

**Hamburg Industrial Development Agency
Board of Directors Meeting
May 17, 2013**

Hamburg Town Hall Room 7B

Public Hearing: RHLAP, LLC

Present

Amy Ziegler
Mike Sendor
Patti Paul
Lou McDonald
Steve Walters
Tom Moses
Matt Dils

Excused

Norma Rusert Kelly
Janet Plarr

Executive Director

Michael J. Bartlett

Guest

Gordon Reger
Craig Cwick
Jordan Lidwiniak
Andy Reyda
Laura Reyda

- **Move** to open the Public Hearing for RHLAP, LLC at 8:02 AM.

- **Gordon Reger**, President, and Jordan Litwiniak, Director of Development for RHLAP, LLC were introduced to the Board. The company is requesting assistance to purchase and renovate an existing 109,000 square foot building located at 4271 Lake Avenue, Hamburg, The building is part of the former Hills Plaza which consists of approximately 18 acres. There are currently eight tenants at the site and the company anticipates adding a neighborhood grocery store and additional retail and service businesses at the site. The project involves the comprehensive renovation and redevelopment of a deteriorating retail center with a high vacancy rate in a distressed area of the Town. The assistance is necessary to make the project economically feasible and will prevent further deterioration within the Town's Lake Avenue business district. The assistance the company will receive includes sales tax exemptions on anything purchased for the project and real property tax abatement in accordance with the guidelines for Adaptive Reuse projects. The property went into foreclosure five years ago and has lost tenants. Save-A-Lot is prepared to sign a lease if IDA assistance is approved. There currently are no neighborhood grocery stores in the area.

- **Move** to close the Public Hearing for RHLAP, LLC at 8:14 AM.

- **Move** to open the Board of Director's meeting at 8:14 AM.

RESOLUTION OF THE TOWN OF HAMBURG INDUSTRIAL DEVELOPMENT AGENCY (THE "AGENCY") AUTHORIZING RHLAP, LLC (THE "LESSEE") TO ACQUIRE AN EXISTING APPROXIMATELY 109,000 SQUARE FOOT BUILDING ON AN APPROXIMATELY 18 ACRE PARCEL OF LAND LOCATED AT 4271 LAKE AVENUE IN THE TOWN OF HAMBURG, TO RENOVATE A PORTION OF THE EXISTING BUILDING AND TO ACQUIRE AND INSTALL MACHINERY, EQUIPMENT, FURNISHING AND FIXTURES REQUIRED IN CONNECTION THEREWITH, ALL FOR A RETAIL FACILITY FOR LEASE TO THE AGENCY AND SUBSEQUENT SUBLEASE TO THE LESSEE AND TO TAKE OTHER PRELIMINARY ACTION.

Moved: Mike Sendor

Seconded: Amy Ziegler

Ayes: Walters, Moses, Paul, McDonald, Dils, Sendor, Ziegler

Nays: None

Carried

-Andrew and Laura Reyda were introduced to the board. Andrew is the owner of the Village Veterinary Clinic of Hamburg, Executive Director Bartlett explained that due to recent changes in IDA legislation, retail projects do not qualify for IDA assistance except under special circumstances. One of these circumstances is the project will be offering goods and services currently not available to residents of the area. Andrew and Laura were invited to present their project to the Board and explain why it was unique. It was explained that no cation will be taken at this meeting. If the Board feels the project qualifies for IDA assistance a date for a public hearing will be set. Executive Director Bartlett mentioned that twelve letters of support for the project have been received.

Andrew stated that The Village Veterinary Clinic of Hamburg was started in May, 2006. Through their commitment to progressive and comprehensive veterinary medicine they have added nearly 3,000 patients to their practice. Their clients join them not only from Hamburg, but from other municipalities such as Jamestown, North Tonawanda, Grand Island, Perrysburg, Lackawanna, Olean and Buffalo. This increase in their client base is severely testing the physical limits of the facility at 113 Buffalo Street. With the continued growth, the facility as it now stands is the limiting factor in determining progress in serving the families of Hamburg and the surrounding areas.

The Village Board has approved the design for the new veterinary facility at 113 Buffalo Street. Through cooperation with an architect who specializes in animal hospital design, they have a plan that when constructed, will enable them the opportunity to provide thorough, new and unique treatment options for the community. Some of the new services will be as follows:

- Emergency Services: They will be able to provide 24-hour emergency care to the Hamburg community and the surrounding areas.
- Alternative Therapies: Acupuncture and cold laser therapy.
- Modern diagnostics such as ultrasound, endoscopy and digital radiography.
- Blood banking.
- Separate isolation wards.
- Chemotherapy.
- The building design takes into account specific spaces for adding specialists (internal medicine and surgery) to their team. Currently, any case needing a referral to a specialist is outsourced. IDA assistance will allow them to allocate capital to allow them to bring specialists onboard so other hospitals would then refer to a facility in Hamburg. This is a large benefit to the local pet owning community as well as an attraction to the surrounding townships.

Andrew explained that a modern veterinary hospital is unique in that it needs to address conditions that a standard office/medical building does not have to. Some of those features we have incorporated into our design are as follows:

- Separate areas in reception for dogs and cats to reduce stress on patients and owners alike.
- For dogs: radiant floor heating while recovering from an anesthetic procedure.
- For cats: heated kennels while recovering from any surgical procedure.
- Air transfer: animal hospitals are renowned for odors and dander; our air exchange system will generate multiple, whole facility air exchanges to diminish offending air particles.
- Remembrance room.
- The exercise yard can be closed and heated in the winter and converted to open-air in the warm months for around-the-year use.

Andrew concluded that it is certainly not without risk that they try to construct a “destination” for those people seeking the finest in veterinary care and boarding. Pet owners have high expectations for the care of their animals and their proposed facility will certainly meet and strive to exceed those lofty standards set by those in their community. Any IDA assistance would be tremendous in allowing them some freedom in firmly establishing their existing services and introducing new their new ones to the Hamburg community and to Western New York as a whole. As a progressive veterinary hospital, they have consistently grown since their inception in 2006. The Hamburg IDA can and should feel confident that assisting their endeavor will manifest itself in job creation while enabling a vibrant and innovative veterinary hospital to evolve into a very unique destination for the residents of Hamburg and the surrounding locales.

It was decided that Executive Director Bartlett will work up comparisons of services the new facility will offer compared with existing clinics in Hamburg and report back to the Board.

-A letter requesting a third extension of their inducement resolution until August 31, 2013 was received from **Liberty Park Senior Corp** for Phase I of their senior housing project located at 4543 Camp Road. The extension is necessary due to construction delays for the final two buildings in Phase I due to legal issues. The corporation is working with

the Town to rectify the situation and is close to continuing construction.

RESOLUTION OF THE TOWN OF HAMBURG INDUSTRIAL DEVELOPMENT AGENCY GRATING A THIRD EXTENSION TO THE INDUCEMENT RESOLUTION ORIGINALLY APPROVED BY THE AGENCY ON APRIL 23, 2010 AND PREVIOUSLY EXTENDED TO EXTEND THE INDUCEMENT RESOLUTION AND SALES TAX EXEMPTION UNTIL AUGUST 30, 2013.

Moved: Amy Ziegler **Seconded:** Tom Moses
Ayes: Walters, Dils, Paul, Sendor, McDonald, Ziegler, Moses
Nays: None
Carried

-Motion to approve the minutes from the April 26, 2013 Board of Directors meeting.

Moved: Steve Walters **Seconded:** Matt Dils
Ayes: Ziegler, Moses, Paul, Sendor, McDonald, Walters, Dils
Nays: None
Carried

-Motion to approve the April 2013 Treasures' Report.

Moved: Matt Dils **Seconded:** Patti Paul
Ayes: Walters, McDonald, Ziegler, Sendor, Moses, Dils, Paul
Nays: None
Carried

-Community Choice Bill- Senator Gallivan filed his Bill 5-5621 on May 15, 2013. It is based on a regional concept and a description of those communities included in each suburban IDA's region was handed out. The regions can be amended after further discussion.

-Local Labor Agreement- A copy of the Local Labor Agreement with comments from the Amherst IDA and a copy of the Clarence IDA's Local Procurement Preference Policy was handed out. Executive Director Bartlett asked the Board to review these documents and submit their own comments. At some point the Board will have to make a decision to adopt the Policy or adopt a Policy of our own. No IDA has formally adopted the Policy yet. The Policy applies to construction work only and local developers have reviewed the Policy and have no problems. A discussion took place at a recent IDA meeting called by John LaFalce where it was suggested that to ease the burden on small businesses that the agreement only be applicable for projects over a yet-to-be-determined amount. The Board was asked to give their comments on the Policy so as to give direction to the HIDA Executive Director for future discussion.

-New York General Municipal Law Section 826. - As a result of the changes to NY GML sec 862, IDA's are now prohibited to assist retail projects except in the case of three specific exceptions. However, the legislation is open to interpretation and Executive Director Bartlett will attempt to communicate to the Board an analysis of this legislation, what it could mean to the HIDA and just what the issue of conflicting interpretations are and would mean.

-The Annual Performance Report on New York State's Industrial Development Agencies for fiscal year 2011 was just released. The key measurements of "cost per job gained" and "expenses per job" for the six IDAs along with the state average are:

	<u>Cost per Job Gained</u>	<u>Expense per Job Gained</u>
Hamburg	\$753.00	\$168.00
Amherst	\$397.00	\$76.00
Lancaster	\$1,912.00	\$76.00
Clarence	\$1,343.00	\$150.00
ECIDA	\$23,296.00	\$5,748.00
State	\$8,687.00	\$6,597.00

A copy of the press release from the Comptroller's Office was handed out which included the link to the full report. Board members can also request a copy from the Executive Director.

-A letter from Baer Associates requesting an extension of their inducement resolution was reviewed. The company is requesting a six month extension due to lower than expected cash flow keeping them from completing their work in their anticipated time frame. The extension will allow them to have landscaping done, parking lot improvements, and window treatments completed.

RESOLUTION OF THE TOWN OF HAMBURG INDUSTRIAL DEVELOPMENT AGENCY GRANTING A SIX MONTH EXTENSION TO ZAMA OF WNY, LLC FOR SALES TAX EXEMPTIONS TO THE 2012 4588 SOUTH PARK AVENUE PROJECT.

Moved: Steve Walters **Seconded:** Amy Ziegler
Ayes: Paul, Dils, Moses, McDonald, Sendor, Walters, Ziegler
Nays: None
Carried

-Motion to move into Executive Session at 9:10 AM for personnel matters.

Moved: Amy Ziegler **Seconded:** Matt Dils
Ayes: Walters, McDonald, Moses, Sendor, Paul, Ziegler, Dils
Nays: None
Carried

-Motion to move into Executive Session at 9:10 AM for personnel matters.

Moved: Patti Paul **Seconded:** Matt Dils
Ayes: Walters, Ziegler, Paul, Sendor, McDonald, Moses, Dils
Nays: None
Carried

-Motion to authorize a contract between the Town of Hamburg Industrial Development Agency and Kevin Kreutzer as an independent contractor beginning from June 2, 2013 and terminating on December 31, 2013 on terms approved by the Agency's General Council and signed by Steve Walters, Chairman of the Board.

Moved: Patti Paul **Seconded:** Lou McDonald
Ayes: Walters, Ziegler, Sendor, Moses, Dils, Paul, McDonald
Nays: None
Carried

-Motion to adjourn at 9:25 AM

Moved: Steve Walters **Seconded:** Matt Dils
Ayes: Ziegler, Moses, Sendor, McDonald, Paul, Walters, Dils
Nays: None
Carried

Sincerely,

Michael J. Bartlett
Executive Director