



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

**Hamburg Industrial Development Agency
Board of Directors Meeting
MEETING AGENDA
Wednesday, June 12, 2024, 7:30am
Hamburg Volunteer Fire Department, 301 Union Street, Hamburg New York**

Join Zoom Meeting

<https://us02web.zoom.us/j/85240174874?pwd=YzJnU3JicnhSSVZyQ0xxMm1sejlkUT09>

Meeting ID: 852 4017 4874

Passcode: 14075

1. Roll Call
2. Reading and Approval of May 2024 Minutes
3. Report of the Treasurer – May Treasurer Report
4. Executive Director Update

New Business

- Mission Hills, name change resolution

Unfinished Business

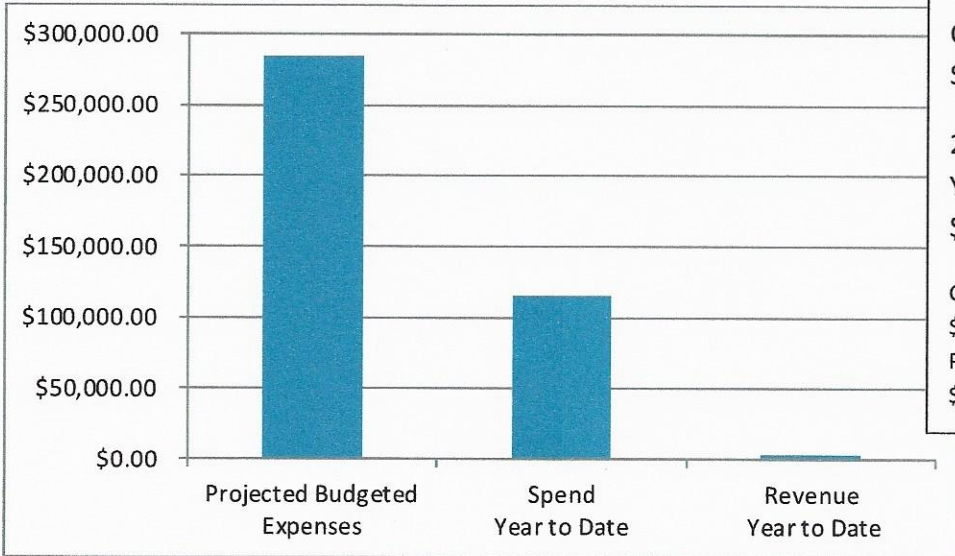
- Resolution T&L Beachfront Holdings, LTD (SERVEPRO of Southtowns Inc.)

5. Privilege of the Floor
6. Executive Session
7. Adjournment

**Next meeting: July 10, 2024
7:30am Blasdell Village Hall, Court Room, 121 Miriam Avenue**



Financial Performance



2023 Payment in Lieu of Tax Revenue

Town \$358,750

County \$369,514

School \$1,115,928 (2023/2024)

2024 Approved Capital Investment

Year to Date (YTD)

\$8,835,000

Capital Investment Since 2018

\$144,577,884

PILOT Revenue Since 2018

\$12,897,600

Receivables due \$234,824

IDA Project Employment

Current Employment (2023): 1311

New Jobs Created (2023): 376

New Committed Employment 2024

Created: 5 Retained: 33

Reported as full time equivalent jobs

Sponsorships and Grants YTD

Pitch Hamburg Inc. \$50,000 – Startup Training

InVest Buffalo Niagara \$5,000 – Regional Development

Project Activity

CLOSINGS	
Name	Expiration
Million Hills Phase IV	August 17, 2024
K&H Industries Expansion	July 17, 2024
Staub Precision Machine	March 13, 2026

Hamburg Development Corporation

2 Projects approved - \$80,125 in new loans

- 3556 Lakeshore – Gateway Building- Under contract

Prime Sites

- Corssroads Site – 21ac Industrial Land Sale
- Lake Erie Commerce Center – Build to suit lease
- Iovate Jeffrey Blvd – Existing 200,000sf industrial for lease
- Worldwide – Existing 60,000sf industrial for lease
- Jeffrey Blvd – 10ac industrial for sale under contract
- 5272 South Park – re-use
- 3651 South Park – Price Improvement
- Camp Road Interchange – Submitted comments on auction
- 3970 Big Tree – 29,500 SF for lease

Community Engagement

- PITCH Main Event
- Hamburg Village EDC
- Southtowns Chamber Board

Advocacy and Legislation

- Stadium area planning
- Brownfield area meeting
- FOIL Request

Business Development

- Worldwide – Showing coordinated
- Closing updates
- CBRE Showing

**THE TOWN OF HAMBURG COMMUNITY WORKSHOP
WOODLAWN GATEWAY BOA NOMINATION**

Location | Wooden Volunteer Fire Hall, 225 Lake Shore Road, Buffalo, New York 14219
When | Monday, June 10, 2024 6PM to 8PM

The Town of Hamburg is developing a Brownfield Opportunity Area (BOA) Nomination Study centered on the NYS Route 5 corridor between Woodlawn and Athol Springs. This transformative project is intended to address challenges associated with vacant and underutilized sites, walkability and connecting, and gateway conditions. The initiative aims to revitalize the NYS Route 5 corridor by promoting economic development, waterfront renewal, multimodal connectivity, brownfield remediation, and community reinvestment.

PRELIMINARY PROJECT OBJECTIVES

- Enhanced Route 5 Connectivity
- Economic Development
- Waterfront Renewal
- Multimodal Connectivity
- Brownfield Remediation
- Community Reinvestment

GET INVOLVED

We invite you to participate in our upcoming community meetings to share your input. These meetings will be available both in person and remotely, and details will be through our mailing list (scan the QR code).

FISHER **STIMPSON** **HIGHGATE HILL**

Save the date

June 10 – Brownfield Area Public Meeting

July 10 – Board Meeting



UNAPPROVED/DRAFT
(BOD motion for approval at 6/12/2024 meeting)

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**Hamburg Industrial Development Agency
Board of Directors Meeting
May 8, 2024, 7:30am
Hamburg Volunteer Fire Department, 301 Union Street**

Present

Bob Reynolds
Davis Podkulski
Andy Palmer
Bob Hutchison
Janet Plarr
Tom Moses
Cam Hall
Jamel Perkins
Wence Valentin

Excused

Guests

Jennifer Strong, Neill & Strong
Mary Doran, HIDA

Executive Director

Sean Doyle

Pledge of Allegiance

-Roll Call

-Motion to open the board meeting at 7:54am

Moved: Janet Plarr

Seconded: Wence Valentin

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

Nays: none

Carried

-Motion to approve the April 2024 board meeting minutes

Moved: Bob Hutchison

Seconded: Jamel Perkins

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

Nays:

Carried

Treasurer, Bob Reynolds, gave an update on the financials. April had investment income of \$3,519.28. Expenses included \$12,495.48 for payroll and total expenses for the month equaled \$15,929.29 thus expenses over income -\$12,410.01 the balance on the accounts \$847,699.12.

-Motion to approve the April 2024 Treasurer Report

Moved: Janet Plarr

Seconded: Andy Palmer

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

Nays: none

Carried

Cam Hall asked without revenue coming in each month, how funds are transferred to the checking account. Doyle explained monies are withdrawn from the cash savings account as needed (demand deposit account with Bank on Buffalo) to which he copies Bob Reynolds on the correspondence for the transfer. To date there has been 2 transfers timing is about once a quarter.

The Board discussed if a new policy should be implemented for transfers over a certain dollar amount for transparency and accountability; proposed a cash analysis and quarterly resolutions for withdrawals. Doyle will get an Audit Committee meeting scheduled for further discussion and new policy review.

Executive Director Update:

- Doyle reviewed the director report with the board
- Receivables/pending closings are Mission Hills & K&H
- HDC 2 loan applications are in process
- Activity and interest in various sites; Gateway, Jeffrey Boulevard, former Iovate building, former Worldwide Protective Products site, Doyle will continue to monitor
- Camp Road interchange auction supposed to happen this month
- PITCH Hamburg 2nd cohort competition is Wednesday May 29th at Hilbert College
- The Office Space Strategy Team Doyle is part of met and he reported based on their research there are 20,000 less workers downtown. The board discussed this issue at length. Reynolds stated there are incentives for vacant land making it easier to develop and virtually nothing for reuse. The board further discussed and proposed Doyle draft a letter to the UTEP committee for the board to review at the next meeting outlining the need for more substantial reuse incentives to increase development.
- Brownfield Opportunity Area; Peter Murphy joined the steering committee, submitting to Department of State.

New Business:

-Motion to table the SERVEPRO resolution until the June board meeting.

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

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

Nays: none

Abstain: Palmer, Valentin

Carried

-Motion to readopt the following Agency policies as written:

- Access to Agency Records
- Combined Fee Schedule
- Data Gathering Procedure
- Employee Compensation Program
- Local Labor Policy
- Memorandum of Understanding with County Wide Policy
- Recapture Policy
- Uniform Tax Exemption Policy

Moved: Davis Podkulski **Seconded:** Andy Palmer
Ayes: Reynolds, Podkulski, Hutchison, Plarr, Moses, Hall, Perkins, Palmer, Valentin
Nays: none

Carried

Unfinished Businesses

-Reminder to the board if you have not completed please get your annual certifications/surveys into Mary.

-Privilege of the Floor – no comments

-Motion to adjourn at 8:31am

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

Carried

Sincerely,

Sean Doyle, Executive Director

**Next meeting: June 12, 2024 7:30am
Hamburg Village Fire Hall, 301 Union Street**

Town of Hamburg Industrial Development Agency
Treasurer's Report
 As of May 31, 2024

	May 31, 24	Dec 31, 23
ASSETS		
Current Assets		
Checking/Savings		
Cash		
Cash-Checking	15,968.07	21,019.42
Cash-Savings	80,022.90	54,446.99
CD (renewed matures 3/2025)	250,000.00	250,000.00
Demand Deposit Account	475,739.63	608,865.21
Total Cash	821,730.60	934,331.62
Total Checking/Savings	821,730.60	934,331.62
Total Current Assets	821,730.60	934,331.62
TOTAL ASSETS	821,730.60	934,331.62
LIABILITIES & EQUITY		
Equity		
Opening Balance Equity	499,980.27	499,980.27
Retained Earnings	434,351.35	573,013.48
Net Income	-112,601.02	-138,662.13
Total Equity	821,730.60	934,331.62
TOTAL LIABILITIES & EQUITY	821,730.60	934,331.62

Town of Hamburg Industrial Development Agency

06/03/24

Treasurer's Report

Accrual Basis

May 2024

	May 24	Jan - May 24
Ordinary Income/Expense		
Income		
Interest Earnings - Bank Acct	172.91	582.78
Interest Earnings CD	1,083.08	5,601.83
Interest Income Demand Deposit	2,076.90	11,874.42
Refund	-13,417.47	-15,223.06
Total Income	<u>-10,084.58</u>	<u>2,835.97</u>
Gross Profit	-10,084.58	2,835.97
Expense		
Business Expenses		
Meetings/luncheons	105.00	434.50
Mileage	186.88	544.79
Total Business Expenses	291.88	979.29
Cell Phone	83.33	416.65
Complete Payroll		
Employee Health Insurance	852.90	5,117.40
Employer Payroll Taxes	823.37	5,052.40
Payroll and Benefits	10,718.15	58,934.62
Processing Payroll	108.96	709.17
Total Complete Payroll	12,503.38	69,813.59
Employer Insurance Policies		
D&O Insurance	1,450.00	1,450.00
Workers Comp	508.00	508.00
Total Employer Insurance Policies	1,958.00	1,958.00
Grants	0.00	25,000.00
Legal & Professional Services		
Audit	0.00	5,250.00
Legal & Professional Services - Other	0.00	125.00
Total Legal & Professional Services	0.00	5,375.00
Membership Dues	0.00	4,545.00
Office Expenses		
Postage	0.00	116.53
Subscriptions	0.00	208.90
Supplies	247.35	667.06
Office Expenses - Other	0.00	97.85
Total Office Expenses	247.35	1,090.34
Payroll Expenses/Insurance	0.00	877.12
Public Hearings	0.00	1,342.00
Rent	800.00	2,400.00
Sponsorship	0.00	1,030.00
Training	0.00	610.00
Total Expense	<u>15,883.94</u>	<u>115,436.99</u>
Net Ordinary Income	<u>-25,968.52</u>	<u>-112,601.02</u>
Net Income	<u><u>-25,968.52</u></u>	<u><u>-112,601.02</u></u>

RESOLUTION OF THE TOWN OF HAMBURG INDUSTRIAL DEVELOPMENT AGENCY (THE "AGENCY") CONSENTING TO A SUBSTITUTED 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 extended said inducement by resolution on September 20, 2023 and again on February 14, 2024; 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. This resolution shall take effect immediately.

ADOPTED: June __, 2024

ACCEPTED:

MISSION HILLS DEVELOPER, LLC
as the former Lessee

By _____
Member

MISSION HILLS PHASE IV, LLC
as the new Lessee

By _____
Member



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www.HamburgIDA.com

**Hamburg Industrial Development Agency
PUBLIC HEARING, T&L Beachfront Holdings LTD
and SERVEPRO of the Southtowns, Inc.**

May 8, 2024 – 7:30am

Hamburg Volunteer Fire Department, 301 Union Street & via Zoom Teleconferencing

Present

Davis Podkulski
Tom Moses
Janet Plarr
Bob Hutchison
Andy Palmer
Cam Hall
Jamel Perkins
Bob Reynolds
Wence Valentin

Excused

Guests

Jennifer Strong, Neill & Strong - Zoom
Mary Doran, HIDA
No participants on ZOOM

Executive Director

Sean Doyle

A RECORDING OF THE FULL PUBLIC HEARING MAY BE VIEWED ON YOUTUBE, Channel - Hamburg IDA

Director Doyle read the public hearing notice below that was printed in the April 12th edition of *The Hamburg Sun*.

LEGAL NOTICE

**NOTICE OF PUBLIC HEARING OF THE
TOWN OF HAMBURG INDUSTRIAL DEVELOPMENT AGENCY**

Wednesday, May 8, 2024 – 7:30 AM– **IN PERSON and VIA ZOOM VIDEOCONFERENCE**

PLEASE TAKE NOTICE that the Town of Hamburg Industrial Development Agency will hold a public hearing to consider the following proposed financial assistance requested of the Agency.

Pursuant to Article 18-A of NYS General Municipal Law, a public hearing will be conducted electronically and in - person, as hereinafter described, by the Town of Hamburg Industrial Development Agency (the “Agency”) on May 8, 2024 at 7:30AM regarding the project, as described below, said public hearing, in addition, the public may attend in-person or via zoom videoconference. **PLEASE NOTE the public hearing logistics and instructions included at the end of this notice.**

Members of the Agency will be in attendance at the Hamburg Volunteer Fire Department, 301 Union Street, Hamburg, New York 14075.

T&L Beachfront Holdings LTD and SERVPRO of the Southtowns, Inc. PROJECT - Request for Agency assistance for in the form of a lease only or lease leaseback with mortgage transaction for a total Project Amount not to exceed \$900,000.00. The assistance contemplated by the Agency will include 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. T&L Beachfront Holdings LTD (the "Lessee") and SEVPRO of the Southtowns, Inc. (the "Tenant") has entered into negotiations with the officials of the Town of Hamburg Industrial Development Agency (the "Agency") with respect to a lease leaseback with mortgage for renovation of 3000 square feet and new construction – expansion of 6,400 square feet of office and warehouse located at SBL # 195.12-1-20, 97 Evans Street, Hamburg, New York., by the Lessee, as Agent for the Agency, for lease to the Agency and leaseback by the Agency to the Lessee. The Project will allow the Lessee to expand its operations and employment in the Village of Hamburg. (the "Project").

The Agency will present information relative to this project and application at the public hearing. Persons interested may attend and will be given an opportunity during the public hearing to make statements. Also written comments may be submitted to the Agency at or before the hearing.

PLEASE NOTE SPECIAL PUBLIC HEARING CONDUCT INSTRUCTIONS AND INFORMATION:

In accordance with Section 859-a of the NYS General Municipal Law, a representative of the Agency will present a copy of the Company's project Application which is also available for viewing on the Agency's website at www.HamburgIDA.com. The Agency will accommodate in-person public attendance and participation at this hearing as well as electronic attendance, as per the information below. In furtherance of the provisions of Section 859-a of the NYS General Municipal Law requiring interested parties will be provided a reasonable opportunity, both orally and in writing, to present their views with respect to the Project.

The Agency will provide public access to provide oral comments during the Public Hearing at:

IN PERSON

Hamburg Volunteer Fire Department
301 Union Street
Hamburg, New York 14075

VIA ZOOM VIDEOCONFERENCE

To be registered to attend the meeting please email request to HamburgIDA@TownofHamburgNY.com or call 716-648-4145 for meeting login information by **2:00 PM on May 6, 2024.**

Finally, the Agency also encourages all interested parties to submit written comments to the Agency, which will all be included within the public hearing record until the comment period closes on May 8, 2024.

Additional information can be obtained from and written comments may be addressed to:

Hamburg Industrial Development Agency
Sean Doyle, Executive Director
6122 South Park Avenue
Hamburg, New York 14075

-Motion to open the Public Hearing at 7:35am.

Moved: Bob Reynolds

Seconded: Cam Hall

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

Nays: none

Carried

Director Doyle reviewed the project and proposed incentives; property tax, mortgage and sales tax abatement. Additionally he stated the project will create 5 new full time jobs and retain 30. It is expected to begin May of 2024 and take 12 months to complete.

Bob Hutchison said there is not a lot of development in the village and this and the other recent project are good for the village economy.

Janet Plarr said a representative from the company asking for assistance should be at the public hearing meeting to answer questions.

Tom Moses was concerned about the layout of the land and the other business close by. Attorney Strong said they project was reviewed and received Village Planning Board approval.

Wence Valentin had questions on the job creation, the vehicles used and potential growth within the company.

- No written comments for or against the project.

-Motion to adjourn the public hearing until June 12th @7:30am and a representative from the company is present to answer questions.

Moved: Davis Podkulski

Seconded: Bob Hutchison

Ayes: Moses, Plarr, Podkulski, Reynolds, Hall, Hutchison, Valentin, Perkins

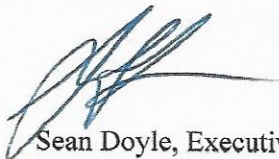
Nays: none

Abstain: Palmer

Carried

Public hearing adjourned at 7:47am.

Sincerely,



Sean Doyle, Executive Director

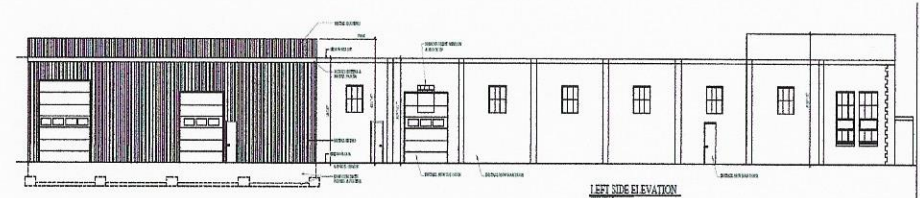
PROJECT PROFILE:
SERVPRO of the Southtowns

\$900,000.00
April 3, 2024



ELIGIBILITY
<ul style="list-style-type: none"> • Back office and warehouse expansion Project eligible under NYS Law
COMPANY INCENTIVES (EST.)
<ul style="list-style-type: none"> • Property Tax = \$97,261.00 • Mortgage Tax = \$1,500.00 • Sales Tax = \$78,750.00
PROJECT BENEFITS (EST.)
<ul style="list-style-type: none"> • Property Taxes = \$24,315.00 • Income Taxes = \$727,725.00 • Sales Taxes = \$212,254.00
EMPLOYMENT
<ul style="list-style-type: none"> • 5 New Full-time Jobs projected • Salary of Positions start at \$43,000.00 annually • Retain 30 full time equivalent employees • Future expansion / growth potential
PROJECT SCHEDULE
<ul style="list-style-type: none"> • Contingent upon benefits determination • Anticipate start May 2024

Project Address:
 97 Evans Street
 Hamburg, NY 14075
 (Hamburg Central Schools)



Investment:
 Construction: \$700,000
 Renovation: \$150,000
 Soft Costs: \$ 50,000

Company Description:

SERVPRO of the Southtowns was started in 1997 by Lyn and Thomas Braun. SERVPRO provides cleaning, restoration and construction services, especially after property damage events and disasters like floods, fires, mold outbreaks, biohazards and more. Customers include residential and commercial property owners, as well as government entities.

Project Description:

The company is looking to renovate 3,000 square feet of existing space to accommodate additional staff and add 6,400 of new build production and warehouse space. If granted, the payment in lieu of taxes would be on the newly assessed value of the parcel and improvements.

PROJECT PROFILE:

SERVPRO of the Southtowns

\$900,000.00

HIDA COMPANY HISTORY:

2024—Applicant for agency benefits at 97 Evans Street, Hamburg, New York

MATERIAL TERMS:

1. Achievement of total 4 full-time equivalent jobs at the project location two years after project completion, and retention of such jobs for duration of the PILOT.
2. Investment of not less than \$900,000 at the project location as noted in the application.
3. Compliance with the Agency's Local Labor Policy in connection with the construction of the Project

RESOLUTION OF THE TOWN OF HAMBURG INDUSTRIAL DEVELOPMENT AGENCY (THE "AGENCY") AUTHORIZING T&L BEACHFRONT HOLDINGS LTD. (THE "LESSEE") TO RENOVATE A 3,000 SQUARE FOOT WAREHOUSE/OFFICE AND TO CONSTRUCT, INSTALL AND EQUIP AN APPROXIMATELY 6,400 SQUARE FOOT WAREHOUSE/OFFICE ADDITION AT 97 EVANS STREET, VILLAGE OF HAMBURG, AS AGENT FOR THE AGENCY FOR LEASE TO THE AGENCY AND SUBSEQUENT LEASEBACK TO THE LESSEE AND FURTHER SUBLEASE TO SERVPRO OF SOUTHTOWNS, INC. (THE SUBLESSEE") AND TO TAKE OTHER ACTION.

WHEREAS, T&L BEACHFRONT HOLDINGS, LTD. (the "Lessee") has entered into negotiations with the officials of the Town of Hamburg Industrial Development Agency (the "Agency") with respect to the renovation of a 3,000 square foot warehouse/office and to construct, install and equip an approximately 6,400 square foot warehouse/office addition at 97 Evans Street, Village of Hamburg, as agent for the Agency for lease to the Agency and subsequent leaseback to the lessee and further sublease to **SERVPRO OF SOUTHTOWNS, INC.** (The Sublessee") who will be the sole tenant (the "Project"); and

WHEREAS, the assistance contemplated by the Agency will include 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; and

WHEREAS, the Lessee has submitted an Eligibility Questionnaire and other materials and information to the Agency (collectively hereinafter the "Eligibility Questionnaire") to initiate the accomplishment of the above; and

WHEREAS, the Agency has, after giving all required notices, held a public hearing on the Project pursuant to Section 859-A of the General Municipal Law; and

WHEREAS, the Eligibility Questionnaire sets forth certain information with respect to the Lessee, including the following: that the Lessee desires Agency assistance with respect to the Project. If the assistance is granted, **the Lessee anticipates retaining 30 FTE and hiring another 5 FTE employees at the Project location** within two years following the completion of the Project; that the Project will result in substantial capital investment; that there will be no adverse disruption of existing employment at facilities of a similar nature in the Village or Town of Hamburg; if Agency assistance is disapproved, the Lessee would have to scale back the Project negatively impacting future growth in New York; and that, therefore, Agency assistance is necessary to encourage the Lessee to proceed with the Project in the Village and Town of Hamburg; and

WHEREAS, the Agency desires to further encourage the Lessee with respect to the Project, if by so doing it is able to induce the Lessee to proceed with the Project in the Village of Hamburg.

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

Section 1. The Agency hereby determines that the construction, equipping and installation of the Project and the financing or other assistance thereof 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 and supplemental information furnished by the Lessee, as follows: (a) it would not have financed or otherwise assisted 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; (b) that Agency financing and/or other assistance is reasonably necessary to promote economic development and to induce the Lessee to proceed with the Project; (c) there will be no substantial adverse disruption of existing employment or facilities of a similar nature to the Project in such area; (d) the Project will allow the Lessee to expand its business in the Town of Hamburg; (e) the Project will create additional employment and provide substantial capital investment; The Agency further determines, on the basis of the Lessee's Eligibility Questionnaire that; (f) the Project as represented is reasonably necessary to provide the purposes of the Act, subject to verification and confirmation of such representations prior to the into a lease with mortgage or lease only transaction and (g) the Project is an integral part of the Lessee's plan to proceed with the Project in the Village of Hamburg.

Section 2. The Chairman, Vice Chairman, Executive Director, Secretary and Assistant Secretary of the Agency and other appropriate officials of the Agency and its agents and employees are hereby authorized and directed to take whatever steps may be necessary to cooperate with the Lessee to assist in the acquisition, construction equipping and installation of the Project.

Section 3. The Lessee is authorized to initiate the Project at a total Project Cost of approximately **\$900,000.00**, subject to the obtaining of all required approvals from the Village of Hamburg and other involved governmental agencies, and to advance such funds as may be necessary to accomplish such purposes.

Section 4. The Agency is hereby authorized to enter into such agreements with the Lessee and the Sublessee, as the Chairman, Vice Chairman, Executive Director, Secretary or Assistant Secretary or other officer may deem necessary in order to accomplish the above.

Section 5. The Lessee 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 amount up to **\$900,000.00** 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 **\$78,750.00**. The Agency may consider any requests by the Lessee 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 6. Any such action heretofore taken by the Lessee in initiating the construction,

installation and equipping of the Project is hereby ratified, confirmed and approved.

Section 7. Any expenses incurred by the Agency with respect to the Project and the financing thereof shall be paid by the Lessee. By acceptance hereof, the Lessee 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 8. The Agency hereby authorizes and approves real property tax abatement benefits structured through a **seven year PILOT** ("PILOT Agreement") estimated to provide **\$97,261.00 in real property tax abatement benefits**, and resulting in estimated total payments in lieu of taxes of **\$24,315** over the term of the PILOT Agreement.

Section 9. The Agency hereby authorizes and approves that the value of the mortgage to be placed upon the facility of approximately **\$200,000.00** ; but that the mortgage tax exemption benefit shall not exceed **\$1,750**.

Section 10. The execution and delivery of a Project and Agent Agreement, Closing Agreement, Lease to Agency, and Leaseback Agreement between the Agency and the Lessee, each being substantially in the form approved by the Agency for prior transactions or in form approved by the Chairman, Vice Chairman, Executive Director, Secretary or Assistant Secretary is hereby authorized. The appropriate officers of the Agency are hereby authorized to execute, seal, acknowledge and deliver such agreement and any and all papers, instruments, opinions, certificates, affidavits and other documents and to do and cause to be done any and all acts and things necessary or proper for carrying out this resolution. The execution and delivery of each such instrument shall be conclusive evidence of due authorization and approval.

Section 11. The execution and delivery of a mortgage from the Agency and the Lessee to a lender selected by the Lessee and approved by the Chairman, Vice Chairman, Executive Director, Secretary or Assistant Secretary of approximately **\$200,000.00** and other ancillary documents, if required, which mortgage and ancillary documents shall be substantially in the form approved by the Agency for prior transactions or in form approved by the Chairman, Vice Chairman, Executive Director, Secretary or Assistant Secretary is hereby authorized. The appropriate officers of the Agency are hereby authorized to execute, seal, acknowledge and deliver such agreement and any and all papers, instruments, opinions, certificates, affidavits and other documents and to do and cause to be done any and all acts and things necessary or proper for carrying out this resolution. The execution and delivery of each such instrument shall be conclusive evidence of due authorization and approval.

Section 12. The Agency has made and makes no representation or warranty whatsoever, either express or implied, with respect to the merchantability, condition, environmental status, fitness, design, operation or workmanship of any part of the Project, its fitness for any particular purpose, the quality or capacity of the materials in the Project, or the suitability of the Project for the Lessee's purposes or needs. The Lessee is satisfied that the Project is suitable and fit for Lessee's purposes. The Agency shall not be liable in any manner whatsoever to anyone for any

loss, damage or expense of any kind or nature caused, directly or indirectly, by the Project property or the use or maintenance thereof or the failure of operation thereof, or the repair, service or adjustment thereof, or by any delay or failure to provide any such maintenance, repairs, service or adjustment, or by any interruption of service or loss of use thereof or for any loss of business howsoever caused, and the Lessee hereby indemnifies and holds the Agency harmless from any such loss, damage or expense.

Section 13. The provisions of 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 or which are for property or services not authorized or taken in cases where such Lessee, its agents, project operators or other person or entity failed to comply with a material term or condition to use property or services in the manner required by Agreements entered into between the Agency and the applicant with respect to the Project, 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 14. Should the Agency's participation in this Project be challenged by any party, in the courts or otherwise, the Lessee shall defend, indemnify and hold harmless the Agency and its members, officers and employees from any and all losses arising from such challenge, including, but not limited to, the fees and disbursements of the Agency's counsel. Should any court of competent jurisdiction determine that the Agency is not authorized under Article 18-A of the General Municipal Law to participate in the Project, this resolution shall automatically become null, void and of no further force and effect, and the Agency shall have no liability to the Lessee hereunder or otherwise.

Section 15. This resolution is subject to compliance with all local building and zoning requirements.

Section 16. The Agency has reviewed the approvals adopted by the Hamburg Village Board on April 6, 2023, determining that the proposed action will not have a significant impact on the environment and that a draft environmental impact statement will not be required to be prepared and the Agency hereby determines, based upon information furnished to the Agency by the Village of Hamburg and such other information as the Agency has deemed necessary to make this determination, that the Project does not require the preparation of an environmental impact statement under the State Environmental Quality Review Act, being Article 8 of the New York State Environmental Conservation law, as the contemplated actions will not have a significant effect on the environment and the Agency hereby confirms the negative declaration previously adopted by the Village of Hamburg attached hereto and made a part hereof.

Section 17. The provisions of the Town of Hamburg Industrial Development Agency Policy for Recapture and/or Termination or Modification of Financial Assistance and Local Labor Policy shall be applicable to this Project.

Section 18. This Resolution shall take effect immediately and shall continue in full force

and effect for two (2) years from the date hereof and on or after such two (2) year anniversary, the Agency may, at its option (a) terminate the effectiveness of this Resolution (except with respect to the obligations of the Lessee pursuant to Sections 12, 13, 14 and 17 of this Resolution which shall survive any expiration or termination) or (b) allow the Lessee additional time in which to close the transactions contemplated by this Resolution based upon affirmative actions taken by the Lessee to complete such transactions. Upon any allowance of additional time to close, the Agency may charge the Lessee an extension fee in accordance with the Agency's fee schedule.

ADOPTED: May 8, 2024

ACCEPTED: May __, 2024

T&L BEACHFRONT HOLDINGS, LTD.
as Lessee

By _____
Name:
Title: