



6122 South Park Avenue  
Hamburg, New York 14075  
716.648.4145  
[www.HamburgIDA.com](http://www.HamburgIDA.com)

**Hamburg Industrial Development Agency  
Board of Directors Meeting**

**MEETING AGENDA**

**Wednesday, January 12, 2022, 7:30 AM**

**Blasdell Village Hall, Court Room, 121 Miriam Avenue, Blasdell, New York**

Topic: HIDA HNYLDC Regular Board Meeting  
Time: Jan 12, 2022 07:30 AM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/82068552535?pwd=ak1iNUJNYUdBd2hQMlpQOGNVNmN5QT09>

Dial by your location

+1 929 205 6099 US (New York)

Meeting ID: 820 6855 2535

Passcode: 14075

1. Roll Call
2. **New Business**
  - Ford Resolution
3. Reading and Approval of December 2021 Minutes
4. Report of the Treasurer:
  - December Treasurer Report
5. Executive Director Update:

**Unfinished Business**

- Bank Interest Revenue
5. Privilege of the Floor

**New Business - continued** *(deadline for New Business is Thursday at 5:00)*

- Invest Buffalo
  - Neill & Strong Reappointment for Transaction Counsel 2022
  - HIDA Leadership/Committees 2022
  - Director and Officer Insurance
6. Executive Session
  7. Adjournment

**Next meeting: February 16, 2022, 7:30am Blasdell Village Hall**

## PROJECT PROFILE:

# Ford Motor Company

**\$35,000,000**

January 12, 2022



### ELIGIBILITY

- Automotive manufacturing eligible under NYS Law

### COMPANY INCENTIVES (EST.)

- Property Tax = \$3,062,500
- Mortgage Tax = \$0
- Sales Tax = \$0

### PROJECT BENEFITS (EST.)

- Property Taxes = \$3,658,052
- Income Taxes = \$152,250,877
- Sales Tax = \$1,034,787

### EMPLOYMENT

- Retention of between 250 to 979 Employees. Less due to retooling periods.
- Range \$67,260—\$106,000 Plus Benefits
- Local labor waiver granted for project

### PROJECT SCHEDULE

- Five -year program of sales tax exemption on non-production Equipment
- Annual IDA reporting required per NYS

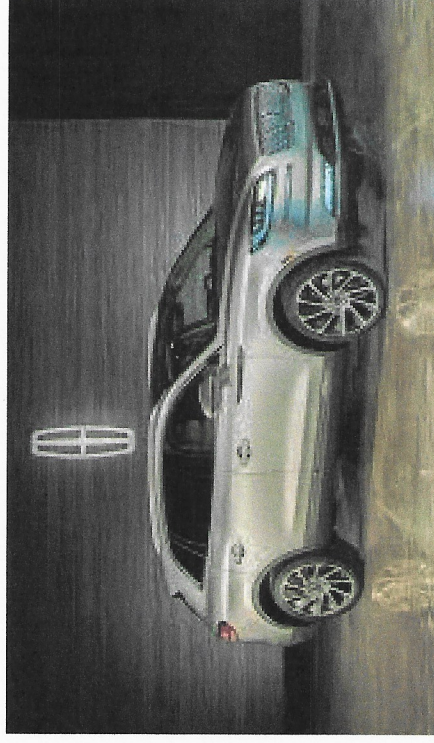
### Project Address:

3633 Lakeshore Road  
Blasdell, NY  
(Frontier Central School District)

### Investment:

Construction &  
Equipment: \$35,000,000

Estimate \$7,000,000 spend annually  
over five year period



### Company Description:

Ford Motor Company's Buffalo Stamping Plant (BSP) manufactures metal stampings and welded sub-assemblies for Ford Motor Company's automotive car and truck assembly plants in North America, Great Britain and Mexico. BSP has been a strong contributor to the Ford Motor Company since 1950. When the facility opened it was 1,235,895 square feet of working floor space. We have had six major expansions and the facility is now 2,452,883 square feet or 53.3 acres of floor space. BSP provides stampings for the Edge, Nautilus, F- 150, Super Duty & the Econoline.

### Project Description:

Applicant is seeking state and local sales and use tax exemption. The sales tax exemption is very important to the continued viability of the plant. Being cost competitive is one of the key variables allowing us to successfully retain current work and compete for new work. Ford has several other stamping plants in North America, and the work presently done at the Buffalo Stamping Plant (BSP) could be re-sourced to any one of them if the conditions in NY become uncompetitive.

**PROJECT PROFILE:**

**Ford Motor Company**

**\$35,000,000**

**HIDA COMPANY HISTORY:**

2016—Applicant for agency benefits for sales tax exemption on non-production equipment

**MATERIAL TERMS:**

1. Maintain job requirements over the incentive period.
2. Compliance with IDA reporting as outlined in agent agreement for installment sale transactions.



**RESOLUTION OF THE TOWN OF HAMBURG INDUSTRIAL DEVELOPMENT AGENCY AUTHORIZING AND APPROVING THE EXECUTION AND DELIVERY OF AN INSTALLMENT SALE AGREEMENT, AND OTHER INSTRUMENTS AND OTHER MATTERS FOR FORD MOTOR COMPANY BUFFALO STAMPING PLANT 2022-2026.**

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, Ford Motor Company (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, furnishings and fixtures by the Company, as agent for the Agency, for the Company's industrial/producer services facility located at 3663 Lake Shore Road, Hamburg, New York for a five year period commencing on January 1, 2022 and ending on December 31, 2026 (the "Project"); 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 financing to acquire, install and operate the Project for industrial/producer services purposes with resultant retainage in employment in the Town of Hamburg; that the Company presently employees 904 full time and 72 part time persons at its facility in the Town of Hamburg; that the Company estimates that approximately 904 full time and 72 part time persons will be employed at the Project location after it is fully completed; the facility at 3663 Lakeshore Road in the Town of Hamburg competes with other Ford stamping plants including several to which the work done at the Project location could be re-sourced to or any one of them if the conditions in the Town of Hamburg are not competitive; that but for Agency participation in the Project, the Company would not initiate the purchase of machinery and equipment constituting the Project to expand its business and retain employment within the Town of Hamburg; and the Project will provide substantial employment and substantial capital investment; if Agency participation in the Project is not approved, the Company would likely not proceed with the Project; and that, therefore, Agency participation is necessary to encourage the Company to proceed now with the Project in the Town of Hamburg; and

WHEREAS, the Agency has determined the Project benefits are less than 10% of the Project Cost and therefore Prevailing wage is not required to be paid; and



WHEREAS, the Agency has held a public hearing on the Project pursuant to Section 859-A of the General Municipal Law; 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 now 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 industrial/producer services facility at its facility located at 3663 Lakeshore Road, Buffalo (Hamburg), New York; and

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 location of the Project in the area to be served by the Project as there is a demonstrable need for the Project and the services it offers; (b) but for Agency participation in the Project in such area, the Project would not be economically feasible; (c) there will be no substantial adverse disruption of existing employment of facilities of a similar nature to the Project in such area; and (d) the Project will retain substantial employment and provide substantial capital investment. The Agency hereby determines, that: (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 retain 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. The Agency is authorized, subject to the provisions of this Resolution, to acquire title to the Project.

Section 3. The Company is authorized to initiate the acquisition of machinery, equipment, furnishings and fixtures required in connection with the operation of an industrial/producer services facility located at 3663 Lakeshore Road in the Town of Hamburg, New York 14075 and to advance such funds as may be necessary to accomplish such purposes. The Agency is hereby authorized to enter into such agreements with the Lessee as the Chairman, Vice Chairman, Executive Director, Secretary, Assistant Secretary or other authorized officer may deem necessary in order to accomplish the above.

Section 4. 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



an estimated amount up to **\$35,000,000** over a period of five years 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 **\$3,062,500.00**. The Agency may consider any requests by the Company 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 5. Any such action heretofore taken by the Company in initiating the acquisition and construction of the Project is hereby ratified, confirmed and approved.

Section 6. Any expenses incurred by the Agency with respect to the Project and the financing thereof shall be paid by the Company. By acceptance hereof, the Company agrees to pay such expenses and further agrees to indemnify the Agency, its members, directors, officers, employees and agents and hold the Agency and such persons 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 and the financing thereof.

Section 7. The execution and delivery of a Project and Agent Agreement, an Installment Sale 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 or Assistant Secretary is hereby authorized.

Section 8. The Chairman, Vice-Chairman, Executive Director and 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 9. All covenants, stipulations, obligations and agreements of the Agency contained in this Resolution, the Project and Agent Agreement and 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 Project and Agent Agreement, 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 10. 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 11. 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 12 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 shall be continuing to take affirmative steps satisfactory to the Agency to complete the transaction contemplated by this Resolution. This resolution shall authorize the purchase of up to a maximum of \$35,000,000 in machinery and equipment subject to sales tax for which it will be eligible for sales tax abatement. This resolution shall pertain to expenditures of machinery and equipment during years 2022, 2023, 2024, 2025 and 2026.

Section 13. 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 constitutes a Type II action under the State Environmental Quality Review Act and does not require the preparation of an Environmental Impact Statement under the State Environmental Quality Review Act as the contemplated action will not have a significant effect on the environment.

Section 14. The provisions of the Section 875 of the General Municipal Law 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 15. The provisions of the Town of Hamburg Industrial Development Agency Policy for Recapture and/or Termination or Modification of Financial Assistance shall be applicable to this Project.

Section 16. This resolution shall take effect immediately.

ADOPTED: January \_\_, 2022



ACCEPTED: \_\_\_\_\_, 2022

FORD MOTOR COMPANY

By \_\_\_\_\_



**Unapproved/draft**  
(BOD motion for approval at 1/12/22 meeting)

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**Hamburg Industrial Development Agency  
Board of Directors Meeting  
December 15, 2021, 7:30am  
Blasdell Village Hall**

**Present**

Andy Palmer  
Tom Moses  
Davis Podkulski  
Bob Hutchison-(via Zoom no vote)  
Cam Hall  
Robert Reynolds  
Janet Plarr  
Norma Rusert-Kelly

**Excused**

Wence Valentin

**Guests**

Jennifer Strong, Neill & Strong  
Mary Doran, HIDA  
Francesca Bond, Hamburg Sun - Zoom  
Anthony Cutaia, Owner Rane Mgmt-Zoom  
Elise Hake, Finance Director Rane Mgmt-Zoom

**Executive Director**

Sean Doyle

**-Pledge of Allegiance**

**-Roll Call**

**-Motion** to open the board meeting at 7:34am.

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

**-Motion** to approve the November 2021 board meeting minutes

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

Treasurer, Bob Reynold's gave an update on the financials. HIDA received administrative fees of \$97,213.69 in November net income for the month \$85,226.26. January thru November net income for the HIDA totaled \$449,215.63. January 2021 liabilities and equity totaled \$652,221.45, as of November 30, 2021 liabilities and equity total \$1,100,937.08.

**Motion** to approve the November 2021 Treasurer Report

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



## **Executive Director Update:**

- E-One was supposed to close on December 17<sup>th</sup>, however that will not happen. Doyle will work with Attorney Strong to send them a 30 day notice before recapture procedures will begin. Per HIDA policy E-One representatives will have to appear in person before the board and present their case to stop the recapture proceedings.
- Key Energy and Johnson's Brewhouse have both received their sales tax letters and paid 25% of their HIDA administrative fees. The 17 Long Project has closed.
- Palace Theatre has fully refunded their draw portion of the HNYLDC loan. Doyle will speak to this further in the HNYLDC board meeting.
- CARES Grant info is now available on the website. Applicants can start the process.
- Legislation, Senate Bill S1634 has been passed by both the Senate and Assembly. It is on the Governor's desk for final signature. The bill requires local IDAs to change their fee schedule to match their county's fee schedule. Based on the HIDAs gross income for this year, if we matched Erie County's fees our revenue would have increased by \$150,000 for 2021. The justification for this bill is it supposed to reduce shopping among IDA's for project savings. Conversely, it could also be argued that local IDAs are trying to be cost effective with their fee schedules. Also, IDA fees are not a determining factor in the site selection process. This bill was previously vetoed by the Governor Cuomo. Doyle will keep the board informed.
- Board will be invited the Annual HDC meeting in January. Incoming supervisor Randy Hoak will be the guest speaker. Additionally the board will be invited to a meeting with Hoak.
- An RFP for marketing has been sent out.
- Annual Chamber Christmas Bash has been cancelled due to covid concerns.
- The proposal for development at Sowels and South Park is continuing to move along.
- IDA Leadership Council continues to work on the UTEP.
- Doyle will be on the WNYSCAR Board as well as the ECC Business Advisory Council
- UB Center for Urban Planning, Citizen Planning School will be help develop a local project in Hamburg.
- Changes have been made to the Local Labor Policy per the discussion at the last board meeting. The changes reflect a wavier fee that will be imposed based on the percentage of non-local employees. All fees will be donated to a local adult career training programs. Amended policy below:

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### ***TOWN OF HAMBURG INDUSTRIAL DEVELOPMENT AGENCY***

#### ***LOCAL LABOR POLICY***

***(Attachment to HIDA Application for Financial Assistance)***

***Adopted: August 7, 2015, re-adopted as written January 26, 2021,  
re-adopted as written June 16, 2021***

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#### ***Local Labor Workforce Certification***

*Project applicants (the "Company"), as a condition to receiving Financial Assistance (including a sales tax exemption, mortgage recording tax exemption, real property tax abatement, and/or bond proceeds) from the Town of Hamburg Industrial Development Agency (the "Agency"), will be required to utilize Local Labor, as defined below, for all projects involving the construction, expansion, equipping, demolition and/or remediation of new, existing, expanded or renovated facilities (collectively, the "Project").*

#### **Local Labor Defined**

*Local Labor is defined as individuals residing in Erie County, Niagara County, Chautauqua County, Cattaraugus County, Allegany County, Wyoming County, Genesee County, and Orleans County (collectively, the "Local Labor Area").*

#### **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.

Waiver of Requirement

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") contingent on board approval and subject to agency fees.

Local Labor Requirement	Waiver Fee**
Less than 90% local labor	10% of the agency project fee
Less than 80% local labor	30% of the agency project fee
Less than 70% local labor	50% of the agency project fee
Less than 60% local labor	100% of the agency project fee

\*\* Agency fees associated with local labor waivers will be utilized to promote adult career training in Erie County. These fees will be remitted to The Erie 1 BOCES Educational Foundation, Inc. or a similar not for profit agency.

Local Labor Reporting Requirement

Companies authorized to receive Financial Assistance from the Agency will be required to file or cause to be filed a Local Labor Utilization Report (the "Report") on such form as made available by the Agency, and as directed by the Agency, which will identify, for each Worker, the city, town, or village and associated zip code that each such Worker is domiciled in. The Report shall be submitted to the Agency as follows: (i) immediately prior to commencement of construction activities; and (ii) on or by the next following quarterly dates of January 1, April 1, July 1, and October 1 and each quarterly date thereafter through the construction completion date.

In addition, the Agency, or its designated agents, shall have the right, during normal business hours, to examine and copy the applicable books and records of the Company and to perform spot checks of all Workers at the Project site to verify compliance with the Local Labor Requirement throughout the construction period.

Enforcement

If Agency staff determines that: (i) the Local Labor Requirement is not being met; or (ii) Agency staff, upon use of its reasonable discretion, discovers or becomes aware of a compliance issue related to the Local Labor Requirement, then written notice of said Local Labor Requirement violation (the "Notice of Violation") shall be provided to the Company. The Company shall have 10 business days thereafter to either: (i) provide written confirmation to the Agency indicating that it has cured the violation and is now in compliance with the Local Labor Requirement; (ii) submit the Local Labor Waiver Request as described above; or (iii) confirm in writing its inability to meet the Local Labor Requirement. If the Company does not respond to the Agency's Notice of Violation, or if the Company confirms its inability to meet the Local Labor Requirement then the Agency shall immediately terminate any and all Financial Assistance being provided to the Project in accordance with the terms of the underlying agreements between the Agency and the Company with respect to the Project. If a Local Labor Waiver Request is submitted and the Agency declines to issue the requested waiver, then the Company shall have 10 business days after receipt of the notice of the waiver request denial to provide written confirmation to the Agency indicating that it has cured the violation and is now in compliance with the Local Labor Requirement. If the Agency does not receive such confirmation, the Agency shall then immediately terminate any and all Financial Assistance being provided to the Project in accordance with the terms of the underlying agreements between the Agency and the Company with respect to the Project.

The foregoing terms have been read, reviewed and understood by the Company and all appropriate personnel. The undersigned agrees and understands that the information contained herein must be transmitted and conveyed in a timely fashion to all applicable subcontractors, suppliers and materialmen. Furthermore, the undersigned realizes and understands that failure to abide by the terms herein could result in the Agency revoking all or any portion of Financial Assistance, whether already received or to be received by the Company, as it deems reasonable in its sole discretion for any violation hereof.

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**-Motion** to approve the Local Labor Policy as amended above, imposing a fee requirement.

**Moved:** Bob Reynolds                      **Seconded:** Davis Podkulski  
**Ayes:** Moses, Podkulski, Hall, Reynolds, Rusert-Kelly, Plarr, Palmer



Nays: none

**Carried**

-Supervisor, Jim Shaw's last Town of Hamburg Board meeting was this past Monday. Doyle, Palmer, Hutchison and Moses were in attendance. Palmer read the resolution approved at the last HIDA board meeting recognizing Shaw for his service. It was well received. Plarr stated she talked to Shaw after the meeting and he was touched by the kind words.

-The January 2022 meeting currently scheduled for the 19<sup>th</sup> will be changed to the 12<sup>th</sup> due to a conflict with the annual New York State Economic Development Conference Doyle will be attending.

-**Motion** to reschedule the January 2022 board meeting to January 12<sup>th</sup> at 7:30am Blasdell Village Hall

**Moved:** Cam Hall

**Seconded:** Andy Palmer

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

Nays: none

**Carried**

-**Privilege of the Floor** – no comments

-Doyle read the following resolution for the Oaks at South Park.

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*RESOLUTION OF THE TOWN OF HAMBURG INDUSTRIAL DEVELOPMENT AGENCY EXTENDING THE INDUCEMENT PERIOD AND THE SALES TAX PERIOD FOR THE OAKS AT SOUTH PARK, LLC, UNTIL JUNE 15, 2022*

*WHEREAS, the Town of Hamburg Industrial Development Agency (the "Agency") by resolution adopted on June 25, 2019 induced The Oaks at South Park, LLC (the "Lessee") with respect to the acquisition and equipping by the Agency with the proceeds of a lease with mortgage for the acquisition by the Lessee of an approximately 27 acre parcel of land located at 5138 South Park Avenue in the Town of Hamburg, the construction by the Lessee, as agent for the Agency (i) the adaptive re-use of a former school building and re-development the parcel of land for construction of 19 two-story buildings totaling 152 housing units and (ii) installation of baseball and softball fields and other amenities and the acquisition and installation of machinery, equipment, furnishings and fixtures by the Lessee, as agent for the Agency, all for a residential housing complex with additional services (the "Project"). The project will be leased by the Lessee to the Agency for sublease back to the Lessee for sub-sublease to residential tenants which will be the occupants of the project.*

*WHEREAS, due to COVID - 19 pandemic and the mandated construction shutdown and the supply-chain delays as a result of border closings and supply demands, the Lessee has been unable to complete the Project within the time frame originally anticipated and has requested that the time period for completion be extended for an additional six months; and*

*WHEREAS, The Town of Hamburg Industrial Development Agency approved a temporary policy to waive extension fees for project extensions for COVID-19 Pandemic related delays on May 26, 2020 to lessen the economic burden of induced project delays related to the COVID-19 Pandemic.*

*NOW, THEREFORE, BE IT RESOLVED BY THE AGENCY AS FOLLOWS:*

- 1. The Agency does hereby extend the inducement period and the sales tax period for the Lessee from December 15, 2021 until June 15, 2022 and waives the extension fee; and*
- 2. This resolution shall take effect immediately.*

---

Elise Hake and Anthony Cutaia, were present via Zoom to speak on behalf of Rane Management's request for a 4<sup>th</sup> extension on the project. Cutaia stated the completion date is 12 months out and in addition to covid, supply chain issues have really slowed down the project more than anything else. He stated it is an

active construction site and they are doing all they can to keep the project moving. There is currently a wait list for units. Additionally he stated they have also had labor issues.

Bob Reynolds stated since the completion date is still 12 months out and this extension request expires in June, if they come back to the HIDA in June the extension fee may not be waived. He does not want to set a precedent of waving fees.

Janet Plarr asked if they are meeting their compliance requirements for low income housing. Cutaia stated 5 units are already occupied per the requirement.

Andy Palmer stated he would be hesitant to extend past June.

Bob Hutchison stated each project needs to be looked at on its own merit. He asked Doyle about the amount of waived fees for this project. Doyle estimated \$60,000 in savings to date. \$20,000 for each extension.

**-Motion** to approve the above resolution extending the inducement period and the sales tax period for The Oaks at South Park, LLC, until June 15, 2022.

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

Bob Hutchison left the meeting at 8:06am.

**-Motion** to go into Executive Session for personnel issues at 8:07am

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

**-Motion** to move out of Executive Session with no action taken at 8:20am

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

**-Motion** by Andy Palmer for the following staff compensation bonuses; Sean Doyle, \$12,000, Mary Doran \$3,000.

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

The board was in consensus - jobs well done especially amid trying times with covid etc.



Much appreciated by Doyle and Doran.

\*One last note by Attorney Strong, new legislation now requires meeting minutes to be posted on website within 2 weeks of the meeting.

Doyle stated the HIDA will notate on minutes they are an “unapproved/draft” post, once approved will remove notation and repost website.

*\*At the end of the meeting Norma Rusert-Kelly announced that it would be her last meeting. She is stepping down from the board after 20+ years. She thanked everyone on the board and would like to see another representative from the Village of Hamburg on the board.*

*Director Doyle thanked her for her service and wished her well along with the other members of the board.*

**-Motion** to adjourn at 8:24am

**Moved:** Tom Moses

**Seconded:** Davis Podkulski

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

**Nays:** none

***Carried***

Sincerely,

Sean Doyle, Executive Director

## Town of Hamburg Industrial Development Agency

01/05/22

## Treasurer's Report

Accrual Basis

As of December 31, 2021

	Dec 31, 21	Dec 31, 20
<b>ASSETS</b>		
Current Assets		
Checking/Savings		
Cash		
Cash-Checking	5,240.44	39,123.74
Cash-Savings	1,059,774.67	613,097.71
<b>Total Cash</b>	<b>1,065,015.11</b>	<b>652,221.45</b>
<b>Total Checking/Savings</b>	<b>1,065,015.11</b>	<b>652,221.45</b>
<b>Total Current Assets</b>	<b>1,065,015.11</b>	<b>652,221.45</b>
<b>TOTAL ASSETS</b>	<b>1,065,015.11</b>	<b>652,221.45</b>
<b>LIABILITIES &amp; EQUITY</b>		
Equity		
Opening Balance Equity	499,980.27	499,980.27
Retained Earnings	152,241.18	201,457.32
Net Income	412,793.66	-49,216.14
<b>Total Equity</b>	<b>1,065,015.11</b>	<b>652,221.45</b>
<b>TOTAL LIABILITIES &amp; EQUITY</b>	<b>1,065,015.11</b>	<b>652,221.45</b>



## Town of Hamburg Industrial Development Agency

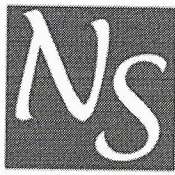
## Treasurer's Report

December 2021

01/05/22

Accrual Basis

	Dec 21	Jan - Dec 21
<b>Ordinary Income/Expense</b>		
<b>Income</b>		
Administrative Fees	0.00	597,675.02
Application Fees	0.00	2,000.00
Interest Earnings	127.98	1,474.96
Refund	0.00	94.49
<b>Total Income</b>	<u>127.98</u>	<u>601,244.47</u>
<b>Gross Profit</b>	127.98	601,244.47
<b>Expense</b>		
Audit	0.00	4,500.00
Business Expenses & Mileage	170.63	2,100.01
Cell Phone	83.33	999.96
<b>Complete Payroll</b>		
Payroll and Benefits	30,384.62	140,270.99
Processing Payroll	93.40	1,326.30
Total Tax Liabilities	<u>2,285.47</u>	<u>10,434.86</u>
<b>Total Complete Payroll</b>	32,763.49	152,032.15
Conferences & Seminars	800.00	4,333.89
Marketing	0.00	260.00
Membership Dues	850.00	8,300.00
<b>Office Expenses</b>		
IT Support	1,000.00	4,530.15
Postage	69.60	234.60
Subscriptions	14.99	403.88
Supplies	11.91	2,497.38
Office Expenses - Other	<u>0.00</u>	<u>1,005.00</u>
<b>Total Office Expenses</b>	1,096.50	8,671.01
Payroll Expenses	0.00	1,835.79
Publicity & Public Hearings	286.00	3,204.00
Sponsorship	<u>0.00</u>	<u>1,714.00</u>
<b>Total Expense</b>	<u>36,049.95</u>	<u>187,950.81</u>
<b>Net Ordinary Income</b>	-35,921.97	413,293.66
<b>Other Income/Expense</b>		
<b>Other Expense</b>		
Other expense	0.00	500.00
<b>Total Other Expense</b>	<u>0.00</u>	<u>500.00</u>
<b>Net Other Income</b>	0.00	-500.00
<b>Net Income</b>	<u><u>-35,921.97</u></u>	<u><u>412,793.66</u></u>



**NEILL & STRONG**  
ATTORNEYS AND COUNSELORS P.C.

NATHAN S. NEILL (1949-2018)  
JENNIFER L. STRONG, ESQ.  
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December 16, 2021

Sean Doyle, Executive Director  
Chairman Palmer and Honorable Board  
Town of Hamburg Industrial Development Agency  
6122 South Park Avenue  
Hamburg, New York 14075

**Re: Reappointment for Transaction Counsel to the  
Town of Hamburg Industrial Development Agency and the  
Hamburg New York Land Development Corporation**

Dear Sean, Chairman Palmer and Honorable Board:


I respectfully request that Neill & Strong Attorneys and Counselors P.C. be reappointed to the position of Transaction Counsel for the Town of Hamburg Industrial Development Agency and the Hamburg New York Land Development Corporation for the year 2022.

I have enjoyed working with each of you and to assist in the economic growth of the Town of Hamburg. It was a pleasure to assist you this year with the Amazon Project. I look forward to a continued relationship with both Boards.

I would also consider the position of General Counsel for an agreed upon stipend.

Thank you for your consideration in regard to this request.

Sincerely yours,

  
JENNIFER L. STRONG

JLS/kps



## HIDA COMMITTEES (Excerpt By-Laws)

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### 1. Executive Committee (5)

There shall be an Executive Committee which shall consist of the Executive Director, the Chairman, the Vice-Chairman, and two other members of the Agency, designated by a majority of a quorum of the Agency. **The Executive Committee shall function as a steering committee and shall advise and direct the membership of the Agency in said Agency's accomplishment of its purposes.** Three (3) members shall constitute a quorum, of the Executive Committee. A majority of a quorum of the Agency shall elect a Chairman of the Executive Committee to preside over such committee's meetings. The term of office for members of the Executive Committee shall be for one (1) year.

### 2 Nominating Committee (3)

There shall be a nominating committee which shall consist of three members of the Agency selected by a majority of a quorum of the Agency to **nominate such members of the Agency as they deem appropriate for the offices of Chairman, Vice-Chairman, Secretary, Treasurer, and the three members of the Agency to be selected by a majority of a quorum of the Agency to serve upon the Executive Committee.** Members of the Nominating Committee shall serve a term of one (1) year.

### 3. Governance Committee (3)

There shall be a Governance Committee appointed by the Chairman with the consent of the entire membership of the Agency. The Governance Committee shall consist of the Chairman and two other members of the Agency and must be "independent members" of the Agency within the meaning of Section 2825 of the New York Public Authorities Law. **The Governance Committee shall keep the Agency informed of current best governance practices, review corporate governance trends, suggest updates to the Agency's corporate governance principles and shall advise those responsible for appointing members to the Agency of the skills and experience required of potential Agency members.**

### 4. Audit Committee (3)

There shall be an Audit Committee consisting of three "independent members" within the meaning of Section 2825 of the New York Public Authorities Law which members shall be appointed by a majority of a quorum of the Agency. Such members shall, to the extent practicable, be familiar with corporate financial and accounting practices. The majority of a quorum of the Agency shall appoint one member of the Audit Committee as its Chairman. The Audit Committee shall provide assistance to the members of the Agency in fulfilling their fiduciary responsibilities relating to accounting, reporting and regulatory compliance practices. **The Audit Committee shall review the Agency's audited financial statements, review significant accounting and reporting issues and make recommendations to the Board as to other auditing matters. The Audit Committee shall recommend the hiring of a certified independent accounting firm and shall provide direct oversight over the performance of the independent audit performed by the accounting firm hired for such purposes and receive and review reports from such accounting firm. The Audit Committee shall also ensure that the proper submissions are made to the governmental authorities having audit authority and fiscal oversight of the Agency and undertake such other actions as are provided for in the Audit Committee Charter.**

### 5. Finance Committee (3)

There shall be a Finance Committee consisting of three "independent members" within the meaning of Section 2825 of the New York Public Authorities Law which members shall be appointed by a majority of a quorum of the Agency. Such members shall, to the extent practicable, be familiar with corporate financial and accounting practices. The majority of a quorum of the Agency shall appoint one member of the Finance Committee as its Chairman. **The Finance Committee shall review the proposed budget as presented by the Executive Director, recommend the budget for approval, monitor and report to the Board as to compliance with the adopted budget, review the Agency's investment policy and recommend allocation of assets, review the annual investment report, review the audit of investments by the Independent Auditor, monitor the Agency's capital needs and make recommendations and undertake such other actions as are set forth in the Finance Committee Charter.**