



Unapproved/draft
(BOD motion for approval at 1/08/25 meeting)

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

**Hamburg Industrial Development Agency
Board of Directors Meeting
December 11, 2024, 7:30am
Blasdell Village Hall**

Present

Bob Reynolds
Tom Moses
Mary Ann Costello
Jamel Perkins
Bob Hutchison
Janet Plarr
Andy Palmer

Excused

Wence Valentin
Cam Hall

Guests

Jennifer Strong, Neill & Strong
Mary Doran, HIDA
WKBW – via Zoom
Johnathan Epstein, Buffalo News
Michael Greenburg, 4760 Camp Road L.P.
Keith Wesolowski, 4760 Camp Road L.P.
Joe Deck, Hanna Commercial Real Estate

Executive Director

Sean Doyle

- Pledge of Allegiance

-Roll Call

-Motion to open the board meeting at 7:35am

Moved: Bob Reynolds **Seconded:** Jamel Perkins
Ayes: Reynolds, Moses, Costello, Hutchison, Plarr, Palmer, Perkins
Nays: none
Carried

-Motion to approve the November 2024 board meeting minutes

Moved: Tom Moses **Seconded:** Jamel Perkins
Ayes: Reynolds, Moses, Costello, Hutchison, Plarr, Palmer, Perkins
Nays: none
Carried

Treasurer, Bob Reynolds, gave an update on the financials. November had income of \$2,269.89 and operating expenses totaled \$21,211.39. He noted year to date (January thru November) the HIDA is \$4,365.98 over budget which is very close to target. Total assets equal \$929,965.64.

-Motion to approve the November 2024 Treasurer Report

Moved: Bob Hutchison **Seconded:** Mary Ann Costello
Ayes: Reynolds, Moses, Costello, Hutchison, Plarr, Palmer, Perkins
Nays: none
Carried

Executive Director Update:

- Doyle reviewed the Director report with the Board; \$33,877 is due in receivables, 9.7 million in 2024 approved PILOT capital investment, capital investment since 2018 totaled \$308,577,884 generating PILOT revenue of \$13,731,421.
- Project activity this month; South Park Equity Enterprises is close to closing. Gateway Building , 3556 Lakeshore Road, planned unit development was approved by the Town Board which gave it a 10 year time frame on the project.
- Prime Sites include; HNYLDC land and office space is available at 4255 McKinley Parkway.
- Village of Hamburg Brownfield Opportunity Area meeting will take place in February.
- Save the date, HDC Annual Meeting will be January 14th, the board will be getting 7 new board members. Doyle stated it was good to see community interest in the board which supports small businesses.

New Business

-Motion to appoint Neill & Strong Attorneys and Counselors P.C. as Special Council and Transaction Council to the Hamburg Industrial Develop Agency for the year 2024.

Moved: Bob Hutchison **Seconded:** Tom Moses

Bob Reynolds thanked Jennifer Strong for personally attending all of the HIDA board meetings.

Ayes: Reynolds, Moses, Costello, Hutchison, Palmer, Hall, Perkins

Nays: none

Carried

Doyle read the following resolution for the Assumption of Billy-Lee, LLC.

***RESOLUTION OF THE TOWN OF HAMBURG INDUSTRIAL DEVELOPMENT AGENCY
CONSENTING TO A CHANGE IN OWNERSHIP OF BILLY-LEE L.L.C.; CONSENTING TO A
MORTGAGE WITH EVANS BANK AND; CONSENTING TO THE MERGER OF BILLY-LEE L.L.C
WITH 4760 CAMP ROAD L.P. ("NEW LESSEE") IN REGARD TO THE FACILITY KNOWN AS S-4760
CAMP ROAD, HAMBURG, NEW YORK.***

WHEREAS, Billy-Lee, LLC (the "Lessee") previously entered into negotiations with the Town of Hamburg Industrial Development Agency (the "Agency") with respect to a lease leaseback transaction for the purchase and equipping of an approximately 9.7 acre parcel with three buildings located at S- 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, for further sublease to E-One, Inc. ("Sublessee") who will be the sole occupant, all for the provision of a fire truck manufacturing Facility (the "Project"); and

WHEREAS, Billy-Lee, LLC (the "Lessee") further previously entered into negotiations with the Town of Hamburg Industrial Development Agency (the "Agency") with respect to a lease only transaction for the purchase, construction and equipping of an approximately 10,000 square foot addition to an existing building located at S-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, for further sublease to E-One, Inc. ("Sublessee") who will be the sole occupant, all for the provision of a fire truck manufacturing Facility (the "Project"); and

WHEREAS, the Agency acquired a leasehold interest in the Facility pursuant to a certain Lease to Agency, dated as of February 1, 2018, between BILLY-LEE, L.L.C. as lessor, and the Agency, as lessee, (the "Lease to Agency") and leased the Facility back to BILLY-LEE, L.L.C. pursuant to a certain Leaseback Agreement, dated as of February 1, 2018, between the Agency, as lessor and BILLY-LEE, L.L.C. , as lessee, (the "Leaseback Agreement"); and

WHEREAS, BILLY-LEE L.L.C. and the members of BILLY-LEE, L.L.C. have entered into a Contract with 4760 CAMP ROAD L.P., whereby 4760 CAMP ROAD L.P. will acquire the entire membership interests of BILLY-LEE, L.L.C; and

WHEREAS, BILLY-LEE L.L.C. will enter into a mortgage refinance transaction with EVANS BANK, N.A. in the amount of \$4,275,000.00; and

WHEREAS, *BILLY-LEE L.L.C. will merge into 4760 CAMP ROAD L.P.; and*

WHEREAS, *the New 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: the Agency's consent to the sale of the Membership interest in BILLY-LEE L.L.C. to 4760 CAMP ROAD L.P. with the continuation of the existing PILOT; the consent to a mortgage with Evans Bank, N.A in an approximate amount of \$4,275,000.00 with a mortgage tax abatement not to exceed \$32,063.00; and consent to the merger of BILLY-LEE L.L.C. into 4760 CAMP ROAD L.P; and*

WHEREAS, *the assistance contemplated by the Agency will include mortgage tax abatement; and*

WHEREAS, *the facility will remain occupied by E-One, Inc. ("Sublessee") who will be the sole occupant, and will remain a fire truck manufacturing Facility; accordingly, there will be no change in the Payment in Lieu of Taxes ("PILOT") Provisions that are currently in place. attached as Exhibit C to the Leaseback Agreement; and*

WHEREAS, *a public hearing is not required to be held by the Agency.*

NOW, THEREFORE BE IT RESOLVED AS FOLLOWS:

Section 1. *The Agency hereby consents to the sale of the membership of BILLY-LEE L.L.C. to 4760 CAMP ROAD L.P. , as required by Section 6.1 of the Lease Back Agreement .*

Section 2. *The Agency has reviewed the request for consent and has determined that this action is a Type II action under the State Environmental Quality Review Act, being Article 8 of the New York State Environmental Conservation Law.*

Section 3. *The Applicant agrees that if requested consent is granted that the New Lessee will at the Project location and will comply with all reporting requirements pursuant to the Lease to Agency between the Lessee and the Agency dated as of February 1, 2018, the Leaseback Agreement between the Lessee and the Agency dated February 1, 2018; the Closing Agreement between the Lessee and the Agency dated as of February 1, 2018; and the Project and Agent Agreement between Lessee and the Agency dated April 1, 2022.*

Section 4. *The Agency hereby consents to the execution and delivery of a Mortgage in the amount of \$4,275,000.00 with EVANS BANK, N.A.; an Assignment of Leases and Rents with EVANS BANK, N.A. and other ancillary closing documents.*

Section 5. *The execution and delivery of Mortgage and the Assignment of Leases and Rents in the form approved by the Chairman, Vice Chairman, Executive Director or Assistant Secretary is hereby authorized. The appropriate officers of the Agency are hereby authorized to execute, seal, acknowledge and deliver such Mortgage and Assignment of Rents as well as all other necessary ancillary documents.*

Section 6. *The Agency determines that the PILOT provisions shall remain unchanged as there is no change in use or in the occupancy of the Facility.*

Section 7. *The Agency hereby consents to the merger of BILLY-LEE L.L.C. into 4760 CAMP ROAD L.P. , as required by Section 6.1 of the Lease Back Agreement.*

Section 8. *4760 CAMP ROAD L.P. agrees that it will pay all Agency Administrative Fees and legal fees due at closing.*

Section 9. *This resolution shall take effect immediately.*

Moved: Bob Hutchison

Seconded: Bob Reynolds

Doyle stated they would keep and maintain existing benefits as well as obtain a mortgage recording tax benefit of \$32,063.

Ayes: Reynolds, Moses, Costello, Hutchison, Plarr, Palmer, Perkins

Nays: none

Carried

Michael Greenburg, was there on behalf of 4760 Camp Road L.P. and spoke on behalf of the project and thanked the board.

-Opposition of Development Moratorium

Doyle stated as a board they have a lot of knowledge and experience in development. Town should utilize the experience within the Hamburg IDA for economic development concerns.

Hutchison stated a number of people on this board have served on the Comprehensive Planning Committee as well as the Brownfield Opportunity Area.

Palmer stated the Village of Blasdell is a blue collar community reducing housing drives up the cost. Additionally he stated Hamburg although the same size geographically as Amherst has half of the population of Amherst therefore it is not accurate to compare the two equally.

Doyle read a draft of the letter to be sent to the Town of Hamburg Board –

First, a recently completed comprehensive plan adopted by the Town Board in December 2022 included provisions for development and extensive input from numerous consultant and constituent perspectives and hundreds of town residents. Housing was the least noted area of concern. (1,397 responses) In fact, 390 survey respondents were interested in mixed-use multifamily developments and 1,071 respondents were interested in adaptive re-use of existing sites. Last, 66% of survey respondents are recommending the town continue to grow. This moratorium is not in line with the money, time and effort dedicated to the adopted town plan, nor is it in line with the wishes of the resident survey respondents.

*In addition, The Town of Hamburg is intending to be considered as “pro housing community.” (a community dedicated to take action to address the housing shortage in New York State) The moratorium will cause Hamburg to miss out on several state grant opportunities including NY Forward, NY Main Street Program and Downtown Revitalization Initiative. These programs have offered valuable financial support to small businesses in the town, leveraging capital improvements and job growth. **The action will hurt small businesses and decrease job opportunities in the town.***

*Last, the moratorium, if enacted, will deter developer interest and confidence in the town. This will **negatively impact several other economic development priorities.** There are current projects in the planning board agenda, what happens to the people who were interested in investing in the town and now are suddenly put to a halt? This will decrease investor confidence in the town, Investors will seek out other opportunities in neighboring areas. We have several key areas of redevelopment including the stadium area, the McKinley Mall and the proposed brownfield redevelopment area. A moratorium will hinder or halt investment in these key areas.*

We appreciate the efforts of the town board on driving the future of the Town of Hamburg. It is interesting to look into the notion of the moratorium. You can see after a deep dive into the subject, it will negatively impact the tax base, re-use development and job opportunities in the town. Please contact me directly at (716) 648-4145 if you have any questions or if you require any additional information. Thank you for your partnership and efforts to increase the tax base and employment opportunities in the Town of Hamburg through sustainable development.

The board stated the moratorium as presented is unclear on how it affects current development projects.

Plarr stated the moratorium also goes against New York Housing Compact and Hamburg would no longer qualify for grants from New York State. Additionally, she stated recently in a new development in Hamburg homeowners did not do their due diligence prior to building their homes. They assumed the greenspace bordering their backyards would remain greenspace. However it was zoned for commercial use which therefore can be developed as such and the homeowners are not happy about the new development proposal in their backyard.

Bob Reynolds stated it is important the Town Board review the Comprehensive Plan.

The Public Hearing on the proposed moratorium is Monday December 16th at 7pm. Doyle will be present to represent the HIDA Board. Doyle also stated the Town Board should look for input from the HIDA on economic development

authority.

-Motion to approve and send communication to the Hamburg town board in opposition of a moratorium on multifamily developments.

Roll Call Vote: Palmer –Aye, Hutchison – Aye, Reynolds – Aye, Perkins – Aye, Moses – Aye, Plarr – Aye, Costello – Aye.

Nays: none

Carried

The Town spent 6 figures on the Comprehensive Plan in December of 2022 - it should be the Town's guiding document.

-Privilege of the Floor – no comments

-Motion to adjourn at 8:22am

Moved: Janet Plarr

Seconded: Bob Reynolds

Ayes: Reynolds, Moses, Costello, Hutchison, Plarr, Palmer, Perkins

Nays: none

Carried

Sincerely,

Sean Doyle, Executive Director

**Next meeting: January 8, 2025
7:30am Blasdell Village Hall**