

# NCIDA/NCDC REGULAR BOARD MEETING MINUTES

Wednesday, May 11, 2011 – 9:00 a.m.

Meeting Place: Niagara County Industrial Development Agency  
6311 Inducon Corporate Drive, Suite One  
Sanborn, New York 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 Chairman Sloma at 9:00 a.m.

## 2.0 Roll Call

Henry M. Sloma, Chairperson	Present
Mayor Michael Tucker, 1st Vice Chairperson	Present
Stephen F. Brady, 2 <sup>nd</sup> Vice Chairperson	Present
Deanna Brennen, Secretary	Present
Mark A. Onesi, Assistant Secretary	Present
Joseph C. Frain, Member	Present
Patricia Dufour, Member	Present
William J. Bradberry, Member	Present
Gordon H. Fletcher III, Member	Present

## 3.0 Chairman Sloma led the Pledge of Allegiance.

## 4.0 Introduction of Guests

William Ross	Chairman, Niagara County Legislature
Ben Roberts	E3communications
Joyce Miles	Lockport Union S&J
Don Hobel	Niagara County Taxpayer
Rose Mary Warren	Niagara County Taxpayer
Chris Casacci	Sunlight Solutions

### Staff Present

Samuel M. Ferraro, Executive Director  
Gary E. Kelsey, Manager of Finance  
Susan Langdon, Marketing/Project Manager  
Michael Dudley, Accounting Associate  
Mark Gabriele, Agency Counsel  
Mary P. Melloni, Recording Secretary  
Caroline Caruso, Project Assistant

## 5.0 Approval of NCIDA Meeting Minutes

### 5.1 NCIDA Regular Meeting of April 20, 2011

*Ms. Brennen made a motion, seconded by Mr. Frain, to approve the meeting minutes of April 20, 2011. Mr. Onesi indicated that Mr. Fletcher had been left off the roll call list on page one of the minutes. Motion passed.*

**6.0 NCIDA/NCDC Committee Reports**

**6.1 NCIDA Audit/Finance Committee**

**6.1.1 Agency Payables**

**6.1.2 Agency Financial Report**

Mr. Frain indicated that the Audit Committee reviewed the Agency payables and financial report through April 30, 2011, found them to be in order and recommends approval.

*Mr. Frain made a motion, seconded by Mr. Brady, to approve the Payables and Agency Financial Report. Motion passed.*

**6.1.3 Vantage Center Parking Lot RFP**

Mr. Frain explained that five RFPs were received for the resurfacing and striping of the Vantage Center parking lot. After review, the Committee is recommending the low bidder, Todd Erection/Reed Blacktop. *Mr. Frain made a motion, seconded by Ms. Dufour, to accept the proposal of Todd Erection/Reed Blacktop for the Vantage Center parking lot. Motion passed.*

**6.0 NCIDA/NCDC Committee Reports**

**6.2 NCIDA/NCDC Governance Committee – No Report at this time.**

**7.0 NCIDA Unfinished Business**

**7.1 Greater Lockport Development Corporation (57 Canal Street)**

**7.1.1 Final Resolution**

Ms. Langdon explained that the GLDC is a not for profit entity within the City of Lockport. Over the past two years they have been redeveloping four buildings along Canal Street that are owned by the City of Lockport and leased to the GLDC. The GLDC has entered into a lease agreement with Trek, a manufacturer of high tech products. In order to make room for additional manufacturing floor space, the company plans to move its R&D and Engineering departments from its Medina, New York operation to the Canal Street location. Now that the building will be used for a business purpose, GLDC will be responsible for paying property taxes. To preserve its funds for future developments in the City of Lockport, GLDC is requesting a 5-year Opportunity Zone PILOT and accompanying sales tax abatements through the NCIDA. The public hearing was held and there were comments from one individual who was concerned about parking and generally did not agree with the incentives being provided to a private company.

**7.0 NCIDA Unfinished Business**

**7.1 Greater Lockport Development Corporation (57 Canal Street) Continued...**

**7.1.1 Final Resolution**

*Mr. Frain made a motion, seconded by Ms. Dufour, to approve the final resolution for Greater Lockport Development Corporation.*

RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY (i) UNDERTAKE A CERTAIN PROJECT FOR THE BENEFIT OF **GREATER LOCKPORT DEVELOPMENT CORPORATION** OR AN ENTITY FORMED OR TO BE FORMED (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 AND (B) A MORTGAGE RECORDING TAX EXEMPTION FOR THE MORTGAGE RELATED TO THE PILOT AGREEMENT.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Henry M. Sloma	[ X ]	[ ]	[ ]	[ ]
Michael W. Tucker	[ ]	[ ]	[ X ]	[ ]
Stephen F. Brady	[ X ]	[ ]	[ ]	[ ]
Deanna Brennen	[ ]	[ ]	[ X ]	[ ]
Mark Onesi	[ X ]	[ ]	[ ]	[ ]
William J. Bradberry	[ X ]	[ ]	[ ]	[ ]
Joseph C. Frain	[ X ]	[ ]	[ ]	[ ]
Patricia Dufour	[ X ]	[ ]	[ ]	[ ]
Gordon H. Fletcher III	[ X ]	[ ]	[ ]	[ ]

*The Resolution was thereupon duly adopted.*

**7.0 NCIDA Unfinished Business**

**7.2 Brown Electric, Inc.**

**7.2.1 Final Resolution**

Ms. Langdon explained that Brown Electric Inc. is an industrial/commercial contractor providing electrical services throughout Western New York. The company has been in business for 30 years and has outgrown its current warehouse/shop facility in the Town of Tonawanda. Sharon Brown is company President and currently operates the company’s office out of her home in Pendleton. She wishes to consolidate operations by constructing an 8,500 square foot building in the Town of Pendleton. A public hearing was held; two attendees; Supervisor Reiter was the only speaker and was in support of the project and feels it is a good fit for the Town of Pendleton.

*Mr. Brady made a motion, seconded by Mr. Onesi, to approve the final resolution for Brown Electric.*

RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY (i) UNDERTAKE A CERTAIN PROJECT FOR THE BENEFIT OF BROWN ELECTRIC, INC. OR AN ENTITY FORMED OR TO BE FORMED (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 AND (B) A MORTGAGE RECORDING TAX EXEMPTION FOR THE MORTGAGE RELATED TO THE PILOT AGREEMENT.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Henry M. Sloma	[ X ]	[ ]	[ ]	[ ]
Michael W. Tucker	[ X ]	[ ]	[ ]	[ ]
Stephen F. Brady	[ X ]	[ ]	[ ]	[ ]
Deanna Brennen	[ X ]	[ ]	[ ]	[ ]
Mark Onesi	[ X ]	[ ]	[ ]	[ ]
William J. Bradberry	[ X ]	[ ]	[ ]	[ ]
Joseph C. Frain	[ X ]	[ ]	[ ]	[ ]
Patricia Dufour	[ X ]	[ ]	[ ]	[ ]
Gordon H. Fletcher III	[ X ]	[ ]	[ ]	[ ]

*The Resolution was thereupon duly adopted.*

**7.0 NCIDA Unfinished Business**

**7.3 SAI Lodging, LLC**

**7.3.1 Extension of Inducement**

Mr. Gabriele indicated that this is a \$6 million hotel project in the City of Niagara Falls that was approved by this Board approximately one year ago. Their inducement period is coming to a close, they are in the process of finalizing their finances and expect to begin construction in the next few months. They are requesting a 6-month extension to their inducement.

*Mr. Frain made a motion, seconded by Mr. Brady, to approve the 6-month extension of inducement for SAI Lodging, LLC.*

**8.0 New Business**

**8.1 Sunlight Solutions, LLC**

Ms. Langdon explained that the Board did approve this project last year, however, the location of the project has changed and the applicant has to bring the project back to the Board for approval of the new location.

Sunlight Solutions is a hydroponics manufacturing company operating in the niche market of turn-key residential greenhouses. These greenhouses are often used for the production of kosher food, by cancer patients for pesticide-free produce, by consumers for all-organic fruits and vegetables and by laboratories for botanical experiments. The company offers full service technical support and sells a wide array of indoor garden equipment including grow lights, fertilizers, soil and plant growing media. The company was established in 2002 and is currently located in leased space at 2045 Niagara Falls Boulevard in the Town of Wheatfield. It has outgrown its present space and seeks to construct a 7,200 square foot building on 9 acres at 2557 Niagara Falls Boulevard in the Town of Wheatfield. The building will be used for light manufacturing, assembly, shipping and receiving, warehousing,

**8.1.1 Accept Application**

*Mr. Brady made a motion, seconded by Mr. Frain, to accept the application for Greater Lockport Development Corporation.*

RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY (i) ACCEPTING THE APPLICATION OF SUNLIGHT SOLUTIONS, LLC WITH RESPECT TO A CERTAIN PROJECT (AS MORE FULLY DEFINED BELOW) TO BE UNDERTAKEN BY THE AGENCY FOR THE BENEFIT OF **SUNLIGHT SOLUTIONS 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; AND (iv) DESCRIBING THE FORMS OF FINANCIAL ASSISTANCE BEING CONTEMPLATED BY THE AGENCY.

**8.0 New Business**

**8.1 Sunlight Solutions, LLC**

**8.1.1 Accept Application**

*The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:*

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Henry M. Sloma	[ X ]	[ ]	[ ]	[ ]
Michael W. Tucker	[ X ]	[ ]	[ ]	[ ]
Stephen F. Brady	[ X ]	[ ]	[ ]	[ ]
Deanna Brennen	[ X ]	[ ]	[ ]	[ ]
Mark Onesi	[ X ]	[ ]	[ ]	[ ]
William J. Bradberry	[ X ]	[ ]	[ ]	[ ]
Joseph C. Frain	[ X ]	[ ]	[ ]	[ ]
Patricia Dufour	[ X ]	[ ]	[ ]	[ ]

*The Resolution was thereupon duly adopted.*

**8.1.2 Authorize Public Hearing**

*A motion was made by Mayor Tucker, seconded by Mr. Onesi, to authorize a public hearing. Motion passed.*

*Chairman Sloma announced that a public hearing will be held on June 9, 2011 at 4:00 p.m. at the NCIDA offices.*

**8.2 Aglade Industries, LLC**

*This item was pulled from the agenda; the applicant requires more time to sort out details of the project.*

**9.0 Information Items – None.**

**10.0 Agency Counsel**

**10.1 DRC Development LLC**

**10.1.1 Proposed Easement**

Mr. Gabriele explained that this project was approved by the NCIDA Board a few months ago. In the process of closing this project, it was determined that a water line easement needs to be granted in order to provide water to the facility.

*Mayor Tucker made a motion, seconded by Mr. Frain, to approve the water line easement for the DRC Development project. Motion passed.*

**10.0 Agency Counsel**

**10.2 Niagara Falls Memorial Medical Center**

**10.2.1 Partial Release of Premises**

Mr. Gabriele explained that this was a bond deal with the NCIDA as issuer of the bonds, no other benefits provided. NFMMC has requested that as holders of the bond that the NCIDA consent to the partial release of the assets of the Dialysis Center located within the structure. Counsel has determined that the funds being released are for this dialysis center. Mr. Sloma stated that they did get an opinion from an outside accountant that the funds were duly used for the dialysis center and the sale of the dialysis unit will in no way affect the bonding.

*Mr. Bradberry made a motion, seconded by Mr. Onesi, to approve the partial release of premises for Niagara Falls Memorial Medical Center.. Motion passed, with Mr. Sloma abstaining from the vote.*

**11.0 Any Other NCIDA Matters the Board Wishes to Discuss**

**12.0 Regular NCDC - NCIDA Board Meeting:**

**DATE:** June 8, 2011

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

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

**13.0 Adjournment**

*Mayor Tucker made a motion, seconded by Mr. Frain, to adjourn the meeting at 9:17 a.m. Motion passed.*

Respectfully submitted,

Reviewed by,

Approved by,

\_\_\_\_\_  
Mary P. Melloni  
Administrative Assistant

\_\_\_\_\_  
Samuel M. Ferraro  
Executive Director

\_\_\_\_\_  
Deanna Alterio-Brennen  
Secretary