

# TOWN OF LOCKPORT INDUSTRIAL DEVELOPMENT AGENCY

## BOARD OF DIRECTORS

Meeting Minutes September 8, 2016

8:00 AM – IDA Board Meeting Room

### **1.0 General Business**

Chairman Thomas Sy convened the regular meeting of the Town of Lockport Industrial Development Agency at 8:00 AM.

#### **1.1 Public Hearing:**

Chairman Sy opened the Public Hearing into the proposed PILOT incentive for Woodsmith Fence at 8:01am. President Joseph Smith gave an overview of his business model and expansion project. There being no further questions Chairman Sy closed the Public Meeting at 8:10am.

#### **1.2 Roll Call**

**Present** –Chairman Thomas Sy, Vice Chairman – Eric Connor, Treasurer - Sallie Reed, Directors Daniel Antkowiak, Todd Fragale and Legal Counsel – Daniel Seaman and Brian Seaman; Administrative Director – Marc Smith **Excused:** Harold Anderson, Robert Runk

### **2.0 Secretary's Report**

On a motion by Mr. Antkowiak and seconded by Mr. Connor, the Board voted to approve the Minutes from the July 14<sup>th</sup>, 2016 meeting.

#### **2.1 Treasurer's Report**

Ms. Reed reviewed the financial reports for the period ending June 30<sup>th</sup>, 2016 as amended and July 31<sup>st</sup>, 2016. On a motion by Mr. Fragale and seconded by Mr. Antkowiak the Board voted to approve the June 30<sup>th</sup>, 2016 financial reports as amended and the July 31<sup>st</sup>, 2016 financial reports. On a motion by Ms. Reed seconded by Mr. Connor the Board voted to approve the payment of all invoices and bills as presented with the August 31<sup>st</sup>, 2016 financial statement.

### **3.0 Administrative Director's Report**

**3.1 Report:** Administrative Director Marc Smith reviewed his July & August combined report. He met with Hal Morse from the GBNRTC and NYSDOT regarding future grant applications. He attended the Empire State Development grant announcement at Yahoo and the Lockport Business Association monthly meeting.

#### **3.2 Budget 2017:**

The Audit Committee will schedule a meeting prior to the next Board of Directors meeting for the purposes of discussing the 2017 budget. The Administrative Director will email the Board an advanced copy of the proposed budget for discussion and amendments.

### **5.0 Old Business**

**5.1 Lacey Heavy Equipment** – This project is proceeding slowly. Paperwork continues to flow.

**5.2 Brush Hog Contract** – On a motion by Mr. Fragale seconded by Mr. Antkowiak the Board approved of hiring Deering Landscape to provide a second cutting of the IDA Park for a price not to exceed \$1,500.00

**5.3 Tenants Roundtable** – Has been scheduled for 9/21/2016 3:00pm at the Yahoo Data Center. All IDA Board Members are welcome to attend.

**5.4 Streetlight** – Deputy Supervisor Siejak has submitted all the necessary paperwork and is follow the progress on the street light install at Commerce Drive western terminus.

**6.0 New Business:**

**6.1 Allocation Adjustment Report** – On a motion by Mr. Connor and seconded by Ms. Reed the board approved of submitting the Allocation Adjustment Report to Empire State Development as requested.

**6.2 Collateral Pledge Agreement – Key Bank** On a motion by Ms. Reed and seconded by Mr. Connor the Board Approved of having the Chairman sign the Collateral Pledge Agreement as part of the transfer of our banking from First Niagara to Key Bank. Our bank branch has been sold to Key Bank.

**6.3 Woodsmith Fence** – On a motion by Mr. Fragale and seconded by Mr. Antkowiak the Board approved of the PILOT incentive package for Woodsmith Fence. Roll call vote: Antkowiak, Fragale, Connor, Reed, Sy all approved.

**6.4 Lacey Heavy Equipment –**

RESOLUTION OF THE TOWN OF LOCKPORT INDUSTRIAL DEVELOPMENT AGENCY (THE AGENCY) AMENDING A PRIOR RESOLUTION ADOPTED ON SEPTEMBER 10, 2015, AUTHORIZING LACEY HEAVY EQUIPMENT, INC. OR A RELATED ENTITY (THE LESSEE) TO RENOVATE AN EXISTING APPROXIMATELY 3,200 SQUARE FOOT BUILDING LOCATED AT 6621 DYSINGER ROAD IN THE TOWN OF LOCKPORT (TAX MAP NO. 138.00-2-13.2), TO CONSTRUCT AN APPROXIMATELY 9,000 SQUARE FOOT ADDITION THERETO, TO BE USED IN CONNECTION WITH THE OPERATION OF A HEAVY EQUIPMENT MANUFACTURING AND REPAIR FACILITY, INCLUDING PARTS MANUFACTURE,REPAIR, RENTAL AND PARTS SUPPLY, AND TO ACQUIRE AND INSTALL MACHINERY AND EQUIPMENT REQUIRED IN CONNECTION THEREWITH AND AUTHORIZING THE EXECUTION AND DELIVERY OF A LEASE TO AGENCY, A LEASEBACK AGREEMENT, A MORTGAGE AND SECURITY AGREEMENT AND THE EXECUTION AND DELIVERY OF OTHER DOCUMENTS REQUIRED IN CONNECTION THEREWITH, TO SUBSTITUTE 6621 DYSINGER, LLC AS THE LESSEE, WITH LACEY HEAVY EQUIPMENT REPAIR TO BE THE SUBLESSEE, TO INCREASE THE SIZE OF THE ADDITION FROM 3,000 SQUARE FEET TO 9,300 SQUARE FEET AND TO PROVIDE FOR THE MACHINERY AND EQUIPMENT TO BE ACQUIRED BY THE SUBLESSEE

**WHEREAS**, Lacey Heavy Equipment Repair, Inc. on its own behalf or upon behalf of a related entity previously entered into negotiations with the Town of Lockport Industrial Development Agency (the Agency) for assistance to renovate an existing approximately 3,200 square foot building located at 6621 Dysinger Road in the Town of Lockport, to construct an approximately 3,000 square foot addition thereto in connection with a operation of a heavy equipment manufacturing and repair facility, including parts manufacture, repair, rental and parts supply and to acquire and install machinery and equipment required in connection therewith, (the “Project”), and the lease of the Project from the Lessee to the Agency and leaseback of to Project from the Agency to the Lessee, submitted an Eligibility Questionnaire and following a public hearing on September 10, 2015, the Agency approved the Project; and

**WHEREAS**, the principals of Lacey Heavy Equipment Repair, Inc. (THE CORRECTED NAME) following the adoption of the inducement resolution formed a limited liability company named 6621 Dysinger, LLC, which entity is now intended to be the Lessee in this transaction in place of Lacey Heavy Equipment Repair, Inc.; and

WHEREAS, the Lessee has now requested that the Agency further amend its previous authorization to increase the size of the building addition from 3,000 square feet to 9,300 square feet with no change in the project cost, to name Lacey Heavy Equipment Repair, Inc. as the Sublessee and to allow the machinery and equipment to be acquired by the Sublessee, as agent for the Agency, for sale to the Sublessee pursuant to an installment sale agreement.

WHEREAS, the benefits to be received as a result of the increase in the size of the building addition with no increase in cost will not exceed \$100,000 so a public hearing is not required.

**NOW, THEREFORE BE IT RESOLVED BY THE TOWN OF LOCKPORT INDUSTRIAL DEVELOPMENT AGENCY AS FOLLOWS:**

Section 1. The Agency does hereby amend the prior resolution adopted on September 10, 2015 to correct the name of the applicant to Lacey Heavy Equipment Repair, Inc., substitute 6621 Dysinger, LLC as the Lessee in place of Lacey Heavy Equipment Repair, Inc., to provide for Lacey Heavy Equipment Repair, Inc. to be the Sublessee, to increase the size of the addition from 3,000 square feet to 9,300 square feet and to provide for the Facility Equipment to be acquired by the Sublessee as agent to the Agency for sale to the Sublessee pursuant to an installment sale agreement.

Section 2. The prior resolution adopted on September 10, 2015 with all of its terms and conditions shall continue in full force and effect except as specifically modified by this resolution and any actions taken in reliance on the prior resolution are hereby expressly ratified and confirmed.

Section 3. The Agency hereby determines, based upon information furnished to the Agency by the Lessee and such other information as the Agency has deemed necessary to make this determination, that the Project, as amended, does not require the preparation of an environmental impact statement under the State Environmental Quality Review Act, being Article 8 of the New York State Environmental Conservation law, as the contemplated actions will not have a significant adverse effect on the environment.

Section 5. This resolution shall take effect immediately.

Dated: September 8, 2016

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

On a motion by Ms. Reed and seconded by Mr. Connor the Board approved of the Amended PILOT incentive package for Lacey Heavy Equipment. The original agreement was amended for correcting Lacey's name and the size of the constructed addition.

Roll call vote: Daniel Antkowiak	AYE
Todd Fragale	AYE
Eric Connor	AYE
Sallie Reed	AYE
Thomas Sy	AYE

The Resolution was thereupon declared duly adopted.

**6.5 PARIS Report 2015 Amendment** – On a motion by Mr. Connor and seconded by Ms. Reed the Board approved of the amended 2015 PARIS report. The Authority Budget Office requested that we update “Conduit Debt” page #15. Roll call vote: Antkowiak, Fragale, Connor, Reed, Sy all approved.

**6.6 Lead Agency Resolution** – On a motion by Ms. Reed and seconded by Mr. Fragale the Board approved of the “Lead Agency Resolution” for the IDA Park South SGEIS project. Roll call vote: Antkowiak, Fragale, Connor, Reed, Sy all approved.

**6.7 IDA & Town Agreement –IDA Park South** On a motion by Ms. Reed and seconded by Mr. Connor the Board approved of the contract between the IDA and Town of Lockport for the SGEIS and Shovel Ready Project. Roll call vote: Antkowiak, Fragale, Connor, Reed, Sy all approved.

**6.8 Next Meeting:** Our next scheduled meeting will be October 13<sup>th</sup>, 2016 at 8:00AM.

**7.0 Adjournment**

On a motion by Mr. Antkowiak and seconded by Mr. Fragale the Board voted to adjourn at 8:57AM.

Respectfully submitted,  
Eric Connor – Vice Chairman

State of New York

ss:

County of Niagara

I, the undersigned Chairman of the Town of Lockport Industrial Development Agency, DO HEREBY CERTIFY that (i) I have compared the annexed extract of the minutes of the meeting of the Town of Lockport Industrial Development Agency (the “Issuer”) held on September 8, 2016, with the original thereof on file in my office, and that the same is a true and correct copy of the proceedings of the Issuer and of the whole of such original insofar as the same relates to the subject matters referred to therein.

I, FURTHER CERTIFY that (i) all members of the Issuer had due notice of such meeting, (ii) pursuant to Section 99 of the Public Officers Law (Open Meetings Law), such meeting was open to the general public and public notice of the time and place of such meeting was duly given in accordance with such Section 99, (iii) the meeting was in all respects duly held, and (iv) there was a quorum present throughout.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Issuer this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
THOMAS A. SY, Chairman