

**Hamburg Industrial Development Agency
Board of Directors Meeting
November 19, 2010
Village of Hamburg Council Room**

Public Hearing - Grimsby LLC

Present

Marcella Fugle
Steve Walters
Tom Moses
Kevin Smardz
Janet Plarr
Norma Rusert-Kelly

Excused

Patti Paul
Mike Petrie
Matt Dils

Guest

Craig Cwick
Michael Cooper
Tony Staub
Bob Brunner

Executive Director

Michael J. Bartlett

- **Move** to open the public hearing for Grimsby LLC at 8:12 a.m.

- **Tony Staub**, owner of Staub Machine Company was introduced. Staub Machine currently operates out of a building owned by Tony located at 206 Lake Street in the Village of Hamburg. Tony's company has been a leader in the manufacturing field for many years using the latest in equipment and automation. The company is currently negotiating to purchase 2 buildings located at 2 Grimsby Drive and 4 Grimsby Drive currently owned by Reprographics Inc. The buildings are necessary to accommodate the expansion of the company which includes the purchase of approximately \$2.5 million in new equipment. The company will use the building at 4 Grimsby Drive for manufacturing and is requesting a special 10 year Pilot. The building located at 2 Grimsby Drive will be used for warehouse space and the company is requesting a special Pilot that is equivalent of the 485B tax exemption. There will be no change to the companies operation at 206 Lake Street.

- **Move** to close the public hearing for Grimsby LLC at 8:22 a.m.

- **Michael Cooper** was introduced to present his project to the Board. Mike is in the process of acquiring property located at 6101 South Park Avenue in Hamburg. The property was formally Seasons Day Spa and has been vacant since the business re-located to the Village of Hamburg approximately two years ago. Following an inspection of the premises there are a number of necessary renovations/remediations required in order to render the property suitable for his law practice. These include mold remediation, foundation repairs and installation of a concrete floor in the basement to replace the current dirt floor. The project qualifies under the Agencies Adaptive Reuse policy.

RESOLUTION OF THE TOWN OF HAMBURG INDUSTRIAL DEVELOPMENT AGENCY (THE "AGENCY") AUTHORIZING 6101 SOUTH PARK AVENUE, LLC (THE "LESSEE") TO ACQUIRE AND RENOVATE APPROXIMATELY 5,785 SQUARE FOOT BUILDING LOCATED AT 6101 SOUTH PARK AVENUE, HAMBURG, NEW YORK, TO CONSTRUCT AN ADDITION THERETO AND TO ACQUIRE AND INSTALL MACHINERY AND EQUIPMENT REQUIRED IN CONNECTION THEREWITH, ALL FOR A LAW OFFICE, FOR LEASE TO THE AGENCY AND SUBSEQUENT SUBLEASE TO THE LESSEE FOR SUB-SUBLEASE TO MICHAEL G COOPER AND AUTHORIZING THE EXECUTION AND DELIVERY OF A MORTGAGE IN CONNECTION THEREWITH AND TO TAKE OTHER PRELIMINARY ACTION.

Moved: Norma Rusert-Kelly

Seconded: Steve Walters

Ayes: Walters, Moses, Fugle, Rusert-Kelly, Plarr, Smardz

Nays: None

Carried

- **Bob Brunner** was introduced to present his project to the Board. Bob is the owner of JP Fitzgerald's Restaurant located at 4236 Clark Street in the Village of Hamburg. Bob is asking for assistance under the Agency's Enhancement Area policy. Bob is going to construct a 5600 sq ft addition to his building which will include a 100 person banquet facility. In addition there will be major renovations to the existing 3600 sq ft building. Finally, a building located at 4250 Clark Street will be demolished. The total cost of the project will be approximately \$1 million. The Board was supportive of the project and a public hearing will be scheduled for December 10, 2010.

RESOLUTION OF THE TOWN OF HAMBURG INDUSTRIAL DEVELOPMENT AGENCY (THE "AGENCY") AUTHORIZING GRIMSBY LLC (THE "LESSEE") TO ACQUIRE AND RENOVATE AN APPROXIMATELY 14,000 SQUARE FOOT BUILDING ON AN APPROXIMATELY 1.07 ACRE PARCEL OF LAND LOCATED AT 4 GRIMSBY DRIVE, HAMBURG, NEW YORK AND AN APPROXIMATELY 4800 SQUARE FOOT BUILDING ON AN APPROXIMATELY .96 ACRE PARCEL OF LAND LOCATED AT 2 GRIMSBY DRIVE, HAMBURG, NEW YORK AND TO ACQUIRE AND INSTALL MACHINERY AND EQUIPMENT REQUIRED IN CONNECTION THEREWITH, ALL FOR A MANUFACTURING FACILITY, FOR LEASE BY THE LESSEE TO THE AGENCY FOR SUBLEASE TO THE LESSEE FOR SUB-SUBLEASE TO STAUB MACHINE CO, INC. ("THE SUBLESSEE") AND AUTHORIZING THE EXECUTION AND DELIVERY OF A MORTGAGE OR MORTGAGES IN CONNECTION THEREWITH AND TO TAKE OTHER PRELIMINARY ACTION.

Moved: Tom Moses

Seconded: Marcella Fugle

Ayes: Walters, Smardz, Plarr, Rusert Kelly, Fugle, Moses

Nays: None

Carried

- **Gibraltar Steel** - A letter was received from Gibraltar Industries requesting an additional year for their sales tax exemption. Due to economic times, they have postponed the full amount of spending they had anticipated over the course of three years and hope to make the purchases in 2011.

RESOLUTION OF THE TOWN OF HAMBURG INDUSTRIAL DEVELOPMENT AGENCY GRANTING A ONE YEAR EXTENSION TO GIBRALTAR STEEL CORPORATION OF NEW YORK AND GIBRALTAR INDUSTRIES, INC. IN CONNECTION WITH THE 2009 GIBRALTAR STEEL CORPORATION OF NEW YORK PROJECT.

Moved: Steve Walters

Seconded: Tom Moses

Ayes: Smardz, Rusert-Kelly, Fugle, Plarr, Walters, Moses

Nays: None

Carried

- **It was explained** to the Board that the Agency needed to adopt a Real Property Acquisition Policy as required by the Public Authorities Law.

RESOLUTION OF THE TOWN OF HAMBURG INDUSTRIAL DEVELOPMENT AGENCY ADOPTING A REAL PROPERTY ACQUISITION POLICY AS REQUIRED BY THE PUBLIC AUTHORITIES LAW.

Moved: Norma Rusert-Kelly

Seconded: Janet Plarr

Ayes: Smardz, Fugle, Moses, Walters, Rusert-Kelly, Plarr

Nays: None

Carried

- **Employee Pension Plan** - As part of the Hamburg IDA's benefit package established by the Board, each employee is to receive a contribution towards their respective retirements in lieu of a formal pension plan. The contributions are based on 8% of each employee's gross wages. The HIDA also covers the cost of the FICA at 7.65%.

- **Motion** granting the employee pension plan (SEP payment) for Beverly Franco and Michel J Bartlett as presented, to be included in the December 10, 2010 payroll.

Moved: Janet Plarr

Seconded: Marcella Fugle

Ayes: Walters, Moses, Rusert-Kelly, Smardz, Fugle, Plarr

Nays: None

Carried

- **Executive Director Bartlett** asked the Board for approval to attend the New York Economic Development Council's IDA conference being held on January 19th & 20th, 2011 in Albany, NY. Expenses would include hotel (2 nights), food, entertainment, mileage and tolls.

- **Motion** authorizing Michael J. Bartlett to attend the NYSEDC IDA conference in Albany, NY on January 19th & 20th, 2011.

Moved: Norma Rusert-Kelly

Seconded: Tom Moses

Ayes: Walters, Smardz, Plarr, Fugle, Rusert-Kelly, Moses

Nays: None

Carried

- **IDA tax** - The Board was advised that the Agency has received a letter from the New York State Department of Taxation & Finance assessing us a charge of \$7054.37 for the costs of un-reimbursed services provided by them. The IDA's fought this assessment last year and were successful in stopping the fee from being collected. Unfortunately the law was never recinded and the IDA's will have to once again work together to recind the law. There is approximately \$20,000 remaining in a legal fund established last year by NYSEDC. The fee is not due until March 31, 2011.

- **Motion** to approve the minutes from the October 29, 2010 Board of Directors meeting.

Moved: Marcella Fugle

Seconded: Norma Rusert-Kelly

Ayes: Walters, Fugle, Smardz, Rusert-Kelly, Moses, Plarr

Nays: None

Carried

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

Moved: Tom Moses

Seconded: Janet Plarr

Ayes: Smardz, Plarr, Moses, Fugle, Walters, Rusert-Kelly

Nays: None

Carried

- **Motion** to adjourn at 8:57 a.m.

Moved: Norma Rusert-Kelly

Seconded: Steve Walters

Ayes: Walters, Smardz, Fugle, Plarr, Rusert-Kelly, Moses

Nays: None

Carried

Sincerely,

Michael J. Bartlett
Executive Director