

Hamburg Industrial Development Agency

Board of Directors Meeting

April 9, 2010

Robert Chesbro Conference Room

Present

Marcella Fugle
Pattie Paul
Tom Moses
Matt Dils
Mike Petrie
Kevin Smardz

Excused

Janet Plarr
Norma Rusert-Kelly
Steve Walters

Executive Director

Michael J. Bartlett

Guest

Craig Cwick
Nathan Neill
John Appleby
Mike DiTonto

- **Moved** to open the Board of Directors meeting at 8:02a.m.

- **Gold Gym** - John Appleby, President of Gold's Gym was introduced and presented his project to the Board. Gold's Gym is a health club, fitness center occupying 26,000 sq. ft of leased space located at 23/25 Lake Street in the Village of Hamburg. They have 32 employees and close to 3000 members. John explained that to compete in an increasingly competitive marketplace they need to replace a large section of their cardio fitness equipment. They are requesting an exemption from paying the New York State sales tax under the Town's "Enhancement Area" program. With this savings, they will be able to purchase two additional pieces of equipment, one of which is manufactured in Western New York.

RESOLUTION OF THE TOWN OF HAMBURG INDUSTRIAL DEVELOPMENT AGENCY AUTHORIZING AND APPROVING THE EXECUTION AND DELIVERY OF AN INSTALLMENT SALE AGREEMENT WITH CHARLES J. PASZEK, INC D/B/A GOLD'S GYM HAMBURG (THE "COMPANY") AND OTHER INSTRUMENTS AND MATTERS IN CONNECTION WITH THE ACQUISITION AND INSTALLATION OF MACHINERY AND EQUIPMENT REQUIRED IN CONNECTION WITH THE OPERATION OF GOLD'S GYM HAMBURG AT 23 LAKE STREET IN THE VILLAGE OF HAMBURG.

Moved: Tom Moses

Seconded: Matt Dils

Ayes: Smardz, Fugel, Paul, Petrie
Nays: None
Carried

- **Ten Thousand Vines** - Mike DiTonto, owner/President of Ten Thousand Vines Inc. was introduced and presented his project to the Board. The company is a licensed winery that produces wine on site for retail sales. They also sell wholesale to select local accounts and sell wine-making supplies to local winemakers. The company has purchased the former Chamber of Commerce building located at 8 South Buffalo Street and will be moving their business there. They plan to complete renovation of the first floor, plan to expand the second floor to maximize available production space and to restore the exterior. They are requesting an exemption from NYS sales tax under the Town's "Enhancement Area" program.

RESOLUTION OF THE TOWN OF HAMBURG INDUSTRIAL DEVELOPMENT AGENCY AUTHORIZING AND APPROVING THE EXECUTION AND DELIVERY OF AN INSTALLMENT SALE AGREEMENT WITH TEN THOUSAND VINES, INC. AND OTHER INSTRUMENTS AND MATTERS IN CONNECTION WITH THE RENOVATION OF AN EXISTING BUILDING LOCATED AT 8 SOUTH BUFFALO STREET IN THE VILLAGE OF HAMBURG AND THE ACQUISITION AND INSTALLATION OF MACHINERY AND EQUIPMENT REQUIRED IN CONNECTION THEREWITH

Moved: Marcella Fugle
Ayes: Smardz, Dils, Moses, Petrie
Nays: None
Carried

Seconded: Patti Paul

Edie's Pizza & Subs - The Board discussed a request from Edie's Pizza Inc. for a sales tax exemption on material, machinery and equipment purchased as part of a \$400,000 expansion of their current location on South Park Avenue in the Village of Hamburg. The Board agreed to accept an application from the business and to invite the owners to attend the April 23rd 2010 Board meeting to formally present their project for action by the Board.

Battin Optical - The Board discussed a request from the owner of Battin Optical for HIDA assistance. The owner is purchasing a building located at 6175 South Park Avenue in Hamburg. It is the owner's intention to renovate the existing 2700 sq. ft. building and build a 2100 sq. ft. addition. The building will house the corporate retail/manufacturing facility for the company. The Board agreed to accept an application for a sales tax exemption only for eligible items purchased for the project and to invite the owner to attend the April 23rd, 2010 Board meeting to formally present their project for action by the Board.

Just Fun Family Entertainment Center - The Board discussed a request for assistance from the company in the form of a sales tax extension only for a project in the Town. The company is planning to open a 13,000 sq. ft. family friendly entertainment center in the former Ames Store in the Town Hall Plaza on South Park Avenue in the Town. The company will be spending approximately \$190,000 on renovating the building and approximately \$375,000 on equipment. The Board agreed to accept an application from the business and to invite the owner to attend the April 23, 2010 Board meeting to formally present their project for action by the Board.

-**Motion** to amend the Town of Hamburg Industrial Development By Laws to reflect the ability of Board members to accept notification of meetings by e-mail and the ability of Directors to participate in Board or Committee meetings by conference call or similar communications equipment.

Moved: Michael Petrie
Ayes: Smardz, Paul, Moses, Dils
Nays: None
Carried

Seconded: Marcella Fugle

Hilbert College - The Board discussed a request from Hilbert College for a reduction of \$10,000.00 in the administrative fee that normally would be due for agency assistance in arranging permanent financing to replace their construction loan. The financing totals \$6,500,000 and the normal fee would be \$65,000. The Board was

informed by our Bond Council that several steps still had to be taken with the project before it would be appropriate to act on this request.

- **Motion** to approve the minutes from the February 12, 2010 Board of Directors meeting.

Moved: Matt Dils

Seconded: Marcella Fugle

Ayes: Moses, Petrie, Paul, Smardz

Nays: None

Carried

- **Motion** to approve the minutes from the February 19, 2010 Board of Directors meeting.

Moved: Matt Dils

Seconded: Patti Paul

Ayes: Petrie, Fugle, Smardz, Moses

Nays: None

Carried

- **Motion** to approve the January 2010 Treasurer's Report.

Moved: Matt Dils

Seconded: Mike Petrie

Ayes: Fugle, Smardz, Moses, Paul

Nays: None

Carried

- **Motion** to approve the February 2010 Treasurer's Report.

Moved: Patti Paul

Seconded: Mike Petrie

Ayes: Smardz, Dils, Fugle, Moses

Nays: None

Carried

- **Motion** to carry forward the payments formally paid to Julie Buckley for doing the HIDA's Treasurer's Reports and Budget to Bev Franco.

Moved: Matt Dils

Seconded: Marcella Fugle

Ayes: Moses, Paul, Petrie, Smardz

Nays: None

Carried

- **A brief discussion** took place on the Coalition for Community Building. The coalition is an unincorporated association group of organizations, companies and individual's formed to educate and advocate policies supporting a growing private economy in upstate New York. The Amherst IDA is a member and several suburban IDA's have agreed to join on a trial basis. The cost is \$500.00 a month. Carl Calabrese will be attending the April 23, 2010 Board meeting to present the proposal in greater detail and to answer questions.

IDA tax - The Board was informed that the Attorney General's office agreed to suspend collection/enforcement of the IDA tax pending the outcome of a lawsuit filed by a number of IDA's in the state. Director Paul stated that she felt the Hamburg IDA should join the lawsuit and that the cost of \$1000.00 was worth it.

- **Motion** authorizing the expenditure of \$1000.00 to join the lawsuit filed by other IDA's in New York State to have the recently passed IDA tax repealed.

Moved: Mike Petrie

Seconded: Tom Moses

Ayes: Fugle, Dils, Paul, Smardz

Nays: None

Carried

- **Motion** to adjourn at 8:56 a.m.

Moved: Mike Petrie

Seconded: Pattie Paul

Ayes: Smardz, Moses, Fugle, Dils

Nays: None

Carried

Sincerely,

Michael J. Bartlett
Executive Director