

REGULAR NCIDA/NCDC/NADC BOARD MEETING

DATE: June 12, 2024
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 Onesi at 9:00 a.m.

2.0 Roll Call

Mark A. Onesi, Chairperson	Present
Jason Krempa, First Vice Chairman	Present
Clifford Scott, Second Vice Chairman	Present
William L. Ross, Secretary	Present
Mark Berube, Assistant Secretary	Present
Ryan J. Mahoney, Member	Present
Anne E. McCaffrey, Member	Present
David J. Masse, Member	Present
William Fekete, Member	Absent

3.0 Introduction of Guests

Cindy Winter, Live USA Incorporated
Tom Sukmanowski, Live USA Incorporated
Edward Riley, Hotel Niagara Development, LLC
Tom Zawadzki, Hotel Niagara Development, LLC
Guy Falsetti, District Council 4-IUPAT
Robert Creenan, Niagara Gazette
Jonathan Epstein, Buffalo News
Jacob Tierney, Buffalo Business First

4.0 Pledge of Allegiance

Mr. Geartz led the Pledge of Allegiance.

5.0 Approval of Meeting Minutes

5.1 Regular NCIDA/NCDC/NADC – May 8, 2024

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

6.0 Finance & Audit Committee Reports

6.1 Agency Payables – May 31, 2024

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

Mr. Krempa made a motion to approve the monthly payables; Mr. Mahoney seconded the motion. The motion passed.

6.3 Budget Variance Report – May 31, 2024

Mr. Krempa stated that the budget variance reports have been reviewed and found to be in order.

Mr. Krempa made a motion to approve the Budget Variance Report; Ms. McCaffrey seconded the motion. The motion passed.

7.0 Unfinished Business

7.1 2429 Military Road, LLC

Mr. Geartz stated that a public hearing was held for 2429 Military Road, LLC on May 21, 2024. The public hearing was held at the Town of Niagara Town Hall. There were no attendees and no comments were made.

7.1.1 Final Resolution

RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY (i) UNDERTAKE A CERTAIN PROJECT FOR THE BENEFIT OF 2429 MILITARY ROAD, 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) NEGOTIATE AND EXECUTE AN AGENT AND FINANCIAL ASSISTANCE PROJECT AGREEMENT AND RELATED DOCUMENTS; AND (iii) PROVIDE FINANCIAL ASSISTANCE TO THE COMPANY IN THE FORM OF A SALES TAX EXEMPTION FOR PURCHASES AND RENTALS RELATED TO THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF THE PROJECT.

Mr. Ross made a motion to approve the Final Resolution; Mr. Masse seconded the motion. The motion passed.

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>
Mark Onesi	x			
Jason Krempa	x			
Clifford Scott	x			
William L. Ross	x			
Mark Berube	x			
Ryan Mahoney	x			
Anne E. McCaffrey	x			
David J. Masse	x			
William Fekete				x

The Resolution was thereupon duly adopted.

7.2 MGA Construction, LLC

Mr. Geartz stated that a public hearing was held for MGA Construction, LLC on June 5, 2024. The public hearing was held at the Niagara County Center for Economic Development. There were no attendees and no comments were made.

7.2.1 Final Resolution

RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY (i) UNDERTAKE A CERTAIN PROJECT FOR THE BENEFIT OF MGA CONSTRUCTION, 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 PARTIAL ABATEMENT OF REAL PROPERTY TAXES RELATED TO THE PROJECT, AND (D) A MORTGAGE RECORDING TAX EXEMPTION FOR THE MORTGAGE RELATED TO THE PILOT AGREEMENT.

Mr. Krempa made a motion to approve the Final Resolution; Mr. Mahoney seconded the motion. The motion passed.

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>
Mark Onesi	x			
Jason Krempa	x			
Clifford Scott	x			
William L. Ross	x			
Mark Berube	x			
Ryan Mahoney	x			
Anne E. McCaffrey	x			
David J. Masse	x			
William Fekete				x

The Resolution was thereupon duly adopted.

8.0 New Business

8.1 Live-USA Incorporated

Mr. Geartz stated that Live-USA Incorporated plans to renovate the vacant 80 room Howard Johnson located on approximately 2 acres at 472 Main Street in Niagara Falls. The renovation will include a music venue, a celebrity-endorsed restaurant, and bar. The company plans to create an immersive “Rock & Roll” experience, complete with genre/artist-specific floors, containing an ultra-size bed and personalized recording studio with instruments and microphone. Guests will have VIP access to daily concerts and live events. The project will create 42 jobs over the next three years.

Cindy Winter added that there are no other hotels like this in the area and is anticipating success for the hotel’s future. There are plans of having karaoke and hosting live concerts that can hold up to 400 people. The hotel is expected to be open by June of 2025.

8.1.1 Preliminary Resolution

RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY (i) ACCEPTING THE APPLICATION OF LIVE-USA INCORPORATED WITH RESPECT TO A CERTAIN PROJECT (AS MORE FULLY DEFINED BELOW) TO BE UNDERTAKEN BY THE AGENCY FOR THE BENEFIT OF LIVE-USA INCORPORATED 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) DESCRIBING THE FORMS OF FINANCIAL ASSISTANCE BEING CONTEMPLATED BY THE AGENCY.

Mr. Krempa made a motion to approve the Preliminary Resolution; Mr. Scott seconded the motion. The motion passed.

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>
Mark Onesi	x			
Jason Krempa	x			
Clifford Scott	x			
William L. Ross	x			
Mark Berube	x			
Ryan Mahoney	x			
Anne E. McCaffrey	x			
David J. Masse	x			
William Fekete				x

The Resolution was thereupon duly adopted.

8.1.2 Authorize Public Hearing

Mr. Krempa made a motion to approve the Public Hearing; Mr. Ross seconded the motion. The motion passed.

8.2 Hotel Niagara Development, LLC

Ms. Klyczek stated that USA Niagara Development Corporation, a subsidiary of New York State acquired the property in 2016, issued an RFP for developers and selected the applicant as the preferred developer.

Hotel Niagara Development, LLC will redevelop the Hotel into an upscale, full service hotel while maintaining its historic characteristics. When complete the hotel will include 160 guest rooms, a main and second ballroom, full service restaurant, a lounge that will be open to the sidewalk, as well as an exterior patio. The hotel will also feature a roof-top lounge and a space for private meeting and dining facilities.

The property is listed on the National Historic Register, therefore, the construction scope will include restoration of the exterior, including decorative terra cotta repair and/or replacement with original stone cleaned and polished and original decorative windows restored. The interior areas including the lobby, restaurant, ballroom, mezzanine, and meeting rooms will all be restored with original colors. The guest rooms and basement barbershop will also be subject to original restoration.

In addition to the restoration of the hotel, there will also be extensive mechanical upgrades needed. The HVAC, electrical, plumbing and sprinklers throughout the property all need replacing and or significant upgrading. The project plans on creating

67 jobs over the next 3 years.

Edward Riley informed the Board that this project had been previously brought to them in 2020. Because of the covid pandemic the projects financing fell through and caused the project to be delayed. It took several months to put the financing back in place, in addition to the historic tax credits, all of which are ready now. He added that this hotel will be ran as a 4 diamond hotel similar to the Marriott hotel he runs in Syracuse, NY. The hotel plans on hosting on average 120 weddings per year. The hotel will have valet parking, and plans on working with the hospitality students from Niagara University.

8.2.1 Preliminary Resolution

RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY (i) ACCEPTING THE APPLICATION OF HOTEL NIAGARA DEVELOPMENT, LLC WITH RESPECT TO A CERTAIN PROJECT (AS MORE FULLY DEFINED BELOW) TO BE UNDERTAKEN BY THE AGENCY FOR THE BENEFIT OF HOTEL NIAGARA DEVELOPMENT, 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. Krempa made a motion to approve the Preliminary Resolution; Mr. Ross seconded the motion. The motion passed.

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>
Mark Onesi	x			
Jason Krempa	x			
Clifford Scott	x			
William L. Ross	x			
Mark Berube	x			
Ryan Mahoney	x			
Anne E. McCaffrey	x			
David J. Masse	x			
William Fekete				x

The Resolution was thereupon duly adopted.

8.2.2 Authorize Public Hearing

Mr. Masse made a motion to approve the Public Hearing; Mr. Berube seconded the motion. The motion passed.

8.3 NCDC Request for Grant Approval

8.3.1 Ya Ghada Have It, LLC

Ms. Barone stated that Ya Ghada Have It LLC is a recently established start-up business that is a food truck offering fresh Mediterranean food. The food truck will participate in local festivals and farmers markets as well as offering onsite lunch service to various business destinations around the Country. The owner qualifies as low-to-moderate income and will be hiring part-time help during the busy season. The company is requesting a \$21,000 microenterprise grant. This grant request was unanimously approved by the Committee for recommendation to the Board.

8.3.1 Ya Ghada Have It, LLC

RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY
 APPROVING MICRO ENTERPRISE FUND GRANT TO YA GHADA HAVE IT, LLC

Mr. Krempa made a motion to approve the Grant Request; Mr. Ross seconded the motion. The motion passed.

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>
Mark Onesi	x			
Jason Krempa	x			
Clifford Scott	x			
William L. Ross	x			
Mark Berube	x			
Ryan Mahoney	x			
Anne E. McCaffrey	x			
David J. Masse	x			
William Fekete				x

The Resolution was thereupon duly adopted.

8.3.2 Jeffrey Barker dba Barker Outdoors

Ms. Barone stated that Jeffrey Barker dba Barker Outdoors is an outdoor sporting goods store specializing in unique thermal and night optics for hunting enthusiasts. They have been in business 4 years with an online store, and retail location in Youngstown. Recently the business has expanded to be an approved supplier on Amazon and other

retail websites. With this expansion, they are in need of increased inventory to provide more in-stock items for their supply chain. As an additional benefit to the business and the County, their specialty parts supplies are solely-manufactured in a local Niagara County machine shop. The owner qualifies as a low-to-moderate income. The business is requesting a \$20,000 Microenterprise Grant. This grant request was unanimously approved by the Committee for recommendation to the Board.

8.3.2 Jeffrey Barker dba Barker Outdoors

RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY
 APPROVING MICRO ENTERPRISE FUND GRANT TO JEFFREY BARKER D/B/A BARKER
 OUTDOORS

Mr. Krempa made a motion to approve the Grant Request; Mr. Masse seconded the motion. The motion passed.

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>
Mark Onesi	x			
Jason Krempa	x			
Clifford Scott	x			
William L. Ross	x			
Mark Berube	x			
Ryan Mahoney	x			
Anne E. McCaffrey	x			
David J. Masse	x			
William Fekete				x

The Resolution was thereupon duly adopted.

8.4 Executive Director

Mr. Gabriele requested that the Board go into Executive Session.

Mr. Krempa made a motion to go into Executive Session; Mr. Berube seconded the motion. The motion passed.

Mr. Krempa made a motion to come out of Executive Session; Mr. Ross seconded the motion. The motion passed.

Mr. Gabriele stated that in the executive session it was decided that Andrea Klyczek would be promoted to the Executive Director. Her agreement will be a 5 year contract with a base salary of \$140,000 per year.

Mr. Cliffe made a motion to promote Andrea Klyczek as the Executive Director; Mr. Krempa seconded the motion. The motion passed.

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>
Mark Onesi	x			
Jason Krempa	x			
Clifford Scott	x			
William L. Ross	x			
Mark Berube	x			
Ryan Mahoney	x			
Anne E. McCaffrey	x			
David J. Masse	x			
William Fekete				x

The Resolution was thereupon duly adopted.

9.0 Agency Counsel

Agency Counsel had no comments 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 other matters the Board wished to discuss.

12.0 Next Regular NCIDA/NCDC/NADC Meeting:

DATE: July 10, 2024

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

PLACE: Niagara County Center for Economic Development

13.0 Adjournment

Mr. Onesi made a motion to adjourn; Mr. Ross seconded the motion. The meeting adjourned at 10:03 a.m.

Respectfully Submitted:

Reviewed By:

Approved By:

Julie Lamoreaux
Administrative Assistant

Andrea Klyczek
Executive Director

William L. Ross
Secretary