



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

**Hamburg Industrial Development Agency
Board of Directors Meeting
May 17, 2023, 7:30am
Blasdell Village Hall**

Present

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

Excused

Cam Hall
Wence Valentin
Jamel Perkins

Guests

Jennifer Strong, Neill & Strong
Mary Doran, HIDA

Executive Director

Sean Doyle

THERE IS NO VIDEO / VOICE RECORD OF THE MEETING DUE TO TECHNICAL ISSUE

- Pledge of Allegiance

-Roll Call

-Motion to open the board meeting at 7:46am

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

-Motion to approve the April 2023 board meeting minutes

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

Treasurer, Bob Reynolds, gave an update on the financials. April had income of \$1,541.08 and notable expenses of \$4,500 the annual audit, \$1,025.97 media equipment and \$11,017.44 for payroll. Expenses for the month totaled \$18,066.56. Expenses over income resulted in -\$16,525.48 and total liabilities and equity equal \$989,560.48.

Additionally Bob stated the Audit Committee met after the last board meeting and reviewed the 2022 audit. There are no issues or concerns to report.

-Motion to approve the April 2023 Treasurer Report

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

Executive Director Update:

- Everything has been completed and submitted to the appropriate parties for the 2022 Audit
- K&H, Staub, and Mission Hills are still not closed. Construction on Mission Hills should be starting soon.
- Allied CPA's completed the HIDA filing for the Employee Retention Credit and it has been submitted to the IRS for a refund of approximately \$20,000.
- Project activity; local not for profit is emerging in Hamburg working with them on bond financing. The HIDA has done bond financing in the past with Hilbert College. Cedarland Development has an application in process for the Gateway building. Doyle stated he is continuing to receive calls of interest on 0 Lakeshore Road.
- HUB zone designation application has moved from the SBA to the governor's office.
- PITCH Event at Hilbert is May 31st.
- HDC has one active application in process and two additional applications pending. The program has become more appealing because of the lower interest rate.
- CARES Grant is wrapping up with a final Public Hearing at the Town of Hamburg Board meeting on May 22nd at 7pm. Doyle will present on the impact of jobs and investment in the community.

New Business

-COVID waivers and extensions, Doyle stated the Executive Committee reviewed the current policy as the pandemic has officially ended. The board discussed adding fees to the schedule for project delays. As supply chain issues have lessened a discussion should be had with applicants about a committed project completion date or face additional fees. This gives the developer a timeline and understood target date as well as consequences.

Other IDA's let projects go beyond the 1 year mark. The board, all in agreement, stated they want the financing and fees of all projects to be closed within the first year. It can consider initiating an 18 month sales tax letter instead of the typical 12 month or this can be handled on a project by project basis as larger projects generally need additional time. Sales tax extensions can be granted after the project has closed. Currently the HIDA does not charge for a sales tax extension. The board also discussed adding a nominal fee (\$300) to the schedule for sales tax extensions to cover the labor and paperwork involved.

The board continued to discuss at length and agreed an amended fee schedule is necessary. The topic will be tabled until the next board meeting. Doyle will amend the schedule and bring back to the board for a vote in June.

-**Motion** to table COVID waivers and extensions as unfinished business until June 2023 Board meeting.

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

-Project employment, Doyle stated the 2022 annual survey distributed to active HIDA projects and reported to the ABO showed 5 companies not fulfilling their employment commitment. The companies were sent notices with a 30 day period for response. The HIDA had granted a grace period for employment numbers through COVID.

The HIDA recapture notice is vague in a sense the board can decide what it wants to do. The board will revisit the recapture policy for possible changes. Additionally, it was agreed to give the said companies a 6 month notice, until December of 2023, to get their employment numbers in order with their committed numbers.

-Doyle read the following resolution for Johnson's Taphouse.

RESOLUTION OF THE TOWN OF HAMBURG INDUSTRIAL DEVELOPMENT AGENCY EXTENDING THE INDUCEMENT PERIOD AND THE SALES TAX PERIOD FOR RPJ HOLDINGS, LLC ("LESSEE") and JOHNSON'S TAPHOUSE, INC. ("SUBLESSEE") PROJECT, UNTIL November 17, 2023.

WHEREAS, RPJ Holdings, LLC (the "Lessee") has entered into negotiations with the officials of the Town of Hamburg Industrial Development Agency (the "Agency") with respect to the construction, installation and equipping of an approximately 17,490 square foot brewing and distilling facility at 0 Lakeshore Drive in the Town of Hamburg for lease to the Agency and subsequent Leaseback to the Lessee and further sublease to JOHNSON TAPHOUSE, INC. (or related entity) (the "Sublessee") who will be the sole tenant (the "Project"); and

WHEREAS, the Town of Hamburg Industrial Development Agency (the "Agency") by resolution adopted on November 17, 2021 approved assistance for the Project; and

WHEREAS, there has been delay in the construction of the Project, due to anticipated construction timelines; and

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

- 1. The Agency does hereby extend the sales tax period for the Lessee from May 17, 2023 through November 17, 2023.*
- 2. This resolution shall take effect immediately.*

Doyle stated the project is moving along and is projected to open this summer.

-**Motion** to approve the above sales tax extension to RJP Holdings/Johnson's Taphouse.

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

-**Motion** to approve the revised Sexual Harassment Policy with the state law changes implemented as of May 17, 2023.

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

-**Motion** to re-adopt the Town of Hamburg HIDA policies as of May 17, 2023:

- Diversity & Inclusion Policy
- Recapture Policy with Material Terms
- Employee Compensation Program

- Data Gathering Procedure
- Countywide UTEP
- Combined Fee Schedule
- Access to Agency Records
- Local Labor Policy
- Memorandum of Understanding with Countywide Policy

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

-Motion by Reynolds to amend the policies being renewed removing Combined Fee Schedule and Recapture Policy as these are going to be further reviewed by the board and approve the remaining policies.

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

-Motion to approve the renewal of the remaining policies as of May 17, 2023.

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

* **Reminder** to the board annual sexual harassment training is required by law for all board members. Training thru current employer is acceptable please forward the HIDA proof of completion.

-Privilege of the Floor – no comments

-Motion to adjourn at 8:33am

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

Sincerely,



Sean Doyle, Executive Director

Next meeting: June 21, 2023 7:30AM Blasdel Village Hall