

REGULAR NCIDA/NCDC/NADC BOARD MEETING MINUTES

DATE: July 10, 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	Excused
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	Excused
David J. Masse, Member	Excused
William Fekete, Member	Present

3.0 Introduction of Guests

Robert Creenan, Niagara Gazette
Jonathan Epstein, Buffalo News

4.0 Pledge of Allegiance

Ms. Lamoreaux led the Pledge of Allegiance.

5.0 Approval of Meeting Minutes

5.1 Regular NCIDA/NCDC/NADC – June 12, 2024

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

6.0 Finance & Audit Committee Reports

6.1 Agency Payables – June 30, 2024

Mr. Onesi stated that the Agency payables will be reviewed next month since there was no quorum for the Audit Committee meeting.

6.3 Budget Variance Report – June 30, 2024

Mr. Onesi stated that the Budget Variance Report will be reviewed next month since there was no quorum for the Audit Committee meeting.

7.0 Unfinished Business

7.1 Live-USA Incorporated

Ms. Klyczek stated that there was a public hearing held for Live-USA Incorporated on July 3, 2024. The only attendees were from the Niagara County Real Property Tax Department. There were no comments at the public hearing.

7.1.1 Final Resolution

RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY (i) UNDERTAKE A CERTAIN PROJECT FOR THE BENEFIT OF LIVE-USA INCORPORATED 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. Fekete made a motion to approve the Final Resolution; Mr. Berube 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 Hotel Niagara Development, LLC

Ms. Klyczek stated that there was a public hearing held for Hotel Niagara Development, LLC on July 3, 2024. In attendance were representatives from Niagara County Real Property Tax Department. Reverend Patrick Bradley was also in attendance and spoke in favor of the project.

Mr. Gabriele stated that currently there is a lawsuit against the company. He went on to say that this does not affect the Niagara County IDA since the Agency benefit is inducement based.

7.2.1 Final Resolution

RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY (i) UNDERTAKE A CERTAIN PROJECT FOR THE BENEFIT OF HOTEL NIAGARA DEVELOPMENT, 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. 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.

8.0 New Business

8.1 NCDC Request for Loan Approval

8.1.1 1500 James, LLC

Ms. Klyczek stated that the NCDC Loan Committee held a meeting to review 1500 James, LLC. She added that Tecmotiv operates in the military automotive industry. The range of specialty and common services in the industry that Tecmotiv has to offer includes remanufacture, rebuild and repair, spare parts and services, upgrades and modernization, design and manufacturing, testing and evaluation, technical support, training, and project management. Additional tangential services are available on a case-by-case basis.

Tecmotiv Holdings, Inc. has leased its production facility located at 1500 James Avenue, Niagara Falls, NY 14305 since 1996. The property was recently inherited by next of kin of the former owner who does not wish to continue as landlord and put the property up for sale. The owner found a buyer whose plan was to evict Tecmotiv and move into the facility. This development has forced Tecmotiv to exercise its right of first refusal to purchase the property or face significant business disruption in either relocating elsewhere or shutting down. As the current owner has neglected general maintenance and upkeep of the property, several capital projects such as roof repair and HVAC replacement are required. These capital improvement costs and closing costs have been added to the property purchase price for a total project cost of \$1.31 million.

The loan request is for \$150,000. The committee discussed and agreed recommend this project to the Board of Directors.

Mr. Fekete made a motion to approve the Loan; 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.

8.2 Cataract Grant Extension

Mr. Gabriele stated that this project has been delayed because of rising costs. The company is still moving forward with the project. The company is asking for a 6 month extension.

8.2.1 Aquarium of Niagara

AMENDED RESOLUTION AUTHORIZING A GRANT TO THE NIAGARA AQUARIUM FOUNDATION RELATING TO THE NIAGARA GORGE DISCOVERY CENTER PROJECT

Mr. Ross made a motion to approve the Extension; Mr. Berube 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 Enterprise Lumber & Silo, LLC

Mr. Gabriele stated that Enterprise Lumber & Silo, LLC is requesting an additional sales tax exemption and an extension due to increased costs.

8.3.1 Additional Sales Tax Exemption/Extension

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

Mr. Berube made a motion to approve the Sales Tax Exemption and Extension; Mr. Fekete 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 Invest Buffalo Niagara

Ms. Klyczek stated that some representatives from Empire State Development reached out the Niagara County IDA, Erie County IDA, and World Trade Center Buffalo Niagara. They have step grants that help local companies export that are being under-utilized in this area. They do have a grant for \$100,000 to help provide resources to take advantage of these reimbursable grants. Invest Buffalo Niagara is covering the upfront costs of \$50,000. The ECIDA is matching \$25,000 with this request for the NCIDA to do the same. There would be a staff member that would be working at Invest Buffalo Niagara in conjunction with World Trade Center Buffalo Niagara to do outreach to the Erie County IDA, and Niagara County IDA to help export their products and utilize State Grants funds to assist them. Invest Buffalo will be doing the reimbursement paperwork to Empire State Development.

8.4.1 MOU between ECIDA, ESD, Invest Buffalo Niagara, NCIDA

RESOLUTION AUTHORIZING REIMBURSEABLE FUNDING OF \$25,000 TO THE New York STATE GLOBAL NY PROGRAM

Mr. Fekete made a motion to approve the MOU; 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.

8.5 Vantage International Park

Mr. Gabriele stated that Viatree would like to purchase approximately 4 acres in the Vantage International Park for \$60,000.

8.5.1 Purchase of 4 Acres

RESOLUTION AUTHORIZING THE SALE OF 4.0 ACRES OF REAL PROPERTY TO VITATREE USA INC.

Mr. Ross made a motion to approve the Sale of 4 Acres; Mr. Fekete 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

Mr. Gabriele had nothing at this time.

10.0 Information Items

There were no information items at this time.

11.0 Any Other Matters the Board Wishes to Discuss

There were no matters the board wished to discuss.

12.0 Next Regular NCIDA/NCDC/NADC Meeting:

DATE: August 14, 2024

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

PLACE: Niagara County Center for Economic Development

13.0 Adjournment

Mr. Onesi made a motion to adjourn; Mr. Berube seconded the motion. The meeting adjourned at 9:20 a.m.

Respectfully Submitted:

Reviewed By:

Approved By:

Julie Lamoreaux
Administrative Assistant

Andrea Klyczek
Executive Director

William L. Ross
Secretary