

ANNUAL NCIDA/NCDC/NADC BOARD MEETING MINUTES

DATE: March 27, 2024

TIME: 9:00 a.m.

**PLACE: Niagara County Center for Economic Development
6311 Inducon Corporate Drive
Sanborn, NY 14132**

1.0 Meeting Called to Order

The annual 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, 1 st Vice Chairperson	Present
Clifford Scott, 2 nd Vice Chairperson	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	Present

3.0 Introduction of Guests

Jonathan Epstein, Buffalo News
Robert Creenan, Niagara Gazette
Mike Scheer, Investigative Post
John Simon, Stavatti Aerospace Ltd.
David Chiazza, Iskalo Development
Terry Burton, MGA Construction, LLC

Staff Present:

Susan C. Langdon, Executive Director
Michael S. Dudley, Finance Manager
Caroline Caruso, Accounting Associate
Susan Barone, Grants & Operations Manager
Julie Lamoreaux, Administrative & HR Officer
Jeremy Geartz, Project Manager
Mark J. Gabriele, Agency Counsel

4.0 Pledge of Allegiance

Mr. Berube led the pledge of allegiance.

5.0 Approval of Meeting Minutes

5.1 Regular NCIDA/NCDC/NADC – February 14, 2024

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

6.0 Committee Reports

6.1 Finance & Audit Committee

6.1.1 Audit Report – Lumsden & McCormick CPAs

A representative from Lumsden & McCormick, Matthew Cronmiller joined the Audit Committee meeting earlier in the day to give an overview, and summarization for the 2023 annual audits. The committee members were given copies of the presentation which summarized all of the Agency audits for FYE December 31, 2023.

Mr. Cronmiller summarized the audits, and stated that all were clean and with no findings or material weaknesses. There were no findings which means the audit was unmodified which reflects fiscal responsibility on part of the Agency.

Mr. Krempa made a motion to approve the 2023 Audit Report; Mr. Berube seconded the motion. The motion passed.

6.1.2 Agency Payables

Mr. Krempa stated that he reviewed the monthly payables and found them to be in order.

Mr. Krempa made a motion to approve the February 2024 agency payables; Mr. Fekete seconded the motion. The motion passed.

6.1.3 Budget Variance Report

Mr. Krempa stated that he had reviewed all the budget variance reports and found them to be in order.

Mr. Krempa made a motion to approve the February 2024 budget variance report; Mr. Masse seconded the motion. The motion passed.

6.2 Governance Committee

6.2.1 Annual Board Evaluations

Mr. Gabriele explained that under the Public Authorizes Accountable Act (PAAA), the Board of Directors of the Agency is required annually to complete a self-evaluation. Questionnaires were sent to all Board members and then summarized. The Board Evaluations are filled out anonymously.

A summary of the evaluations was in the agenda packet for the Board Members' review. Mr. Gabriele stated that the Board needed to accept and approve the evaluations so they may be placed on our website.

Mr. Ross motioned to approve the Summary of the Annual Board Evaluations; Mr. Krempa seconded the motion. The motion passed.

7.0 Annual Meetings of the NCIDA, NCDC, and NADC

7.1 Election of Chairperson

The Chairperson turned the meeting over to Mark Gabriele, Agency Counsel. Mr. Gabriele stated that at this time, the Agency would accept nominations for Chairperson of the NCIDA, NCDC, and NADC.

Mr. Krempa nominated Mark Onesi, Mr. Ross seconded the nomination. After asking for any additional nominations, hearing none, Mr. Gabriele closed the nominations. Mr. Gabriele then requested that the Secretary cast one vote for Mr. Onesi as the Chairperson.

Mr. Krempa motioned to approve Mark Onesi as the Chairman of the Board; Mr. Ross seconded the motion. The motion passed.

7.2 Election of Officers

At this time, Chairman Onesi set forth a proposed slate of officers for the NCIDA, NCDC, and the NADC as below:

7.2.1	First Vice Chairperson	Jason Krempa
7.2.2	Second Vice Chairperson	Clifford Scott
7.2.3	Secretary	William L. Ross
7.2.4	Assistant Secretary	Mark Berube
7.2.5	Treasurer	Andrea Klyczek

Hearing no other nominations, Mr. Onesi then requested that the Secretary cast one vote for each officer set forth above.

7.3 Appointment of Committee Members and Committee Chairpersons

Chairman Onesi then appointed the following Committee Members and Chairpersons.

7.3.1 Finance & Audit Committee

Jason Krempa Chairperson
Anne E. McCaffrey
Ryan Mahoney

7.3.2 Governance Committee

William L. Ross, Chairperson
Clifford Scott
David J. Masse

7.3.3 NCDC Loan/Micro Grant Committee

Mark Onesi, NCIDA Board Chairman
Jason Krempa, NCIDA Board Member
Michael Taylor, Pursuit Lending
Vacancy, Accountant
Eric C. Tudor, Coldwell Bank Meridian
Kevin McMullen, Small Business Owner
Susan Langdon, NCIDA Executive Director

7.3.4 Cataract Tourism Fund Committee

Honorable Robert G. Ortt, NYS Senator – 62nd District
Honorable Angelo J. Morinello, NYS Assembly – 145th District
Mayor Robert Restaino, City of Niagara Falls
Mark Onesi, NCIDA Chairman
William L. Ross, NCIDA Board Member
Paul Brown, President, NC Building Trades Council
Susan C. Langdon, NCIDA Executive Director

7.4 Ratify Board Meeting Dates/Time

7.4.1 Second (2nd) Wednesday of the Month

Mr. Onesi stated the regular meeting day and time. Mr. Krempa made motion to accept the regular Board Meeting dates, seconded by Mr. Ross; the motion passed.

7.5 Reaffirm Committee Charters

7.5.1 Finance & Audit Committee Charter

Mr. Gabriele stated the Finance & Audit Committee has recommended the reaffirmation of the Finance & Audit Committee Charter.

Mr. Krempa made a motion to accept the charter, Mr. Berube seconded the motion. The motion passed.

7.5.2 Governance Committee Charter

Mr. Gabriele stated the Governance Committee has recommended the reaffirmation of the Governance Committee charter.

Mr. Ross made a motion to accept the charter, Mr. Masse seconded the motion. The motion passed.

7.6 Reaffirm Mission Statement

Mr. Gabriele stated the Mission Statement has not changed in the last year.

Mr. Krempa made a motion to reaffirm the Mission Statement; Mr. Berube seconded the motion. The motion passed.

7.7 Reaffirm Uniform Tax Exempt Policy

Mr. Gabriele explained the Board must annually reaffirm the Uniform Tax Exempt Policy.

Mr. Krempa made a motion to reaffirm the Uniform Tax Exempt Policy, Mr. Ross seconded the motion. The motion passed.

7.8 Niagara Industrial Incubator Associates (“NIIA”)

7.8.1 Appointment of Andrea Klyczek

Mr. Gabriele explained that this is an appointment by Chairman Onesi for the NIIA appointment of Andrea Klyczek to represent the Agency’s interest as a partner with the NFTA.

7.9 Niagara Industrial Incubator Company (“NIIC”)

7.9.1 Appointment of Andrea Klyczek

Mr. Gabriele explained that this is an appointment by Chairman Onesi for the NIIC appointment of Andrea Klyczek to represent the Agency’s interest as a partner with the NFTA for the property on Niagara Falls Boulevard.

7.10 Niagara Economic Development Fund (“NEDF”)

7.10.1 Appointment of Andrea Klyczek

Mr. Gabriele explained that this is an appointment by Chairman Onesi for the NEDF appointment of Andrea Klyczek to which the Agency as the Administrator and Trustee of that Fund.

7.11 Risk Assessment and Risk Management Letter

Mr. Dudley advised that a Risk Assessment and Management letter was provided to the Board as an annual disclosure requirement with PARIS reporting.

Mr. Fekete made a motion to accept the Risk Assessment and Risk Management letter; Ms. McCaffrey seconded the motion. The motion passed.

7.12 NCIDA Real Property Assessment

Mr. Dudley advised that an NCIDA Real Property Assessment was provided to the Board as an annual disclosure requirement with PARIS reporting.

Mr. Ross made a motion to accept the Real Property Assessment; Mr. Fekete seconded the motion. The motion passed.

7.13 Annual Investment Reports

Mr. Dudley stated that Annual Investment Reports for NCIDA, NCDC, and NADC were provided to the Board as an annual disclosure requirement with PARIS reporting.

Mr. Masse made a motion to accept the Annual Investments Reports; Mr. Fekete seconded the motion. The motion passed.

7.14 Reaffirm Administrative Policies for 2024

Mr. Gabriele explained the Board must reaffirm the Administrative Policies as required by PAAA.

Mr. Krempa made a motion to reaffirm the Administrative Policies for 2024; Ms. McCaffrey seconded the motion. The motion passed.

7.15 2023 Annual Report Summaries

Mr. Gabriele noted the NCIDA, NCDC, and the NADC Annual Report Summaries for 2023 were included in the Board packet for review.

Motion to accept the annual report summaries was made by Mr. Krempa, seconded by Mr. Fekete. The motion passed.

7.16 2023 Annual Measurement Reports

Mr. Gabriele stated the NCIDA, NCDC, and NADC Annual Measurement Reports for 2023 were included in the Board packet for review.

Motion to accept the annual measurement reports was made by Mr. Ross, seconded by Mr. Fekete. The motion passed.

8.0 Unfinished Business

8.1 Iskalo 1 East Avenue LLC

Ms. Langdon stated that there was a public hearing held in the City of Lockport for Iskalo 1 East Avenue LLC. In attendance at the public hearing was a representative from the company, and Mr. Shoemaker from the office of Real Property Tax. There were no public comments made at the public hearing.

8.1.1 Final Resolution

RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY (i) UNDERTAKE A CERTAIN PROJECT FOR THE BENEFIT OF ISKALO 1 EAST AVENUE 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 AND MORTGAGE TAX EXEMPTION.

Mr. Krempa made a motion to approve the Final Resolution; Ms. McCaffrey 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>
Jason Krempa	x			
Clifford Scott	x			
William L. Ross	x			
Anne E. McCaffrey	x			
Mark Berube	x			
Ryan J. Mahoney	x			
David J. Masse	x			
William Fekete	x			
Mark Onesi	x			

The Resolution was thereupon duly adopted.

8.2 Big Ditch Brewing LLC

Ms. Langdon stated that there was a public hearing held in the City of Lockport for Big Ditch Brewing LLC. In attendance at the public hearing was a representative from the company, and Mr. Shoemaker from the office of Real Property Tax. There were no public comments made at the public hearing.

8.2.1 Final Resolution

RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY (i) UNDERTAKE A CERTAIN PROJECT FOR THE BENEFIT OF BIG DITCH BREWING COMPANY 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. Fekete made a motion to approve the Final Resolution; Mr. Masse 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>
Jason Krempa	x			
Clifford Scott	x			
William L. Ross	x			
Anne E. McCaffrey	x			
Mark Berube	x			
Ryan J. Mahoney	x			
David J. Masse	x			
William Fekete	x			
Mark Onesi	x			

The Resolution was thereupon duly adopted.

8.3 Stavatti Aerospace Ltd.

Mr. Gabriele stated that Stavatti Aerospace Ltd. Is a project that was initially approved by the Board in 2020. The project is on the Agenda today because it has failed to meet its investment criteria. The company is asking for an extension of 2 years of sales tax on this project. The Agency is only authorized to extend projects for up to 1 year. The Board has do decide whether the project will be terminated or extended.

The total sales tax benefits reported by the company to date are just over \$4,000, which equates to just a little over \$50,000 spent by the company. It has been over three years and the project has not been completed.

After much discussion, the board discussed and agreed that since the company has not reached investment or employment levels stated in the original application, the benefits will be terminated without prejudice, allowing the company to come back and re-apply for benefits in the future if they wish.

8.3.1 Termination of Benefits

Mr. Scott made a motion to terminate the benefits; 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>
Jason Krempa	x			
Clifford Scott	x			
William L. Ross	x			
Anne E. McCaffrey	x			
Mark Berube	x			
Ryan J. Mahoney	x			
David J. Masse	x			
William Fekete	x			
Mark Onesi	x			

The Resolution was thereupon duly adopted.

9.0 New Business

9.1 MGA Construction LLC

Mr. Geartz stated that MGA Construction LLC will be constructing a 60,000 ft. mixed-use building that will have commercial space on the first floor and two floors of market rate residential units, which will be known as the Villas at Forest Parkway. This project will create 10 two-bedroom and 10 three-bedroom market rate apartments within the Wheatfield community. Currently, there are no market rate housing options in the surrounding area for families of the occupants of the senior housing developments within the area. These apartments will also provide housing opportunities for the employees at the industrial park and help to reduce the housing burden many Western New Yorkers are facing. The company is currently working to secure a potential commercial tenant that will retain an estimated 30 jobs in Niagara County.

9.1.1 Preliminary Resolution

RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY (i) ACCEPTING THE APPLICATION OF MGA CONSTRUCTION, LLC WITH RESPECT TO A CERTAIN PROJECT (AS MORE FULLY DEFINED BELOW) TO BE UNDERTAKEN BY THE AGENCY FOR THE BENEFIT OF MGA CONSTRUCTION, LLC OR 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. Ross made a motion to approve the Preliminary Resolution; Mr. Masse 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>
Jason Krempa	x			
Clifford Scott	x			
William L. Ross	x			
Anne E. McCaffrey	x			
Mark Berube	x			
Ryan J. Mahoney	x			
David J. Masse	x			
William Fekete	x			
Mark Onesi	x			

The Resolution was thereupon duly adopted.

9.1.2 Authorize Public Hearing

Ms. McCaffrey made a motion to approve the public hearing; Mr. Fekete seconded the motion. The motion passed.

9.2 Request for Micro Enterprise Grant Approval

Ms. Barone stated that the Agency held a NCDC Grant Committee meeting on March 15, 2024. At that meeting each of these grants were reviewed and recommended for approval by the Board.

9.2.1 The Stitching Corner LLC

Ms. Barone stated that the Stitching Corner LLC is a needlework and quilting shop. The business has been operating online since 2022. The business is growing and they are now expanding into a new location in Ransomville. The new expansion will allow the business to display and sell more products along with adding instructional classes, and workshops.

The owner qualifies as low-to-moderate income with the owner committing 10% to the equity. The business will have a positive impact on the community by offering specialty needlework, sewing, and quilting products.

The grant request is for \$22,000, the funds will be used to purchase upgraded embroidery and stitching machines as well as a POS system and displays. The business meets all the eligibility criteria.

9.2.1 The Stitching Corner LLC

RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY
APPROVING MICRO ENTERPRISE FUND GRANT TO THE STITCHING CORNER LLC

Mr. Krempa made a motion to approve the Grant; 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>
Jason Krempa	x			
Clifford Scott	x			
William L. Ross	x			
Anne E. McCaffrey	x			
Mark Berube	x			
Ryan J. Mahoney	x			
David J. Masse	x			
William Fekete	x			
Mark Onesi	x			

The Resolution was thereupon duly adopted.

9.2.2 Maxx Lashes, Inc.

Ms. Barone stated that Maxx Lashes Inc. is an eyelash and waxing studio located in the Town of Niagara that has been in business for 8 years. The business has worked to rebuild their clientele after the many changes due to pandemic restrictions in 2020. The company plans to increase inventory, and services to include skin care treatments.

The owner qualifies as a low-to-moderate income owner and the business is a women-owned business. The owner is committing 10% equity to the business. The business will have a positive impact on the community as the specialty high-end treatments and atmosphere have limited competition in the area.

The Grant request is \$17,000, the funds will be used to procure additional equipment including a POS System, Computer, shelving, furniture, and cabinets for increased inventory. The business meets all eligibility criteria.

RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY
APPROVING MICRO ENTERPRISE FUND GRANT TO MAXX LASHES, INC.

Mr. Krempa made a motion to approve the Grant; 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>
Jason Krempa	x			
Clifford Scott	x			
William L. Ross	x			
Anne E. McCaffrey	x			
Mark Berube	x			
Ryan J. Mahoney	x			
David J. Masse	x			
William Fekete	x			
Mark Onesi	x			

The Resolution was thereupon duly adopted.

9.2.3 Happy Tails of Niagara, LLC – Amended Grant Resolution

Ms. Barone stated that Happy Tails of Niagara, LLC is a previous grant approved by this Board in November of 2023. The business has had an address change and now needs a new resolution and grant agreement.

Mr. Krempa made a motion to approve the Amended Grant Resolution; Mr. Fekete seconded the motion. The motion passed.

10.0 Agency Counsel

Mr. Gabriele requested that the Board go into an executive session to discuss litigation and personnel.

Mr. Ross made a motion to approve the Executive Session; Mr. Fekete seconded the motion. The motion passed.

The board came out of executive session at 10:13 a.m. No action was taken.

11.0 Information Items

There were no information items.

12.0 Any Other Matters the Board Wishes to Discuss

There were no matters the Board wished to discuss.

13.0 Next Regular NCIDA/NCDC/NADC Meeting:

DATE: April 10, 2024
TIME: ** 9:00 a.m. **
PLACE: Niagara County Center for Economic Development

14.0 Adjournment

Mr. Krempa made a motion to adjourn; Mr. Ross seconded the motion. He meeting adjourned at 10:15 a.m.

Respectfully Submitted: Reviewed By: Approved By:

Julie Lamoreaux
Administrative Assistant

Susan C. Langdon
Executive Director

William L. Ross
Secretary