



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

**Hamburg Industrial Development Agency
Board of Directors Meeting
March 16, 2022, 7:30am
Blasdell Village Hall**

Present

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

Excused

Wence Valentin

Guests

Jennifer Strong, Neill & Strong
Mary Doran, HIDA
Francesca Bond, Hamburg Sun - Zoom
Steve Savage, Billy Lee/E-One

Executive Director

Sean Doyle

-Pledge of Allegiance

-Roll Call

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

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

-Motion to approve the February 2022 board meeting minutes

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

Treasurer, Bob Reynold's gave an update on the financials. First he gave a brief recap of 2021 – payroll was greater than expected however the overall variance for the year was positive. Six projects from 2021 have not yet closed, based on this expected to meet revenue in 2022. February's income totaled \$5,742.41. Expenses for the month included payroll \$10,202.21 and office expenses of \$510.92 which generated a loss of \$5,190.06. Balance on the accounts is \$1,042,862.17.

-Motion to approve the February 2022 Treasurer Report

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

Executive Director Update:

- Thanks to Executive Assistant, Mary Doran, the HIDA billed and collected \$696,045.98 in PILOT payments for 2022. The figure includes both county and town taxes. The annual surveys were also mailed out and almost all returned. The 2021 audit is currently with the auditor, Allied Financial, formerly Amato Fox. We expect it to be completed any day now. All of the information will be rolled up into the PARIS report which is due by March 31st. The audit will be distributed to the Audit Committee for approval and all of the information will be available for board members to review.
- At the last board meeting Janet Plarr inquired about the employment numbers at the Fed Ex facility as there is always so much activity at the site. Doyle reported their 2014 HIDA application with facility completion date of 2016 committed to 25FT and 127PT employees. By 2020 they were estimating 43FT and 126PT. Upon return of their 2021 annual survey in February they currently have 372FT employees obviously, exceeding expectations.
- CD rates are up just waiting for account numbers and as previously discussed will transfer monies into CDs.
- General project activity, Doyle has had initial conversations with several companies still in planning stages.
- CARES Grant, monies will be available for distribution by the end of the month. Currently Doyle has 8 small businesses with applications in the pipeline. After monies are distributed recipients will be required to report on labor for 1 year.
- Doyle and attorney, Strong, meet with a local not-for-profit regarding bond financing.
- Marketing, Doyle will review with the Executive Committee a proposal to keep in-house before presenting to the board in April.
- Doyle discussed the recent board lunch meeting and tour at BOCES (the beneficiary of the revised Local Labor Policy) which was attended by Doyle, Plarr, Hutchison and Reynolds. They were all in agreement it was a great afternoon. The amount of programming that goes on there is impressive with day classes for students and evening classes for adults. Reynolds suggested putting together an informational packet/fact sheet on BOCES for companies the HIDA is involved with to inform them of the resources available.
- Directors and Officers Insurance – Doyle has been researching. The current proposal excludes companies that grant tax incentives, would obviously need to negotiate that out. Board discussed if the insurance is really “necessary” as the board is covered under the Town of Hamburg’s policy after a large deductible. This would essentially be “gap coverage”. Attorney Strong, said in this day and age you can never have enough coverage. Doyle will go back to the agent.

Doyle read the following resolution to the board:

RESOLUTION OF THE TOWN OF HAMBURG INDUSTRIAL DEVELOPMENT AGENCY CONFIRMING ITS POLICIES

WHEREAS, the Town of Hamburg Industrial Development Agency has conducted an annual review of its existing policies.

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS THAT:

1. The HAMBURG IDA hereby confirms and re-adopts the following existing policies:

- *Code of Ethics and Conflict of Interest Policy*
- *Defense/Indemnification of Officers & Employees Policy*
- *Financial Disclosure Policy*
- *Investment Policy*
- *Travel Policy*
- *Procurement Policy*
- *Reimbursement and Attendance Policy*

- °Property disposal guidelines
- °Whistleblower policy
- °Sexual harassment policy
- °Sexual harassment complaint form

2. Said policies will remain posted on the official website; and
3. This resolution shall take effect immediately.

-Motion to approve the re-adoption of the above policies

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

Doyle read the following resolution to the board:

**RESOLUTION OF THE HAMBURG INDUSTRIAL DEVELOPMENT AGENCY
 (“AGENCY”) ADOPTING AN AMENDED AND RESTATED COUNTYWIDE
 INDUSTRIAL DEVELOPMENT AGENCY UNIFORM TAX EXEMPTION POLICY
 (“UTEP”)**

WHEREAS, New York State General Municipal Law (“GML”) Section 874(4) requires that every Industrial Development Agency adopt a UTEP to establish guidelines for the provision by an Agency for real property tax, mortgage tax, and sales and use tax exemptions; and

WHEREAS, in 2001, a Countywide Industrial Development Agency UTEP was established and adopted for use by the industrial development agencies in Erie County (the Town of Amherst Industrial Development Agency, the Town of Clarence Industrial Development Agency, the Town of Concord Industrial Development Agency, the Town of Hamburg Industrial Development Agency, the Town of Lancaster Industrial Development Agency and the Erie County Industrial Development Agency, collectively, the "IDAs") and entitled the Countywide Industrial Development Agency Uniform Tax Exemption Policy ("Countywide Policy"); and

WHEREAS, the IDAs have determined that it is in the best interest of the IDAs and the residents of Erie County and the various Towns, Villages and Schools within the jurisdiction of the IDAs to amend and restate the Countywide Policy, in its entirety, to ensure consistency and compliance with the GML and to ensure efficient ease of use for IDA Financial Assistance recipients; and

WHEREAS, officials and staff from the IDAs have jointly drafted an Amended and Restated Countywide Industrial Development Agency Uniform Tax Exemption Policy, that amends and restates in its entirety the Countywide Policy (hereinafter, the "Amended and Restated Countywide UTEP"), and in this effort, have considered the following issues as so related thereto, all as required by the GML: (i) the extent to which a project will create or retain permanent private sector jobs; (ii) the estimated value of any tax exemptions to be provided; (iii) whether affected taxing jurisdictions shall be reimbursed by the project occupant if a project does not fulfill the purposes for which an exemption was provided; (iv) the impact of a proposed project on existing and proposed business and economic development projects in the vicinity; (v) the amount of private sector investment generated or likely to be generated by the proposed project; (vi) the demonstrated public support for a proposed project; (vii) the likelihood of accomplishing the proposed project in a timely fashion; (viii) the effect of the proposed project upon the environment; (ix) the extent to which the proposed project will require the provision of additional services; and (x) the extent to which the proposed project will provide additional sources of revenue for municipalities and school districts (collectively, items (i) through (x), hereinafter referred to as "UTEP Considerations"); and

WHEREAS, on January 18, 2022, the Agency provided written notification to the affected tax jurisdictions of, and provided the contemplated draft Amended and Restated Countywide UTEP to, the affected tax jurisdictions, as so required by the GML, and

WHEREAS, on January 27, 2022, the Erie County Industrial Development Agency hosted a Zoom/video/telephonic informational meeting attending by the IDAs and various affected tax jurisdictions whereat the draft Amended and Restated Countywide UTEP was presented and discussed; and

WHEREAS, on March 16, 2022, the Agency reviewed and discussed the draft Amended and Restated Countywide UTEP; and

WHEREAS, attached hereto within Exhibit A is the proposed Amended and Restated Countywide UTEP; and

WHEREAS, the Agency, having considered all comments received from the affected tax jurisdictions, now desires to adopt the proposed Amended and Restated Countywide UTEP.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

Section 1. The Agency hereby determines that the adoption of the proposed Amended and Restated Countywide UTEP is a Type II Action within the meaning of the State Environmental Quality Review Act ("SEQR") and therefore no further actions under SEQR need be undertaken by the Agency.

Section 2. The Agency hereby adopts the Amended and Restated Countywide UTEP which is set forth within Exhibit A attached hereto,

Section 3. The Agency, acting by and through its Chair, Vice Chair, Secretary, Assistant Secretary, or any other designated officer or director, is hereby authorized to do all things necessary or appropriate for the accomplishment of the purposes of this resolution, and all acts heretofore taken by the Agency with respect to the Amended and Restated Countywide UTEP are hereby approved, ratified and confirmed,

Section 4. This Amended and Restated Countywide UTEP shall be effective on April 1, 2022 (the "Effective Date") and shall apply to all projects for which the Agency has adopted or adopts an Inducement Resolution after the Effective Date.

Dated: March 16, 2022

-Motion to adopt the amended and restated countywide industrial development agency uniform tax exemption policy ("UTEP").

Moved: Andy Palmer

Seconded: Cam Hall

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

Nays: none

Carried

Board briefly discussed the new worksheet and its structured approach to tax abatement benefits it's a defined metric for all agencies to follow and special projects still have the option of PILOT deviation.

-Doyle reminded the board to complete their yearly sexual harassment training as required by New York State and send completed certificates to Mary.

Doyle read the following resolution to the board:

RESOLUTION OF THE TOWN OF HAMBURG INDUSTRIAL DEVELOPMENT AGENCY EXTENDING THE INDUCEMENT PERIOD AND THE SALES TAX PERIOD FOR BILLY-LEE, LLC PROJECT, UNTIL May 18, 2022.

WHEREAS, the Town of Hamburg Industrial Development Agency (the "Agency") by resolution adopted on December 27, 2019, as extended on December 17, 2020 and extended May 20, 2021 and extended January 12, 2022 induced Billy-Lee, LLC (the "Lessee") for assistance by the Agency including mortgage tax abatement, sales tax exemption on any materials and/or equipment purchased for incorporation into Project and real property tax abatement in accordance with

existing Agency Uniform Tax Exemption Policy and Guidelines, as amended, with respect to a lease with mortgage or lease only transaction for the construction of an approximately 10,000 square foot addition to an existing building located at 4760 Camp Road, Hamburg, New York, by the Lessee, as Agent for the Agency, for lease to the Agency and subsequent Leaseback to the Lessee. The Lessee will be the sole occupant, all for the provision of a fire truck manufacturing Facility (the "Project"); and

WHEREAS, there has been delay by the Applicant in closing the Project; and

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 17, 2021 to May 18, 2022 and charges an extension fee of \$682.74.
2. This resolution shall take effect immediately.

-Motion to approve the above resolution extending the inducement period and the sales tax period for Billy-Lee, LLC Project, until May 18, 2022.

Moved: Bob Reynolds **Seconded:** Bob Hutchison

Steve Savage from Billy Lee, LLC spoke on behalf of the project stating there are 2 main issues:

1. Loss of his father Bill Savage who had the capacity/authority to act on behalf of the landlord and the company.
2. Insurance as required by the agency.

Their current resolution expires today, Doyle would like to identify a path to support this project – recapture imposes financial stress to a large Hamburg employer. He proposed only doing sales tax abatement.

The board discussed, attorney Strong stated a new application would need to be completed requesting just the sales abatement.

Palmer stated he is against giving this project any more extensions.

Plarr made a motion to change the date on the resolution, board decided to go into Executive Session to discuss further.

-Motion to go into Executive Session for Attorney client privilege at 8:40am.

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

-Motion to come out of Executive Session for Attorney client privilege at 8:59am.

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

Doyle discussed the following amended resolution noting two major changes in red. Extension date was changed until April 21, 2022 and Billy Lee, LLC must submit their new application by March 24, 2022.

RESOLUTION OF THE TOWN OF HAMBURG INDUSTRIAL DEVELOPMENT AGENCY EXTENDING THE INDUCEMENT PERIOD AND THE SALES TAX PERIOD FOR BILLY-LEE, LLC PROJECT, UNTIL April 21, 2022.

WHEREAS, the Town of Hamburg Industrial Development Agency (the "Agency") by resolution adopted on December 27, 2019, as extended on December 17, 2020 and extended May 20, 2021 and extended January 12, 2022 induced Billy-Lee, LLC (the "Lessee") for assistance by the Agency including mortgage tax abatement, sales tax exemption on any materials and/or equipment purchased for incorporation into Project and real property tax abatement in accordance with existing Agency Uniform Tax Exemption Policy and Guidelines, as amended, with respect to a lease with mortgage or lease only transaction for the construction of an approximately 10,000 square foot addition to an existing building located at 4760 Camp Road, Hamburg, New York, by the Lessee, as Agent for the Agency, for lease to the Agency and subsequent Leaseback to the Lessee. The Lessee will be the sole occupant, all for the provision of a fire truck manufacturing Facility (the "Project"); and

WHEREAS, there has been delay by the Applicant in closing the Project; and

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 17, 2021 to April 21, 2022 and charges an extension fee of \$682.74.*
- 2. Applicant must submit revised application to Hamburg IDA by March 24, 2022.*
- 3. This resolution shall take effect immediately.*

ADOPTED: March 16, 2022

-Motion to approve the amended resolution as stated above roll call vote:

Ayes: Plarr – aye, Moses – aye, Reynolds – aye, Hall – aye, Hutchison – aye, Podkulski – aye

Nays: Palmer – nay

Carried

-Privilege of the Floor – no comments

-Motion to adjourn at 8:59am

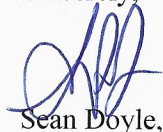
Moved: Bob Hutchison **Seconded:** Andy Palmer

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

Nays: none

Carried

Sincerely,



Sean Doyle, Executive Director

Next meeting: April 20, 2022, 7:30AM Blasdel Village Hall