

Hamburg Industrial Development Agency

Board of Directors Meeting

October 2, 2015

Robert Chesbro Conference Room

Present

Cameron Hall
Norma Rusert-Kelly
Steve Walters
Patricia Paul
Tom Moses
Mike Sendor

Excused

Michael Quinn
Michael Petrie
Janet Plarr

Executive Director

Michael J. Bartlett

Guests

Nathan Neill
Olivia Hill
Vish Sharma
Phil Riggs

- **Move** to open the Board of Directors meeting at 8:09am.

- Vish Sharma, a principal in Sharma Development was introduced to the Board. Sharma Development is requesting assistance for the acquisition of a 12 acre plot located at 2816 Pleasant Avenue and the construction of an approximately 22,306 square foot building for use as an Article 28 Licensed Ambulatory Surgery Center. A public hearing for the project was held on June 5, 2015. The applicant requested that the Board take no action, but instead wait until the project was granted its Certificate of Need from New York State. According to an article in Business First, the project has been approved by the Public Health and Planning Councils Establishment Committee with conditions, advancing the application to the full committee for consideration at the October 8, 2015 meeting. The conditions agreed to include limiting surgeries to Ophthalmology and Gastroenterology and agreeing not to bring additional surgeons into the center for five years. The conditions were agreed to allay fears that the Sharma group could expand with additional speciality areas, or recruit additional physicians which could further erode the volume of ambulatory surgery business at the financially distressed Lake Shore Health Care Center. In response to a question regarding the five year limited life certification, Mr. Sharma stated this is the case in all certifications for Article 28 Licensed Ambulatory Surgery Centers. After five years, the center receives an unlimited license. Due to concerns raised about full committee approval not being considered until October 8, 2015, the HIDA Board of Directors determined to not take any action until proof of approval by the full committee is granted on October 8, 2015.

- Based on a recommendation by the Governance Committee, Executive Director Bartlett called for a motion to adopt a Local Labor Policy modeled after a policy adopted by the Amherst IDA and included in the meeting package sent to each Board member.

- **Motion** to adopt the Local Labor Policy as submitted and recommended by the Town of Hamburg Industrial Development Agency Governance Committee

Moved: Norma Rusert-Kelly

Seconded: Steve Walters

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

Nays: None

Carried

- Executive Director Bartlett informed the Board he has submitted the HIDA Corrective Action Plan to the State Comptroller's office. As of today, he has heard nothing from the State.

- **Motion** to approve the minutes from the August 7, 2015 Board of Directors meeting

Moved: Michael Sendor

Seconded: Norma Rusert-Kelly

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

Nays: None

Carried

- **Motion** to move into Executive Session for personnel reasons at 8:34 am

Moved: Patricia Paul
Ayes: Walters, Rusert-Kelly, Sendor, Hall, Paul, Moses
Nays: None
Carried

Seconded: Tom Moses

- **Motion** to move out of Executive Session at 8:59 am

Moved: Michael Sendor
Ayes: Walters, Moses, Hall, Rusert-Kelly, Sendor, Paul
Nays: None
Carried

Seconded: Patricia Paul

- **Motion** to approve the July 2015 and August 2015 Treasurer's Reports

Moved: Patricia Paul
Ayes: Hall, Sendor, Rusert-Kelly, Moses, Paul, Walters
Nays: None
Carried

Seconded: Steve Walters

- A discussion by the Board concerning the efforts of Executive Director Bartlett with the assistance of Chairman Steve Walters that caused the J.R Fort Collins, L.L.C and FedEx Ground Package System, Inc. Projects to locate in Hamburg. The Board determined that Executive Director Bartlett is deserving of receiving additional compensation due to the success of his diligent efforts and in recognition of the fact that the sale was able to proceed without having to compensate a broker, resulting in substantial savings for the sale.

**RESOLUTION OF THE TOWN OF HAMBURG INDUSTRIAL DEVELOPMENT
AGENCY APPROVING A BONUS FOR THE EXECUTIVE DIRECTOR FOR HIS
EFFORTS IN CONNECTION WITH THE J.R FORT COLLINS, L.L.C AND THE FEDEX
GROUND PACKAGE SYSTEM, INC. PROJECTS ("THE PROJECTS")**

Moved: Patricia Paul
Ayes: Walters, Moses, Rusert-Kelly, Hall, Paul, Sendor
Nays: None
Carried

Seconded: Michael Sendor

**RESOLUTION AUTHORIZING EXECUTIVE DIRECTOR BARTLETT TO SIGN A
RETAINER AGREEMENT WITH PHILLIPS LYTLE, LLP IN REGARDS TO LEGAL
ISSUES**

Moved: Patricia Paul
Ayes: Moses, Hall, Rusert-Kelly, Moses, Paul, Walters
Nays: None
Carried

Seconded: Steve Walters

- Executive Director Bartlett informed the Board that a meeting has been scheduled for October 15th at noon at the Amherst IDA to discuss the direction the ECIDA is taking and what the future relationship between the five local IDAs and the ECIDA should look like. In attending the ECIDA Policy Committee meetings it's clear that Richard Lipsitz, the Chair of the Committee, does not care whether the five local IDAs adopt their policies or not. These policies include a "Pay Equity Policy", a soon to be adopted "Good Standing Policy" and policies to address living wages, prevailing wages, and other social equity issues. Mr. Bartlett expressed his disappointment that the ECIDA does not want to continue to develop and amend the existing county wide IDA policy together, through consensus. A report on the topics discussed at the October 15th meeting will be sent to the Board.

-**Motion** to adjourn at 9:00 am

Moved: Michael Sendor
Ayes: Walters, Moses, Paul, Rusert-Kelly, Sendor, Hall
Nays: None
Carried

Seconded: Cameron Hall

Sincerely,

Michael J. Bartlett
Executive Director