

Hamburg Industrial Development Agency

**Board of Directors Meeting
August 26, 2016
Robert Chesbro Conference Room**

Present

Jeff Brylski
Tom Moses
Cameron Hall
Bob Reynolds
Wenceslao Valentin
Patricia Paul

Excused

Lou McDonald
Janet Plarr
Norma Rusert-Kelly

Guests

Nathan Neill
Craig Cwick
Phil Riggs

Executive Director

Michael J. Bartlett

Executive Assistant

Olivia Hill

- **Move** to open the Board of Directors meeting at 8:02 am.

- A request from JR Fort Collins, LLC and MREIC Buffalo NY, LLC to assign leasehold interest in the 2015 JR Fort Collins, LLC to MREIC Buffalo NY, LLC and the refinancing of the project was discussed. JR Fort Collins, LLC was intended to be the lessee only during the construction of the project with the understanding that following completion, interest in the project would be assigned to an LLC to be formed. MREIC Buffalo NY, LLC is the LLC formed. The Agency consented to this arrangement in a resolution passed by the Board in March 2015.

Before acting on the resolution, Executive Director Bartlett raised the question with the Board as to what the Agency fee should be. Our approved Fee Schedule calls for a fee of one quarter of one percent of Agency Administrative fee which would have been due if the project was a new project but reduced by the percentage of the benefit already received with respect to real property tax abatement. Based on a project cost of \$23,500,000.00 and the fact the PILOT has not yet started, the Agency Fee would be \$58,750.00. The question is if the Agency knew the original lease was temporary and we have already received approximately \$340,000 in fees from JR Fort Collins, LLC, do we want to charge the full fee or would the Board be willing to accept a lower amount. The Board felt that since the company was provided with a copy of our Fee Schedule it should be aware of the fees associated with this transaction. It was decided to bill the company for the full Agency fee of \$58,750.00 but remain open to negotiating the fee if the company protests.

RESOLUTION OF THE TOWN OF HAMBURG INDUSTRIAL DEVELOPMENT AGENCY AUTHORIZING THE EXECUTION AND DELIVERY OF A LEASE AMENDMENT AND ASSIGNMENT AND ASSUMPTION AGREEMENT, A CONSOLIDATED MORTGAGE, AND AN ASSIGNMENT OF RENTS AND THE EXECUTION AND DELIVERY OF OTHER DOCUMENTS AND AGREEMENTS REQUIRED IN CONNECTION THEREWITH IN CONNECTION WITH ASSIGNMENT BY JR FORT COLLINS, LLC OF THEIR LEASEHOLD INTEREST IN THE 2015 JR FORT COLLINS, LLC PROJECT TO MREIC BUFFALO NY, LLC AND THE REFINANCING OF THE PROJECT

Moved: Bob Reynolds

Seconded: Wenceslao Valentin

Ayes: Moses, Paul, Brylski, Hall, Reynolds, Valentin

Nays: none

Carried

- A request has been received from Robert J. Brunner to allow RJB Solutions LLC (a newly formed LLC) to assume the leasehold interests of Robert J. Brunner in the 2011 JP Fitzgerald's Inc. Project along with approving the refinancing of the project.

RESOLUTION OF THE TOWN OF HAMBURG INDUSTRIAL DEVELOPMENT AGENCY APPROVING THE ASSIGNMENT TO AND ASSUMPTION BY RJB SOLUTIONS, LLC OF THE LEASEHOLD INTEREST OF

- **Motion** to approve the minutes from the July 8, 2016 Board of Directors meeting.

Moved: Jeff Brylski

Seconded: Cameron Hall

Ayes: Moses, Paul, Reynolds, Valentin, Brylski, Hall

Nays: none

Carried

- **Motion** to approve the June 2016 and July 2016 Treasurer's Reports

Moved: Patti Paul

Seconded: Bob Reynolds

Ayes: Moses, Hall, Valentin, Brylski, Paul, Reynolds

Nays: none

Carried

- **Motion** to adjourn at 8:46 am

Moved: Jeffrey Brylski

Seconded: Tom Moses

Ayes: Valentin, Paul, Hall, Reynolds, Brylski, Moses

Nays: none

Carried

Sincerely,

Michael J. Bartlett
Executive Director