



6122 South Park Avenue
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Hamburg New York Land Development Corporation
September 22, 2020, 7:30am
Blasdell Village Hall –in person or
Via Zoom Teleconferencing – due to the COVID 19 Pandemic

Present

Robert Reynolds – in person
Tom Moses – in person
Janet Plarr – in person
Bob Hutchison - in person
Andy Palmer – in person
Davis Podkulski – via Zoom
Cam Hall – in person

Excused

Wence Valentin
Norma Rusert-Kelly

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

-Motion to open the board meeting at 7:53am Director Doyle.

Moved: Cam Hall

Seconded: Andy Palmer

Ayes: Reynolds, Moses, Plarr, Hutchison, Palmer, Podkulski, Hall

Nays: none

Carried

- Roll Call

-Motion to approve the August 2020 board meeting minutes.

Moved: Bob Reynolds

Seconded: Janet Plarr

Ayes: Reynolds, Moses, Plarr, Hutchison, Palmer, Podkulski, Hall

Nays: none

Carried

-Motion to approve the August 2020 Treasurer Report.

Moved: Bob Reynolds

Seconded: Janet Plarr

Ayes: Reynolds, Moses, Plarr, Hutchison, Palmer, Podkulski, Hall

Nays: none

Carried

Executive Director Update:

- Doyle stated the reimbursement for the National Grid Grant was approved and should be received shortly.
- There is land interest for smaller parcels. He asked board to keep in mind if they see or hear of anything around town.
- The Jeffery Boulevard Norfolk Southern Site hasn't been used for rail in several years, would like to get that parcel occupied. Doyle explained railroad ceiling valuation tax and that there is little tax impact for Norfolk Southern to hold on to the site.

-New Business

Director Doyle read the following Resolution for Walden Development

*RESOLUTION OF THE HAMBURG NEW YORK LAND DEVELOPMENT CORPORATION
APPROVING THE SALE OF PROPERTY TO WALDEN DEVELOPMENT GROUP, LLC AS
AGENT FOR AN ENTITY TO BE FORMED*

WHEREAS, the Hamburg New York Land Development Corporation (the "Corporation") approved and signed a Contract with Walden Development Group, LLC as Agent For An Entity To Be Formed ("Purchaser") to sell approximately 64.5 acres of vacant land at the corner of Lake Shore Road and Bayview Road for the sum of \$1,150,000.00; and

WHEREAS, the Corporation and the Purchaser have negotiated to sell additional acreage at an increased price, with revised provisions for seller held financing and revised provisions for the roadway.

NOW, THEREFORE, be it resolved by the Corporation as follows:

- 1. The Corporation does hereby approve the Amendment of the August 21, 2020 Sales Contract to Walden Development Group, LLC as Agent For An Entity To Be Formed at the price of \$1,225,000.00 with seller held financing.*
- 2. That the Executive Director or other officer of the Corporation is directed to sign such Agreement Modifying Contract on behalf of the Corporation and to sign the necessary closing documents to effectuate the sale and financing.*
- 3. This resolution shall take effect immediately.*

ADOPTED: September 22, 2020

-Janet Plarr excused herself from the meeting due to work obligations at 7:59am.

-Motion to go into Executive Session as a matter of contract negotiation at 8:00am

Moved: Andy Palmer

Seconded: Bob Reynolds

Ayes: Reynolds, Moses, Hutchison, Palmer, Podkulski, Hall

Nays: none

Carried

-Motion to move out of Executive Session with no action taken at 8:25am.

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

The board expressed concerns if usage of the proposed roadway at the LECC changes over the years. Currently, they can foresee heavy truck and equipment traffic on the proposed roadway and do not want to have issues with subpar construction should they approve the roadway to go private. As a private roadway it is not subject to town oversight. The purchase price was predicated on the type of roadway being put in.

Director Doyle, questioned Andy DeVincentis of Walden Development about the design and building standards of the proposed private road at the LECC site. Andy stated the standards would not change with the proposal to go private. The design and building standard are the same whether a private or public road is constructed.

-Motion to approve the Resolution for Walden Development with an amendment to the contract that includes verbiage such that the design plans of the proposed roadway are built to Town of Hamburg and concurrent with the standard at least as significant as the existing Lake Erie Boulevard roadway. The revised language of the contract is subject to the approval of the IDA Executive Director and legal counsel.

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

Unfinished Business

-Carwell agreement to purchase the land at the LECC was originally approved in December of 2019. It was agreed on April 4, 2020 to extend timeline to get it closed due to covid.

Due to suspected wetlands on the parcel, wetland delineation is required. The last delineation by the Town is 6 years old and per industry standard you cannot go past 5 years. This is typical of pre-development activity. Draft amendments with access rights were prepared to allow them to go onsite for a topography and wetland study. They got no response.

Since the study is not complete, Carwell requested an amount of the purchase price to be held in escrow that involves the suspect wetlands. Doyle was agreeable to this but wanted language to close no later than 11/3/2020. The draft extension from Carwell did not include this language. Carwell responded on 9/21/2020 in the evening that they now suspect 4.47 acres of wetland and require higher escrow to reflect that amount. Doyle suggested offer a 30 day extension with no additional terms regarding price or escrow. This land needs to close and be developed for tax base and jobs in accordance with the HNYLDC goals and mission.

Doyle invited representatives from Carwell to the meeting today so the board could ask them questions on their timeline and projected completion date, they did not attend.

-Doyle reviewed the following resolution:

RESOLUTION OF THE HAMBURG NEW YORK LAND DEVELOPMENT CORPORATION
APPROVING THE SALE OF PROPERTY TO CARWELL PRODUCTS INC. AND/OR
ASSIGNS, A CORPORATION TO BE FORMED

WHEREAS, the Hamburg New York Land Development Corporation (the "Corporation") has entered into a Contract dated April 9, 2020 with Carwell Products Inc. and/or Assigns, a Corporation to be formed ("Carwell") to purchase approximately 5.57 acres of vacant land (with .59 acres of wetlands) in the Lake Erie Commerce Park for the sum of \$210,000.00; and

WHEREAS, Carwell has exceeded the timeframes in the Contract for due diligence and for closing and has asked that the timeframes be extended..

NOW, THEREFORE, be it resolved by the Corporation as follows:

1. That counsel for the Corporation and the Executive Director are directed to finalize a contract extension and the Executive Director or other officer of the Corporation is directed to sign such contract on behalf of the Corporation.
2. This resolution shall take effect immediately.

ADOPTED: September 22, 2020

-**Motion** to approve the above resolution with a close day of November 3, 2020.

Moved: Andy Palmer **Seconded:** Davis Podkulski
Ayes: Reynolds, Moses, Hutchison, Palmer, Podkulski, Hall
Nays: none
Carried

-Andy Palmer excused himself from the meeting for work obligations at 8:43am.

-Doyle read the following resolution

*RESOLUTION OF THE HAMBURG NEW YORK LAND DEVELOPMENT CORPORATION APPROVING
THE COMMISSION AGREEMENT WITH PYRAMID BROKERAGE COMPANY OF BUFFALO, INC.
("PYRAMID") REGARDING THE SALE OF PROPERTY IN THE LAKE ERIE COMMERCE PARK*

WHEREAS, the Hamburg New York Land Development Corporation (the "Corporation") has entered into a Contract to sell acreage to Walden Development Group, LLC as Agent For An Entity To Be Formed, said parties having been brought together by Pyramid; and

WHEREAS, the Corporation has agreed to pay commissions to Pyramid in the amount of 5% of the sale price;

NOW, THEREFORE, be it resolved by the Corporation as follows:

1. *The Corporation does hereby approve the Commission Agreement;*
2. *That the Executive Director or other officer of the Corporation is directed to sign such Commission Agreement on behalf of the Corporation; and*

3. *This resolution shall take effect immediately.*

ADOPTED: September 22, 2020

Doyle stated 5% is a good rate. Generally the rate is between 10-14%. HNYLDC does a lot of work for the broker to help close the sale warranting a discounted commission.

Moved: Cam Hall **Seconded:** Bob Hutchison

Ayes: Reynolds, Moses, Hutchison, Podkulski, Hall

Nays: none

Carried

-Motion to adjourn 8:44am

Moved: Cam Hall **Seconded:** Bob Hutchison

Ayes: Moses, Hutchison, Reynolds, Podkulski, Hall

Nays: none

Carried

Sincerely,



Sean Doyle, Executive Director

**The next meeting will be Thursday, October 22nd – 6:00pm
Hamburg Town Hall, Room 7A**