



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

**Hamburg Industrial Development Agency
Board of Directors Meeting
January 22, 2021, 4:30pm
Via Zoom Teleconferencing – due to the COVID 19 Pandemic**

Present

Cam Hall
Tom Moses
Janet Plarr
Bob Hutchison
Andy Palmer
Davis Podkulski
Wence Valentin
Robert Reynolds

Excused

Norma Rusert-Kelly

Guests

Jennifer Strong, Neill & Strong
Mary Doran, HIDA
Alex Grose, Sean Ryan's Office
Gabrielle Harrington, Sean Ryan's Office
Francesca Bond, Hamburg Sun
Matt Kent, NY Foundation for Fair Contractors
Tim Henderson, Sean Ryan's Office

Executive Director

Sean Doyle

- Roll Call

-Motion to open the board meeting at 4:33pm.

Moved: Bob Reynolds

Seconded: Janet Plarr

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

Nays: none

Carried

-Motion to approve the December 17, 2020 board meeting minutes.

Moved: Bob Reynolds

Seconded: Andy Palmer

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

Nays: none

Carried

Treasurer, Bob Reynolds, gave an update on the financials. December had administrative fees of \$87,000 and interest earnings \$129.74. Bob also noted the year-end numbers on the report; \$4,500 audit, \$1,244 membership dues, \$128,684 payroll & benefits, \$2,840 sponsorship and \$1,255 for website updates. Overall 2020 reports a loss of \$49,216.14.

-Motion to approve the December 2020 Treasurer Report.

Moved: Wence Valentin

Seconded: Bob Hutchison

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

Nays: none

Carried

Executive Director Update:

-Doyle went over the upcoming dates:

- 2nd Public Hearing for the proposed Bayview Road Associates/Amazon Project will be February 10, 2021 at 6:00pm both in person (Hamburg Town Hall rooms A& B) and via Zoom.
- Rescheduling the February 23rd board meeting to February 16th at 5:00pm
- The remaining meeting dates of 2021 will be the 3rd Wednesday of the month beginning with March 17th, at Blasdell Village Hall, 7:30am. (These dates are outlined in the meeting packet).

-**Motion** to approve the meeting dates of 2021 as outlined above.

Moved: Andy Palmer

Seconded: Bob Reynolds

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

Nays: none

Carried

Per the revised agenda issued on January 22, 2021, the Bayview Road Associates item was tabled and the Local Labor Policy was added.

-Local Labor Policy, in a recent public hearing during the comment period questions arose which lead us to think about potential changes in our policy. Doyle reviewed the concerns below:

- Cam Hall joined the meeting at 4:41pm

Excerpt from policy -

Local Labor Requirement

At least 90% of all Project employees of the general contractor, subcontractor, or subcontractor to a subcontractor (collectively, the "Workers") working on the Project must reside within the Local Labor Area. Companies do not have to be local companies as defined herein, but must employ local Workers residing within the Local Labor Area to qualify under the 90% local labor criteria.

It is understood that at certain times, Workers residing within the Local Labor Area may not be available with respect to a Project. Under this condition, the Company is required to contact the Agency to request a waiver of the Local Labor Requirement (the "Local Labor Waiver Request") based on the following circumstances and contingent on board approval:

- (i) *Warranty issues related to installation of specialized equipment whereby the manufacturer requires installation by only approved installers;*
- (ii) *Specialized construction for which Local Labor Area Workers are not available;*
- (iii) *Documented lack of Workers meeting the Local Labor Area requirement. The Agency shall evaluate the Local Labor Waiver Request and make its determination related thereto based upon the supporting documentation received with such waiver request; or*
- (iv) *Significant cost differentials in bids whereby use of Local Labor significantly increases the cost of the project. A cost differential of 25% is deemed significant.*

Doyle proposed to the board to add the following verbiage to the policy (noted above); *and contingent to board approval*, which gives more control to the entire board. Additionally, he read section 4 (highlighted

above). Although he does not anticipate this occurring, it does leave it open for individuals to undercut the market. Doyle proposed to readopt the policy adding the contingency and removing section 4 in its entirety.

Janet Plarr, asked for Bob Reynolds and Wence Valentin to give their opinion on this issue since they represent labor on our board.

Wence – thought it was good to get rid of section 4.

Bob Reynolds – likes the contingency being added upon board approval, and agrees with removing section 4.

Matt Kent a guest at the meeting spoke to the board. He supports the reform. It eliminates the potential for an out of state workforce. He said it sinks it up with the ECIDA policy. He would like to see if a signed certification of the policy could be required during the application period – before the project goes forward.

Attorney, Jennifer Strong, said it states at the top of the policy it is attached to the application. She also stated state law does not require a local labor agreement, the Hamburg IDA has chosen to do this. Best practice would be to have it signed with the application.

Matt Kent – then asked when this would be in place, will it apply to the current project up for approval (Bayview Road Associates/Amazon)?

Doyle stated, yes, it will go into effect immediately.

Board member Davis, spoke and was in agreement to include with the application.

-Motion to modify the current Local Labor Policy and add the verbiage “*and contingent on board approval*” at the end of paragraph two and remove section 4 completely.

Moved: Andy Palmer **Seconded:** Bob Reynolds

Roll Call Vote:

Ayes: Aye -Hall, Aye- Moses, Aye- Hutchison, Aye-Palmer, Aye-Podkulski, Aye-Reynolds, Aye-Plarr, Aye-Valentin

Nays: none

Carried

-Motion to adjourn at 4:55pm

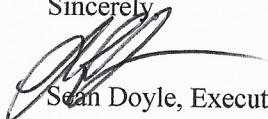
Moved: Janet Plarr **Seconded:** Bob Hutchison

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

Nays: none

Carried

Sincerely



Sean Doyle, Executive Director