

NCIDA/NCDC REGULAR BOARD MEETING MINUTES

Wednesday, November 10, 2010 – 9:00 a.m.

Meeting Place: Niagara County Industrial Development Agency
6311 Inducon Corporate Drive, Suite One
Sanborn, New York 14132

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 nd Vice Chairperson	Present
Deanna Brennen, Secretary	Present
Joseph C. Frain, Member	Present
Patricia Dufour, Member	Present
Mark A. Onesi, Member	Present
William J. Bradberry, Member	Present

3.0 Chairman Sloma led the Pledge of Allegiance.

4.0 Introduction of Guests

Susan Lorgen	160 East Avenue LLC/Great Lakes Surgical
Doug Shler	ABC
Tom Brigham Jr.	Brigham Concrete
Tom Prohaska	Buffalo News
Lorrie Abounader	Buffalo Niagara Enterprise
David Griggs	Buffalo Niagara Enterprise
Eric Tudor	Coldwell Banker Meridian
Dave Chamberlain	DRC Development LLC
Ben Roberts	e3ommunications
Jon Topolski	Edwards Vacuum
Will Welisevich	Empire State Development
Anthony D. Mancinelli, Esq.	Greenpac Mill LLC
Dave Jansen	Greenpac Mill, LLC
Harry Sicherman	H. Sicherman & Company, Inc.
Joyce Miles	Lockport Union Sun & Journal
William L. Ross	Niagara County Legislature
Rose Mary Warren	Niagara County Taxpayer
Don Hobel	Niagara County Taxpayer
Mae Rizzo	Somerset landowner representative
Norm Jansen	Somerset Planning Board
Gary R. Alt	Somerset Town Board
Robin Jansen	Somerset Town Board
Randall Wayner	Somerset Town Board
Richard Meyers	Town of Somerset
Maureen Rasp Glose	Verizon
Steven D. Cohen	Verizon

Staff Present

Samuel M. Ferraro, Executive Director
Larry Witul, Assistant Director
Susan Langdon, Marketing/Project Manager
Michael Dudley, Accounting Associate
Mark Gabriele, Agency Counsel
Mary P. Melloni, Recording Secretary

5.0 Approval of NCIDA Meeting Minutes

5.1 NCIDA Regular Meeting of October 13, 2010

Ms. Brennen made a motion, seconded by Mayor Tucker, to approve the meeting minutes of October 13, 2010 with changes. 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 October 31, 2010, found them to be in order and recommends approval.

Ms. Dufour made a motion, seconded by Mr. Onesi, to approve the Payables and Agency Financial Report. Motion passed.

6.1.3 2011 NCIDA/NCDC Budget

Mr. Frain indicated that the Budget was reviewed by the Audit/Finance Committee and they are recommending that the Board approve said budget, which will be forwarded to the Niagara County Legislature for a 20-day review, and returned to the Board in December for adoption.

Mr. Frain made a motion to approve the 2011 NCIDA/NCDC Budget and forward it on to the Niagara County Legislature for the customary 20-day review. Mr. Bradberry seconded the motion. Motion passed.

6.1.4 Vantage International Pointe Easement Request

Mr. Gabriele explained that there is a piece of property on Lockport Road that abuts to the Vantage International Pointe park. Because of the ownership of the park, the Agency has an easement that carries through from Inducon Corporate Drive to the building. The parties are requesting access to put a driveway over the easement; it will not give up the easement or the Agency's ability to act on the easement.

Mr. Onesi made a motion to approve the easement request, seconded by Ms. Dufour. Motion passed.

6.1 NCIDA Audit/Finance Committee (Continued...)

6.1.5 Listing Agent Agreement – Coldwell Banker Meridian

Ms. Langdon explained that in 2003 the NCIDA entered into an agreement with Coldwell Banker Meridian to serve as exclusive listing agent for VIP park. There is no costs associated with this agreement unless land is sold, at which time the commission is 7% at the completion of the sale. It is recommended that the agreement be extended to August 31, 2011. A list of their marketing activities has been provided to the Committee for review.

A motion was made by Ms. Brennen and seconded by Mayor Tucker to approve the renewal of the listing agreement with Coldwell Banker Meridian, extending it to August 31, 2011. Motion carried.

6.2 NCDC Audit/Finance Committee

6.2.1 Modern-Tec Manufacturing Loan Request – RLF/EDA #368

Mr. Witul explained that this project was presented to the RLF Loan Committee. This is a start-up Company has extensive experience in the manufacture of high-precision machine components. They are seeking a \$250,000 loan for equipment financing, which is part of an \$875,000 package. They currently have 7 employees; as a result of the project they expect to double that employment within three years.

Mayor Tucker made a motion, seconded by Mr. Brady, to approve the \$250,000 loan for Modern-Tec Manufacturing. Motion passed.

6.2.2 H. Sicherman & Company – Extension of Services

Ms. Langdon explained that the staff is seeking approval of the agreement for the extension of services of H. Sicherman & Co. The Company provides technical program development and administrative services related to the Microenterprise Program and various Community Development Block Grants that the Agency applies for. Staff recommends this extension based on excellent past history working with the Company, their administrative compliance and implementation of the CDBG grant. The proposal will be effective January 1, 2010 through December 31, 2012, with an annual cost of \$40,000.

Ms. Brennen made a motion, seconded by Mayor Tucker, to approve the extension of services for H. Sicherman & company through December 31, 2012 at an annual cost of \$40,000. Motion passed.

6.3 NCIDA / NCDC Governance Committee

Chairman Sloma stated that he has been in discussions with Mr. Brady, Chairperson of the Governance Committee regarding the fact that there will be some changes in Agency Staff due to a retirement, and he will be convening this committee in order to review some restructuring and reorganization of the Agency to insure that the Agency remains efficient and effective during and following this transition.

7.0 NCIDA Unfinished Business

7.1 638 Lake Street, LLC (Woodcock Brothers Brewing Co.)

7.1.1 Final Resolution

Ms. Langdon explained that 638 Lake Street is the Woodcock Brothers Brewing company, a new business that will encompass a brewery, microbrewery/pub and an associated retail/commercial complex at 638 Lake Street in Wilson. This is a former cold storage that will be renovated to accommodate the brewery and pub, as well as additional space to be leased to other retail tenants. At the public hearing held in Wilson, New York, 18 people attended. There were six speakers in support of the project, including two trustees, town supervisor and the County legislator representing the area and two citizens, all citing job opportunities and the boost to tourism this project would provide to the area.

Ms. Dufour made a motion, seconded by Mr. Frain, to approve the Final Resolution for 638 Lake Street, LLC..

RESOLUTION AUTHORIZING THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY TO (i) UNDERTAKE A CERTAIN PROJECT FOR THE BENEFIT OF **638 LAKE STREET PROPERTIES LLC**, AS MORE FULLY DESCRIBED 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, RENOVATION AND EQUIPPING OF THE PROJECT, (B) A PARTIAL REAL PROPERTY TAX ABATEMENT THROUGH THE PAYMENT-IN-LIEU-OF-TAX AGREEMENT TOGETHER WITH A MORTGAGE TAX EXEMPTION FOR THE MORTGAGE RELATING THERETO, AND (C) A MORTGAGE RECORDING TAX EXEMPTION FOR ANY OTHER FINANCING RELATED TO THE PROJECT.

7.0 NCIDA Unfinished Business

7.1 638 Lake Street, LLC (Woodcock Brothers Brewing Co.) Continued...

7.1.1 Final Resolution

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.

7.2 Verizon CCC, LLC

7.2.1 Final Resolution

Mr. Witul explained that Verizon CCC LLC is proposing to construct and operate a 500,000 square foot Data Center to be located on Route 18, Town of Somerset. The Company is proposing a significant investment of approximately \$4 billion over a ten-year period with approximately 60 jobs, growing to 75 employees within five years. The appropriate public hearing was held in the Town of Somerset and the transcript has been provided. Most of the comments were in support of the project, as well as comments relative to construction and the potential for hiring construction workers and employees from the County.

Mr. Frain made a motion, seconded by Mayor Tucker, to approve the Final Resolution for Verizon CCC, LLC.

RESOLUTION AUTHORIZING THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY TO (i) UNDERTAKE A CERTAIN PROJECT FOR THE BENEFIT OF VERIZON CCC LLC, AS MORE FULLY SET FORTH 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 PARTIAL REAL PROPERTY TAX ABATEMENT THROUGH THE PAYMENT-IN-LIEU-OF-TAX AGREEMENT TOGETHER WITH A MORTGAGE TAX EXEMPTION FOR THE MORTGAGE RELATING THERETO, AND (C) A MORTGAGE RECORDING TAX EXEMPTION FOR ANY OTHER FINANCING RELATED TO THE PROJECT

7.0 NCIDA Unfinished Business

7.2 Verizon CCC, LLC (Continued...)

7.2.1 Final Resolution

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.

7.3 SAI Lodging (643 Rainbow Blvd)

7.3.1 Extension of Inducement

Mr. Gabriele explained that this is a hotel project was induced a year ago. They have been working on their design and securing financing for the past year and because of financing difficulties they were delayed and are now on a fast track to start the project. Therefore they are requesting an extension of the one-year inducement that was originally granted to them.

Mr. Bradberry made a motion, seconded by Mr. Onesi, to approve the extension of inducement for SAI Lodging for an additional one-year period. Motion carried.

7.4 Green Tire Management, LLC

7.4.1 SEQR Resolution

Mr. Gabriele stated that this is a tire reclamation project located in the City of Niagara Falls. Because of the location on a brownfield site with prior work done, early necessary steps were taken previously regarding a Final resolution but in order to move forward with the Bond resolution and a final determination and inducement, a final SEQR review needed to be completed.

7.0 NCIDA Unfinished Business

7.4 Green Tire Management, LLC (Continued...)

7.4.1 SEQR Resolution

Mr. Bradberry made a motion, seconded by Mr. Frain, to approve the SEQR resolution for Green Tire Management LLC.

RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY ISSUING A DETERMINATION OF ENVIRONMENTAL SIGNIFICANCE PURSUANT TO ARTICLE 8 OF THE ENVIRONMENTAL CONSERVATION LAW.

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.

8.0 NCIDA New Business

8.1 Greenpac Mill, LLC

Mr. Witul explained that Greenpac Mill, LLC is engaged in the manufacture of high performance, light-weight liner board using recycled materials. The \$407 million project will be state of the art “green” facility that would be located adjacent to the Norampac property located at Packard and Niagara Falls Blvd. in the City of Niagara Falls.

To access markets in both the Northeastern U.S. and Canada Greenpac selected Niagara Falls for its central location, cost of hydro electric power and access to a quality work force. The high performance, light-weight liner board will be sold to corrugated box plants including facilities in the Western New York businesses.

The proposed project includes the acquisition of approximately 18 acres near Royal Avenue and 47th Street, the construction of a 250,000 square foot “mill”, the acquisition and installation of new machinery and equipment with the creation of approximately 100 manufacturing jobs. Construction would start once the company has made a final decision and secured appropriate incentives from State and local development organizations.

8.0 NCIDA New Business

8.1 Greenpac Mill, LLC

A representative of Greenpac Mill indicated that the project is consistent with building a new paper mill. He reviewed the site location and the manufacturing output of the existing facility as compared to the new site. He explained that they will build a waste water treatment plant; a parking lot that will accept over 200 trucks per day on the site with parking space for trailers. They will employ over 100 new employees when completed and approximately 400 people during construction and demolition which will last approximately two years. They will begin operations in the beginning of 2013. 25 of the jobs will be mid-management (controller, office, management in the mill), and 85 mill jobs. If skilled (experience from other paper mills) they could earn from \$45-50,000 per year.

Chairman Sloma asked that if granted the incentives, the Company make every attempt to hire and buy locally.

8.1.1 Accept Application

Mr. Frain made a motion, seconded by Mr. Bradberry, to accept the application for Greenpac Mill, LLC.

RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY (i) ACCEPTING THE APPLICATION OF GREENPAC MILL, LLC WITH RESPECT TO A CERTAIN PROJECT (AS MORE FULLY DEFINED BELOW) TO BE UNDERTAKEN BY THE AGENCY FOR THE BENEFIT OF **GREENPAC MILL, 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.

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.

8.0 NCIDA New Business

8.1 Greenpac Mill, LLC (Continued...)

8.1.2 Authorize Public hearing

Mr. Frain made a motion, seconded by Ms. Dufour, to authorize the public hearing for Greenpac Mill, LLC.

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.

8.2 DRC Development LLC

8.3 Edwards Vacuum

Mr. Witul explained that DRC Development LLC will construct a 57,000 square foot building in Vantage International Point. The facility will be leased to Edwards Vacuum, Inc. The company manufactures, assembles and distributes vacuum pumps for medical and industrial uses to worldwide markets. Edwards has outgrown its 25,000 square foot facility on Grand Island and plans to consolidate operations from its Niagara Falls and Massachusetts facilities. The company chose Wheatfield after considering other locations, including out of state sites. The building will be expandable to 100,000 square feet to accommodate future growth of the company. DRC Development will receive the real property tax benefits and pass those on to the tenant, Edwards Vacuum. The tenant (Edwards Vacuum) is undertaking additional improvements to the facility, plus the acquisition and installation of machinery and equipment and the creation of 25 new jobs within a three-year period.

8.0 NCIDA New Business (Continued...)

- 8.2 DRC Development LLC**
- 8.3 Edwards Vacuum**

8.2.1 Accept Application

Mr. Frain made a motion, seconded by Mr. Onesi, to accept the application for DRC Development, LLC.

RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY (i) ACCEPTING THE APPLICATION OF DRC DEVELOPMENT, LLC WITH RESPECT TO A CERTAIN PROJECT (AS MORE FULLY DEFINED BELOW) TO BE UNDERTAKEN BY THE AGENCY FOR THE BENEFIT OF **DRC DEVELOPMENT, 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.

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.

8.2.2 Authorize Public Hearing

Ms. Dufour made a motion, seconded by Mr. Bradberry, to authorize the Agency to schedule the public hearing for DRC Development LLC. 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.

8.0 NCIDA New Business (Continued...)

8.2 DRC Development LLC

8.3 Edwards Vacuum

8.3.1 Accept Application

Mr. Brady made a motion, seconded by Mr. Bradberry, to accept the application for Edward Vacuum, Inc.

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.

8.3.2 Authorize Public Hearing

Ms. Dufour made a motion, seconded by Mr. Bradberry, to authorize the Agency to schedule the public hearing for Edwards Vacuum, Inc.

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.

8.0 New Business (Continued...)

8.4. 160 East Avenue, LLC

Ms. Langdon explained that 160 East Avenue, LLC was established to redevelop an abandoned medical office building in the City of Lockport. Shareholders of the company include Dr. Jeffrey Schratz, Dr. Robert Hodge and Susan Lougen, all of Great Lakes Surgical Associates.

When renovated, the building will be a state-of-the-art medical center that will provide services not currently available in Niagara County. Great Lakes Surgical Associates will be the anchor tenant and occupy 3,000 square feet. The remainder of the building will consist of a 4-unit ambulatory surgery center to be used by Eye, ENT, Gastroenterology, and Orthopedic sub-specialists. This ambulatory center will provide residents of Niagara County an alternative and convenient location for their surgical procedures. Ambulatory Surgery Centers provide shortened waiting times, reduce the possibility of infection and reduce the cost of health care. Currently, the closest ambulatory center is 20 miles away in Erie County.

Project costs are over \$1 million with 12 full-time and 6 part-time jobs to be created (doctors, technicians and office staff). The project will add new jobs and payroll, and generate revenue for taxing jurisdictions.

Ms. Lougren explained that Great Lakes Surgical needed additional office space and they found many vacant buildings in the City of Lockport and surrounding areas. One of the things that is lacking to physicians is an out-patient service that is currently accredited to do office-space surgeries. They would like to expand those services and are currently applying for a Certificate of Need from the State to be able to expand and offer an ambulatory surgery setting to attract services not currently available. There is a lack of these services in Niagara County. They have been asked by a group of local physicians, family and primary doctors to services in the office because there are a number of surgeons leaving the area and existing physicians are aging. Ms. Lougren stated that it is their goal to bring in sub specialties that are not currently available, i.e. urology, pulmonary. Patients also do not want to go to Erie County. She stated that they do not look to take business from the hospital; they look to complement the hospital by being able to attract and make the community more attractive to the outside.

8.0 New Business (Continued...)

8.4. 160 East Avenue, LLC

8.4.1 Accept Application

Mayor Tucker made a motion, seconded by Mr. Frain, to accept the application for 160 East Avenue, LLC.

RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY (i) ACCEPTING THE APPLICATION OF **160 EAST AVENUE, LLC** WITH RESPECT TO A CERTAIN PROJECT (AS MORE FULLY DEFINED BELOW) TO BE UNDERTAKEN BY THE AGENCY FOR THE BENEFIT OF **160 EAST AVENUE, 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.

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.

8.4.2 Authorize Public Hearing

Mr. Frain made a motion, seconded by Ms. Dufour, to authorize the Agency to schedule the public hearing for Edwards Vacuum, Inc. he 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.

8.0 New Business (Continued...)

8.5 AES Eastern Energy

Chairman Sloma stated that at 10:39 a.m. Mr. Gabriele received an e-mail from Counsel for AES asking that their application be postponed. There are apparently some internal issues they need to discuss. As part of their application, there was a request by them to release certain parcels of property for the development of the Verizon project. Because this application has been postponed, that has not occurred. There may be a need for a special meeting if asked. With regard to the other part of their application (amended payment schedule), this has drawn a great deal of interest. The original PILOT was established in February of this year and it was a request from the taxing jurisdictions in concert with the company. They came to an agreement with regard to what was a fair and equitable levy of payments and the NCIDA put together a PILOT that supported the substance of that understanding. They are asking for a reduction in their payment schedule due to current market distress. Chairman Sloma stated that if the Agency is going to amend the PILOT based on an agreement, he would look for further agreement from the Town Supervisor, Superintendent of Schools and an attorney for the County of Niagara and asked them to look into this issue because the NCIDA will be looking for their consent.

9.0 Agency Counsel – None.

10.0 Any Other NCIDA Matters the Board Wishes to Discuss

11.0 Regular NCDC - NCIDA Board Meeting:

DATE: December 15, 2010
TIME: 9:00 a.m.
PLACE: Niagara County Center for Economic Development

12.0 Adjournment

*Mr. Brady made a motion, seconded by Mr. Frain, to adjourn the meeting at 9:42 a.m.
Motion passed.*

Respectfully submitted,

Reviewed by,

Approved by,

Mary P. Melloni
Administrative Assistant

Samuel M. Ferraro
Executive Director

Deanna Alterio-Brennen
Secretary