



6122 South Park Avenue
Hamburg, New York 14075
716.648.4145
www.HamburgIDA.com

**Hamburg Industrial Development Agency
Board of Directors Meeting
November 24, 2020, 7:30am
Via Zoom Teleconferencing – due to the COVID 19 Pandemic**

Present

Cam Hall
Tom Moses
Janet Plarr
Bob Hutchison
Andy Palmer
Davis Podkulski
Norma Rusert-Kelly
Robert Reynolds

Excused

Wence Valentin

Guests

Jennifer Strong, Neill & Strong
Mary Doran, HIDA
Francesca Bond, Hamburg Sun

Executive Director

Sean Doyle – in person

-Pledge of Allegiance

- Roll Call

-Motion to open the board meeting at 7:33am.

Moved: Norma Rusert-Kelly **Seconded:** Davis Podkulski
Ayes: Hall, Moses, Hutchison, Palmer, Podkulski, Rusert-Kelly, Reynolds, Plarr
Nays: none
Carried

-Motion to approve the October 2020 board meeting minutes.

Moved: Bob Reynolds **Seconded:** Davis Podkulski
Ayes: Hall, Moses, Hutchison, Palmer, Podkulski, Rusert-Kelly, Reynolds, Plarr
Nays: none
Carried

Treasurer, Bob Reynolds, gave an update on the financials. Payroll and benefits continue to be the largest expense. Income is down because of the pandemic. Current balance is \$594,087.60

-Motion to approve the October 2020 Treasurer Report.

Moved: Tom Moses **Seconded:** Andy Palmer
Ayes: Hall, Moses, Hutchison, Palmer, Podkulski, Rusert-Kelly, Reynolds, Plarr
Nays: none
Carried

Executive Director Update:

- GAAL scheduled to close by year end. They paid their agency fees in advance of the closing.
- Erie Wind, have an item on the agenda later in the meeting, due to close by year end.
- E-One, following up with them.
- 290 Lake has engaged an attorney and they are moving forward.
- Jeffrey Boulevard expansion, working with them.
- Key Energy, the battery company slated for Blasdell, Janet Plarr gave an update. She stated there has been a change in the project manager and a slow down due to covid. The project will be moving forward and should be on the Blasdell Village Board meeting agenda in December.
- Next board meeting is December 17th due to the holiday.
- 4307 South Park will be reconveyed.
- The Retail Committee instituted by the Town of Hamburg due to the Supervisor putting a moratorium on retail buildings has come up with a plan. They are proposing to enact the “Business Improvement Exemption Law” 485 b. There was a public hearing on November 16th and they are taking comments thru their next board meeting on December 2nd. In general the law pertains to improvement amounts of \$25,000 + and establishes a 10 year abatement on Town of Hamburg taxes. This not intended for ordinary maintenance on the building, the value of the property has to increase; new construction or big renovations.

-Motion by Andy Palmer for the HIDA to write a letter to the Hamburg Town Board in support of instituting 485 b. Director Doyle will draft a letter and email HIDA Board. The Board will have 24 hours to review and comment if no response Director Doyle will send as is.

Moved: Andy Palmer

Seconded: Bob Hutchison

Ayes: Hall, Moses, Hutchison, Palmer, Podkulski, Rusert-Kelly, Reynolds, Plarr

Nays: none

Carried

Unfinished Business

-Erie Wind (project approved in December of 2019), they were originally going to finance the project internally. Now they are going to pool all the projects across the state into one mortgage. They are currently drawing all the projects together, working on the dollar amount, length and lending institution. They are not looking for mortgage tax abatement, just consent to mortgage which is standard. Doyle read the key points of the resolution there is not a timeline because agency benefits are not being granted.

RESOLUTION OF THE TOWN OF HAMBURG INDUSTRIAL DEVELOPMENT AGENCY AUTHORIZING THE EXECUTION AND DELIVERY OF A MORTGAGE IN A PRINCIPAL AMOUNT TO BE DETERMINED AND OTHER SECURITY DOCUMENTS REQUIRED IN CONNECTION WITH THE FUTURE REFINANCING OF THE 2020 ERIE WIND, LLC PROJECT.

WHEREAS, the Town of Hamburg Industrial Development Agency (the “Agency”) by resolution adopted on December 17, 2019 (the “Inducement Resolution”) with respect to the request for assistance in connection with leasing of the two partial parcels totaling approximately 7.47 acres of land and improvements located at 0 Lake Shore Road, in the Town of Hamburg, for the replacement and upgrade of the existing 4 (four) wind turbines with new equipment at a cost of \$8,600,000.00, due to persistent maintenance issues with the existing turbines which are no longer being manufactured, in connection therewith by the Company, as Agent for the Agency, all for a wind energy

generation facility for lease to the Agency; 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 November 1, 2020, between ERIE WIND LLC as lessor, and the Agency, as lessee, (the "Lease to Agency") and leased the Facility back to ERIE WIND, LLC pursuant to a certain Leaseback Agreement, dated as of November 1, 2020, between the Agency, as Lessor, and ERIE WIND, 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 the Agency of a Mortgage in the principal amount To Be Determined to a Lender To Be Determined by ERIE WIND LLC and approved by an appropriate officer of the Agency (the "Mortgages"); and

WHEREAS, the facility will remain as it is currently used (for wind turbines); 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 and authorizes the execution and delivery of a Mortgage between a lender To Be Determined and ERIE WIND, LLC, subject to attorney approval and Executive Director Approval, with respect to the Lease to Agency and the Leaseback Agreement and other ancillary documents required to be executed, if any, in connection therewith.

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 Mortgage, and such other agreements as may be desirable or required in connection with the re-financing of such transaction. The execution and delivery of each such agreement by said officer shall be conclusive evidence of due authorization and approval.

Section 4. ERIE WIND LLC, agrees that it will pay all Agency Administrative Fees and legal fees due at closing.

Section 5. This resolution shall take effect immediately.

-Motion to approve the Erie Wind consent to mortgage.

Moved: Norma Rusert-Kelly

Seconded: Janet Plarr

Ayes: Hall, Moses, Hutchison, Palmer, Podkulski, Rusert-Kelly, Reynolds, Plarr

Nays: none

Carried

New Business

- **Motion** granting the SEP payments to Sean Doyle and Mary Doran as presented in attached memo, to be included in the December 11, 2020 payroll.

Moved: Janet Plarr

Seconded: Cam Hall

Ayes: Hall, Moses, Hutchison, Palmer, Podkulski, Rusert-Kelly, Reynolds, Plarr

Nays: none

Carried

-Southtowns Regional Chamber of Commerce Sponsorship, typically the chamber puts on a holiday bash to raise monies for local scholarships. Due to the ongoing pandemic this is obviously not an option. They are doing an online raffle. Sponsors donate or purchase gift certificates to local businesses. The certificates then get pooled and raffled off online, one a day for 21 days. This is a great way to support and focus on boosting local businesses. Doyle proposed the HIDA sponsor the event as a “challenge sponsorship” – a one for one match on purchased certificates not to exceed \$2,000. Although this was not budgeted the HIDA is under budget in meeting and events and could reallocate the monies from this category for the sponsorship.

-Palmer said it was an innovative way to encourage and support small local businesses.

-Hutchison said it shows leadership by the HIDA.

-Hall stated it is in line with the HIDA mission.

-Norma confirmed it supported retail and restaurants, said it was nice to see and thought it was a great idea.

-Board consensus - all agreed it was in line with the HIDA mission and it makes sense during these trying times to show we are involved and support the local community.

-**Motion** to support the Southtowns Regional Chamber of Commerce in an amount not to exceed \$2,000 as a Challenge Sponsorship supporting their online 2020 21 Days of Christmas Theme Basket Raffle.

Moved: Janet Plarr

Seconded: Cam Hall

Ayes: Hall, Moses, Hutchison, Palmer, Podkulski, Rusert-Kelly, Reynolds, Plarr

Nays: none

Carried

-Pandemic Plan, it will soon be a requirement of NYS to have a plan in place of how to operate allowing for the health and safety of all staff. The HIDA follows the Town of Hamburg rules. If our county goes from “orange” to “red”, the HIDA has the equipment to work remotely and will come in as needed to process payments, mail etc.

Bob Reynolds went back to the Treasurers Report and stated for the record that between both organizations, the HIDA and HNYLDC total assets are \$962,742.

Norma asked about The Oaks at South Park, when it will be ready for occupancy, number of units, price etc. Doyle stated there is a lot of activity at the site and it looks great. The work they did with Hilbert College on their athletic facilities is an incentive to boost enrollment. Doyle will reach out and find the occupancy date and email the board.

-Motion to adjourn at 8:13am

Moved: Norma Rusert-Kelly **Seconded:** Andy Palmer

Ayes: Hall, Moses, Hutchison, Palmer, Podkulski, Rusert-Kelly, Reynolds, Plarr

Nays: none

Carried

Sincerely,

A handwritten signature in black ink, appearing to read 'SD', with a long horizontal line extending to the right.

Sean Doyle, Executive Director

**The next meeting will be Thursday December 17th – 6:00PM
Location TBD**