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**Hamburg Industrial Development Agency
Board of Directors Meeting
May 18, 2022, 7:30am
Blasdell Village Hall**

Present

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

Excused

Wence Valentin
Bob Reynolds

Guests

Jennifer Strong, Neill & Strong
Mary Doran, HIDA
Tony Reinhart, Director of State
Relations Ford Motor Company

Executive Director

Sean Doyle

-Pledge of Allegiance

-Roll Call

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

Moved: Tom Moses **Seconded:** Andy Palmer

Ayes: Palmer, Moses, Podkulski, Hutchison, Hall

Nays: none

Carried

-Paused for a moment of silence in remembrance of those that lost their lives in a mass shooting at a Buffalo supermarket over the weekend.

-Motion to approve the April 2022 board meeting minutes

Moved: Davis Podkulski **Seconded:** Bob Hutchison

Ayes: Palmer, Moses, Podkulski, Hutchison, Hall

Nays: none

Carried

In Treasurer Bob Reynolds absence Doyle gave an update on the financials. \$7,550.76 was received in income last month \$7,458.34 in administrative fees from Billy Lee, LLC and \$92.42 in interest earnings on the bank accounts. Interest income from the new CD will not be reflected until May. Liabilities and equity totaled \$1,018,247.61.

-Motion to approve the April 2022 Treasurer Report

Moved: Cam Hall **Seconded:** Tom Moses

Ayes: Palmer, Moses, Podkulski, Hutchison, Hall

Nays: none
Carried

Janet Plarr joined the meeting at 7:40am.

Executive Director Update:

-Billy Lee, LLC (E-One) closed on the sales tax only portion of their project for which they completed a new application and submitted on March 24, 2022.

-Key Energy, slowly moving along draft documents sent to them by our attorney.

-Johnson's Brewhouse, 290 Lake Street and K&H Industries (2 projects) still working thru financing.

-Board insurance – update later on agenda.

-Project activity, bond products seem to be remerging

-CARES Grant Program, three grants have been approved to date totaling \$132,000. Actively working to deploy the remaining funds, 2 new applications have been received. There is a job creation requirement for grant recipients.

-Tremendous progress has been made the on the PITCH Hamburg initiative in the last 2 months. A space has been leased, a new Executive Director has been hired (Anna Masucci), the Board of Directors has been expanded from 4 to 10 members, and met with Town of Hamburg and Village of Hamburg Boards. A lot of work went into the entire process; new hire setup, forms, insurances, paperwork, etc. Additionally, 2 companies are already interested and could benefit from the available space. It is all coming together, a grand opening is expected in June/July in which the HIDA board will be invited.

-An Economic Development Steering Committee has been initiated in anticipation of the new Buffalo Bills Stadium. Doyle is on the committee.

-Doyle met yesterday with the new owners of the McKinley Mall. It was a positive meeting. They have plans to readapt to today's mall standards; mixed use, entertainment etc.

-HDC loan fund, Hamburg business struggling thru the pandemic went out of business. The loan was paid back in full with legal assistance.

In light of the tragedy that happened in Buffalo last week, Doyle had an addition to the agenda. He introduced and read the following “**Hamburg Industrial Development Agency Diversity and Inclusion Policy**”.

Whereas, the Board of the Hamburg Industrial Development Agency (HIDS) condemns all forms of racism and discrimination, and the subsequent violence that it causes.

We mourn the innocent lives lost, and stand united in our support of those whose lives were forever changed by the cowardly and senseless act of violence that took place on May 14th.

And whereas, Our human capital is the most valuable asset we have. The collective sum of the individual differences, life experiences, knowledge, inventiveness, innovation, self-expression, unique capabilities and talent that our employees and members, invest in their work represents a significant part of not only our culture, but our reputation and company's achievement as well.

We embrace and encourage our employees' and members differences in age, color, disability, ethnicity, family or marital status, gender identity or expression, language, national origin, physical and mental ability, political affiliation, race, religion, sexual orientation, socio-economic status, veteran status, and other characteristics that make our employees and membership unique and balanced.

Now therefore be it resolved that, we pledge in action and voice to make the Town of Hamburg a place where all are welcomed and respected.

Any employee or member found to have exhibited any inappropriate conduct or behavior against others may be subject to disciplinary action.

Employees and members who believe they have been subjected to any kind of discrimination that conflicts with this diversity policy and initiatives should seek assistance from a supervisor or an HR representative.

-Motion to approve the above policy

Moved: Cam Hall

Seconded: Bob Hutchison

Andy Palmer thought “inappropriate behavior” needs to be defined. And asked about “HR supervisor” since the HIDA does not technically have one.

Attorney Strong stated “inappropriate behavior” is really a case by case basis and cannot be defined, unless we want to refer to the HIDA Harassment Policy.

The board discussed at length and agreed to amend the policy by removing the second to last paragraph and rewording the last paragraph as follows:

Employees, members, potential applicants or applicants to the HIDA who believe they have been subjected to any kind of discrimination that conflicts with this diversity policy and initiatives should seek assistance from the agency Executive Director or Board President.

-Motion to amend the policy by removing the second to last paragraph and rewording the last paragraph as written above.

Moved: Janet Plarr

Seconded: Cam Hall

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

Nays: none

Carried

-Motion to approve the amended Diversity and Inclusion Policy

Moved: Janet Plarr

Seconded: Andy Palmer

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

Nays: none

Carried

Due to a representative from Ford attending via Zoom Doyle went out of order on the agenda to accommodate.

Doyle talked to the issue at hand. Ford was approved for sales tax benefits via their application in January of 2022. In the application/approved resolution by the board it states they have to commit to “x” number of jobs. Ford is hesitant to commit as the representative from Ford explained.

Tony Reinhart, Director of State Relations Ford Motor Company, states their issue with the job commitment numbers. Their application for sales tax exemption is for the equipment to refurbish/re-tool the plant. Ford has to shut the plant down and essentially remodel to keep up with the ever changing technology. To do this they need to temporarily lay off employees (6 months to a year) in which they supplement their pay as they fully plan to rehire after the refurbishment of the plant. Due to the temporary layoffs they would knowingly be in violation of the job commitment numbers for which they agreed to on their application. The job numbers are submitted yearly to the state in the HIDA's PARIS report. The HIDA has worked with Ford for years and this has not been an issue however in 2018 NYS changed the law. It was after Ford's last agreement with the HIDA.

If a company is in violation of their employment numbers they are subject to "Recapture" by the HIDA. The Recapture Policy does allow for board discretion on a case by case basis to support businesses in unforeseen circumstances. For example they were flexible with companies who could not make their job commitment numbers during the COVID crisis. However, it would be too risky for Ford count on board discretion on a decision years out with a future board (possible turnover of members).

The board discussed potential solutions at length. They agreed to table resolution and look into the following potential solutions:

- Sales Tax Enhancement Zones – Doyle will check with Supervisor
- Possible staggering of benefits, multiple resolutions in stages with the project – Attorney Strong will look into
- Check and see how the layoffs are reported since Ford is supplementing their pay.

-Motion to table the Ford Resolution

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

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

Nays: none

Carried

New Business:

-The Governance Committee met and reviewed the HIDA Board Survey Summary results. Overall, the results were positive and the committee agreed on some activities to keep positive results;

- Annually distribute IDA training package provided by Neill & Strong
- Annually provide information on attending ABO training
- Annually provide information on attending EDC "Basic Economic Development Course"
- Annually provide link sheet to helpful resources

Additionally, the committee will review the PARIS report annually. The director will point out any shortfalls. Currently 6 projects fell short of employment numbers, will review, document and speak to at the June board meeting. The reports can be found at www.abo.ny.gov or at www.hamburgida.com. They are required to be filed within 90 days of each new calendar year.

-Board member opening, the opening has to be approved by the Town of Hamburg Board. They could benefit from our guidance think about, what perspective were lacking. If any board member has a name of an individual that would be a good fit please forward to the director.

Unfinished Business:

-E-One was sent a 30 day notice on their 1st PILOT. It has 3 years remaining and they are in violation of the insurance requirement. We will exercise the agency's right to request an early termination of the Leaseback Agreement and reconvey the parcel to the owner.

-Insurance for agency officers (proposed policy attached in the meeting packet) covers up to 1 million plus employment practices

Be it Resolved that the Hamburg Industrial Development Agency authorizes the Executive Director to execute a Directors and Officers and Employment Practices Liability Insurance Policy with Travelers insurance in an amount not to exceed \$1,260.00 annually.

-Motion to approve the above resolution for Directors and Officers and Employment Practices Liability Insurance.

Moved: Janet Plarr **Seconded:** Andy Palmer

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

Nays: none

Carried

-If you have not already done so, please return your required annual proof of sexual harassment training to Mary.

-Privilege of the Floor – no comments

-Motion to adjourn at 8:52am

Moved: Davis Podkulski **Seconded:** Cam Hall

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

Nays: none

Carried

Sincerely,

Sean Doyle, Executive Director

Next meeting: June 15, 2022, 7:30AM Blasdel Village Hall