

Hamburg Industrial Development Agency

**Board of Directors Meeting
June 14, 2016
Room 7B - Hamburg Town Hall**

Present

Pattie Paul
Tom Moses
Cameron Hall
Norma Rusert-Kelly
Steve Walters

Excused

Lou McDonald
Mike Quinn
Janet Plarr

Guests

Nathan Neill
Craig Cwick
Tony Moore
Jeff Davis

Executive Director

Michael J. Bartlett

Executive Assistant

Olivia Hill

- **Move** to open the Board of Directors meeting at 8:00 am.

- Tony Moore, President of the Moore Group, was introduced to the Board. Tony's company is a package delivery business which offers medical file transport, storage, and delivery, warehousing and fulfillment services, and shuttle services. Tony has signed a contract with the HNYLDC for the purchase of approximately 2 acres of land in the LECC and the construction of an approximately 6,800 square foot building as a warehouse/distribution facility and the headquarters for his company. If approved, the company will be eligible for a mortgage tax exemption, a sales tax exemption on anything purchased for the project, and a seven year property tax abatement. The total project cost is approximately \$350,000. A cost/benefit analysis of the project shows the company receiving approximately \$46,358 in incentives while generating \$145,030 in regional benefits. The project is expected to create 2 new jobs and retain 3. The company has signed the Local Labor Agreement.

RESOLUTION OF THE TOWN OF HAMBURG INDUSTRIAL DEVELOPMENT AGENCY (THE "AGENCY") AUTHORIZING THEODORE MOORE ON BEHALF OF THE MOORE GROUP OF WNY, LLC (THE "LESSEE") TO ACQUIRE AN APPROXIMATELY 2 ACRE PARCEL OF LAND LOCATED AT THE INTERSECTION OF BAYVIEW ROAD AND LAKE ERIE BOULEVARD AND TO CONSTRUCT AN APPROXIMATELY 6,800 SQUARE FOOT BUILDING THEREON, AS AGENT FOR THE AGENCY AND AUTHORIZING MDS EXPRESS, INC. (THE SUBLESSEE") TO ACQUIRE AND INSTALL MACHINERY AND EQUIPMENT REQUIRED IN CONNECTION THEREWITH, AS AGENT FOR THE AGENCY, ALL FOR SMALL PACKAGE DELIVERY, TRUCKING, STORAGE AND WAREHOUSING FACILITY, FOR LEASE TO THE AGENCY AND SUBSEQUENT LEASEBACK TO THE LESSEE FOR SUB-SUBLEASE TO THE SUBLESSEE WITH THE EQUIPMENT TO BE SOLD TO THE SUBLESSEE PURSUANT TO AN INSTALLMENT SALE TRANSACTION AND TO TAKE OTHER PRELIMINARY ACTION.

Moved: Steve Walters

Seconded: Norma Rusert-Kelly

Ayes: Moses, Paul, Hall, Walters, Rusert-Kelly

Nays: none

Carried

- Jeff Davis, owner of Davis Financial, was introduced to the Board. Jeff's firm is a full service financial firm offering a wide range of financial services and products to individuals and business owners. Jeff is currently renting space at 6101 South Park Avenue. The building he would like to purchase is currently owned by South Shore Associates and has been empty for over a year. The building is in need of structural repairs totaling close to \$70,000. Mr. Davis is seeking assistance under the HIDA Adaptive Reuse Program. The purpose of Mr. Davis' presentation was to determine if the Board felt the project qualified for HIDA Assistance. The Board felt the project did qualify and an application will be submitted for consideration.

The revised HIDA application and the proposed Recapture/Modification/Termination Policy were discussed by the Board. It was pointed out that the application and policy were reviewed by the Governance Committee and approved by the Committee. It is the opinion of our attorneys that the application and policy meet all the requirements called for in the recently passed State Legislation. Executive Director Bartlett reminded the Board that the application and policy must be adopted by the Board by June 15, 2016 to put us in compliance with the new State Legislation.

- Motion to approve the revised HIDA application as submitted

Moved: Cameron Hall

Seconded: Norma Rusert-Kelly

Ayes: Walters, Paul, Moses, Hall, Rusert-Kelly

Nays: none

Carried

- Motion to approve the Recapture/Modification/Termination Policy as submitted

Moved: Pattie Paul

Seconded: Norma Rusert-Kelly

Ayes: Walters, Moses, Hall, Paul, Rusert-Kelly

Nays: none

Carried

- Executive Director Bartlett informed the Board that the Hamburg School District contacted him about the unpaid school PILOT for Cheektowaga Concrete. Back in January 2016, the School District accepted a \$15,000 partial payment with a promise from the company that they would pay the balance when business picked up in the spring. As of June, the PILOT is still unpaid. Mr. Bartlett has left numerous messages for the owner who has not returned any of his calls. Mr. Bartlett recommended to the Board that a letter be sent to the company that says they are in default of their lease agreement with the IDA and in 30 days they will have their property reconveyed back on the tax rolls. The Board agreed.

- The Board was informed that Michael Sendor submitted his resignation from the HIDA Board effective June 10, 2016. Potential candidates to replace Mr. Sendor were discussed.

- The NYS Comptroller's Audit of IDAs in the State was discussed. Once again the five suburban IDAs in Erie County compared very favorably with the NYS IDA average and the ECIDA. It was decided that a press release discussing the Audit and the results for the HIDA should be sent to the Hamburg Sun.

- The Board was informed that the house and garage located at 70 Lakeview Avenue were successfully burned by the Woodlawn and Village of Hamburg Volunteer Fire Companies in a training exercise. The debris has been removed by the project contractor at no cost to the IDA.

- It was mentioned that the Ford sales tax exemption is due to expire this September. Due to legislative changes made over the last several years, some issues need to be addressed before an application for a new sales tax exemption period of time is submitted by Ford. It may be necessary to extend the current agreement while these issues are addressed.

- **Motion** to approve the minutes from the May 3, 2016 Board of Directors meeting.

Moved: Cameron Hall

Seconded: Steve Walters

Ayes: Moses, Paul, Rusert-Kelly, Hall, Walters

Nays: none

Carried

- Motion to approve the April 2016 Treasurer's Reports

Moved: Cameron Hall

Seconded: Patti Paul

Ayes: Walters, Moses, Rusert-Kelly, Hall, Paul

Nays: none

Carried

- The Board was informed that the owners of 12 Main Street in the Village of Hamburg are requesting that the HIDA approve a refinancing of their 2013 PILOT.

RESOLUTION OF THE TOWN OF HAMBURG INDUSTRIAL DEVELOPMENT AGENCY
AUTHORIZING THE EXECUTION AND DELIVERY OF AN AMENDED AND RESTATED
LEASEBACK AGREEMENT OR LEASEBACK AGREEMENT AMENDMENT, A MORTGAGE AND

THE EXECUTION AND DELIVERY OF OTHER DOCUMENTS AND AGREEMENTS REQUIRED IN CONNECTION THEREWITH IN CONNECTION WITH THE REFINANCING OF THE 2013 12 MAIN STREET LLC PROJECT

Moved: Tom Moses

Seconded: Norma Rusert-Kelly

Ayes: Walters, Hall, Paul, Moses, Rusert-Kelly

Nays: none

Carried

As discussed at an earlier Board meeting, the property adjacent to the LECC where the house purchased by the HIDA was located is owned by the HIDA. The Board directed Executive Director Bartlett and Nathan Neill to work on a contract to sell the property to the HNYLDC.

Moved: Steve Walters

Seconded: Tom Moses

Ayes: Paul, Hall, Rusert-Kelly, Walters, Moses

Nays: none

Carried

- Motion to adjourn at 8:55 am

Moved: Steve Walters

Seconded: Pattie Paul

Ayes: Moses, Rusert-Kelly, Hall, Walters, Paul

Nays: none

Carried

Sincerely,

Michael J. Bartlett
Executive Director