

**NIAGARA FALLS URBAN RENEWAL AGENCY**  
**Minutes of Meeting November 9th, 2022**  
**745 Main Street**  
**Niagara Falls, New York**

**Present:**

Mayor Restaino  
John Spanbauer  
Michael Hooper  
David Zajac  
Traci Bax  
Doug Mooradian

**Absent:**

Donta Myles  
Kenny Thompkins  
Doreen O'Connor

**Staff Present:**

Candace Hout, Planning Clerk  
Kevin Forma, Executive Director of City Planning  
Chris Mazur, URA Counsel

Mayor Robert Restaino called the meeting to order at 5:00PM

1. Roll Call

Mayor Restaino  
John Spanbauer  
Michael Hooper  
David Zajac  
Traci Bax  
Doug Mooradian

**2. Approval of Meeting Minutes**

A motion to approve the meeting minutes from May 18, 2022 was made by MR. SPANBAUER and seconded by MS. BAX

**POLLED VOTE:**

In Favor:	6
Opposed:	0
<b>Approved</b>	Unanimously

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**3. Approval for the Appointment of Kevin Forma as Executive Director**

MAYOR RESTAINO explained the Eric Cooper was the previous Director of the URA and he moved on to another position. MAYOR RESTAINO stated that Kevin Forma has now taken the position of Director of Planning and part of the duties also include the appointment as Executive Director of URA. MAYOR RESTAINO stated that there is a memorandum for the appointment of MR. FORMA as the new Executive Director of the URA in the member packet

A motion to approve Kevin Forma as Executive Director of the URA was made by MS. BAX and seconded by MR. SPANBAUER

**POLLED VOTE:**

In Favor:	6
Opposed:	0
<b>Approved</b>	Unanimously

**4. Approval for the Appointment of Candace Hout as Recording Secretary**

MAYOR RESTAINO explained that Sarina Deacon was the previous Recording Secretary for the URA and she moved on to another position. MAYOR RESTAINO stated that there is a memorandum to the appointment of MS. HOUT as the new Recording Secretary of the URA

A motion to approve Candace Hout as the Recording Secretary of the URA was made by MR. SPANBAUER and seconded by MS. BAX

**POLLED VOTE:**

In Favor:	6
Opposed:	0
<b>Approved</b>	Unanimously

**5. Approval of the Sale of Property – 502 Niagara Street**

MAYOR RESTAINO spoke about the authorization to negotiate and effectuate a sale of 502 Niagara Street to TM Montonte. And to transfer the property upon the successful execution of an agreement. MAYOR RESTAINO stated that the URA does not have the title yet and that the city foreclosed on the property and made a determination to transfer the bid to the URA but the transfer never happened. MAYOR RESTAINO stated that while the acceptance of the property was approved by a previous board not a consisting of existing members, the transfer was never carried out. MAYOR RESTAINO stated that we now have a party interested in obtaining the property so the request to the board to authorize the negotiation and the effectuate of the sale of this property to

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the third party contractor which means URA will need to go through the process of finalizing the acceptance of the property and then deeding it out TM Montonte.

MR SPANBAUER asked if we knew the market value of the property.

MAYOR RESTAINO stated that he has not had a conversation or seen any proposal in regard to the property. MAYOR RESTAINO continued by saying URA is also receiving the benefit in transferring the property because the property has remediation work that needs to be done. Once we get the property into the hands of a developer, they can not only develop the property, but also assume the responsibilities of remediation.

MR HOOPER asked if we can get appraisal of the property.

MAYOR RESTAINO stated that we can do that if board would like to authorize the payment of an appraisal and that it would be the board's decision.

MR HOOPER stated that he was looking to avoid any kind of problems later.

MAYOR RESTAINO stated the property is in need of remediation because it was a dry cleaner, as well as a gas station and that significant remediation work will be necessary in order for it to be of any commercial value.

MR MOORADIAN asked if TM Montonte would be able to provide a rough estimate of what they think the cost of the remediation would be.

MAYOR RESTAINO stated that is something that can be brought up the when the Executive Director negotiates the agreement and then all of that information can be brought back to the board before URA enters into the agreement with TM Montonte, but at this point we are asking for the authorization to negotiate with the developer and we can return to the board to effectuate the sale.

MR MOORADIAN stated that due to the exorbitant costs of remediation obtaining the cost estimate only strengthens URA's case that we should be transferring the property; it should not be the city that has that property it should be with somebody who is going to do something with it.

MAYOR RESTAINO stated that if we are authorized to negotiate, we can bring the Agreement back to the board for discussion and approval. MAYOR RESTAINO suggested that the request be modified allowing the board to authorize the Executive Director to negotiate an agreement for the sale of 502 and prior to the final sale there would be subsequent to a discussion with the full board to approve. MAYOR RESTAINO inquired if the modified language meets everyone's

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approval then we would modify the application to simply authorize the Executive Director to negotiate an agreement with TM Montonte.

MAYOR RESTAINO restated the amended application to approve a motion to authorize the Executive Director to negotiate an Agreement for the sale of 502 Niagara street with TM Montonte.

A motion to approve the authorization of negotiation of an Agreement for the sale of 502 Niagara Street was made by MR. HOOPER and seconded by MR. SPANBAUER

**POLLED VOTE:**

In Favor:	6
Opposed:	0
<b>Approved</b>	Unanimously

**6. Approval to Authorize NFURA counsel to pursue the removal of Negotiate the sale per the existing agreement with Sandstone Springs**

MAYOR RESTAINO spoke about the approval to authorize the NFURA counsel to pursue the removal of Sandstone Springs and stated that Sandstone Springs is the lessee and that there is an existing Agreement in place for quite some time that authorizes Sandstone Springs to exercise an option to purchase after so many months of leasing the property and that the window it coming to a close a the end of the month..

MAYOR RESTAINO stated that this application is seeking authorization to take whatever steps are necessary to remove and terminate the agreement should Sandstone Springs not effectuate their purchase option. MAYOR RESTAINO stated that there are no additional leasing options permitted. The lease ends at the end of November, and at the sunset of the lease, what was supposed to happen is an option to purchase. Essentially rent to own.

MAYOR RESTAINO also stated the period of time within which they have to do effectuate the purchase, is quickly approaching its end, at which point rather than reconvene the Board to take action, URA Counsel is requesting that the board authorize Counsel to pursue the removal of Sandstone Springs if they fail to exercise the purchase option.

MR SPANBAUER asked if they are leasing do we not want to extend the lease, or has the URA asked him to leave and if URA has any other options.

MAYOR RESTAINO stated that they are in arrears, in terms of rent somewhere just over \$150,000 and they pay in sporadic fits.

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KEVIN FORMA stated that we did get three recent checks and that none of them actually cover anything in terms of the back rent owed, everything was forward past when their lease is over.

MAYOR RESTAINO stated what we're doing is making sure that before we do anything with those checks, which could be construed as extending their lease term, we want URA Counsel to be able to be authorized to take action, once the lease term option to purchase has passed.

MR SPANBAUER stated that he did not know that were that far behind.

MAYOR RESTAINO stated that Maria Brown, who manages URA finances is lamenting Sandstone Springs and their failure to make good on the amount of money that they owe. They are supposed to pay a monthly rent on the annual rent of \$48,000. They are well behind that.

A motion to approve the authorization of negotiation and effectuation was made by MR. SPANBAUER and seconded by MR. MOORADIAN.

**POLLED VOTE:**

In Favor:	6
Opposed:	0
<b>Approved</b>	Unanimously

**7. Approval of the 2023 Budget**

MAYOR RESTAINO spoke about the 2023 Budget. MAYOR RESTAINO stated the 2023 Budget is less than it was in 2022 in terms of expenses.

A motion to approve the 2023 Budget of the URA was made by MR. SPANBAUER and seconded by MS. BAX

**POLLED VOTE:**

In Favor:	6
Opposed:	0
<b>Approved</b>	Unanimously

**8. Old Business**

There was no old business to discuss.

**9. New Business**

There was no new business to discuss.

**10. Adjournment**

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A motion to adjourn the meeting was made by MR. MOORADIAN and seconded by MR. SPANBAUER.

The meeting adjourned at 5:15 PM.