



6122 South Park Avenue
Hamburg, New York 14075
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**Hamburg Industrial Development Agency
Board of Directors Meeting
August 20, 2020, 6:00pm
Hamburg Town Hall Room 7A –in person or
Via Zoom Teleconferencing – due to the COVID 19 Pandemic**

Present

Robert Reynolds – in person
Tom Moses – in person
Wence Valentin – in person
Bob Hutchison - in person
Andy Palmer – in person

Excused

Davis Podkulski
Cam Hall
Norma Rusert-Kelly
Janet Plarr

Guests

Jennifer Strong, Neill & Strong - in person
Mary Doran, HIDA – in person
Jessica Bond, Hamburg Sun - Zoom
Andy DeVincentis, Walden Develop - Zoom

Executive Director

Sean Doyle – in person

-Pledge of Allegiance

- Roll Call

-Motion to open the board meeting at 6:03pm.

Moved: Tom Moses **Seconded:** Wence Valentin
Ayes: Reynolds, Moses, Valentin, Hutchison, Palmer
Nays: none
Carried

-Motion to approve the July 2020 board meetings minutes.

Moved: Bob Reynolds **Seconded:** Andy Palmer
Ayes: Reynolds, Moses, Valentin, Hutchison, Palmer
Nays: none
Carried

Treasurer, Bob Reynolds, gave an update on the financials. He noted the negative income in July with the most expensive cost being payroll. With that said, things are in line for projects to start closing.

-Motion to approve the July 2020 Treasurer Report.

Moved: Bob Reynolds **Seconded:** Wence Valentin
Ayes: Reynolds, Moses, Valentin, Hutchison, Palmer
Nays: none

Carried

Executive Director Update:

- Key Energy, a business that stores and distributes energy thru batteries was referred to the HIDA by Janet Plarr. They will be filling out an application potentially for the next meeting. It will be similar to the Erie Wind Project and more of a Community Benefit Agreement. The IDA would receive an application fee and project fee based on the total amount of the project.
- Carwell, the company purchasing 4.5 acres at the LECC will also be applying for IDA assistance in the near future.
- Doyle stated he attended a Greater Buffalo Niagara Transportation Council meeting to insure Hamburg had representation. Paul Becker had been attending regarding the Hamburg village lot.
- The Hamburg and Frontier School districts did a tremendous job planning for the students to get back into class amid the COVID 19 pandemic. It was an enormous undertaking and affects the entire community and local economy.
- Pitch Hamburg will begin meeting again next week.
- The Town Comprehensive Plan meetings will kick off next month. Bob Hutchison is on the committee. Doyle stated it is great to have someone from our board on the committee and noted he will also be attending the meeting. Wendel will be the lead firm on the project. Bob Reynolds noted the western part of Hamburg should be a focus of the Comprehensive Plan.

Executive Director – New Business

-Director Doyle read the following resolution for RH Lapp.

***RESOLUTION OF THE TOWN OF HAMBURG INDUSTRIALDEVELOPMENT AGENCY
AUTHORIZING THE EXECUTION AND DELIVERY OF A SUBLEASE BETWEEN RH LAP, LLC
and DOLLAR TREE STORES, INC. AS WELL AS A NON-DISTURBANCE AND RECOGNITION
AGREEMENT IN REGARD TO THE 2014 4271 LAKE AVENUE PROJECT***

WHEREAS, the Town of Hamburg Industrial Development Agency (the "Agency") by resolution adopted on May 17, 2013 (the "Inducement Resolution") previously entered into with respect to the acquisition and equipping by the Agency with the proceeds of a mortgage with note or alternatively through a lease only transaction of a multi-tenant retail facility consisting of the acquisition of an existing approximately 109,000 square foot building located on an approximately 18 acre parcel of land at 4271 Lake Avenue in the Town of Hamburg Lake Avenue Enhancement Area, the renovation of an approximately 55,000 square foot portion of the existing building and the acquisition and installation of machinery, equipment, furnishings and fixtures required in connection therewith, to be leased by the Lessee to the Agency and subsequently subleased by the Agency to the Lessee, all for a multi-tenant retail facility under the Act (the "Project"); and

WHEREAS, pursuant to such Inducement Resolution, the Agency acquired a leasehold interest in the Facility pursuant to a certain Lease to Agency, dated as of January 1, 2014, between RH LAP, LLC as lessor, and the Agency, as lessee, (the "Lease to Agency") and leased the Facility back to RH LAP, LLC pursuant to a certain Leaseback Agreement, dated as of January 1, 2014, between the Agency, as lessor, and RH LAP, LLC, as lessee, (the "Leaseback Agreement"); and

WHEREAS, the Agency has now received a request for the Agency's consent to the execution and delivery by RH LAP, LLC of a sublease with Dollar Tree Stores, Inc. and for the execution by the Agency of a Non-Disturbance and Recognition Agreement; and

WHEREAS, the facility will remain an multi-tenant retail facility; accordingly, there will be no change in the Payment in Lieu of Taxes ("PILOT") Provisions attached as Exhibit C to the Leaseback Agreement; and

NOW, THEREFORE BE IT RESOLVED AS FOLLOWS:

Section 1. *The Agency hereby consents to the sublease to Dollar Tree Stores, Inc. and authorizes the execution and delivery by the Agency of a Non-Disturbance and Recognition Agreement.*

Section 2. *The Agency determines that the PILOT provisions shall remain unchanged as there is no change in use or in the occupancy of the Facility.*

Section 3. *The Chairman, Vice Chairman, Treasurer, Secretary, Assistant Secretary, Executive Director or other officer of the Agency are hereby authorized to execute and deliver the Consent and the Non-Disturbance and Recognition Agreement, and such other agreements as may be desirable or required in connection with the sublease. The execution and delivery of each such agreement by said officer shall be conclusive evidence of due authorization and approval.*

Section 4. *The Chairman, Vice Chairman, Treasurer, Secretary, Assistant Secretary, Executive Director or other officer of the Agency are hereby designated the authorized representative of the Agency, and each of them is hereby authorized and directed to execute and deliver any and all papers, instruments, opinions, certificates, affidavits or other documents to do and cause to be done any and all acts and things necessary or proper for the carrying out of this resolution.*

Section 5. *RH LAP, LLC, agrees that it will pay all Agency Administrative Fees and legal fees due at closing.*

Section 6. *This resolution shall take effect immediately.*

There are no new benefits to RH Lapp. The original closing documents stated any new leases had to be approved by the HIDA.

Motion - to approve the RH Lapp Resolution with the amended adopted date of August 20, 2020.

Moved: Andy Palmer **Seconded:** Bob Hutchison

Ayes: Reynolds, Moses, Valentin, Hutchison, Palmer

Nays: none

Carried

Director Doyle read part and reviewed the following resolution for Staub Precision Machine

RESOLUTION OF THE TOWN OF HAMBURG INDUSTRIAL DEVELOPMENT AGENCY AUTHORIZING AND APPROVING THE EXECUTION AND DELIVERY OF A PROJECT AND AGENT AGREEMENT AND AN INSTALLMENT SALE AGREEMENT WITH STAUB PRECISION MACHINE, INC. AND OTHER INSTRUMENTS AND MATTERS IN CONNECTION THEREWITH

WHEREAS, Town of Hamburg Industrial Development Agency (the "Agency"), is authorized under the laws of the State of New York, and in particular the New York State Industrial Development Agency Act, constituting Title I of Article 18-A of the General Municipal Law, Chapter 24 of the Consolidated Laws of New York, as amended, (collectively, the "Act"), to promote, develop, encourage and assist in the acquiring, constructing, reconstructing, improving, maintaining, equipping and furnishing of industrial, manufacturing, warehousing, commercial, civic and commercial research facilities, and thereby advance the job opportunities, general prosperity and economic welfare of the people of the State of New York and to improve their prosperity and standard of living; and

WHEREAS, Staub Precision Machine, Inc. (the "Company"), has entered into negotiations with officials of

the Town of Hamburg Industrial Development Agency (the "Agency") with respect to the acquisition and installation of machinery, equipment, furniture and fixtures in connection with the Company's existing manufacturing facility (the "Project") to allow the Company to expand; and

WHEREAS, the Company submitted an Eligibility Questionnaire to the Agency to initiate the accomplishment of the above; and

WHEREAS, the Eligibility Questionnaire sets forth certain information with respect to the Company, including the following: that the Company desires Agency assistance to acquire, install and operate the Project for manufacturing purposes with resultant increase in employment in the Town of Hamburg; the Project will retain existing employment and create additional employment and a substantial capital investment and will allow the Company to complete a major expansion; the Company presently employs 27 full time persons and 2 part time employees at its current facility located at 1 Grimsby Drive in the Town of Hamburg, which facility is currently owned by Staub One, LLC and leased to Staub Precision Machine, Inc., which employees will be retained as a result of the Project and an additional 3 full time employees will be added as a result of the Project within 2 years following completion of the Project; that if Agency participation is disapproved, the Company might not proceed with the Project; that Agency participation in the Project is reasonably necessary to encourage the Company to proceed with the Project in the Town of Hamburg; and

WHEREAS, a public hearing on the Project is not required pursuant to Section 859-A of the General Municipal Law because the amount of benefits to be received by the Company is less than \$100,000; and

WHEREAS, the Agency further desires to further encourage the Company with respect to the acquisition, installation and operation of the Project, if by so doing it is able to induce the Company to proceed with the Project in the Town of Hamburg; and

WHEREAS, the Agency purposes to obtain the aforementioned benefits and to accomplish the purposes of the Act by inducing the Company to acquire and install the Project as agent for the Agency and subsequent installment sale thereof to the Company for its use for manufacturing facility located at 1 Grimsby Drive, Hamburg, New York; and

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

Section 1. The Agency hereby determines that the acquisition, installation and operation of the Project and participation therein by the Agency pursuant to the New York State Industrial Development Agency Act will promote and is authorized by and will be in furtherance of the policy of the State as set forth in said Act. The Agency further hereby determines, on the basis of the Eligibility Questionnaire of the Company and supplemental information furnished by the Company, as follows: (a) it would not have participated in the Project except to induce the Project; (b) the Project will provide substantial increased employment and substantial capital investment; (c) there will be no substantial adverse disruption of existing employment of facilities of a similar nature to the Project in such area; (d) that the Project is necessary to allow the Company to expand (a) the Project as represented is reasonably necessary to promote the purposes of the Act; and (b) the Project is an integral part of the Company's plan to expand its business in the Town of Hamburg.

Section 2. To accomplish the purposes of the Act, the Agency hereby authorizes the Company to proceed with the Project as herein described with a maximum authorized amount of \$225,000 to be expended without further action of the Agency. The Agency is authorized, subject to the provisions of this Resolution, to acquire title to the Project and to enter into a Project and Agent Agreement and an Installment Sale Agreement with the Company and to execute and deliver such other documents and instruments as may be necessary in order to consummate the transaction contemplated by this Resolution.

Section 3. The execution and delivery of the Installment Sale Agreement, a Project and Agent Agreement and such other documents and instruments as may be necessary in order to carry out the purposes of this Resolution, each being substantially the form approved by the Agency for prior transactions or approved by the Chairman, Vice-Chairman, Executive Director, Secretary, or Assistant Secretary is hereby authorized. The Chairman, Vice-Chairman, Executive Director, Secretary or Assistant Secretary of the Agency are hereby authorized to execute, acknowledge and deliver each such Instrument and the Secretary and Assistant Secretary of the Agency are hereby

authorized to affix the seal of the Agency on each such Instrument, as applicable, and attest to the same. The execution and delivery of each such document by said officer shall be conclusive evidence of due authorization and approval.

Section 4. All covenants, stipulations, obligations and agreements of the Agency contained in this Resolution, the Project and Agent Agreement and in the Installment Sale Agreement and other documents and instruments shall be deemed to be the covenants, stipulations, obligations and agreements of the Agency to the full extent authorized or permitted by law, and such covenants, stipulations, obligations and agreements shall be binding upon the Agency and its successors from time to time and upon any board or body to which any powers or duties affecting such covenants, stipulations, obligations and agreements shall be transferred by or in accordance with law. Except as otherwise provided in this Resolution, all rights, powers and privileges conferred and duties and liabilities imposed upon the Agency or the members thereof by the provisions of this Resolution, the Project and Agent Agreement, the Installment Sale Agreement or other documents and instruments shall be exercised or performed by the Agency or by such members, officers, board or body as may be required by law to exercise such powers and to perform such duties.

No covenants, stipulation, obligation or agreement herein contained or contained in the Installment Sale Agreement or other documents and instruments shall be deemed to be a covenant, stipulation, obligation or agreement of any member, officer, agent or employee of the Agency in his individual capacity.

Section 5. The Agency is hereby authorized to acquire, install and provide the Project, all as particularly authorized by the terms and provisions of the Installment Sale Agreement. Any action heretofore taken by the Company in initiating the acquisition and installation of the Project on behalf of the Agency is hereby ratified, confirmed and approved. The proper officers of the Agency are hereby authorized to accept title to the Project.

Section 6. The Company is authorized to make purchases of goods and services relating to the Project that would otherwise be subject to New York State and local sales and use tax in a combined amount up to \$225,000 which may result in a New York State and local sales and use tax exemption benefits ("sales and use tax exemption benefits") not to exceed \$20,000. The Agency may consider any requests by the Lessee for increases in the amount of sales and use tax benefits authorized by the Agency upon being provided with appropriate documentation detailing the additional purchases of property or services necessary for the completion of the Project.

Section 7. The Chairman, Vice Chairman, Executive Director, Secretary and Assistant Secretary and any member of the Agency are hereby designated the authorized representatives of the Agency and each of them is hereby authorized and directed to execute and deliver any and all papers, instruments, opinions, certificates, affidavits and other documents and to do and cause to be done any and all acts and things necessary or proper for carrying out this Resolution, the Project and Agent Agreement, the Installment Sale Agreement and other necessary documents and instruments.

Section 8. Any expenses incurred by the Agency with respect to the Project shall be paid or reimbursed by the Company whether or not the transaction contemplated by this Resolution is completed, unless through the fault of the Agency. By acceptance hereof, the Company agrees to pay such expenses and further agrees to indemnify the Agency, its members, employees and agents and hold the Agency and such harmless against claims for losses, damage or injury or any expenses or damages incurred as a result of action taken by or on behalf of the Agency in good faith with respect to the Project.

Section 9. The provisions of this Resolution shall continue to be effective until one year from the date hereof whereupon the Agency may, at its option, terminate the effectiveness of the Resolution (except with respect to the matters contained in Section 7 hereof) unless prior to the expiration of such period (a) the Agency shall by subsequent resolution extend the effective period of this Resolution, or (b) the Company and the Agency enter into an Installment Sale Agreement.

Section 10. The Agency hereby determines, based upon information furnished to it by the Company and such other information as the Agency deemed necessary to make this determination, that the Project is a Type II Action under the State Environmental Quality Review Act and does not require the preparation of an Environmental Impact Statement under such Act as the contemplated action will not

have a significant effect on the environment.

Section 11. The provisions of the new Section 875 of the General Municipal Law which became effective on March 28, 2013 shall apply to this Project. In the event it is determined that an agent, project operator or other person or entity obtained state sales and use exemptions benefits for which they were not entitled or which were in excess of the amount authorized, the agent, project operator or other person or entity shall comply with all the provisions of Section 875 and pay back to the Agency the amount of the state sales and use tax exemptions benefits that they obtained but were not entitled to.

Section 12. The provisions of the Town of Hamburg Industrial Development Agency Policy for Recapture and/or Termination or Modification of Financial Assistance adopted by the Agency on Adopted: June 14, 2016 and Re-adopted February 27, 2020, shall be applicable to this Project.

Section 13. This resolution shall take effect immediately.

-Motion to approve the Staub Precision Machine Resolution

Moved: Bob Reynolds **Seconded:** Andy Palmer
Ayes: Reynolds, Moses, Valentin, Hutchison, Palmer
Nays: none
Carried

Bob Reynolds noted the Staub Precision Machine project; is bringing \$4.5 million in labor with average salary of \$58,000. It is well worth putting monies into these types of projects. The 22,000 square foot building they are acquiring will only be vacant for about a day. They are investing 1.7 million in the project – its great growth for the Village of Hamburg.

-Motion to adjourn at 6:24pm

Moved: Bob Hutchison **Seconded:** Tom Moses
Ayes: Reynolds, Moses, Valentin, Hutchison, Palmer
Nays: none
Carried

Sincerely,



Sean Doyle, Executive Director

**The next meeting will be Tuesday September 22th – 7:30am
Blasdell Village Hall**