

## **REGULAR NCIDA/NCDC/NADC BOARD MEETING**

**DATE:** May 8, 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

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### **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	Excused
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	Excused

### **3.0 Introduction of Guests**

Jonathan Epstein, Buffalo News  
Robert Creenan, Niagara Gazette  
Mike Jenson, Joe Cecconi Chrysler

#### **Staff Present**

Andrea Klyczek, Assistant Director  
Michael S. Dudley, Finance Manager  
Carrie Caruso, Accounting Associate  
Jeremy Geartz, Project Manager  
Susan Barone, Grants & Operations Manager  
Julie Lamoreaux, Administrative & HR Officer  
Mark J. Gabriele, Agency Counsel

**4.0 Pledge of Allegiance**

Mr. Mahoney led the Pledge of Allegiance.

**5.0 Approval of Meeting Minutes**

**5.1 Regular NCIDA/NCDC/NADC – March 27, 2024**

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

**6.0 Finance & Audit Committee**

**6.1 Agency Payables – March 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.*

**6.2 Agency Payables – April 30, 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 – March 31, 2024**

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

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

**6.4 Budget Variance Report – April 30, 2024**

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

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

**7.0 Unfinished Business**

**7.1 MGA Construction LLC**

Mr. Geartz stated that MGA Construction LLC will be constructing a 60,000 sq. ft. mixed-use building in the Town of Wheatfield. A public hearing was held April 23, 2024 at 2:00 p.m. in the Board Room at the Center for Economic Development. There were no attendees and no comments made 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 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. 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.

## 7.2 Niagara Shores Campground and Conference Center, LLC

Mr. Gabriele stated that Niagara Shores Campground and Conference Center, LLC is delinquent on their current loan account. The Agency has attempted to work with this group to stay current by issuing 2 extensions and interest only payments in the past. Unfortunately, these efforts have not worked.

The Board discussed and agreed to start the default paperwork because of the fiduciary obligation of the Agency.

### 7.2.1 Default on Loan

***Mr. Krempa made a motion to approve the Default Loan Paperwork; Mr. Ross seconded the motion. The motion passed.***

## 7.3 Peak Development Partners, LLC

Mr. Gabriele stated that Peak Development Partners, LLC is an existing project where the one year inducement is coming to an end. The project has been delayed due to interest rates and the ability to get financing for the project. The company is requesting a 6 month project inducement extension.

### 7.3.1 6 Month Project Inducement Extension

RESOLUTION AUTHORIZING THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY TO EXTEND THE INDUCEMENT TERM FOR PEAK DEVELOPMENT PARTNERS, LLC FOR A SIX-MONTH PERIOD WITH RESPECT TO A CERTAIN PROJECT (AS MORE FULLY DEFINED BELOW) TO BE UNDERTAKEN BY THE AGENCY FOR THE BENEFIT OF PEAK DEVELOPMENT PARTNERS, LLC OR AN ENTITY FORMED OR TO BE FORMED.

***Mr. Masse made a motion to approve the 6 month inducement extension; Ms. McCaffrey 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.

**7.4 Niacet Corporation**

Mr. Gabriele stated that Niacet Corporation is an existing project where the one year inducement is coming to an end. The project has been delayed due to interest rates and the ability to get financing for the project. The company is requesting a 6 month project inducement extension.

**7.4.1 6 Month Project Inducement Extension**

RESOLUTION AUTHORIZING THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY TO EXTEND THE INDUCEMENT TERM FOR NIACET CORPORATION FOR A SIX-MONTH PERIOD WITH RESPECT TO A CERTAIN PROJECT (AS MORE FULLY DEFINED BELOW) TO BE UNDERTAKEN BY THE AGENCY FOR THE BENEFIT OF NIACET CORPORATION OR AN ENTITY FORMED OR TO BE FORMED.

***Mr. Krempa made a motion to approve the 6 month inducement extension; 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 2429 Military Road, LLC**

Mr. Geartz stated that 2429 Military Road LLC is a multi-member, domestic limited liability company comprised of two members, Michael Jensen and Pavel Schira. In 2019, Mr. Jensen and Mr. Schira purchased the property located at 2429 Military Road, Niagara Falls, New York 14304. The property, once a movie theatre, has been vacant for far too long and is currently being utilized for parking.

The project consists of the planning, design, reconstruction, and renovation of the approximately 22,000 square foot facility into a new automotive parts facility (including the purchase of FF&E in relation thereto). The surrounding service centers lack capacity to adequately maintain a sufficient parts inventory. As such, approximately 9,000 square feet will be designed to accommodate warehousing for wholesale automotive parts and thus help fill a severe void the surrounding service centers are currently experiencing. Approximately 11,000 square feet will be used to house approximately ten (10) heavy duty truck bays, six (6) heavy duty truck lifts, two (2) 30,000lbs. four (4) post lifts, four (4) detail bays and a booth for bed liner installations. The remaining space will serve as office related space. This project will create 28 jobs with an average salary of \$59,500.

**8.1.1 Preliminary Resolution**

RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY (i) ACCEPTING THE APPLICATION OF 2429 MILITARY RD, LLC WITH RESPECT TO A CERTAIN PROJECT (AS MORE FULLY DEFINED BELOW) TO BE UNDERTAKEN BY THE AGENCY FOR THE BENEFIT OF 2429 MILITARY RD, 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. Ross made a motion to approve the preliminary resolution; 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.

**8.1.2 Authorize Public Hearing**

***Mr. Krempa made a motion to approve the public hearing; Mr. Mahoney seconded the motion. The motion passed.***

**8.2 NCDC Request for Grant Approval**

Ms. Barone stated that the Agency held a NCDC Grant Committee meeting on May 1, 2024 to review this project. Bairco Inc. is a specialty filter manufacturer and distributor. They have been operating for two years and have recently expanded to a larger location in Wheatfield to increase their capabilities and capacities to meet current and future demand. They worked with SBDC to submit their application. The owner qualifies as low-to-moderate income. The business has requested a \$25,000 microenterprise assistant grant. This grant request was unanimously approved by the Committee for recommendation to the Board.

**8.2.1 Bairco Inc.**

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

***Mr. Krempa made a motion to approve the grant; 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 Landscape RFP**

Ms. Lamoreaux stated that the Agency issued a RFP for landscape services at 6311 Inducon Corporate Drive, and 2055 Niagara Falls Boulevard. Thirteen RFPs were mailed out directly to local landscapers. Legal notices were posted in the local papers, the Agency’s website, and the WNY Construction Exchange. Upon review of services, staff recommended services from Beau Enterprises, Inc.



**8.3.1 Beau Enterprises, Inc.**

RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY  
AUTHORIZING THE ACCEPTANCE OF A LAWN MAINTENANCE PROPOSAL FROM  
BEAU ENTERPRISES, INC.

***Mr. Krempa made a motion to approve Beau Enterprises, Inc.; 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.

**9.0 Agency Counsel**

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

***Mr. Mahoney made a motion to approve the Executive Session; Mr. Berube seconded the motion. The motion passed.***

The board came out of executive session at 9:40 a.m.

Mr. Gabriele stated that in the executive session, it was determined that an item needed to be added to the agenda. He would like to add the appointment of Andrea Klyczek as the Interim Executive Director.

***Mr. Krempa made a motion to approve adding this item to the Agenda; Mr. Berube seconded the motion. The motion passed.***

**10.0 Interim Executive Director**  
**10.1 Andrea Klyczek**

Mr. Onesi stated that the Board would like to add Andrea Klyczek as the Interim Executive Director. He added that Andrea will have the same pay rate as the previous Executive Director, Susan Langdon.

***Mr. Krempa made a motion to approve adding Andrea Klyczek as the Interim Executive Director; Mr. Berube seconded the motion. The motion passed.***

**RESOLUTION APPOINTING ANDREA KLYCZEK AS INTERIM EXECUTIVE DIRECTOR OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY**

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.

**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: June 12, 2024**

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

**PLACE: Niagara County Center for Economic Development**

**14.0 Adjournment**

Mr. Onesi made a motion to adjourn; Mr. Ross seconded the motion. The meeting adjourned at 9:46 a.m.

Respectfully Submitted:

Reviewed By:

Approved By:

\_\_\_\_\_  
Julie Lamoreaux  
Administrative Assistant

\_\_\_\_\_  
Andrea Klyczek  
Interim Executive Director

\_\_\_\_\_  
William L. Ross  
Secretary