
MEETING TIME: 9:00 a.m.
MEETING PLACE: Niagara County Industrial Development Agency
Vantage Center, Suite One
6311 Inducon Corporate Drive
Sanborn, NY 14132

Board of Directors:

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

Staff Members:

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

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- 1.0 Meeting Called to Order – *M. Onesi*
 - 2.0 Roll Call – *J. Lamoreaux*
 - 3.0 Introduction of Guests – *M. Onesi*
 - 4.0 Pledge of Allegiance – *M. Onesi*
 - 5.0 Approval of Meeting Minutes
 - 5.1 Regular NCIDA/NCDC/NADC – August 11, 2021
 - 6.0 Finance & Audit Committee Reports – *K. McCabe*
 - 6.1 Agency Payables – August 31, 2021
 - 6.2 Budget Variance Report – August 31, 2021

7.0 Unfinished Business

7.1 EW and KS Holdings LLC – A. Klyczek

7.1.1 Final Resolution

7.2 Microenterprise OCR Grant – A. Klyczek

7.2.1 Approval of NCDC Agreement with Niagara County

8.0 New Business

8.1 Ivy Lea Construction – M. Gabriele

8.1.1 Consent to Refinance

8.2 Mass Mutual Asset Finance LLC – M. Gabriele

8.2.2 Assumption of PILOT

9.0 Agency Counsel – M. Gabriele

10.0 Information Items

11.0 Any Other Matters the Board Wishes to Discuss

12.0 Next Regular NCIDA/NCDC/NADC Meeting:

DATE: October 13, 2021

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

PLACE: Niagara County Center for Economic Development

13.0 Adjournment - M. Onesi

5.1

August 11, 2021

MEETING

MINUTES

REGULAR NCIDA/NCDC/NADC BOARD MEETING

DATE: August 11, 2021
MEETING TIME: 9:00 a.m.
MEETING PLACE: Niagara County Industrial Development Agency
Vantage Center, Suite One
6311 Inducon Corporate Drive
Sanborn, NY 14132

1.0 Meeting Called to Order

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

2.0 Roll Call

Mark A. Onesi, Chairperson	Present
Jerald I. Wolfgang, 1 st Vice Chairperson	Present
Kevin McCabe, 2 nd Vice Chairperson	Present
William L. Ross, Secretary	Present
Mary Lynn Candella, Assistant Secretary	Excused
Robert B. Cliffe, Member	Present
Clifford Scott, Member	Present
Scott Brydges, Member	Excused
Jason Krempa, Member	Present – Arrived @ 9:17 p.m.

3.0 Introductions

Guests Present

Ed Webster, Griffon Pub
Jim Fink, Business First – Arrived @ 9:12 a.m.
Mike Scheer, Investigative Post

Staff Present

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

4.0 Mr. Onesi led the Pledge of Allegiance.

5.0 Approval of Meeting Minutes

5.1 Regular NCIDA/NCDC/NADC – July 14, 2021

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

6.0 Finance & Audit Committee Reports – K. McCabe

6.1 Agency Payables – July 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 – July 31, 2021

Mr. McCabe stated that the reports 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.

7.0 Unfinished Business

7.1 Ultimate Physique OCR Grant

Ms. Klyczek explained that the NCDC has an agreement with the County to apply for OCR funds to the New York State Office of Community Renewal. She further stated that the Board needs to approve two agreements. One agreement is between the County and the NCDC, and the other agreement is between the NCDC and the Company. In this case, it would be for the benefit for Ultimate Physique.

Mr. Gabriele added that the County itself cannot enter into a direct contract with the company and we are the middle man on behalf of the County. The County enters into the agreement through the NCIDA.

7.1.1 Approval of NCDC Agreement with Niagara County

Mr. Wolfgang made a motion to approve the NCDC Agreement with Niagara County; Mr. Cliffe seconded the Motion. The motion passed.

7.1.2 Approval of NCDC Agreement with Company

Mr. McCabe made a motion to approve the NCDC Agreement with the company; Mr. Cliffe seconded the motion. The motion passed.

7.2 324 Niagara Street Landlord, LLC

Mr. Gabriele stated that this project previously received a Cataract Grant Fund. He explained that 324 Niagara Street Landlord, LLC is in the process of getting financing through their bank. Because of COVID, the financing was delayed. Mr. Gabriele went on to explain that the Company is requesting that the Grant completion date to be extended through June 1, 2023. The Company is also requesting a Collateral Assignment of Grants. Mr. Gabriele explained that this is built into our grant agreement that the company can assign the rights of Grant funds. He explained that our Grants work as a reimbursable Grants which means that we will not disburse funds to a Company unless the project is completed. He then explained that bank has requested the Assignment of the Grant funds as part of their financing package.

Mr. Onesi inquired as to who pays the bank.

Mr. Gabriele responded by saying that at the end of the project, NCIDA would normally disburse to the company. In this case they are asking us to disburse to the Bank to offset their debt.

7.2.1 Extension of Grant Completion Date

Mr. Wolfgang made a motion to approve the Extension of the Grant Completion date; Mr. McCabe seconded the motion. The motion passed.

7.2.2 Approval of Collateral Assignment of Grant

Mr. Cliffe made a motion to approve the Approval of Collateral Assignment of the Grant; Mr. Scott seconded the motion. The motion passed.

8.0 New Business

8.1 EW and KS Holdings LLC

Ms. Klyczek stated that the vacant former Melloni's market on Lockport Street in the Village of Youngstown was sold to EW and KS Holdings Company, to repurpose the facility for the establishment of a brewing operation. The site will primarily be a manufacturing location that will brew beer for the Griffon Pub's various retail establishments. The project will employ brewing staff and delivery personnel. A small retail dining component, comprising less than 30% of the total square footage, will also be built. She informed the Board that Mr. Webster was here to answer any questions.

Mr. Webster said that he and his business partner purchased the store with intentions to turn the store into a brewing facility.

8.1.1 EW and KS Holdings LLC (continued)

The Board questioned the licensing process and number of employees.

Mr. Webster explained that he had all the correct licensing. He then explained that he plans on hiring up to 26 full time jobs over the next three years.

8.1.1 Preliminary Resolution

RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY (i) ACCEPTING THE APPLICATION OF EW AND KS HOLDINGS LLC WITH RESPECT TO A CERTAIN PROJECT (AS MORE FULLY DEFINED BELOW) TO BE UNDERTAKEN BY THE AGENCY FOR THE BENEFIT OF EW AND KS HOLDINGS LLC FOR ITSELF OR ON BEHALF OF AN ENTITY FORMED OR TO BE FORMED; (ii) AUTHORIZING A PUBLIC HEARING WITH RESPECT TO THE PROJECT; (iii) AUTHORIZING THE EXECUTIVE DIRECTOR OF THE AGENCY TO TAKE CERTAIN ACTIONS UNDER ARTICLE 8 OF THE ENVIRONMENTAL CONSERVATION LAW IN CONNECTION WITH THE PROJECT; (iv) PROVIDE SALES TAX EXEMPTION FOR PURCHASES AND RENTALS RELATED TO THE CONSTRUCTION AND EQUIPPING OF THE PROJECT; AND (v) DESCRIBING THE FORMS OF FINANCIAL ASSISTANCE BEING CONTEMPLATED BY THE AGENCY.

Mr. Wolfgang made a motion to approve the Preliminary Resolution; 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 I Wolfgang	X			
Kevin McCabe	X			
William L. Ross	X			
Mary Lynn Candella				X
Robert B. Cliffe	X			
Scott Brydges				X
Clifford Scott	X			
Jason Krempa	X			
Mark A. Onesi	X			

The Resolution was thereupon duly adopted.

8.1.2 Authorize Public Hearing Date

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

9.0 Agency Counsel

Mr. Gabriele stated that we currently have a Cataract Grant that has been approved for Red Star LLC. He explained that Red Star LLC has to date completed only a portion of their Grant. He informed the Board that the current Grant expires in August and he asked for the Boards approval to extend the deadline to the end of the month. The company will have to re-apply for grant funds to finance future components of the project.

Mr. Krempa motioned to authorize the Extension for Approval; Mr. Scott seconded the motion. The motion passed.

10.0 Information Items

There were on information items at this time.

11.0 Any Other Matters the Board Wishes to Discuss

12.0 Next Regular NCIDA/NCDC/NADC Meeting:

DATE: September 8, 2021

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

PLACE: Niagara County Center for Economic Development

13.0 Adjournment

Mr. Onesi made a motion to adjourn; Mr. Krempa seconded the motion. The meeting adjourned at 9:28 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 Aug 1, 2021 to Aug 31, 2021

Filter Criteria includes: Report order is by Date.

Check #	Date	Payee	Cash Account	Amount
29327	8/3/21	Cintas Corporation LOC. 067P	10001.100	83.22
29328	8/3/21	County of Niagara	10001.100	44.00
29329	8/3/21	THE HARTFORD	10001.100	238.87
29330	8/3/21	M&T Bank	10001.100	62.68
29331	8/3/21	National Grid	10001.100	680.30
29332	8/3/21	Pitney Bowes Global Financial Services	10001.100	189.42
29333	8/10/21	360 PSG.com	10001.100	180.00
29334	8/10/21	Gabriele & Berrigan, P.C.	10001.100	5,000.00
29335	8/10/21	Julie Lamoreaux	10001.100	32.98
29336	8/10/21	Niag Cnty Dept of Economic Development	10001.100	437.18
8/12/21	8/12/21	PAYCHEX, INC.	10001.100	78.12
8/13/21	8/13/21	NYS DEFERRED COMPENSATION PLAN	10001.100	1,054.14
29337	8/17/21	PURCHASE POWER	10001.100	150.00
29338	8/17/21	Professional Janitorial Services, Inc.	10001.100	793.17
29339	8/17/21	SAM'S CLUB/SYNCHRONY BANK	10001.100	114.98
8/26/21	8/26/21	PAYCHEX, INC.	10001.100	64.40
29340	8/26/21	Independent Health	10001.100	1,998.27
29341	8/26/21	Niagara Gazette Lockport Union Sun	10001.100	87.05
8/27/21	8/27/21	NYS DEFERRED COMPENSATION PLAN	10001.100	979.14
29342	8/30/21	Guardian	10001.100	227.46
29343	8/30/21	Time Warner Cable	10001.100	119.99
29344	8/31/21	Cintas Corporation LOC. 067P	10001.100	83.22
8/31/21	8/31/21	NEW YORK STATE AND LOCAL	10001.100	348.28
Total				13,046.87

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

Filter Criteria includes: Report order is by Date.

Check #	Date	Payee	Cash Account	Amount
4524	8/3/21	Frontier	10001.600	184.68
4525	8/3/21	National Grid	10001.600	550.87
4526	8/10/21	Blue Ox Roofing	10001.600	556.00
4527	8/10/21	DAVIS-ULMER Sprinkler Co.	10001.600	170.00
4528	8/10/21	National Grid	10001.600	25.00
4529	8/10/21	Niagara County Industrial Dev Agency	10001.600	3,713.88
4530	8/17/21	Modern Disposal Services, Inc.	10001.600	164.10
4531	8/17/21	Professional Janitorial Services, Inc.	10001.600	219.42
4532	8/17/21	Town of Wheatfield	10001.600	50.25
4533	8/25/21	D.R. Chamberlain Corporation	10001.600	400.00
4534	8/30/21	Niagara County Dept of Public Works	10001.600	4,945.81
Total				10,980.01

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

Filter Criteria includes: Report order is by Date.

Check #	Date	Payee	Cash Account	Amount
3005	8/3/21	Blue OX Roofing	10001.600	67.50
3006	8/3/21	Niagara Falls Water Board	10001.600	241.00
3007	8/10/21	DAVIS-ULMER Sprinkler Co.	10001.600	160.00
3008	8/10/21	Niagara County Industrial	10001.600	2,780.95
3009	8/10/21	National Grid	10001.600	21.02
3010	8/17/21	VERIZON	10001.600	122.27
3011	8/25/21	H.W. Bryk & Sons, Inc.	10001.600	4,600.00
Total				7,992.74

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

Filter Criteria includes: Report order is by Date.

Check #	Date	Payee	Cash Account	Amount
190	8/3/21	M&T Bank	10200-300	120.00
191	8/3/21	Niagara Gazette Lockport Union Sun	10200-300	38.20
Total				158.20

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

Filter Criteria includes: Report order is by Date.

Check #	Date	Payee	Cash Account	Amount
1339	8/3/21	M&T Bank	10001.100	340.00
1340	8/31/21	Indian Ocean, LLC	10001.100	93,280.92
1341	8/31/21	Rupal Corporation	10001.100	56,055.07
Total				<u><u>149,675.99</u></u>

NIAG ECONOMIC DEV FUND

Check Register

For the Period From Aug 1, 2021 to Aug 31, 2021

Filter Criteria includes: Report order is by Date.

Check #	Date	Payee	Cash Account	Amount
1332	8/3/21	M&T Bank	10000-200	40.00
1333	8/3/21	Niagara County Industrial	10000-200	<u>3,000.00</u>
Total				<u><u>3,040.00</u></u>

Niagara Industrial Incubator Associates**Check Register**

For the Period From Aug 1, 2021 to Aug 31, 2021

Filter Criteria includes: Report order is by Date.

Check #	Date	Payee	Cash Account	Amount
1222	8/3/21	Blue Ox Roofing	10000.100	577.50
1223	8/3/21	Modern Electrical Construction Inc.	10000.100	150.00
1224	8/3/21	National Fuel	10000.100	20.42
1225	8/3/21	Niagara Falls Water Board	10000.100	1,779.00
1226	8/10/21	Blue Ox Roofing	10000.100	1,108.00
1227	8/10/21	National Grid	10000.100	473.42
1228	8/30/21	National Fuel	10000.100	20.88
Total				4,129.22

6.2

BUDGET

VARIANCE

REPORTS

NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY
BUDGET VARIANCE REPORT AS OF August 31, 2021
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
Operating Revenues						
Project Administrative Fees	\$ 35,920.00	\$ 64,870.00	\$ 562,686.13	\$ 276,677.00	286,009.13	\$ 543,976.00
Project Application Fees	1,000.00	1,000.00	14,250.00	8,000.00	6,250.00	12,000.00
NEDF Origination Fees	3,000.00	0.00	3,000.00	0.00	3,000.00	0.00
NEDF RLF Administrative Fee	4,166.67	4,166.67	33,333.36	33,333.36	0.00	50,000.00
EDA RLF-Grant 2020 Admin Fees	0.00	0.00	31,039.03	0.00	31,039.03	0.00
Administrative Fees - Other	0.00	0.00	7,400.00	7,400.00	0.00	42,668.00
Interest Earnings	26.97	148.92	524.16	1,191.36	(667.20)	1,787.00
Training Room Income	0.00	11.67	0.00	93.36	(93.36)	140.00
Miscellaneous Income	0.00	0.00	55.70	0.00	55.70	0.00
Distrib From Niag. Ind. Suites	0.00	0.00	0.00	0.00	0.00	100,000.00
Distributions From Affiliates	0.00	0.00	0.00	0.00	0.00	80,000.00
Distribution from VIP MTF	0.00	0.00	0.00	0.00	0.00	150,000.00
Total Operating Revenues	44,113.64	70,197.26	652,288.38	326,695.08	325,593.30	980,571.00
Operating Expenses						
Salaries	25,847.86	25,453.92	220,067.83	229,085.28	(9,017.45)	330,901.00
Benefits	3,099.77	3,329.25	24,901.64	26,634.00	(1,732.36)	39,951.00
Retirement Benefits	5,331.42	5,331.42	42,651.36	42,651.36	0.00	63,977.00
Payroll Taxes	2,029.43	1,950.52	17,168.77	17,511.97	(343.20)	25,314.00
Unemployment Taxes	0.00	0.00	1,238.99	443.00	795.99	443.00
Consultants	2,500.00	2,500.00	20,000.00	20,000.00	0.00	30,000.00
Assisstant Director	5,412.00	5,412.00	43,296.00	43,296.00	0.00	64,944.00
Legal Services	5,000.00	5,000.00	62,110.00	40,000.00	22,110.00	60,000.00
Accounting Services	0.00	0.00	18,500.00	18,800.00	(300.00)	18,800.00
Accounting Services - NADC	0.00	0.00	2,100.00	2,100.00	0.00	2,100.00
Marketing	528.95	1,833.33	2,401.68	14,666.64	(12,264.96)	22,000.00
Printing	0.00	125.00	88.79	1,000.00	(911.21)	1,500.00
Office Supplies	0.00	208.33	840.96	1,666.64	(825.68)	2,500.00
Postage	150.00	222.00	2,041.84	2,650.00	(608.16)	3,344.00
Telephone & Fax	91.56	91.67	641.89	733.36	(91.47)	1,100.00
Internet Service	182.59	231.67	1,655.82	1,853.36	(197.54)	2,780.00
Common Area Charges	680.00	623.08	5,440.00	4,984.64	455.36	7,477.00
Energy	1,335.40	1,155.00	10,423.57	10,483.00	(59.43)	15,140.00
Conference & Travel	98.13	250.00	781.08	2,000.00	(1,218.92)	3,000.00
Employee Training	0.00	83.33	400.00	666.64	(266.64)	1,000.00
Depreciation Expense	0.00	0.00	0.24	0.00	0.24	0.00
Insurance Expense	1,480.00	1,580.25	11,840.00	12,642.00	(802.00)	18,963.00
Library & Membership	108.00	87.27	2,211.54	2,195.89	15.65	2,545.00
General Office	881.11	824.33	4,132.83	6,594.64	(2,461.81)	9,892.00
Repairs & Maintenance	842.92	1,188.67	7,267.79	9,509.36	(2,241.57)	14,264.00
Computer Support	0.00	666.67	0.00	5,333.36	(5,333.36)	8,000.00
Public Hearings	0.00	16.67	0.00	133.36	(133.36)	200.00
Furniture & Equipment Purchase	0.00	166.67	0.00	1,333.36	(1,333.36)	2,000.00
Other Expense	0.00	83.33	20.06	666.64	(646.58)	1,000.00
Total Operating Expenses	55,599.14	58,414.38	502,222.68	519,634.50	(17,411.82)	753,135.00
Net Operating Income/<Loss>	(11,485.50)	11,782.88	150,065.70	(192,939.42)	343,005.12	227,436.00
Non-Operating Revenue & Expense						
Grants Rev.	0.00	0.00	9,200.00	0.00	9,200.00	0.00
Grant Rev- City NF Initiative	0.00	0.00	370,000.00	370,000.00	0.00	1,796,250.00
Grant to Subrecipient	0.00	0.00	9,200.00	0.00	9,200.00	0.00
Grant Sub-City NF Initiative	0.00	0.00	370,000.00	370,000.00	0.00	1,796,250.00
Net Non-Operating Income/<Loss>	0.00	0.00	0.00	0.00	0.00	0.00
Total Net Income/<Loss>	(\$ 11,485.50)	\$ 11,782.88	\$ 150,065.70	(\$ 192,939.42)	343,005.12	\$ 227,436.00

NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY

Balance Sheet
August 31, 2021

ASSETS

Current Assets	
Cash - Checking	\$ 386,060.62
Petty Cash	300.00
Mmkt Acct. - M&T Bank	1,587,915.82
Cash - First Response	65,802.53
Cash - City of N.F.	827.05
Mmkt Acct. - Cataract Tourism	4,002,687.01
Accts Rec - Public Hearings	1,634.74
Accounts rec.- Fees/Var.	129,395.00
Accounts Receivable Niag. Cnty	287.00
Accounts Rec. EDA - RLF	6,666.64
A/R EDA - RLF 2020 Grant	31,039.03
Due To/From Micro RLF	6,666.64
Accounts Rec - NEDF	33,333.36
Due To/From VIP - MTF	417,753.42
Due From NCDC CDBG/HUD	6,666.72
Due To/Due From NADC	406.56
Prepaid Insurance	<u>6,960.17</u>
 Total Current Assets	 6,684,402.31
Other Assets	
Deferred Outflows	207,452.00
Investment in NIIA	<u>342,500.00</u>
 Total Other Assets	 549,952.00
Fixed Assets	
Furniture & Equipment	199,360.75
Furn & Fixtures - Fed purchase	5,861.08
Accum Dep. - Furn & Equip	(199,360.75)
Accum Dep. - F&F Fed Purch	<u>(5,861.08)</u>
 Total Fixed Assets	 0.00
 Total Assets	 <u>\$ 7,234,354.31</u>

LIABILITIES AND NET ASSETS

Current Liabilities	
Accrued Retirement	\$ 42,651.36
Deferred Rev. - First Repsonse	65,802.53
Def. Rev. - City of N.F.	4,003,514.06
Accounts Payable	29,072.18
Acct. Payable - Niag. County	<u>13,238.26</u>
 Total Current Liabilities	 4,154,278.39
Long-Term Liabilities	
Pension Liability	204,072.00
Deferred Inflows of Resources	<u>24,839.00</u>
 Total Long-Term Liabilities	 <u>228,911.00</u>
 Total Liabilities	 4,383,189.39
Net Assets	
Fund Balance - Operating Fund	2,701,099.22
Net Income	<u>150,065.70</u>
 Total Net Assets	 <u>2,851,164.92</u>
 Total Liabilities & Net Assets	 <u>\$ 7,234,354.31</u>

**Niagara County Industrial
Development Agency
Aged Payables
As of August 31, 2021**

Vendor ID Vendor	Invoice #	Amount Due
CARUSO Caroline M. Caruso	7/1/21 - 8/30/21	98.13
GABRIELE Gabriele & Berrigan, P.C.	Aug 2021 Engagement	5,000.00
M&TBUS M&T Bank	Aug 2021	1,183.65
NATGRID National Grid	39004 8/21	681.56
Report Total		<u>6,963.34</u>

Adjusting Journal Entries

Estimated May 2021 Legal Fees	5,000.00
Estimated Jun 2021 Legal Fees	5,000.00
Estimated Jul 2021 Legal Fees	5,000.00
Estimated Aug 2021 Legal Fees	5,000.00
Estimated Aug 2021 Copier usage	250.00
Estimated Jul-Aug 2021 Telephone	60.00
Estimated Jul 2021 Niagara County Electric	593.81
Estimated Aug 2021 Niagara County Electric	400.00
Estimated Jul 2021 Niagara County Gas	70.03
Estimated Aug 2021 Niagara County Gas	30.00
Estimated Aug 2021 Cleaning service	705.00
	<u>29,072.18</u>

**Cataract Tourism Fund
Grant Program**

Grantee Name	Grant Awards	Outst'd'g Awards	Approval Date	Disbursement Date	Disbursement Amount	Offer Expiration	Project Description
Niagara County Dept. of Economic Development	37,667	0	10/11/2017	1/23/2018	37,667		Feasibility study for Niagara Falls area multi-use facility
Niagara Aquarium Foundation	88,147	0	2/14/2018	7/15/2019	88,147		Jellyfish exhibit and equipment
The Tourism Research Entrepreneurship Center (TReC)	176,600	0	8/8/2018	6/2/2020	176,600		Buildout, audio/visual equipment and network connectivity hardware
Niagara Aquarium Foundation	16,717	0	2/12/2020	10/21/2020	16,717		Renovations to second floor event room
Niagara Aquarium Foundation	370,000	0	8/14/2019	2/9/2021	370,000		Interactive touch pools adjacent to main entrance of the Aquarium
Niagara Falls Center for Tourism LLC	1,000,000	1,000,000	6/12/2019	To Be Disbursed	0	11/30/2021	Construction of an indoor family entertainment center and outdoor improvements
Red Star Builders, LLC (The Niagara Club)	523,250	64,403	7/10/2019	To Be Disbursed	0	8/1/2021	Roof top bar and lounge, banquet space, virtual entertainment lounge & Spot Coffee
The Center for Kashmir, Inc.	273,000	273,000	8/12/2020	To Be Disbursed	0	2/28/2022	Renovations to vacant church for a museum of art and culture for Kashmir
Savarino Companies, LLC	155,000	155,000	4/14/2021	To Be Disbursed	0	6/1/2023	Rehabilitation of 4,000 square feet of commercial/retail storefront space.
Buffalo Niagara Hospitality Inc.	25,000	25,000	4/14/2021	To Be Disbursed	0	11/30/2021	Business expansion to include purchase of electric scooters and bikes and tandem bi
To Date Sub-Total	2,665,381	1,517,403			689,131		

Grant Fund Cash Balance as of 8/31/2021
4,003,514.06
Less: Outstanding Awards
(1,517,403.00)
Available for awarding grants
2,486,111.06

Grant Fund Balance
Grant Funding from NYS 11/22/2016 1,600,000.00
Grant Funding from NYS 10/16/2017 1,440,000.00
Grant Funding from NYS 10/12/2018 1,600,000.00
Bank Interest 52,688.32
Bank Fees (43.26)
Grant Disbursements (689,131.00)
Grant Fund Balance 4,003,514.06

7.1

**EW and KS
Holdings LLC**

PROJECT SUMMARY
EW and KS Holdings LLC
200 Lockport Street, Village of Youngstown



Applicant:	EW and KS Holdings LLC	
Project Location:	200 Lockport St., Youngstown, NY 14174	
Assistance:	15 Year PILOT Sales Tax Abatement	
Description:	The vacant former Melloni’s market on Lockport Street in the Village of Youngstown was sold to EW and KS Holdings Company, to repurpose the facility for the establishment of a brewing operation. The site will primarily be a manufacturing location that will brew beer for the Griffon Pub’s various retail establishments, as well as direct customer sales. The project will employ brewing staff and delivery personnel. A small retail dining component, comprising less than 30% of the total sq. footage, will also be built out at site.	
Project Costs:	Construction/Improvements Furniture, Fixtures & Equipment Soft costs TOTAL	\$ 420,000 \$ 485,000 \$ 50,000 \$ 0 <hr/> \$ 955,000
Employment:	Current jobs in Niagara County: 0 New Jobs in Niagara County within 3 years: 20 Estimated Annual Payroll for New Jobs: 1,260,000 Skills: Head brewer, brewer’s assistant, janitorial, maintenance, delivery drivers, beverage servers, chefs, and cleaners	
Evaluative Criteria:	Regional wealth creation, in region purchases, building vacancy, redevelopment supports regional and local development plans, generation of local revenues	

REGIONAL ECONOMIC IMPACT ANALYSIS
Griffon Brewery and Gastropub
200 Lockport Street

Estimated Project Benefits / Incentives Analysis

Total Project Benefits	\$ 3,663,453
Total Project Incentives	\$ 289,357
Community Benefit to Cost Ratio	12:1
Total Employment	77
Direct**	20
Indirect***	54
Temporary Construction (Direct and Indirect)	3

Estimated Project Benefits

Total Project Benefits	\$ 3,663,453
Income Tax Revenue	\$ 2,666,000
Property Tax Revenue	\$ 200,453
Sales Tax Revenue	\$ 797,000

Estimated Project Incentives

Total Project Incentives	\$ 289,357
Property Tax	\$ 233,757
Sales Tax	\$ 55,600
Mortgage Tax	\$ 0

** 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.

**PUBLIC HEARING EW & KS Holdings LLC
and/or Individual(s) or Affiliate(s),
Subsidiary(ies), or Entity(ies) formed or to be
formed on its behalf**

Public Hearing to be held on August 30, 2021 at 10:00 a.m.
at Village of Youngstown Office

Andrea Klyczek: *Welcome. This public hearing is now open; it is 10:00 a.m. My name is Andrea Klyczek, I am the Assistant Director of the Niagara County Industrial Development Agency, and I have been designated by the Agency to be the hearing officer to conduct this public hearing. Notice of this public hearing was published in the Niagara Gazette.*

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

The proposed project (the "Project") includes the renovation of the vacant property located at 200 Lockport St., Youngstown, NY 14174 to be used as a brewing operation. The project application and project summary are posted on the Agency's website at niagaracountybusiness.com and I have copies with me today.

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

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

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

Lena Villella: *I'm the Town of Porter Assessor. Looking through the application and I have a few questions. The application was submitted in August. Question #7 asks has construction on this project begun and it says no. This property had a permit issued November 2020 for renovating the property into a brewery so the construction/remodeling had already started. The permit says remodel buildout for brewery was reason for the permit. The*

estimated cost on the permit was \$250,000 and in your application construction/improvements is \$420,000 so not sure what that is including, perhaps more than just building renovations. Currently it is assessed for Total Land \$71,000 and Total Assessment \$277,000. The Payment In Lieu of Tax that you have estimates the new value as \$620,000 and the asterisk says applies equalization rate. Are you assuming there is a \$939,400 value that you are getting the \$620,000 from?

Andrea Klyczek: *I will review and get back to you on that.*

Lena Villella: *Ok. Your chart for the PILOT estimated for 15 years. Year 1 is 20% payment. Those numbers are calculated using an assessment of \$620,000 and the numbers projected are based on this number. So using this chart here, the school taxes for example, the current taxes on the current assessed value is \$6,320 a year. Year 1 you are proposing a 20% payment based on the \$620,000 and the current school tax rate you are coming up with a \$2,830 payment and the school would be losing revenue in year 1 and they wouldn't actually reach the current payment until year 10. My concern is that I would like to see a project that has full tax on the current land and facility and then a percentage of tax on the increased assessed value based on the improvements, which has been done in the past. This way the county, town, village and school is picking up additional revenue but it's scaled back because you're having a percentage due to the increase because of the renovations that they are making. I would like to see this adjusted so there is not a loss in revenue for 10 years.*

Andrea Klyczek: *Thank you. Anyone else have any comments?*

Mark Fox: *I'm with the Village of Youngstown. I like to start by saying I am behind this project 100%. We'd like this to come to fruition and would love the activity. I know there is some concern with the town, our contribution which if there is taxes lost but if we could get this to be part of the Village it would be worth it on our behalf. My concerns are basically should their goals not be met, how do we recoup the money or do we come back at it if in 4 years the project is not what it was said to be how do we get it back to full market capitalization/taxation. Not sure how we do this. Like I said, I'm behind it but want to make sure it's not a project that dies out.*

Rob Reisman: *I'm a trustee for the Village of Youngstown. We always want to bring businesses to the Village. I'm familiar with their other establishments and it would be nice to bring people here. It says it's mainly manufacturing, I'm not sure how much will be for patrons, so I*

don't know how much traffic it will bring in but I am for the project. It says 20 jobs being brought to the area too so I just hope they follow through and don't back out as we have had some in the past.

Lena Villella: *I am supportive of this project, I just want to make sure the numbers are correct so it will be beneficial to the community.*

Andrea Klyczek: *Are there any more comments? Hearing no further comments, I will now adjourn the meeting. It is now 10:12 a.m. Thank you.*

**SIGN IN SHEET
PUBLIC HEARING**

August 30, 2021 at 10:00 a.m.
Youngstown Village Office

regarding:

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

Name	Company and/or Address	X box to speak/ comment
Mark Fox	654 Lockport St	X
Deborah Fox	654 Lockport St	
Wendy Brown	Village of Youngstown	
Amy Freiermuth	Village of Youngstown	
Lena Villella	Town of Porter	X
Rob Reisman	Village of Youngstown	
Selah Lowery	Town of Porter	

From: Duffy Johnston <townsupervisor@townofporter.net>
Sent: Thursday, September 2, 2021 2:10 PM
To: Wendy J Brown <wbrown@youngstownnewyork.us>; Andrea L Klyczek <Andrea.Klyczek@niagaracounty.com>
Cc: Lena Vilella <assessor@townofporter.net>; Benjamin J Bidell <Benjamin.Bidell@niagaracounty.com>; Julie Lamoreaux <Julie.Lamoreaux@niagaracounty.com>; Robbie Reisman <robbie.reisman@yahoo.com>
Subject: RE: Griffin (Project)

Good afternoon everyone.

Just to clarify my earlier statement of the project already underway. I did see a new waterline being put in and company vehicles at the site. I have not been in the building at all and cannot say that there is construction started. It could be that there is removal of the contents of the old grocery store. Thank you to both boards for allowing the Towns input.

J Duffy Johnston

From: Duffy Johnston
Sent: Thursday, September 2, 2021 12:34 PM
To: Wendy J Brown <wbrown@youngstownnewyork.us>; Andrea L Klyczek <andrea.klyczek@niagaracounty.com>
Cc: Lena Vilella <assessor@townofporter.net>; Benjamin J Bidell <benjamin.bidell@niagaracounty.com>; julie.lamoreaux@niagaracounty.com; Robbie Reisman <robbie.reisman@yahoo.com>
Subject: Griffin (Project)

Dear Wendy,

I would like you to print this email and give it to the Youngstown Village Board. Also Andrea this is the Town of Porter's formal written comments. I believe that having the Griffin Brewery in Youngstown is a fantastic idea. I also think that giving EW and KS Holdings the sales tax break on their equipment will definitely help their project. The proposal calls for a 15-year tax break on the total assessed value of the facility. The net result of this tax break is that they would pay less tax than they are paying now for the first 9 of 15 years of the pilot. The reduction in tax payments is significant. We suggest a PILOT schedule that taxes them for full tax on the land, full tax on the existing facility (existing building value) and a percentage of tax on the increase in assessed value as a result of the improvements (renovations).

This would be fairer and would hold the Village, Town County and School harmless. There would be no lost tax revenue. In addition the project would benefit from some tax breaks each year. This project was already under way prior to the application for financial assistance being submitted to the NCIDA . In the PILOT the IDA assumes an assessed value of \$620,000 on the final project. I am not sure that number is correct ,when the existing building is assessed for \$277,000 right now. The Town of Porter believes this process would be a win-win for everyone.

Thank You
J Duffy Johnston

September 2, 2021

Members of the Village Board of Trustees

First, I would like to say having had occasion to work with Ed Webster from EW and KS Holdings over the last several months, I have found him to be a hardworking, straight forward individual.

I firmly believe that he and his business partner would be a welcome addition to our Village. I do, however, have questions regarding the recent application for a PILOT program.

- How many people from the Village or Town of Porter will be gainfully employed within the Village? The application stated 20 full time positions with an average of \$63,000 yearly salary, but my guess is that the positions are specialized.
- What happens if craft beer breweries are only a fad and become a no longer viable business in 10, 12 or 15 years. Or what if the market becomes so saturated that the business is no longer profitable?
- What occurs if the business closes in 14-15 years and moves to a new location? With a 15 year commitment, that is not an unlikely situation.
- Should the board allocate Village of Youngstown taxes to form a partnership with a private business? By reducing the tax revenue for the Village I feel this is exactly what is happening if the PILOT as proposed is approved.

In closing, I fully support new business in the Village and am pleased with the numerous developments that have occurred in the past few years within our business district. However, I do not feel that the Village Board of Trustees should reduce tax income further than the current amount which leads to little future benefit for Village residents and tax payers.

Thank you in advance for considering my comments,



John Stevens, Village Resident
580 Lockport Street
Youngstown, NY 147174
(716) 553-2427

Village of Youngstown

VILLAGE CENTER • 240 LOCKPORT STREET
P. O. Box 168
YOUNGSTOWN, NEW YORK 14174-0168



INCORPORATED:
APRIL 18, 1854

TELEPHONE:
(716) 745-7721
FAX:
(716) 745-3400

September 2, 2021

Niagara County Industrial Development Agency
6311 Inducon Corporate Drive, Suite One
Sanborn, NY 14132

RE: EW and KS Holdings LLC

After review of the application for financial assistance filed by EW and KS Holdings, the Trustees of the Village of Youngstown wish to submit this comment regarding the PILOT offered to EW and KS Holding.

The Village Board is in support of the project at 200 Lockport Street. After review of the proposed financial project, the Village is addressing the length of time and amounts indicated in the PILOT estimate table. The estimated duration of Property Tax Exemption is proposed for 15 years. The Village of Youngstown feels this is a very long exemption and would ask that a lower time frame be considered of a 5-10 year time frame.

The tax break proposed lowers the amount of tax revenue to the Village significantly. The net result of this tax break is that the amount of tax that would be paid is less tax than EW and KS Holdings LLC are paying now and would continue for the first 9 of 15 years of the pilot (current tax bill 2021-2022 is \$2,044.77 (\$7.38/thousand) for the Village). The Village suggests a PILOT schedule that taxes EW and KS Holdings LLC for full tax on the land, full tax on the existing facility (existing building value) for a total of \$277,000.00 assessed value as currently on record, and a percentage of tax on the increase in assessed value as a result of the anticipated improvements (renovations) of \$620,000.00.

The above suggested package would be a compromise that would hold the Village, Town, County and School harmless. In addition the project would benefit from some tax breaks each year. The Village is in support of the sales tax exemption as presented.

Thank you for your consideration, Village of Youngstown Board of Trustees:

Mayor Raleigh Reynolds
Deputy Mayor Mark Fox
Trustee Stuart Comerford
Trustee Nicole Quarantillo
Trustee Rob Reisman

7.2

**Microenterprise
OCR Grant**

NIAGARA COUNTY LEGISLATURE

FROM: Economic Development Committee and Administration Committee DATE: 02/16/21 RESOLUTION # ED-009-21

APPROVED CO. ATTORNEY REVIEWED CO. MANAGER COMMITTEE ACTION LEGISLATIVE ACTION

Handwritten signature of the Co. Attorney

FIXING DATE AND NOTICE FOR THE PUBLIC HEARING CONSOLIDATED FUNDING APPLICATION FOR MICRO-ENTERPRISE GRANT FUNDS

WHEREAS, the County Legislature wishes to assess the advisability of submitting a Consolidated Funding Application (CFA) to the New York State Office of Community Renewal (the "OCR") for a micro enterprise grant that will support small businesses throughout Niagara County, and

WHEREAS, Niagara County is required to hold a public hearing to provide information to the public and to consider citizens' views on proposed activities and regarding community needs prior to submitting an application for Community Development Block Grant (CDBG) funding, now, therefore, be it

RESOLVED, that the Niagara County Legislature shall conduct a public hearing whereat all interested parties shall be heard regarding the CDBG microenterprise program, the County's community needs, and the proposed funding application for CDBG Funds at the Legislative Chambers, Courthouse, Lockport, New York on the 23rd day of March, 2021 at 5:45 p.m., and be it further

RESOLVED, that the Clerk of the Legislature, at least eight days in advance of such hearing, shall post a notice upon the bulletin boards in the Courthouse at Lockport, and the Civic building at Niagara Falls, and shall publish such notice once in the Lockport Union Sun & Journal, and the Niagara Gazette; such notice shall contain the title of the application to be submitted for CDBG funds, and be it further

RESOLVED, that copies of proposed application will be available for review by any interested party with the Clerk of the Niagara County Legislature.

Signature of R. Anderson, Economic Development Committee

Signature of Anthony J. Nerni, Administration Committee

8.1

Ivy Lea

Construction –

Consent to

Refinance

From: Mike Washington <mike@ivyleaconstruction.com>
Sent: Wednesday, August 11, 2021 12:00 PM
To: Susan C Langdon <Susan.Langdon@niagaracounty.com>
Cc: Amy Dolega <amy@ivyleaconstruction.com>
Subject:

[EXTERNAL MESSAGE]

This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

- Niagara County IT

Hi Susan,

I am writing to get board approval for a Refinance of 765 Walck rd. by 765 Walck Rd Inc. We currently have a Pilot program on this pc of property.

Please let me know if you need anything further on this at this point. We would anticipate to close this loan in End of Oct.

Please let me know you received and if you need to come in to fill out any paperwork .

Thanks for your consideration.
Mike Washington Pres.

CLICK LINKS BELOW for our website, referral rewards program
Facebook, youtube page, pintrest page, and our blog!!!



Michael Washington
Ivy Lea Construction
765 Walck Road
North Tonawanda NY 14120
Phone: (716) 875-8654 ext 201
Fax: (716) 875-1574
mike@ivyleaconstruction.com

8.2.1

**Mass Mutual
Asset**

**Finance LLC-
Assumption of
PILOT**

NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY

APPLICATION FOR FINANCIAL ASSISTANCE

MassMutual Asset Finance LLC

(Applicant Name)

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

Updated 2021

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

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

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

NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY

APPLICATION FOR FINANCIAL ASSISTANCE

I. APPLICANT INFORMATION

Company Name: MassMutual Asset Finance LLC

Mailing Address: 2 Hampshire Street, Suite 101

City/Town/Village & Zip code: Foxboro, MA 02035

Phone: (617) 235-1573

Website: https://www.massmutual.com/legal/us-and-international-affiliates

Fed Id. No.: 26-0073611

Contact Person, and Title: Donald Buttler, Senior Vice President

Email: dbuttler@massmutual.com

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

MMC Equipment Finance LLC (percentage ownership: 99.669%)

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

Form of Entity

Corporation

Date of Incorporation: _____

State of Incorporation: _____

Partnership

General _____ or Limited _____

Number of general partners _____

If applicable, number of limited partners _____

Date of formation _____

Jurisdiction of Formation _____

Limited Liability Company/Partnership (number of members 2)

Date of organization: October 23, 2003

State of Organization: Delaware

Sole Proprietorship

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

Applicant's Counsel

Company Name: Nutter McClennen & Fish LLP

Contact Person, and Title: Stephen Patterson, Partner

Mailing Address: 155 Seaport Blvd.

City/Town/Village & Zip code: Boston, MA 02210

Email: SPatterson@nutter.com

Phone: (617) 439-2827

Fax No.: _____

II. PROJECT INFORMATION

A) Project Address: 3909 Forest Parkway, Wheatfield, NY

Tax Map Number (SBL) 177.03-1-81.4
(Section/Block/Lot)
SWIS Number 294000
Located in City of _____
Located in Town of Wheatfield
Located in Village of _____
School District of Starpoint

B) Current Assessment of Property:

Land \$41,800
Total \$675,000

C) Present legal owner of the site Riester Wheatfield USA, LLC

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

Purchase of fee simple title by deed.

D) Describe the project:

The entire property is currently leased to Apollo Healthcare, LLC for use as a dialysis clinic. Applicant will continue to lease the property to Apollo Healthcare for the same use.

1. Project site (land)

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

2.21 acres

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

Dialysis clinic.

2. Indicate number, size (in square feet) and approximate age of existing buildings on site
7,500 square feet

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

4. Does the project consist of additions and/or renovations to existing buildings? If yes,
indicate nature of expansion and/or renovation.
No

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.
All 7,500 square feet will be leased to Apollo Healthcare, LLC for use as a dialysis clinic.

6. List principal items/categories of equipment to be acquired as part of the project.
Dialysis equipment

7. Has construction work on this project begun?
No, as no construction is contemplated.

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:

N/A

- 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	\$ 2,200,000
Construction (Improvements)	\$ 0
Equipment Purchases/Fixtures/Furnishings	\$ 0
Soft costs (i.e. engineering, architectural)	\$ 0
Other (describe)	\$ 0
TOTAL USES OF FUNDS	\$ 2,200,000

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

Bank Financing	\$ 0
Equity	\$ 2,200,000
Grants/Tax Credits	\$ 0
Taxable or Tax Exempt Bond	\$ 0
Other	\$ 0
TOTAL SOURCES OF FUNDS	\$ 2,200,000

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: 5 years remaining on PILOT

Sales and Use Tax

Estimated value of Sales Tax exemption for facility construction: \$ _____

Estimated value of Sales Tax exemption for fixtures and equipment: \$ _____

Estimated duration of Sales Tax exemption: _____

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:

The existing tenant currently relies on the real estate tax abatement.

V. EMPLOYMENT PLAN

	# of Retained Jobs	Retained Jobs Average Annual Salary	# of Created Jobs <i>(3 yrs after project completion)</i>	Created Jobs Average Annual Salary
Full Time (FTE)	8	\$ 59,893	0	\$ 0
Part time (PTE)	0	\$ 0	0	\$ 0
TOTAL	8	\$ 59,893	0	0

Annual Salary Range of Jobs to be Created: \$ _____ to \$ _____

Category of Jobs to be Retained and Created:

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

Professional, Administrative

VI. REPRESENTATIONS BY THE APPLICANT

The Applicant understands and agrees with the Agency as follows:

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

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

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

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


New Hampshire
STATE OF NEW YORK)
COUNTY OF *Rockingham*) ss.:

Donald L. Buttler, being first duly sworn, deposes and says:

1. That I am the Senior Vice President (Corporate Office) of MassMutual Asset Finance LLC (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 of Officer)

Subscribed and affirmed to me under penalties of perjury
this 26 day of August, 2021.


(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.

Samantha Walalis
Notary Public, State of New Hampshire
My Commission Expires July 19, 2022



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.

Mass Mutual Asset Finance LLC

(Applicant Signature)

By:

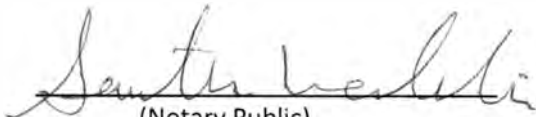


Name:

Donald L. Buttler

Title:

Senior Vice President


(Notary Public)

Sworn to before me this 26 day
of August, 2021

[stamp]

Samantha Walalis
Notary Public, State of New Hampshire
My Commission Expires July 19, 2022




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: Acquisition of 3909 Forest Parkway, Wheatfield, New York				
Project Location (describe, and attach a location map): 3909 Forest Parkway, Wheatfield, New York				
Brief Description of Proposed Action: Acquisition of the project for continued use as a dialysis clinic by the existing tenant.				
Name of Applicant or Sponsor: MassMutual Asset Finance LLC		Telephone: (617) 235-1573		
		E-Mail: dbuttler@massmutual.com		
Address: 2 Hampshire Street, Suite 101				
City/PO: Foxborough		State: MA	Zip Code: 02035	
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	YES
			<input checked="" type="checkbox"/>	<input 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	YES
			<input checked="" type="checkbox"/>	<input type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		_____ 2.21 acres		
b. Total acreage to be physically disturbed?		_____ 0 acres		
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		_____ 2.21 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 type="checkbox"/> Industrial <input checked="" 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				

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: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor name: <u>MassMutual Asset Finance LLC</u>	Date: <u>8/28/2021</u>	
Signature: <u></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.
_____	_____
Name of Lead Agency	Date
_____	_____
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
_____	_____
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

PRINT