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**Hamburg Industrial Development Agency  
Board of Directors Meeting  
February 14, 2024, 7:30am  
Blasdell Village Hall**

**Present**

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

**Excused**

Wence Valentin  
Tom Moses  
Jamel Perkins

**Executive Director**

Sean Doyle

**Guests**

Jennifer Strong, Neill & Strong  
Mary Doran, HIDA  
Daniel Kozub, Town Council  
Bob Mahoney, Assistant to Council  
Justin Sondel-McCarthy, Hamburg Sun

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**Pledge of Allegiance**

**-Roll Call**

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

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

**-Motion** to approve the January 2024 board meeting minutes

**Moved:** Bob Reynolds      **Seconded:** Cam Hall  
**Ayes:** Hutchison, Reynolds, Hall, Palmer, Podkulski  
**Carried**

Treasurer, Bob Reynolds, gave an update on the financials. January had investment income of \$3,794.78. Expenses included a \$25,000 grant to Pitch Hamburg, a \$5,000 membership to Invest Buffalo and a \$1,000 sponsorship overall expenses including payroll totaled \$47,224.92. Expenses over income totaled -\$43,430.14 the balance on the accounts \$887,106.70.

**-Motion** to approve the January 2024 Treasurer Report

**Moved:** Andy Palmer      **Seconded:** Davis Podkulski  
**Ayes:** Hutchison, Reynolds, Hall, Palmer, Podkulski  
**Nays:** none  
**Carried**

Janet Plarr joined the meeting at 7:40am.

**Executive Director Update:**

-Doyle reviewed the director report with the board. Andy inquired about the job numbers in the director report. Doyle stated it was reflecting retention plus expansion job numbers. Additionally, Doyle stated there is currently a 16% vacancy rate in the office market.

-HDC had one loan closing and hosted the annual breakfast meeting in January with a good turnout. Approximately 30 people attended. Frank Armento was the guest speaker at the meeting he spoke on the Hamburg Woodlawn Brownfield Opportunity Area.

-Annual surveys have been mailed will be compiling the information for PARIS reporting in March.

-Two public hearings will be held on March 6, 2024 Feedmore Project (8:30am Town Hall) and Staub Expansion (9:30am Village Hall), please mark your calendars accordingly.

Daniel Kozub asked for further information on the HDC Loan program, Doyle explained, the program funds come from HUD/Community Development. It does not compete with HIDA projects as the HDC loan program works on a much smaller scale it can only lend up to \$100k per applicant. Additionally, it can lend to retail and restaurants where the HIDA has restrictions.

Bob Mahoney asked for clarification on how long applicants have to complete projects, what if any consequences are in place for non-compliance? Doyle and board members discussed and elaborated on the board's Claw-back/Recapture Policy as well as the HIDA being held accountable to NYS in the annual PARIS reports.

Bob Mahoney inquired on Hamburg's Fair Housing Law – 10% of new developments marked for low income individuals/families. Doyle stated the HIDA adheres to the Town's policy.

**New Business:**

**Annual Meeting Elections and Committee Assignments**

**-Motion** to Elect the Executive Committee members Robert Hutchison, Chair; Janet Plarr , Vice Chair; Cameron Hall, Secretary and Robert Reynolds, Treasurer for a term ending February 13, 2025.

**Moved:** Andy Palmer                      **Seconded:** Davis Podkulski

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

**Nays:** none

**Carried**

**-Motion** to Elect Audit committee members Hutchison, Podkulski and Reynolds to the committee for a term ending February 13, 2025.

**Moved:** Cam Hall                      **Seconded:** Janet Plarr

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

**Nays:** none

**Carried**

**-Motion** to Elect Governance committee members Perkins, Hutchison and Podkulski to the committee for a term ending February 13, 2025.

**Moved:** Bob Reynolds                      **Seconded:** Janet Plarr

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

**Nays:** none

**Carried**

**-Motion** to Elect Finance committee members Hutchison, Reynolds, and Plarr to the committee for a term ending February 13, 2025.

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

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

**Nays:** none

**Carried**

Doyle, thanked the Board members for their service on the committees.

-Doyle read the following resolution for Mission Hills Developers, LLC name change.

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**RESOLUTION OF THE TOWN OF HAMBURG INDUSTRIAL DEVELOPMENT AGENCY (THE "AGENCY") SUBSTITUTING A RELATED NAME ENTITY FOR MISSION HILLS DEVELOPER, LLC (THE "LESSEE") TO CONSTRUCT, INSTALL AND EQUIP 55 – TWO BEDROOM SENIOR HOUSING UNITS AND A COMMUNITY CENTER ON CAMP ROAD, TOWN OF HAMBURG, AS AGENT FOR THE AGENCY FOR LEASE TO THE AGENCY AND SUBSEQUENT LEASEBACK TO THE LESSEE AND TO TAKE OTHER ACTION.**

*WHEREAS, MISSION HILLS DEVELOPER, 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 55 – two bedroom senior housing units and a community center at Camp Road in the Town of Hamburg for lease to the Agency and subsequent Leaseback to the Lessee (the "Project"); and*

*WHEREAS, the Town of Hamburg Industrial Development Agency (the "Agency") by resolution adopted on August 17, 2022 approved assistance for the Project; and*

*WHEREAS, the Lessee has asked to substitute a related entity: Villages at Mission Hills Phase IV, LLC as the Lessee to receive the same benefits as approved.*

**NOW, THEREFORE, THE TOWN OF HAMBURG INDUSTRIAL DEVELOPMENT AGENCY HEREBY RESOLVES AS FOLLOWS:**

*Section 1. The Agency hereby consents to the assignment of the approved benefits from Mission Hills Developer, LLC to Mission Hills Phase IV, LLC*

*Section 2. The Agency hereby consents that Mission Hills Phase IV, LLC is now the Lessee.*

*Section 3. The Lessee will follow the Town of Hamburg fair Housing law and Marketing Plan Requirements.*

*Section 4. This resolution shall take effect immediately.*

**ADOPTED:** February 14, 2024

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**-Motion** to approve the above resolution for Mission Hills name change.

**Moved:** Cam Hall                      **Seconded:** Bob Reynolds

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

**Nays:** none

**Carried**

**-Motion** by Janet Plarr to amend both Mission Hills Developers, LLC resolutions presented today to include the Town of Hamburg's conditions for low income housing in the resolutions as well. *(The Lessee will follow the Town of Hamburg fair Housing law and Marketing Plan Requirements.)*

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

**-Motion** to approve the resolution to for the Mission Hills name change as amended adding - *Section 3. The Lessee will follow the Town of Hamburg fair Housing law and Marketing Plan Requirements.*

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

**-Doyle** read the following resolution for the Mission Hills Phase IV, LLC Extension

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**RESOLUTION OF THE TOWN OF HAMBURG INDUSTRIAL DEVELOPMENT AGENCY (THE "AGENCY") EXTENDING THE INDUCEMENT PERIOD AND SALES TAX PERIOD FOR MISSION HILLS DEVELOPER, LLC AND MISSION HILLS PHASE IV, LLC (THE "LESSEE") TO CONSTRUCT, INSTALL AND EQUIP 55 – TWO BEDROOM SENIOR HOUSING UNITS AND A COMMUNITY CENTER ON CAMP ROAD, TOWN OF HAMBURG, AS AGENT FOR THE AGENCY FOR LEASE TO THE AGENCY AND SUBSEQUENT LEASEBACK TO THE LESSEE AND TO TAKE OTHER ACTION.**

WHEREAS, MISSION HILLS DEVELOPER, 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 55 – two bedroom senior housing units and a community center at Camp Road in the Town of Hamburg for lease to the Agency and subsequent Leaseback to the Lessee (the "Project"); and

WHEREAS, the Town of Hamburg Industrial Development Agency (the "Agency") by resolution adopted on August 17, 2022 approved assistance for the Project; and

WHEREAS, there has been delay in finishing the Project and in obtaining financing; and

WHEREAS, Mission Hills Developer, LLC has changed its entity name to Mission Hills Phase IV, LLC by resolution on February 14, 2024

NOW, THEREFORE, THE TOWN OF HAMBURG INDUSTRIAL DEVELOPMENT AGENCY HEREBY RESOLVES AS FOLLOWS:

1. *The Agency does hereby extend the inducement period and the sales tax period a second extension for the Lessee from February 17, 2024 through August 17, 2024 upon payment by the Lessee of the extension ½ fee per the Agency Fee Schedule due to a six-month extension; and*
2. *The Lessee will follow the Town of Hamburg fair Housing law and Marketing Plan Requirements.*
3. *This resolution shall take effect immediately.*

ADOPTED: February 14, 2024

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**-Motion** to approve the extension request for Mission Hills Phase IV, LLC above as amended include; *The Lessee will follow the Town of Hamburg fair Housing law and Marketing Plan Requirements.*

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

**Unfinished Business:**

-Doyle read the following resolution:

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***RESOLUTION OF THE TOWN OF HAMBURG INDUSTRIAL DEVELOPMENT AGENCY (THE "AGENCY")  
TERMINATING THE LEASE AND ASSOCIATED BENEFITS WITH K-TECHNOLOGIES, INC. (THE  
"LESSEE")***

*WHEREAS, K-Technologies, Inc. (the "Lessee") has entered into an agreement with the officials of the Town of Hamburg Industrial Development Agency (the "Agency") with respect to the construction, installation and equipping of the approximately 53,860 square foot building located at 4199 Bayview Road, Hamburg, New York and the acquisition and installation of machinery required in connection therewith, all for a manufacturing facility, for sale or lease to the Agency and subsequent lease or sublease to the Lessee or in the alternative enter into an installment sale transaction with the Lessee (the "Project") ; and*

*WHEREAS, the Lessee has failed to hire train and maintain employees at the agreed upon levels ; and*

*WHEREAS, the Agency has provided due notice and curation period for the employment shortfall*

*NOW, THEREFORE, THE TOWN OF HAMBURG INDUSTRIAL AGENCY HEREBY RESOLVES AS FOLLOWS:*

*Section 1. In accordance with the Agency Policy for Recapture and / or Termination and / or Modification of Financial Assistance re-adopted June 21, 2023 the Project has been deemed non-compliant.*

*Section 2. Following a meeting of the Executive Committee on February 7, 2024 the committee recommends to the Agency to terminate the remaining benefits due to non-compliance.*

*Section 3. This resolution shall take effect immediately.*

*ADOPTED: February 14, 2024*

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**-Motion to approve the K-Technologies Resolution**

**Moved:** Bob Reynolds

**Seconded:** Janet Plarr

Board discussed their original job commitment number of 56, currently at 39 a difference greater than 10 employees. The resolution will go into effect immediately. There is 2 years left on the 15 year PILOT, since the 2024 Town and County Tax bills has already been generated for this year, it will eliminate the abatement on the 2024/2025 and 2025/2026 school tax bills as well as the 2025 Town and County billing.

**Ayes:** Hutchison, Reynolds, Hall, Podkulski, Plarr

**Nays:** none

**Abstain:** Palmer

**Carried**

**-Reminder** 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. Additionally, Mary will send out a training link to all board members to use if training is not offered/or available by employer.

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

**-Motion to adjourn at 8:25am**

**Moved:** Janet Plarr

**Seconded:** Cam Hall

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

**Nays:** none

***Carried***

Sincerely,

A handwritten signature in blue ink, appearing to read 'S. Doyle', with a long horizontal flourish extending to the right.

Sean Doyle, Executive Director

**Next meeting: March 13, 2024 7:30AM Blasdel Village Hall**