

Hamburg New York Land Development Corporation
Board of Directors Meeting
April 9, 2010
Robert Chesbro Conference Room

- **Move** to open the Board of Directors meeting at 8:56 a.m

RESOLUTION OF THE HAMBURG NEW YORK LAND DEVELOPMENT CORPORATION
APPROVING THE BY-LAWS

WHEREAS, the Hamburg New York Land Development Corporation (the “Corporation”) has been duly incorporated with Certificate of Incorporation filed on March 17, 2010 with the consent of the Town of Hamburg; and

WHEREAS, it is necessary for the Corporation to adopt By-laws, drafts of which have been prepared and reviewed by Counsel to the Corporation and the Town of Hamburg.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN OF HAMBURG LAND DEVELOPMENT CORPORATION AS FOLLOWS;

1. The Corporation approves the By-laws in form presented to the members of the Corporation.
2. This resolution shall take effect immediately.

ADOPTED: April 9, 2010

Moved: Mike Petrie

Seconded: Matt Dils

Ayes: Smardz, Fugle, Paul, Moses

Nays: None

Carried

- **Motion** to approve the following people as officers of the Hamburg New York Land Development Corporation for 2010:

Chairman:
Vice Chairman:
Executive Director:
Secretary:
Treasurer:
General Council/Ass't Sec
Chief Executive Officer
Chief Financial Officer

Steve Walters
Marcella Fugle
Michael J Bartlett
Thomas Moses
Norma Rusert Kelly
Craig Cwick
Michael J Bartlett
Mary Dosch

Moved: Mike Petrie
Ayes: Moses, Paul, Fugle, Smardz
Nays: None
Carried

Seconded: Matt Dils

- **Motion** to adjourn at 9:00 a.m.

Moved: Pattie Paul
Ayes: Fugle, Smardz, Dils, Petrie
Nays: None
Carried

Seconded: Tom Moses

**Hamburg New York Land Development Corporation
Board of Directors Meeting**

May 14, 2010

Room 7 B - Hamburg Town Hall

Public Hearing - Hilbert College

Present

Marcella Fugle
Steve Walters
Tom Moses
Matt Dils
Mike Petrie

Excused

Kevin Smardz
Janet Plarr
Norma Rusert-Kelly
Patti Paul

Guest

Craig Cwick
Nathan Neill
Rick Pinkowski

Executive Director

Michael J. Bartlett

- **Moved** to open the public hearing for Hilbert College at 8:05a.m.

- **Rick Pinkowski, V.P. for Business/Finance at Hilbert College** was introduced to present the college's request for assistance. Rick explained that Hilbert has constructed a 51,000 sq. ft, 154 bed dormitory owned by the college for use as on campus housing for its students. The college received a construction loan to complete the project and would now like to convert this loan to permanent financing, using the Land Development Corporation for tax exempt financing thus reducing its interest rate.

- Moved to close the public hearing for Hilbert College at 8:10 a.m.

- Moved to open the Board of Directors meeting at 8:10 a.m.

RESOLUTION OF THE HAMBURG NEW YORK LAND DEVELOPMENT CORPORATION ADOPTING A NEGATIVE DECLARATION IN CONNECTION WITH THE APPLICATION FOR PROJECT FINANCING BY HILBERT COLLEGE

Moved: Steve Walters

Seconded: Matt Dils

Ayes: Walters, Dils, Fugle, Moses, Petrie

Nays: None

Carried

RESOLUTION OF THE HAMBURG NEW YORK LAND DEVELOPMENT CORPORATION (THE "CORPORATION") AUTHORIZING (I) HILBERT COLLEGE TO REFINANCE A PORTION OF THE COST OF THE COMPLETED CONSTRUCTION OF A FACILITY LOCATED AT 5200 SOUTH PARK AVENUE IN THE TOWN OF HAMBURG, FOR LEASE TO THE CORPORATION AND SUBSEQUENT SALE OF ITS LEASEHOLD INTEREST THEREIN TO HILBERT COLLEGE; (II) THE EXECUTION AND DELIVERY OF VARIOUS DOCUMENTS IN CONNECTION THEREWITH; AND (III) THE TAKING OF OTHER ACTIONS IN CONNECTION THEREWITH

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

Seconded: Tom Moses

RESOLUTION OF THE HAMBURG NEW YORK LAND DEVELOPMENT CORPORATION (THE
"CORPORATION") ADOPTING A FEE SCHEDULE FOR THE CORPORATION

Moved: Mike Petrie
Ayes: Walters, Fugle, Dils, Petrie, Moses
Nays: None
Carried

Seconded: Tom Moses

- **Executive Director Bartlett** informed the Board that Hilbert has requested that the Land Development Corporation accept the revised fee schedule for their project:

- * 1% on the first \$4,000,000 of bond issue
- * No fee on the amount of the bond issue between \$4,000,000 and \$5,000,000
- * 1% on amounts over \$5,000,000

RESOLUTION OF THE TOWN OF HAMBURG NEW YORK LAND DEVELOPMENT CORPORATION
AGREEING TO A REVISED FEE SCHEDULE FOR THE 2010 HILBERT COLLEGE PROJECT

Moved: Matt Dils
Ayes: Fugle, Moses, Dils, Walters
Nays: Petrie
Carried

Seconded: Steve Walters

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

Moved: Matt Dils
Ayes: Walters, Fugle, Moses, Dils, Petrie
Nays: None
Carried

Seconded: Mike Petrie

- **Motion** to adjourn at 8:16 a.m.

Moved: Steve Walters
Ayes: Petrie, Walters, Moses, Fugle, Dils
Nays: None
Carried

Seconded: Tom Moses

Sincerely,

Michael J. Bartlett
Executive Director

**Hamburg New York Land Development Corporation
Board of Directors Meeting
June 25, 2010**

Room 7 B - Hamburg Town Hall

Present

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

Excused

Pattie Paul

Guest

Craig Cwick
Nathan Neill

Executive Director

Michael J. Bartlett

- **Moved** to open the meeting at 8:50 a.m.

- **Motion** to designate M&T Bank, 6000 South Park Avenue, Hamburg, NY the depository for the Hamburg New York Land Development Corporation.

Moved: Norma Rusert-Kelly

Seconded: Janet Plarr

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

Nays: None

Carried

- **Motion** to designate the following people as signee's on the Hamburg New York Land Development Corporation bank accounts with 2 signatures required:

Michael J. Bartlett - Executive Director
Steve Walters - Chairman of the Board
Mary Dosch - Chief Financial Officer

Moved: Mike Petrie

Seconded: Matt Dils

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

Nays: None

Carried

- **Motion** to adjourn at 8:52 a.m.

Moved: Matt Dils

Seconded: Tom Moses

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

Nays: None

Carried

Sincerely,

Michael J. Bartlett
Executive Director

**Hamburg New York Land Development Corporation
Board of Directors Meeting
October 08, 2010
Room 7 B - Hamburg Town Hall**

Present

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

Excused

Janet Plarr
Mike Petrie

Guest

Craig Cwick
Nathan Neill

Executive Director

Michael J. Bartlett

- **Move** to open the Board of Directors meeting at 8:27 a.m.

- **Motion** to approve the minutes from the May 14, 2010 Board of Directors meeting.

Moved: Marcella Fugle

Seconded: Tom Moses

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

Nays: None

Carried

- **Motion** to approve the minutes from the June 25, 2010 Board of Directors meeting.

Moved: Steve Walters

Seconded: Pattie Paul

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

Nays: None

Carried

- **Motion** to move into Executive Session at 8:29 am.

Moved: Matt Dils

Seconded: Tom Moses

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

Nays: None

Carried

- **Motion** to move out of Executive Session at 8:35 am

Moved: Norma Rusert-Kelly

Seconded: Tom Moses

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

Nays: None

Carried

RESOLUTION OF THE TOWN OF HAMBURG NEW YORK LAND DEVELOPMENT CORPORATION
AUTHORIZING A LOAN IN AN AMOUNT NOT TO EXCEED \$150,000 FROM THE TOWN OF HAMBURG
INDUSTRIAL DEVELOPMENT AGENCY FOR THE PURPOSE OF ASSISTING THE TOWN OF HAMBURG
IN PURCHASING THE ARCELOR MITTAL STEEL PROPERTY ON BAYVIEW ROAD IN THE TOWN OF
HAMBURG FROM ARCELOR MITTAL STEEL

Moved: Matt Dils

Seconded: Steve Walters

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

Nays: None

Carried

- **Motion** to hire Nussbaumer & Clarke to perform a Phase I Environmental site assessment on property located at Bayview Road and Route 5 in the Town of Hamburg contingent upon receiving an acceptable purchase contract from Arcelor Mittal Steel.

Moved: Pattie Paul

Seconded: Norma Rusert-Kelly

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

Nays: None

Carried

- **Motion** to adjourn at 8:37 a.m.

Moved: Steve Walters

Seconded: Tom Moses

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

Nays: None

Carried

Sincerely,

Michael J. Bartlett
Executive Director

**Hamburg New York Land Development Corporation
Board of Directors Meeting
November 19, 2010
Room 7B - Hamburg Town Hall**

Present

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

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 Board of Directors meeting at 8:57 a.m.

- **It was explained** to the Board that it is necessary to adopt Policies & Procedures for the Land Development Corporation. It was proposed that the Land Development Corporation adopt the same policies & procedures as those adopted by the Hamburg IDA.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE HNYLDC AS FOLLOWS:

1. The HNYLDC does hereby adopt the policies previously presented to and adopted by the HIDA in the same form as adopted by the HIDA but with the substitution of the Hamburg New York Land Development Corporation for the Town of Hamburg Industrial Development Agency in each such policy.
2. This resolution shall be effective immediately

ADOPTED: November 19, 2010

Moved: Steve Walters

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

Nays: None

Carried

Seconded: Marcella Fugle

- **Motion** to approve the minutes from the October 8, 2010 Board of Directors meeting.

Moved: Tom Moses

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

Nays: None

Carried

Seconded: Norma Rusert-Kelly

- **Motion** to approve the July 2010 Treasurer's Report

Moved: Norma Rusert-Kelly

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

Nays: None

Carried

Seconded: Steve Walters

- **Motion** to approve the August 2010 Treasurer's Report

Moved: Tom Moses

Seconded: Marcella Fugle

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

Nays: None

Carried

- **Motion** to approve the September 2010 Treasurer's Report

Moved: Janet Plarr

Seconded: Marcella Fugle

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

Nays: None

Carried

RESOLUTION OF THE HAMBURG NEW YORK LAND DEVELOPMENT CORPORATION AUTHORIZING THE EXECUTION OF A PURCHASE CONTRACT WITH TECUMSEH REDEVELOPMENT INC FOR PROPERTY ON BAYVIEW ROAD IN THE TOWN OF HAMBURG

Whereas, the hamburg New York Land Development Corporation together with the Town of Hamburg and the Town of Hamburg Industrial Development Agency have been negotiating for the purchase of an approximately 129 acre parcel of land located on Bayview Road in the Town of Hamburg with Arcelor Mittal Steel and Tecumseh Redevelopment Inc; and

Whereas, the parties have reached agreement as to a proposed purchase price of \$825,000.

NOW, THEREFORE, BE IT RESOLVED BY THE HAMBURG NEW YORK LAND DEVELOPMENT CORPORATION AS FOLLOWS:

1. The Chairman and Vice Chairman with both signing together or Executive Director signing individually of the Hamburg New York Land Development Corporation are hereby authorized to execute a purchase offer for the above mentioned parcel at a purchase price of \$825,000 upon such additional terms as are approved by the Chairman, Vice Chairman or Executive Director in consultation with General Counsel for the Hamburg New York Land Development Corporation and to forward the required deposit.
2. This resolution shall take effect immediately

Moved: Tom Moses

Seconded: Janet Plarr

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

Nays: None

Abstain: Walters

Carried

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

Moved: Tom Moses

Seconded: Norma Rusert-Kelly

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

Nays: None

Carried

Sincerely,

Michael J. Bartlett
Executive Director