

**Hamburg Industrial Development Agency
Board of Directors Meeting
November 06, 2009
Room 7B in the basement of Hamburg Town Hall
Public Hearing - Billy Lee LLC**

Present

Steve Walters
Kevin Smardz
Tom Moses
Michael Petrie
Matt Dils
Norma Rusert-Kelly
Janet Plarr
Marcella Fugle
Pattie Paul

Executive Director

Michael J. Bartlett

Guest

Craig Cwick
Nathan Neill
Bill Savage
Mary Dosch
Dr James Blake, DDS

- **Motion** to open the public hearing for Billy Lee, LLC at 8:03 a.m.

The principal of Savage Fire Apparatus LLC, Bill Savage was introduced. Savage Fire Apparatus LLC was formally R.D. Murray Inc, a company that manufactured and serviced stainless steel fire trucks in Hamburg. On April 15, 2009 the parent company of R.D. Murray announced the closing of the Hamburg facility. Because the main business structure and skilled work force are remaining, there is a unique opportunity for Savage Fire Apparatus to continue with the manufacture of fire trucks at the Camp Road site owned by Billy Lee LLC. The company will partner with E-one a manufacturer of aluminum fire trucks in Ocala Florida to distribute its product. The main obstacle to restarting the company is obtaining the necessary financing. Bill is working with an investment group (American Industrial Partners) to obtain the financing. Bill is requesting assistance from the HIDA to bring his operating costs down and help him obtain the financing he needs.

- **Motion** to close the public hearing at 8:19 a.m.

- **Motion** to open the Board of Directors meeting at 8:19 a.m.

RESOLUTION OF THE TOWN OF HAMBURG INDUSTRIAL DEVELOPMENT AGENCY (THE "AGENCY") AUTHORIZING BILLY LEE, LLC (THE "LESSEE") AND/OR SAVAGE FIRE APPARATUS, LLC TO THE SUBLEASEHOLD INTEREST OF AMERICAN LAFRANCE IN A BUILDING LOCATED AT 4760 CAMP ROAD IN THE TOWN OF HAMBURG, WHICH BUILDING IS CURRENTLY OWNED BY THE AGENCY AND LEASED TO THE LESSEE FOR SUBLEASE TO SAVAGE FIRE APPARATUS, LLC (THE "SUBLESSEE"), ALL FOR A MANUFACTURING FACILITY, FOR SALE TO THE AGENCY AND SUBSEQUENT LEASE TO THE LESSEE AND TO TAKE OTHER PRELIMINARY ACTION.

Moved: Steve Walters

Seconded: Norma Rusert Kelly

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

Nays: None

Carried

- **6185 South Park LLC** - The principal in the company, Dr James Blake DDS was introduced. Dr Blake has run a general dentist practice since 1986. 6185 South Park LLC is a new company formed to renovate and lease a building located at 243 Buffalo Street in the Village of Hamburg. The building is a one story 9800 sq. ft structure.

Renovations will include a new roof, new facade, parking lot improvements and tenant build-outs. Dr Blake is requesting assistance in the form of a sales tax exemption on machinery and equipment purchased for the project.

RESOLUTION OF THE TOWN OF HAMBURG INDUSTRIAL DEVELOPMENT AGENCY AUTHORIZING AND APPROVING THE EXECUTION AND DELIVERY OF A N INSTALLMENT SALE AGREEMENT WITH 6185 SOUTH PARK LLC AND OTHER INSTRUMENTS AND MATTERS IN CONNECTION THEREWITH

Moved: Tom Moses

Seconded: Norma Rusert Kelly

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

Nays: None

Carried

- K-Technologies Amendment - The HIDA has been asked to substitute Zak Management LLC as Lessee of the project and authorizing the sublease to K-Technologies Inc.

RESOLUTION OF THE TOWN OF HAMBURG INDUSTRIAL DEVELOPMENT AGENCY (THE "AGENCY") AMENDING THE PRIOR RESOLUTION OF THE AGENCY ADOPTED ON AUGUST 28, 2009 AUTHORIZING K-TECHNOLOGIES, INC (THE "LESSEE") TO ACQUIRE AND RENOVATE AN APPROXIMATELY 53,860 SQUARE FOOT BUILDING LOCATED AT 4199 BAYVIEW ROAD, HAMBURG, NEW YORK AND TO ACQUIRE AND INSTALL MACHINERY AND EQUIPMENT REQUIRED IN CONNECTION THEREWITH, ALL FOR A MANUFACTURING FACILITY, FOR SALE OR LEASE TO THE AGENCY AND SUBSEQUENT LEASE OR SUBLEASE TO THE LESSEE AND AUTHORIZING THE EXECUTION AN DELIVERY OF A MORTGAGE IN CONNECTION THEREWITH AND TO TAKE OTHER PRELIMINARY ACTION OR IN THE ALTERNATIVE TO ENTER INTO AN INSTALLMENT SALE TRANSACTION WITH THE LESSEE TO SUBSTITUTE ZAK MANAGEMENT, LLC AS THE LESSEE AND TO AUTHORIZE THE SUBLEASE TO K-TECHNOLOGIES, INC.

Moved: Janet Plarr

Seconded: Matt Dils

Ayes: Walters, Smardz, Rusert Kelly, Paul, Petrie, Fugle, Moses

Nays: None

Carried

- Motion to approve the minutes from the October 2, 2009 Board of Directors meeting.

Moved: Mike Petrie

Seconded: Janet Plarr

Ayes: Walters, Dils, Smardz, Rusert Kelly, Paul, Moses, Fugle

Nays: None

Carried

-Motion to approve the September 2009 Treasurer's Report.

Moved: Matt Dils

Seconded: Pattie Paul

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

Nays: None

Carried

- 2010 Budget - Executive Director Bartlett handed out copies of the proposed 2010 HIDA Budget. He explained we were only accepting the proposed budget today and that a vote to accept it would take place after it had been on file in the Town's Clerk office for 30 days.

RESOLUTION TO ACCEPT THE PROPOSED 2010 HIDA BUDGET AND PLACE IT ON FILE IN THE TOWN CLERK'S OFFICE

Moved: Marcella Fugle

Seconded: Matt Dils

Ayes: Walters, Smardz, Plarr, Paul, Petrie, Rusert Kelly, Moses

Nays: None
Carried

- **Mission Hills Senior Community** - David Manko, President of Liberty Park Senior Corporation had inquired about applying for assistance from the HIDA for a senior housing project on Camp Road in the Town. It will be a four phase project with Phase I & II consisting of affordable senior housing in multi-family apartment buildings. The Board was concerned that we had too much senior housing in the Town and directed Executive Director Bartlett to research the vacancy rates at existing senior housing developments before having Mr Manko submit an application.

- **County IDA Uniform Tax Exemption Policy** - The Board was informed that the other 5 IDA's in Erie County accepted Nathan Neill's proposed changes to the clawback clause. The Board will be meeting on December 3, 2009 to formally adopt the amendments to the current Uniform Tax Policy.

-**Employee Pension Plan** - As part of the Hamburg IDA's employee 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 Hamburg IDA also covers the cost of the FICA at 7.65%.

- **Motion** granting the employee pension plan (SEP payment) for Beverly Franco and Michael J Bartlett as presented, to be included in the December 11, 2009 payroll.

Moved: Mike Petrie

Seconded: Marcella Fugle

Ayes: Walters, Smardz, Moses, Rusert Kelly, Paul, Plarr, Dils

Nays: None

Carried

- **McKinley Parkway Tops** - Executive Director Bartlett had been contacted by Paul Leone on behalf of Tops Supermarkets. Tops will be spending approximately \$7million to expand and equip their store on McKinley Parkway in the Town. They were inquiring about the possibility of receiving a sales tax exemption on anything purchased for the project. After a brief discussion, the Board came to the conclusion that the project was not eligible for assistance.

- **Motion** to adjourn at 9:01 a.m.

Moved: Pattie Paul

Seconded: Matt Dils

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

Nays: None

Carried

Sincerely,

Michael J. Bartlett
Executive Director