

**PLEASE NOTE – We welcome public comment on the items on the following agenda. To ensure maximum opportunity for participation, speakers representing themselves may speak for up to 2 minutes each, and those representing groups may speak for up to 4 minute (1 speaker per group). Speakers' comments may address only items considered at today's meeting. Materials relating to matters that are scheduled for discussion in open session will be available at the meeting and will be posted on ESD's website prior to the meeting in accordance with the Public Officers Law.**

## **USA NIAGARA DEVELOPMENT CORPORATION**

### **Meeting of the Directors**

At the offices of the  
USA Niagara Development Corporation  
222 First Street, 7<sup>th</sup> Floor  
Niagara Falls, N.Y. 14303

Friday

January 15, 2016 – 3:00 p.m.

### **PROPOSED AGENDA**

#### **I. CORPORATE ACTION**

- A. Approval of Minutes of the May 22, 2015 Directors' Meeting

#### **II. FOR CONSIDERATION**

- A. Rainforest Cafe Retail Renovation Project – USA Niagara Development Corporation (“USAN”) Development District Grant Program - Authorization to Approve a Grant; Make a Determination of No Significant Effect on the Environment; and Authorization to Take Related Actions
- B. 305 Prospect Street Retail Renovation Project–USA Niagara Development Corporation (“USAN”) Development District Grant Program - Authorization to Approve a Grant; Make a Determination of No Significant Effect on the Environment; and Authorization to Take Related Actions
- C. Niagara Falls Convention and Conference Facility Civic Project – Castellani Art Museum – Authorization to Enter into a License Agreement with Castellani Art Museum of Niagara University and Authorization to Take Related Actions

**DRAFT – SUBJECT TO REVIEW AND REVISION**

**USA NIAGARA DEVELOPMENT CORPORATION  
d/b/a Empire State Development Corporation**

Meeting of the Directors  
held at the USA Niagara Offices  
222 First Street – 7<sup>th</sup> Floor  
Niagara Falls, New York 14303

and

ESD New York City Regional Office  
633 Third Avenue  
New York, New York 10017

May 22, 2015

**MINUTES**

**In Attendance Directors:**

Francine DelMonte – Chair  
Paul Nanula (via telephone)  
Michael Williamson

**Present for USA Niagara:**

Chris Schoepflin, President  
Paul Tronolone, Senior Project Manager  
John Risio, Project Manager  
Jocelyn Viola, Office Manager

**Present for ESD  
(Downstate):**

Joseph Chan, Executive Vice President, Real Estate  
Development  
Debbie Royce, Paralegal  
Rose-Marie Mahase, Paralegal  
Julia Borukhov, Financial Project Manager  
Maxwell Padden, Director – Subsidiary Finance

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**Present for ESD Western  
New York Regional Office:**

Stephen Gawlik, Senior Counsel  
Laura Magee, Deputy Director, Public Affairs

**Present for the City  
of Niagara Falls:**

Mayor Paul Dyster

**Also Present:**

The Press – Phillip Gambini – Niagara Gazette

The meeting of the USA Niagara Development Corporation, a wholly-owned subsidiary of the New York State Urban Development Corporation d/b/a the Empire State Development (“ESD”), was called to order at 3:00 p.m. by Chair DelMonte. It was noted for the record that notices to the public and news media of the time and place of the meeting had been given in compliance with the New York State Open Meetings Law.

The Chair went on to note for the record the guidelines by which the public is allowed to comment on items on the Agenda.

The Chair then asked the Directors if any of them had a potential conflict of interest with regard to any of the items on the Agenda and if so, to make that information known at this time. If any potential conflicts exist, the Chair continued, the Directors would be reminded at the appropriate time to recuse themselves from the vote on any such item.

Noting for the record that no Directors had any conflicts to report, the Chair then called for the approval of the Minutes of the March 26, 2015 Directors’ meeting. Upon motion duly

**DRAFT – SUBJECT TO REVIEW AND REVISION**

made and seconded, the following resolution was unanimously adopted:

**APPROVAL OF MINUTES AND RATIFICATION OF ACTIONS TAKEN AT THE MARCH 26,  
2015 MEETING OF THE DIRECTORS OF THE USA NIAGARA DEVELOPMENT CORPORATION**

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RESOLVED, that the Minutes of the meeting of the Corporation held on March 26, 2015 as presented to this meeting, are hereby approved and all actions taken by the Directors present at such meeting as set forth in such Minutes, are hereby in all respect ratified and approved as actions of the Corporation.

\* \* \*

Chair DelMonte then asked Christopher Schoepflin to present the remaining two items on the agenda, and announced that the items will be presented out of the order with the second item being presented first.

First, Mr. Schoepflin requested the Directors to Adopt the May 2015 Modified General Project Plan and Authorize the Commitment of Funds in the amount of \$3.85 million and to authorize the taking of all related actions.

Mr. Schoepflin stated that the project location is 310 Rainbow Boulevard and the project involves preceding state assistance to Hamister Group to facilitate a \$38 million mixed used development on a highly visible .88 acre land parcel along Old Falls Street; which will result in the development of a 111,629 square foot building containing a hotel with a ballroom, ground level food and beverage, and retail operations, open to the public.

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Mr. Schoepflin further explained that on July 8, 2013 the USAN Board of Directors Adopted a General Project Plan for the project and authorized a commitment of funds in the amount of \$2.75 million. He stated that the GPP and all the findings and determinations made by the Board shall remain in full force and effect.

Mr. Schoepflin further explained that the cost estimate and program of the project have been refined by the developer requiring a modification of the project. Additionally, with the previously committed \$2.75 million in assistance toward the project, an additional \$1.1 million in State funds has been proposed to be provided to the developer.

There being no further questions or comments, and upon motion duly made and seconded, the following resolution was unanimously adopted:

USA Niagara Development Corporation -- 310 Rainbow Boulevard Proposed Industrial/Small and Medium-Sized Business Assistance Project – Adoption of Amendment to the General Project Plan; Authorization to Hold a Public Hearing, Authorization to Make a Grant and to Take Related Actions

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BE IT RESOLVED, that on the basis of the materials presented to this meeting (the "Materials"), a copy of which is hereby ordered filed with the records of the USA Niagara Development Corporation (the "Corporation"), relating to the 310 Rainbow Boulevard Proposed Industrial/Small and Medium-Sized Business Assistance Project (the "Project"), the Corporation hereby adopts the proposed Modified General Project Plan (the "Plan") for the Project submitted to this meeting, together with such changes therein as the President or other proper officers of the Corporation may deem appropriate, a copy of which Plan, together with such changes, is hereby ordered filed with the records of the Corporation; and be it further

RESOLVED, that upon written finding of the President or other proper officers of the Corporation that no substantive negative testimony or comment has been received at the

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public hearing held on the Plan, such Plan shall be effective at the conclusion of such hearing, and that upon such written finding being made, the President or other proper officers of the Corporation be, and each of them hereby is, authorized to enter into an agreement, for the purposes, and substantially on the terms and conditions, set forth in the materials presented to this meeting, including the commitment of Corporation funding in the total amount of \$3,850,000 for the Project, with such changes as the President or other proper officers of the Corporation may deem appropriate, and be it further

RESOLVED, that the provision of USAN financial assistance is expressly contingent upon: (1) the approval of the Public Authorities Control Board, if applicable, and (2) receipt of all other necessary approvals; and be it further

RESOLVED, that the President of the Corporation or other proper officers be, and each of them hereby is, authorized in the name and on behalf of the Corporation to execute and deliver any and all documents and to take all related actions as he may in his sole discretion consider to be necessary or proper to effectuate the foregoing resolutions.

\* \* \*

Mr. Schoepflin then requested the Directors to adopt the 2015 guidelines for the use, awarding, monitoring and reporting of procurement contracts, effective as of the date of approval.

Mr. Schoepflin explained, at its March 2014 meeting, the Directors adopted, updated and revised guidelines for the use, awarding, monitoring and reporting and procurement contracts as mandated by Section 2879 of the Public Authorities Law. Furthermore he stated, on March 19, 2015, the ESD Board adopted and revised guidelines; and the 2015 guidelines set forth the policies and procedures to be followed by ESD and their subsidiaries, including USA Niagara. Specifically, when seeking to contract for goods or services, it is required that each subsidiary approve its own procurement guidelines.

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There being no further questions or comments, and upon motion duly made and seconded, the following resolution was unanimously adopted:

**USA NIAGARA DEVELOPMENT CORPORATION – USAN Procurements Guidelines - Adoption of Revised Guidelines for the Use, Awarding, Monitoring and Reporting of Procurement Contracts**

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BE IT RESOLVED, that on the basis of the materials presented to this meeting, a copy of which is hereby ordered to be filed with the records of the Corporation, the proposed 2015 Guidelines for the Use, Awarding, Monitoring and Reporting of Procurement Contracts, a copy of which is attached to the materials, be and hereby is approved and adopted as of the date hereof, and the President or her designee is authorized to promulgate the said Guidelines in electronic form and other media for the use of the staff of the Corporation, and to take such other and further action as may be deemed necessary or appropriate to effectuate the foregoing Resolution.

\* \* \*

Chair DelMonte then asked Mr. Schoepflin to give a brief update on the new Wingate, Wyndham Hotel and the River Front Parkway.

Mr. Schoepflin stated that this was a \$10 million project, with 110 hotel rooms and created 15 full-time jobs. Furthermore, he stated that USAN assisted with \$980,000.00 investment in the project.

Chair DelMonte then asked Mr. Paul Tronolone to give a brief update on Riverway.

After giving a brief overview, Mr. Tronolone stated that they hit the first milestone which was to eliminate the detour.

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There being no further business, the meeting was adjourned at 3:19 p.m.

Respectfully submitted,

Rose-Marie Mahase





**FOR CONSIDERATION**

**January 15, 2016**

**TO:** The Directors

**FROM:** Christopher Schoepflin

**SUBJECT:** Rainforest Cafe Retail Renovation Project – USA Niagara Development Corporation (“USAN”) Development District Grant Program

**REQUEST FOR:** Authorization to Approve a Grant; Make a Determination of No Significant Effect on the Environment; and Authorization to Take Related Actions

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**I. Project Background:**

**A. Project Description**

NFNY Hotel Management, LLC (“NFNY Hotel”) describes the Rainforest Cafe Retail Renovation Project (the “Project”) as a \$3,500,000 renovation to the Sheraton At The Falls Hotel. Renovations will create 14,000 square feet of expanded retail space for a nationally known Rainforest Cafe restaurant which will seat 238 guests inside, with additional seating for 60 guests on an outdoor patio along Old Falls Street.

The Rainforest Cafe provides a new attraction for visitors and residents in the Niagara Falls marketplace. Patrons choose from an assortment of dishes in a recreated tropical jungle setting, complete with waterfalls, wildlife and vegetation, offering an entertaining experience for the whole family.

NFNY Hotel acquired the Crowne Plaza Hotel in February 2011, converting it to the Sheraton At The Falls Hotel on March 17, 2011. NFNY Hotel also operates the Day’s Inn At The Falls, TGI Fridays, Starbucks Café, Denny’s Restaurant and Sweet Treats Shop in downtown Niagara Falls, New York. NFNY Hotel’s parent company is Canadian Niagara Hotels, Inc., which is an industry leader in Niagara Falls, Ontario, with over 4,500 guest rooms in six major hotels as well as many entertainment venues including the Hard Rock Café, in Niagara Falls, Canada.

NFNY Hotel accepted an Incentive Proposal from USAN on February 23, 2015. The Project is complete; a grand opening celebration was held on June 4, 2015 and the restaurant is currently open for business.

**B. Project Summary**

**Grantee:** NFDY Hotel Management, LLC

**Contact:** Mr. Michael DiCienzo  
Vice President  
NFDY Hotel Management, LLC  
300 Third Street  
Niagara Falls, NY 14303  
Phone: 716-285-3361  
Email: michaeld@niagarafallshotels.com

**Project Location:** 300 Third Street, Niagara Falls, NY 14303

**Employment:**  
Baseline: None  
Projected: Employ 59 full-time equivalent employees at the time of project completion.

**NEDF Investment:** The Niagara Economic Development Fund ("NEDF") investment is a \$125,000 grant for reimbursement of a portion of the \$2,540,000 leasehold improvement costs related to the expanded retail space renovations. Funds will not be used to reimburse Furniture Fixtures & Equipment costs, contingency or other soft costs.

**C. Funding Sources and Project Costs**

The Project will be entirely funded through the Niagara Economic Development Fund; no USAN Corporate funds will be utilized.

Sources of Funds:	Amount	Percent
Owner Equity/Financing/Other	\$3,225,000	92.1%
NFC Development Grant (City)	\$150,000	4.3%
USA Niagara Grant Program (NEDF)	\$125,000	3.6%
<b>Total Sources of Funds</b>	<b>\$3,500,000</b>	<b>100%</b>
<b>Use of Funds:</b>		
Leasehold Improvement Costs	\$2,540,000	
FF&E	\$60,000	
Soft Costs	\$900,000	
<b>Total Use of Funds</b>	<b>\$3,500,000</b>	
<b>TOTAL BUDGET:</b>	<b>\$3,500,000</b>	

## **II. Grant Program Background:**

USAN, as an Empire State Development ("ESD") subsidiary, has the statutory authority to promote, conduct and fund economic development projects. USAN's Development District Grant Program (the "Grant Program"), was established in 2003 between USAN and the NEDF.

A total of \$2 million from the NEDF has been authorized and reserved for the Grant Program, which will leverage private sector investment to facilitate economic development within the USAN Development District. The Grant Program will provide financial assistance to projects that will achieve these objectives and create or retain jobs, and/or catalyze business activity that would not occur without public sector investment.

To be eligible under the Grant Program an applicant must have site control. In addition, the minimum project cost must be \$25,000 and grants will generally be not more than \$100,000 or one-half of eligible project costs, whichever is less. Eligible project costs include site acquisition, demolition/renovations, remediation of existing structures, new construction and build-out, and new equipment purchases. Project costs incurred prior to project approval by USAN will not be reimbursed. Highest priority in project selection will be given to those projects that USAN determines will result in the most long-term private sector job creation and/or retention and/or the creation of tourism and eco-tourism related development. Other selection criteria include whether the project promotes economic reuse through demolition and redevelopment of an available site, the impact of the project on tourism activity within the development district, the likelihood that the project costs reflects accurate market conditions, and the likelihood that the project will actually be undertaken and completed within the timeframe stated by the applicant.

No USAN funds will be utilized for the Grant Program and USAN will retain no interest in the various projects. USAN will provide no financing for the project. USAN's role in the Grant Program is limited to recommending specific projects for approval to be funded by the Niagara County Development Corporation (NCDC), as trustees of the NEDF.

Today, the Directors are being requested to approve a grant under the Grant Program in accordance with the above terms.

## **III. Environmental Review:**

ESD staff has determined that the project, which involves in-kind rehabilitation of a building that has been determined by the NYS Office of Parks, Recreation, and Historic Preservation as not eligible for inclusion on the State/National Registers of Historic Places, constitutes a Type II action as defined by the New York State Environmental Quality Review Act ("SEQRA") and the implementing regulations for the New York State Department of Environmental Conservation. No further environmental review is required in connection with the project.

**IV. Non-Discrimination and Contractor & Supplier Diversity:**

Pursuant to New York State Executive Law Article 15-A, ESD recognizes its obligation under the law to promote opportunities for maximum feasible participation of certified minority-and women-owned businesses (MWBES) in the performance of ESD projects. The Office of Contractor and Supplier Diversity has reviewed the project and has determined that, due to the unique nature of this project, there exists no potential for MWBE participation. As such, participation goals will not be established or required for this project.

**V. Recommendation:**

Staff recommends that the Board authorize the NCDC to make a \$125,000 grant through the Grant Program and make a Determination of No Significant Effect on the Environment, on the terms and conditions set forth in these materials.

Attachment  
Resolution

January 15, 2016

USA Niagara Development Corporation – Authorization to Approve a Grant; Make a Determination of No Significant Effect on the Environment; and Authorization to Take Related Actions

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RESOLVED, that in accordance with the materials presented to this meeting, a copy of which is hereby ordered filed with the records of the Corporation, the Directors hereby approve and recommend for funding by the Niagara County Development Corporation a grant in an amount not to exceed \$125,000 to NFNY Hotel Management, LLC, in accordance with the terms and conditions set forth in the materials presented to the Directors at this meeting; and be it further

RESOLVED, that the Directors make a Determination of No Significant Effect on the Environment, in accordance with the terms and conditions set forth in the materials presented to the Directors at this meeting; and be it further

RESOLVED, that the Directors authorize the President, or his designee to take all actions that he deems necessary or appropriate in connection with the foregoing resolution.

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**FOR CONSIDERATION**

**January 15, 2016**

**TO:** The Directors

**FROM:** Christopher Schoepflin

**SUBJECT:** 305 Prospect Street Retail Renovation Project–USA Niagara Development Corporation (“USAN”) Development District Grant Program

**REQUEST FOR:** Authorization to Approve a Grant; Make a Determination of No Significant Effect on the Environment; and Authorization to Take Related Actions

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**I. Project Background:**

**A. Project Description**

Flip Burger Inc., describes the 305 Prospect Street Retail Renovation Project (the “Project”) as a \$77,000 renovation to a currently vacant 1,000 square foot retail space fronting Old Falls Street, between Prospect Street and Rainbow Boulevard, in downtown Niagara Falls, New York.

Renovations will create retail space for a hamburger and ice-cream restaurant. Flip Burger is a locally owned family business with operators that have restaurant management experience.

Located on Old Falls Street near the entrance to Niagara Falls State Park, Flip Burger will help to fill the need for more affordable, family-friendly restaurants for visitors and residents.

Flip Burger Inc. accepted an Incentive Proposal from USAN on May 28, 2015. The Project is complete; the renovations are finished and the business successfully operated this summer season.

**B. Project Summary**

**Grantee:** Flip Burger Inc.

**Contact:** Mr. Daniel P. Vecchies  
Owner  
Flip Burger Inc.  
360 Rainbow Blvd., 4th Floor  
Niagara Falls, NY 14303  
Phone: (716) 807-2590

**Project Location:** 305 Prospect Street, Niagara Falls, NY 14303

**Employment:**  
Baseline: None  
Projected: Employ 6 full-time and 6 part-time employees at the time of project completion.

**NEDF Investment:** The Niagara Economic Development Fund ("NEDF") investment is a \$15,000 grant for reimbursement of a portion of the capital improvement costs (build-out and signage) related to the retail space renovations. Funds will not be used to reimburse Furniture Fixtures & Equipment costs, contingency or other soft costs.

**C. Funding Sources and Project Costs**

The Project will be entirely funded through the Niagara Economic Development Fund; no USAN Corporate funds will be utilized.

Sources of Funds:	Amount	Percent
Owner Equity/Financing	\$46,939	61%
NFC Development Loan (City)	\$15,000	19.5%
USA Niagara Grant Program (NEDF)	\$15,000	19.5%
<b>Total Sources of Funds</b>	<b>\$76,939</b>	<b>100%</b>
<b>Use of Funds:</b>		
FF&E	\$46,217	
Build-Out	\$16,645	
Signage	\$6,077	
Soft Costs	\$8,000	
<b>Total Use of Funds</b>	<b>\$76,939</b>	
<b>TOTAL BUDGET:</b>	<b>\$76,939</b>	

## **II. Grant Program Background:**

USAN, as an Empire State Development ("ESD") subsidiary, has the statutory authority to promote, conduct and fund economic development projects. USAN's Development District Grant Program (the "Grant Program"), was established in 2003 between USAN and the NEDF.

A total of \$2 million from the NEDF has been authorized and reserved for the Grant Program, which will leverage private sector investment to facilitate economic development within the USAN Development District. The Grant Program will provide financial assistance to projects that will achieve these objectives and create or retain jobs, and/or catalyze business activity that would not occur without public sector investment.

To be eligible under the Grant Program an applicant must have site control. In addition, the minimum project cost must be \$25,000 and grants will generally be not more than \$100,000 or one-half of eligible project costs, whichever is less. Eligible project costs include site acquisition, demolition/renovations, remediation of existing structures, new construction and build-out, and new equipment purchases. Project costs incurred prior to project approval by USAN will not be reimbursed. Highest priority in project selection will be given to those projects that USAN determines will result in the most long-term private sector job creation and/or retention and/or the creation of tourism and eco-tourism related development. Other selection criteria include whether the project promotes economic reuse through demolition and redevelopment of an available site, the impact of the project on tourism activity within the development district, the likelihood that the project costs reflects accurate market conditions, and the likelihood that the project will actually be undertaken and completed within the timeframe stated by the applicant.

No USAN funds will be utilized for the Grant Program and USAN will retain no interest in the various projects. USAN will provide no financing for the project. USAN's role in the Grant Program is limited to recommending specific projects for approval to be funded by the Niagara County Development Corporation (NCDC), as trustees of the NEDF.

Today, the Directors are being requested to approve a grant under the Grant Program in accordance with the above terms.

## **III. Environmental Review:**

ESD staff has determined that the project, which involves in-kind rehabilitation of a building that has been determined by the NYS Office of Parks, Recreation, and Historic Preservation as not eligible for inclusion on the State/National Registers of Historic Places, constitutes a Type II action as defined by the New York State Environmental Quality Review Act ("SEQRA") and the implementing regulations for the New York State Department of Environmental Conservation. No further environmental review is required in connection with the project.



**IV. Non-Discrimination and Contractor & Supplier Diversity:**

Pursuant to New York State Executive Law Article 15-A, ESD recognizes its obligation under the law to promote opportunities for maximum feasible participation of certified minority-and women-owned businesses (MWBES) in the performance of ESD projects. The Office of Contractor and Supplier Diversity has reviewed the project and has determined that, due to the unique nature of this project, there exists no potential for MWBE participation. As such, participation goals will not be established or required for this project.

**V. Recommendation:**

Staff recommends that the Board authorize the NCDC to make a \$15,000 grant through the Grant Program and make a Determination of No Significant Effect on the Environment, on the terms and conditions set forth in these materials.

Attachment  
Resolution

January 15, 2016

USA Niagara Development Corporation – Authorization to Approve a Grant; Make a Determination of No Significant Effect on the Environment; and Authorization to Take Related Actions

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RESOLVED, that in accordance with the materials presented to this meeting, a copy of which is hereby ordered filed with the records of the Corporation, the Directors hereby approve and recommend for funding by the Niagara County Development Corporation a grant in an amount not to exceed \$15,000 to Flip Burger Inc., in accordance with the terms and conditions set forth in the materials presented to the Directors at this meeting; and be it further

RESOLVED, that the Directors make a Determination of No Significant Effect on the Environment, in accordance with the terms and conditions set forth in the materials presented to the Directors at this meeting; and be it further

RESOLVED, that the Directors authorize the President, or his designee to take all actions that he deems necessary or appropriate in connection with the foregoing resolution.

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**FOR CONSIDERATION**

**January 15, 2016**

**TO:** The Directors

**FROM:** Christopher Schoepflin

**SUBJECT:** Niagara Falls Convention and Conference Facility Civic Project –  
Castellani Art Museum

**REQUEST FOR:** Authorization to Enter into a License Agreement with Castellani Art  
Museum of Niagara University and Authorization to Take Related  
Actions

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**I. Background:**

In 2004 and again in 2010, USA Niagara Development Corporation (“USAN”) entered into five-year agreements with the Castellani Art Museum of Niagara University (“Castellani”) whereby Castellani used approximately 875 square feet of space at the Conference & Event Center Niagara Falls (“CCNF”) with street frontage and access to Third Street, directly across the street from the Seneca Niagara Casino, for a rotating exhibit of museum quality installations. Castellani is a major art institution in Niagara Falls and Niagara County.

The use of this space as a “satellite gallery” has been an exciting, first-class amenity for the CCNF market that must continually improve its product from both a technology and amenity perspective. Furthermore, this type of use has helped to differentiate CCNF from others around the region and state.

The current agreement has expired and under the terms of the new License and Occupancy Agreement (the “Agreement”), USAN will continue to offer this space free of charge in exchange for Castellani providing museum quality art exhibits at no cost to CCNF. The Agreement calls for a single, five (5) year term that can be canceled by either party at the end of any calendar month by providing 90 days written notice. Castellani will pay for all costs associated with the installation of exhibits and the licensed space may be modified upon consent of the parties. CCNF may use the licensed space for uses consistent with the operation of CCNF by providing reasonable notice to Castellani.

**II. Statutory Authority:**

USAN, as a subsidiary of the New York State Urban Development Corporation, d/b/a Empire State Development has the power to conduct and fund economic development in distressed areas throughout the State of New York.

**III. Environmental Review:**

The Directors made a Determination of No Significant Effect on the Environment for the Conference Center Niagara Falls project at their meeting of September 19, 2002. This determination addressed all aspects of the development and operations of the facility. Therefore, no further environmental review is required in connection with this action.

**IV. Non-Discrimination and Contractor & Supplier Diversity:**

Pursuant to New York State Executive Law Article 15-A, ESD recognizes its obligation under the law to promote opportunities for maximum feasible participation of certified minority-and women-owned businesses (MWBES) in the performance of ESD projects and procurements. The ESD Office of Contractor and Supplier Diversity have reviewed the project and have determined that there exists no potential for MWBE participation. As such, participation goals will not be established or required for this procurement.

**V. Recommendation:**

Staff recommends that the Board authorize USAN to enter into a License Agreement with Castellani Art Museum of Niagara University, to continue their amenity at the Conference Center Niagara Falls, on the terms and conditions set forth in these materials.

Attachments  
Resolution

January 15, 2016

USA Niagara Development Corporation – Authorization to Enter into a License Agreement with Castellani Art Museum of Niagara University for a Proposed Amenity for the Conference Center Niagara Falls; and Authorization to Take Related Actions.

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RESOLVED, that in accordance with the materials presented to this meeting, a copy of which is hereby ordered filed with the records of the Corporation, the Directors approve the recommendation of the Corporation's President that the Corporation enter into a License Agreement with Castellani Art Museum of Niagara University for an amenity at the Conference Center Niagara Falls, in accordance with the terms and conditions set forth in the materials presented to the Directors at this meeting; and be it further

RESOLVED, that the Directors authorize the President, or any staff member of the Corporation designated by the President, to take all actions, in accordance with the materials presented to the Directors, and be it further

RESOLVED, that the President, or his designee, may delegate to one or more officers or employees of the Corporation such authority with respect to carrying out the purposes of these resolutions as the President, or his designee, each in the exercise his or her sole discretion shall deem necessary or appropriate.

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