

NFC DEVELOPMENT CORP.
Minutes of Special Meeting
Wednesday, April 13, 2022
City Hall Council Chambers
Niagara Falls, New York

Present: Mayor Robert Restaino
Council Member Bax
Council Member Spanbauer
Council Member Zajac
Mr. Joseph Casale
Mr. Stanley Fera
Mr. Michael Hooper
Ms. Angela Indelicato-Mattar
Mr. Douglas Mooradian
Ms. Lucy Muto
Ms. Anne Sawicki
Ms. Lee Whittaker

Absent: Council Member Myles
Council Member Tompkins
Mr. Ralph Aversa
Ms. Jacqueline Henwood
Ms. Doreen O'Connor

Staff Thomas Tedesco
Present: Christopher Mazur

Others Allen Booker, Business Development/Tourism Coordinator
Present: Sarina Deacon, Secretary

The meeting was called to order by Chairman Restaino at 4:30 p.m. A quorum was present.

Agenda Item #1 Approval of the Minority & Women Business Enterprise (MWBE) Grant Program

Mayor Restaino reported that the purpose for this special meeting is due to the City receiving \$57.2 million under the American Rescue Plan and the transfer of \$3 million of that money to NFC for the sole purpose of the Minority & Business Enterprise Grant Program. He also reported that we need to have this money either spent or contracted by the end of 2024, although the money can be spent through the end of 2026.

He emphasized the need to get these dollars out into the MWBE community as soon as possible. City staff will advertise this program through media sources and also work with our business partners, i.e. business associations, hospitals, school district, etc. If all the funds are not committed by the end of 2024, the City will be able to re-appropriate them.

Mayor Restaino stated that once applications are received, NFC staff will screen them to verify if a business is really at MWBE and not a business run by a husband who puts the business in a wife's name to qualify. Staff will do their best to confirm that status. Any grant application found to be fraudulent or misrepresented will be denied. NFC staff and City staff will make the decision to approve or deny grants (instead of NFC Loan Committee and Board of Directors) in order to get this money out as quickly as possible. These are grants, not loans, so we will have no leverage or collateral. Home businesses will not be eligible.

Mr. Mooradian stated that he would be more comfortable if the application stated that grant approval would not be presented to the Board of Directors. He also would be more comfortable if the application would state that "NFC staff and City staff" throughout the document. Mayor Restaino instructed Mr. Booker to make those changes. The Mayor also agreed that NFC staff will report back to this Board on the status of the applications.

Council Member Spanbauer suggested that a workshop be held for anyone wishing to apply for this grant.

Mayor Restaino stated that this money is separate for the other NFC account. If this program is approved today, it would then go to the City Council to be funded and plugged into the American Rescue Plan. The money will then be transferred to NFC as a separate account.

Ms. Sawicki made a motion to Approve the Minority & Women Business Enterprise (MWBE) Grant Program, second was made by Council Member Spanbauer. **Unanimously approved.**

Agenda Item #2 Approval of the Retainer of Kavinoky Cook, LLP for NFC Legal Representation for lawsuit brought by Romas Properties, LLC ("Romas") and Steven Masic, d/b/a Subway By the Falls, LLC ("Masic") against the NFC Development Corporation

Mayor Restaino reported that this is a legal matter regarding Steven Masic that has been going for a number of years and he explained the legalities involved. Mr. Janese was involved with this suit before he left City employment and now Mr. Mazur is NFC Attorney as well as Corporation Counsel. Mr. Mazur cannot represent the City in the suit in his capacity as Corporation Counsel, so outside Counsel is necessary. Money will need to be transferred to pay for this.

Ms. Whittaker stressed the need for property clean up in the City and asked if there was money, in addition to the \$10,000 for this attorney, to be used for property clean up. The Mayor noted that there is not that much flexibility in the NFC budget and it is not a function of NFC to be responsible for cleaning the City. City services and funds will be targeting clean up. Any settlement reached in this case will come before the Board of Directors for approval.

Ms. Whittaker made a motion to Approve the Retainer for Kavinoky Cook, LLP, second was made by Mr. Casale. **Unanimously approved.**

Adjournment

There being no further business, Mr. Casale made a motion to adjourn, second was made by Ms. Sawicki. The meeting adjourned at 5:23 p.m.