

**Hamburg Industrial Development Agency
Board of Directors Meeting**

April 23, 2010

Room 7B Hamburg Town Hall

Public Hearing - Liberty Park Senior Corporation

Present

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

Excused

Janet Plarr
Norma Rusert-Kelly

Executive Director

Michael J. Bartlett

Guest

Craig Cwick
David Manko
John Young
Allen Miller
Laurie Edie
Greg Edie
Carl Calabrese

-**Moved** to open the Public Hearing for Liberty Park Senior Corporation at 8:01 a.m

- **David Manko**, President of Liberty Park Senior Corporation was introduced. Liberty Park Senior Corporation is proposing to build 14 senior apartment buildings with approximately eight (8) 1040 sq. ft apartments in each building for people over the age of 55 capable of independent living on approximately 27.6 acres of land located at 4543 Camp Road. In addition, there will be garages and storage sheds for rental. There will also be a community building with a dining room, exercise room and media room. The HIDA assisted portion of the project totals approximately \$12 million. Mr. Manko also has offered 4 rooms for Town office space and will make the gym facilities available to Town of Hamburg residents. Executive Director Bartlett has conducted a phone survey of Town senior housing developments and reported that five (5) out of seven (7) facilities are fully rented. One (Bethel Estates) has 13 vacancies out of 261 units and the other (Creekbend Heights) has 6 vacancies out of 129 units. In total there are 19 vacancies out of a total of 807 units, a vacancy rate of approximately 2.4%.

- **Moved** to close the public hearing at 8:12 a.m.

- **Moved** to open the Board of Directors meeting at 8:12a.m.

RESOLUTION OF THE TOWN OF HAMBURG INDUSTRIAL DEVELOPMENT AGENCY ACCEPTING THE FINDINGS STATEMENT ADOPTED BY THE TOWN OF HAMBURG PLANNING BOARD IN CONNECTION WITH THE APPLICATION FOR PROJECT FINANCING BY LIBERTY PARK SENIOR CORP.

Moved: Steve Walters

Seconded: Patti Paul

Ayes: Walters, Smardz, Dils, Moses, Fugle, Paul, Petrie, Paul

Nays: None

Carried

RESOLUTION OF THE TOWN OF HAMBURG INDUSTRIAL DEVELOPMENT AGENCY AUTHORIZING LIBERTY PARK SENIOR CORP. (THE "LESSEE") TO CONSTRUCT 14 SENIOR APARTMENT BUILDINGS

WITH 8 APPROXIMATELY 1040 SQUARE FOOT APARTMENTS IN EACH BUILDING FOR SENIORS OVER THE AGE OF 55 CAPABLE OF INDEPENDENT LIVING ON AN APPROXIMATELY 27.6 ACRE PARCEL OF LAND LOCATED AT 4543 CAMP ROAD IN THE TOWN OF HAMBURG AND TO ACQUIRE AND INSTALL MACHINERY, EQUIPMENT, FURNISHINGS AND FIXTURES REQUIRED IN CONNECTION THEREWITH, ALL FOR A SENIOR HOUSING FACILITY AND A RETAIL FACILITY UNDER THE ACT, FOR SALE OR LEASE TO THE AGENCY AND SUBSEQUENT LEASE OR SUBLEASE TO THE LESSEE AND AUTHORIZING THE EXECUTION AND DELIVERY OF A LEASE AGREEMENT AND A MORTGAGE IN AN AMOUNT NOT TO EXCEED \$12,000,000 AND OTHER DOCUMENTS REQUIRED IN CONNECTION WITH THE MORTGAGE AND TO TAKE OTHER PRELIMINARY ACTION.

Moved: Matt Dils

Seconded: Marcella Fugle

Ayes: Walters, Paul, Moses, Smardz, Dills, Fugle

Nays: Petrie

Carried

- **John Young** is the owner of Just Fun FEC, LLC, a start-up company that will provide fun and entertaining activities for a wide range of children to adults. The company will be leasing 13000 sq. ft in the former Ames building in Hamburg Town Hall Plaza. The center will include three main amusement attractions. The first is a modern kid friendly soft playground structure. The second attraction is a high tech phazerball game. The third attraction is a soft-sided electric bumper car ride that spins to music and lights. The center will also include arcade games, a snack area and multiple rooms for parties. The applicant is requesting an exemption from the New York State sales tax on anything purchased for the renovation of the space and machinery and equipment.

RESOLUTION OF THE TOWN OF HAMBURG INDUSTRIAL DEVELOPMENT AGENCY AUTHORIZING AND APPROVING THE EXECUTION AND DELIVERY OF AN INSTALLMENT SALE AGREEMENT WITH JUST FUN FAMILY ENTERTAINMENT CENTER LLC (THE "COMPANY") AND OTHER INSTRUMENTS AND MATTERS IN CONNECTION WITH THE RENOVATION OF A LEASED FACILITY AT TOWN HALL PLAZA, 6000 SOUTH PARK AVENUE IN THE TOWN OF HAMBURG AND THE ACQUISITION AND INSTALLATION OF MACHINERY AND EQUIPMENT REQUIRED IN CONNECTION WITH THE OPERATION OF FAMILY ENTERTAINMENT CENTER IN THE TOWN OF HAMBURG

Moved: Mike Petrie

Seconded: Patti Paul

Ayes: Walters, Smardz, Fugle, Moses, Dils, Pau, Petrie

Nays: None

Carried

- **Greg and Laurie Edie**, owners of Edie's Pizza were introduced to present their project. Edies's Pizza is a family owned and operated pizzeria that has just celebrated their tenth year in business. The company is looking to add a 1100 sq. ft addition to include a sit-down dining room. They also are renovating their kitchen and purchasing new equipment. They are requesting an exemption from the New York State sales tax for the cost of the renovations and the purchase of machinery and equipment.

RESOLUTION OF THE TOWN OF HAMBURG INDUSTRIAL DEVELOPMENT AGENCY AUTHORIZING AND APPROVING THE EXECUTION AND DELIVERY OF AN INSTALLMENT SALE AGREEMENT WITH EDIE'S PIZZA INC AND OTHER INSTRUMENTS AND MATTERS IN CONNECTION WITH THE RENOVATION OF THEIR EXISTING BUILDING LOCATED AT 380 BUFFALO STREET IN THE VILLAGE OF HAMBURG, THE CONSTRUCTION OF AN APPROXIMATELY 1100 SQUARE FOOT ADDITION THERETO AND THE ACQUISITION AND INSTALLATION OF MACHINERY AND EQUIPMENT REQUIRED IN CONNECTION THEREWITH.

Moved: Tom Moses

Seconded: Matt Dils

Ayes: Walters, Smardz, Paul, Fugle, Petrie, Dils, Moses

Nays: None

Carried

- **Allen Miller, President of Carrier Coach Inc** was introduced to discuss his project with the Board. Allen's company currently provides transportation to over 2400 individuals each day. As a result of being awarded three new contracts that number will rise to nearly 6000 individuals. The company is looking to purchase property at 3985 Lakeshore Road and open a Hamburg Facility. He is requesting a sales tax exemption on the purchase of 70 buses to be operated from the site along with an exemption from the 1% mortgage tax. The Board felt the project qualified for assistance and a public hearing for the project will be held on June 4, 2010.

- **Carl Calabrese, a principal in Masiello, Martucci and Calabrese and Associates** was introduced. Carl was presenting information on the Coalition For Community Building. The purpose of the coalition is to educate and advocate for policies supporting a growing private economy in upstate New York. The current coalition members are the Buffalo Niagara Association of Realtors, Buffalo Niagara Builders Association, New York State Commercial Association of Realtors, the Amherst IDA and the Lancaster IDA. The coalition will focus on fiscal/tax issues, regulatory issues and advocacy strategy. The cost to become a member of the coalition is \$500.00 a month.

- **Motion** to join the Coalition For Community Building for a three month trial period at a cost of \$500.00 per month.

Moved: Mike Petrie

Seconded: Steve Walters

Ayes: Smardz, Moses, Paul, Fugle, Dils, Petrie, Walters

Nays: None

Carried

- **Executive Director Bartlett** handed out copies of an article from the Buffalo News dealing with the decision by New York State to suspend enforcement of a tax on industrial development agencies. Bartlett informed the Board that a check for \$1000.00 was sent to the New York State Economic Development Council to join in the lawsuit opposing the tax.

- **Motion** to approve the minutes from the April 9, 2010 Board of Directors meeting.

Moved: Marcella Fugle

Seconded: Tom Moses

Ayes: Walters, Smardz, Dils, Paul, Petrie, Moses, Fugle

Nays: None

Carried

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

Moved: Steve Walters

Seconded: Mike Petrie

Ayes: Smardz, Moses, Dils, Fugle, Paul, Walters, Petrie

Nays: None

Carried

- **Motion** to adjourn at 9:17 a.m.

Moved: Mike Petrie

Seconded: Steve Walters

Ayes: Smardz, Moses, Fugle, Dils, Paul, Walters, Petrie

Nays: None

Carried

Sincerely,

Michael J. Bartlett
Executive Director