

Niagara County Brownfield Development Corporation

MEETING MINUTES

Niagara County Brownfield Development Corporation

Wednesday, July 26, 2022

Samuel M. Ferraro Center for Economic Development Center

Members Present: Robert Restaino (Chairman), Richard Updegrave (Vice Chairman), Michael Casale (Secretary)

Others Present: R. Thomas Burgasser (Via Webex), Amy Fisk, Scott Hapeman, Jacqueline Minicucci

- 1.0 The meeting was called to order at 10:00 a.m. by Chairman Restaino.
- 2.0 Roll was called. Board members present were Chairman Robert Restaino, Vice Chairman Richard Updegrave, Secretary Michael Casale.
- 3.0 The minutes of the December 7, 2021 Board of Directors, Audit Committee and Membership meeting and the December 17, 2021 Board meeting were motioned for approval by Mr. Updegrave and seconded by Mr. Casale. Unanimous. Carried.

ACTION ITEMS

- 4.0 Ms. Fisk provided an overview of the 2023 PARIS budget required by New York State. A motion for approval was made by Mr. Casale and seconded by Mr. Updegrave. Unanimous. Carried.

NEW BUSINESS

- 5.0 Ms. Fisk updated the board on the following projects:
 - a) 50 Elmwood, Lockport – Soil remediation is complete. Ms. Fisk is working with the City of Lockport on the required deed restrictions for the property. A public park is proposed.
 - b) 13 West Main Street, Lockport – Remediation is complete. The Greater Lockport Development Corporation has transferred ownership to the developer. The proposed project includes four market rate apartments on the upper level and a brewery, restaurant and event space on the lower level.
 - c.) 624 River Road, North Tonawanda – Phase I is complete. The front half of the property is ready for redevelopment. Phase II is in process on the back portion of the parcel.
 - d.) 4435-4445 Military Road, Niagara – Soil remediation is complete. The Soil & Management plan are under review by DEC.

- 6.0 Ms. Fisk reviewed the guidelines for the new \$3.9 million grant award. Ms. Fisk stated that the grant does not include a cost share match. The Quality Management Plan needs to be updated and an aggressive Marketing Plan needs to be developed. Ms. Fisk proposed issuing RFP's to obtain a consultant to maintain the Davis Bacon reporting requirements as well as an Environmental Specialist to conduct required site visits to ensure compliance. Board members requested that Ms. Fisk provide them with a summary of RFP proposals for review.

ATTORNEY BUSINESS – S. Hapeman

- 7.0 Mr. Hapeman reviewed the Mortgage Tax Exemption process stating that when granting loans to private entities, the current process is to hold the signed document until filing, at which time the Mortgage Tax would be due. Mr. Hapeman stated that if a PILOT agreement is in place with the Niagara County Industrial Development Agency, and they are named as a party to the mortgage, it qualifies the private entity for a Mortgage Tax discount. Mr. Hapeman is currently working with IDA to file the Mortgage Tax Exemption form commensurate with IDA's PILOT to reduce the obligation to the developer.
- 8.0 Mr. Hapeman stated that the projects at Enterprise Lumber and 624 River Road are near completion and have PILOT agreements in place.
- a.) 624 River Road – Mr. Hapeman stated that a new mortgage document can be created to include the new Mortgage Tax Exemption process.
 - b.) Enterprise Lumber – Mr. Hapeman informed the board that Enterprise Lumber's financial institution has requested the NC Brownfield Development Corporation take a secondary mortgage position. The ownership has changed which will require personal guarantees from each party. A motion to approve taking a secondary mortgage position and authorize personal guarantees on such mortgage was made by Mr. Updegrove and seconded by Mr. Casale. Unanimous. Carried.
- 9.0 Next Meeting – TBA
- 10.0 Motion to adjourn the meeting at 10:28 was made by Mr. Updegrove and seconded by Mr. Casale. Unanimous. Carried.

Respectfully submitted,


Jacquiline P. Minicucci
Recording Secretary