

# Hamburg Industrial Development Agency Board of Directors Meeting MEETING AGENDA

Wednesday, November 9, 2022, 7:30 AM Blasdell Village Hall, Court Room, 121 Miriam Avenue, Blasdell, New York

Join Zoom Meeting
<a href="https://us02web.zoom.us/j/84384954340?pwd=N3dpUVpSOHVjZWFybldzMmxLL0VJUT09">https://us02web.zoom.us/j/84384954340?pwd=N3dpUVpSOHVjZWFybldzMmxLL0VJUT09</a>

Meeting ID: 843 8495 4340

Passcode: 14075

- 1. Roll Call
- 2. Reading and Approval of October 2022 Minutes
- 3. Report of the Treasurer October Treasurer Report
- 4. Executive Director Update

### **New Business**

- The Oaks At South Park Mortgage Refinance
- Assessor Comments on Valuations of PILOT Projects
- 2023 Meeting Schedule
- 2022 HIDA Staff year end payments

### **Unfinished Business**

- · Pitch Hamburg request
- 5. Privilege of the Floor
- 6. Executive Session
- 7. Adjournment

Next meeting: December 21, 2022, 7:30 AM Blasdell Village Hall



Unapproved/draft (BOD motion for approval at 11/09/22 meeting)

6122 South Park Avenue Hamburg, New York 14075 716.648.4145 www.HamburgIDA.com

### **Hamburg Industrial Development Agency Board of Directors Meeting** October 19, 2022, 7:30am Blasdell Village Hall

**Present** 

**Excused** 

Guests

Cam Hall **Bob Reynolds**  Tom Moses Jennifer Strong, Neill & Strong

Davis Podkulski

Mary Doran, HIDA

**Bob Hutchison** Janet Plarr

Annamaria Masucci, Pitch Hamburg Francesca Bond, Hamburg Sun (zoom) Heather Sidorowicz, Pitch Hamburg

Andy Palmer Sean Doyle Jamel Perkins

Jamie Decker, Pitch Hamburg

Wence Valentin

David Chiazza, Iskalo (zoom)

### -Pledge of Allegiance

-Roll Call

-Motion to open the board meeting at 7:32am.

Moved:Bob Reynolds

Seconded: Janet Plarr

**Executive Director** 

Ayes: Hall, Podkulski, Hutchison, Plarr, Palmer, Reynolds, Valentin

Nays: none Carried

-Motion to approve the September 2022 board meeting minutes Ayes: Hall, Podkulski, Hutchison, Plarr, Palmer, Reynolds, Valentin

Moved: Bob Reynolds

Seconded: Andy Palmer

Carried

Treasurer, Bob Reynolds, gave an update on the financials. September generated \$137,833.98 in income, \$12,156.10 in expenses a difference of \$125,677.88 in revenue for the month. Year to date income is \$153,364.25 and expenses are \$130,635.56 resulting in \$22,728.69 of revenue over expenses to date (operating within budget). Balance on all accounts is \$1,087,743.80.

Currently no unforeseen expenses for the remainder of 2022 Johnson's Taphouse is aiming at a November close date.

-Motion to approve the September 2022 Treasurer Report Moved: Cam Hall Seconded: Bob Hutchison

Aves: Hall, Podkulski, Hutchison, Plarr, Palmer, Reynolds, Valentin

Nays: none Carried

Additionally, Bob notified the board per an email from Doyle the HIDA account could get a better interest rate (.25 to .75) on the savings account if they change to "Public Funds savings account" verses the "Tiered Public Funds savings account" offered by Bank on Buffalo. Bob is in favor changing the account.

-Motion to close the current HIDA Tiered Saving account and reopen as Public Funds Savings account.

Moved: Wence Valentin Seconded: Andy Palmer

Ayes: Hall, Podkulski, Hutchison, Plarr, Palmer, Reynolds, Valentin

Nays: none *Carried* 

### **Executive Director Update:**

-No project closings this month, Johnson's Taphouse should close be before the end of the year. Attorney Strong stated they are looking at a November close date. Additionally, Ford has been billed for their final sales tax exemption.

Jamel Perkins joined the meeting at 7:40am.

- -Project activity, Doyle had a good meeting with the potential multi-family reuse project at South Park and Sowels connecting the developer with a potential tenant.
- -CARES Grant, 2 new projects have been approved and all monies have been granted by the board. Backend paperwork as well as publicizing the grant and its benefit to the community is now being worked out. Doyle met with the Supervisor and the grant will be on the agenda and promoted at the December Town of Hamburg Board meeting. The plan is to have some of the grant recipients attend the board meeting.
- -Blasdell applied for a 10 million dollar Restore NY Grant. Plarr and Palmer attended the presentation to the state as well. They are waiting to hear back.
- -Doyle was on WBEN radio to promote the Southtowns Transformation Event.
- -Doyle is hearing Spring of 2023 for Amazon.
- -HDC is closing on a loan to Johnson's Taphouse this Friday.
- -Doyle connected Hilbert with Amazon's Career Choice Program. The program provides Amazon's hourly employees access to a college degree, programs and certificates. Hilbert is working on an application to become part of their Career Choice Program. Additionally it was asked if there is a relationship between Pitch Hamburg and Hilbert. There is no formal relationship. Pitch is looking at the potential use of space in Hilbert's Auditorium as well as faculty to support/mentor applicants applying to Pitch. Pitch would therefore also be available to mentor students of Hilbert.
- -Next board meeting is November 16, 2022.

### **New Business**

Doyle read the following resolution:

WHEREAS, ISKALO 17 LONG LLC (the "Lessee") has entered into negotiations with the officials of the Town of Hamburg Industrial Development Agency (the "Agency") with respect to the adaptive reuse and renovation of a 28,890 square foot former grocery store for ambulatory health care services at 17 Long Avenue in the Village of Hamburg for lease to the Agency and subsequent Leaseback to the Lessee (the "Project"); and

WHEREAS, there has been delay in constructing and equipping of the Project due to the Co-Vid 19 Pandemic; and

#### NOW, THEREFORE, BE IT RESOLVED BY THE AGENCY AS FOLLOWS:

- 1. The Agency does hereby extend the sales tax period for the Lessee from September 22, 2022 to March 22, 2023.
- 2. This resolution shall take effect immediately.

### -Motion to approve above the resolution

Moved: Janet Plarr Seconded: Andy Palmer

It is their first request for an extension, the site is under construction. There will be an extension fee if project goes beyond September 2023.

Ayes: Hall, Podkulski, Hutchison, Plarr, Palmer, Reynolds, Valentin, Perkins

Nays: none *Carried* 

Doyle read the following resolution:

RESOLUTION OF THE TOWN OF HAMBURG INDUSTRIAL DEVELOPMENT AGENCY EXTENDING THE SALES TAX PERIOD FOR THE KCE NY 6, LLC, UNTIL MARCH 10, 2023

WHEREAS, the Town of Hamburg Industrial Development Agency (the "Agency") by resolution adopted on September 10, 2021 induced KCE NY 6, LLC, (the "Lessee") with respect to the construction and installation of a 20 mw utility servicing battery energy storage facility for wholesale electric markets at 2026 Electric Avenue in the Village of Blasdell (the "Project").

WHEREAS, due to COVID - 19 pandemic and the mandated construction shutdown and the supply-chain delays as a result of border closings and supply demands, the Lessee has been unable to complete the Project within the time frame originally anticipated and has requested that the time period for completion be extended for six months; and

WHEREAS, The Town of Hamburg Industrial Development Agency approved a temporary policy to waive extension fees for project extensions for COVID-19 Pandemic related delays on May 26, 2020 to lessen the economic burden of induced project delays related to the COVID-19 Pandemic.

NOW, THEREFORE, BE IT RESOLVED BY THE AGENCY AS FOLLOWS:

- 1. The Agency does hereby extend the sales tax period for the Lessee from September 10, 2022 until March 10, 2023 and waives the extension fee; and
- 2. This resolution shall take effect immediately.

#### -Motion to approve the above resolution

Moved: Bob Hutchison Seconded: Bob Reynolds

It is their first extension. Valentin questioned the date on the resolution it read "*until April 2023*". Six months should be thru March of 2023. Agreed, Attorney Strong will change to the resolution "until March of 2023". The date has been change on the resolution above.

Ayes: Hall, Podkulski, Hutchison, Plarr, Palmer, Reynolds, Valentin, Perkins

Nays: none *Carried* 

### Pitch Hamburg request for funding

Present representing Pitch Hamburg:

Annamarie Masucci – Executive Director Pitch Hamburg Heather Sidorowicz – Board Member (President and Owner Southtowns AV) Jamie Decker – Board Member (Interim Director Southtowns Chamber of Commerce)

Director Masucci stated per the letter in the board packet they are looking for funding, asking for \$50,000 a year for 3 years. Currently, they are supported thru ARPA funds from the Town of Hamburg.

Update on the business; Pitch has received 20 applications of which they will narrow down to 6 which will take space in their office. Their event will be held in the spring and they are working with Hilbert to hold it at the college.

Pitch does not qualify for ESD funding because you have to be in business for 3 years. They approached several banks however banks prefer to do matching grants.

Masucci stated going forward they will need to hire a Program Assistant/Administrative Assistant.

The additional Pitch Board members introduced themselves both have been with the Pitch since inception and have donated their services of technology and marketing to the company.

Bob Reynolds as HIDA Treasurer/Finance Chairman stated the HIDA cannot commit to a 4 year grant. The income of the HIDA fluctuates from year to year.

Janet Plarr asked to table the request for the following information:

- Annual Operating Budget
- By-Laws; including on how long board members serve, what happens if the company dissolves
- Treasurer and Audit Committee information

Wence asked is this is legally right? Can we gift public funds? Are we being good steward of taxpayer dollars?

If we as an entity are not allow to support retail how can we legally grant to a company if the funds are going to a retail business?

Attorney Strong, agreed, cannot grant monies to a retail business. Need to allocate where/how funds can be used.

Janet suggested there may be an opportunity to obtain or apply for CDBG funding.

Bob Hutchison said we would need to specify how funds are to be used - mentor or educational

programming.

Bob Reynolds suggested supporting the \$5,000 grant to the winner of the Pitch competition.

There was a lot of discussion on the request and it was agreed to table the request for further information.

-Motion to table the request for further information

Moved: Wence Valentin

Seconded: Bob Reynolds

**-Motion** to rescind the motion for further information and refer request for funds to the Executive Committee for further review.

Moved: Janet Plarr

Seconded: Bob Reynolds

Ayes: Hall, Podkulski, Hutchison, Plarr, Palmer, Reynolds, Valentin, Perkins

Nays: none *Carried* 

Janet suggested a survey be sent to all the HIDA board members asking what information they would like from Pitch.

Doyle stated the HIDA needs to be diverse and dynamic in funding. Monies invested in start-ups and job creation is part of our mission and an overall investment in the town.

### **Unfinished Business**

- -Privilege of the Floor no comment
- -Motion to adjourn at 8:22am

Moved: Janet Plarr

Seconded: Bob Reynolds

Ayes: Hall, Podkulski, Hutchison, Plarr, Palmer, Reynolds, Valentin, Perkins

Nays: none *Carried* 

Sincerely,

Sean Doyle, Executive Director

Next meeting: November 16, 2022, 7:30AM Blasdell Village Hall

# **Town of Hamburg Industrial Development Agency** Treasurer's Report As of October 31, 2022

	Oct 31, 22	Sep 30, 22
ASSETS Current Assets		
Checking/Savings Cash		
Cash-Checking	23,450.15	9,420.90
Cash-Savings	808,564.65	828,322.90
CD Mature 4/2023	250,000.00	250,000.00
Total Cash	1,082,014.80	1,087,743.80
Total Checking/Savin	1,082,014.80	1,087,743.80
<b>Total Current Assets</b>	1,082,014.80	1,087,743.80
TOTAL ASSETS	1,082,014.80	1,087,743.80
LIABILITIES & EQUITY Equity		
Opening Balance Eq	499,980.27	499,980.27
Retained Earnings	565,034.84	565,034.84
Net Income	16,999.69	22,728.69
Total Equity	1,082,014.80	1,087,743.80
TOTAL LIABILITIES & EQ	1,082,014.80	1,087,743.80

# **Town of Hamburg Industrial Development Agency** Treasurer's Report October 2022

Ordinary Income/Expense Income           Administrative Fees         4,876.35         155,889.19           Interest Earnings         243.07         1,375.56           Interest Earnings CD         176.77         1,260.98           Refund         0.00         134.71           Total Income         5,296.19         158,660.44           Gross Profit         5,296.19         158,660.44           Expense         Audit         0.00         4,500.00           Business Expenses & Mile         114.80         2,563.28           Cell Phone         83.33         833.30           Complete Payroll         109.29         1,237.52           Payroll and Benefits         9,654.26         107,051.39           Processing Payroll         109.29         1,237.52           Total Complete Payroll         10,506.27         116,844.71           Conferences & Seminars         0.00         500.00           Membership Dues         0.00         500.00           Office Expenses         1T Support         0.00         710.00           Office Expenses         36.00         233.83           Subscriptions         14.99         408.89           Supplies         44.80 <t< th=""><th></th><th>Oct 22</th><th>Jan - Oct 22</th></t<>		Oct 22	Jan - Oct 22
Administrative Fees Interest Earnings         4,876.35 (243.07)         1,375.56 (260.98)           Interest Earnings CD Refund         176.77 (260.98)         1,260.98           Refund         0.00         134.71           Total Income         5,296.19         158,660.44           Gross Profit         5,296.19         158,660.44           Expense Audit         0.00         4,500.00           Business Expenses & Mile         114.80         2,563.28           Cell Phone         83.33         833.30           Complete Payroll         109.29         1,237.52           Processing Payroll         109.29         1,237.52           Total Tax Liabilities         742.72         8,555.80           Total Complete Payroll         10,506.27         116,844.71           Conferences & Seminars         0.00         100.00           Legal & Accounting         0.00         500.00           Membership Dues         0.00         5,100.00           Office Expenses         17 Support         0.00         710.00           Office Equipment         0.00         233.83           Subscriptions         14.99         408.89           Supplies         44.80         1,181.99           Tot	Ordinary Income/Expense		
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Interest Earnings CD			
Refund         0.00         134.71           Total Income         5,296.19         158,660.44           Gross Profit         5,296.19         158,660.44           Expense         0.00         4,500.00           Business Expenses & Mile         114.80         2,563.28           Cell Phone         83.33         833.30           Complete Payroll         109.29         1,237.52           Processing Payroll         109.29         1,237.52           Total Tax Liabilities         742.72         8,555.80           Total Complete Payroll         10,506.27         116,844.71           Conferences & Seminars         0.00         100.00           Legal & Accounting         0.00         500.00           Membership Dues         0.00         5,100.00           Office Expenses         1T Support         0.00         710.00           Office Equipment         0.00         233.83           Subscriptions         14.99         408.89           Supplies         44.80         1,181.99           Total Office Expenses         95.79         2,730.33           Payroll Expenses/Insurance         0.00         2,933.13           Publicity & Public Hearings         0.00			
Gross Profit         5,296.19         158,660.44           Expense Audit         0.00         4,500.00           Business Expenses & Mile         114.80         2,563.28           Cell Phone         83.33         833.30           Complete Payroll         109.29         1,237.52           Processing Payroll         109.29         1,237.52           Total Tax Liabilities         742.72         8,555.80           Total Complete Payroll         10,506.27         116,844.71           Conferences & Seminars         0.00         100.00           Legal & Accounting         0.00         500.00           Membership Dues         0.00         5,100.00           Office Expenses         IT Support         0.00         710.00           Office Equipment         0.00         710.00           Office Equipment         0.00         233.83           Subscriptions         14.99         408.89           Supplies         44.80         1,181.99           Total Office Expenses         95.79         2,730.33           Payroll Expenses/Insurance         0.00         2,933.13           Publicity & Public Hearings         0.00         856.00           Sponsorship         225.00			
Expense Audit         0.00         4,500.00 Business Expenses & Mile         114.80         2,563.28 Cell Phone         83.33         833.30           Cell Phone Bayroll         83.33         833.30           Complete Payroll         109.29         1,237.52 Total Tax Liabilities         742.72         8,555.80           Total Complete Payroll         10,506.27         116,844.71           Conferences & Seminars         0.00         100.00           Legal & Accounting         0.00         500.00           Membership Dues         0.00         5,100.00           Office Expenses         1T Support         0.00         710.00           Office Equipment         0.00         195.62           Postage         36.00         233.83           Subscriptions         14.99         408.89           Supplies         44.80         1,181.99           Total Office Expenses         95.79         2,730.33           Payroll Expenses/Insurance         0.00         2,933.13           Publicity & Public Hearings         0.00         856.00           Sponsorship         225.00         4,700.00           Total Expense         11,025.19         141,660.75           Net Ordinary Income         -5,729.00	Total Income	5,296.19	158,660.44
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Business Expenses & Mile         114.80         2,563.28           Cell Phone         83.33         833.30           Complete Payroll         109.29         1,237.52           Processing Payroll         109.29         1,237.52           Total Tax Liabilities         742.72         8,555.80           Total Complete Payroll         10,506.27         116,844.71           Conferences & Seminars         0.00         100.00           Legal & Accounting         0.00         500.00           Membership Dues         0.00         5,100.00           Office Expenses         IT Support         0.00         710.00           Office Equipment         0.00         195.62           Postage         36.00         233.83           Subscriptions         14.99         408.89           Supplies         44.80         1,181.99           Total Office Expenses         95.79         2,730.33           Payroll Expenses/Insurance         0.00         2,933.13           Publicity & Public Hearings         0.00         356.00           Sponsorship         225.00         4,700.00           Total Expense         11,025.19         141,660.75           Net Ordinary Income	Expense		
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Processing Payroll         109.29         1,237.52           Total Tax Liabilities         742.72         8,555.80           Total Complete Payroll         10,506.27         116,844.71           Conferences & Seminars         0.00         100.00           Legal & Accounting         0.00         500.00           Membership Dues         0.00         5,100.00           Office Expenses         0.00         710.00           Office Equipment         0.00         195.62           Postage         36.00         233.83           Subscriptions         14.99         408.89           Supplies         44.80         1,181.99           Total Office Expenses         95.79         2,730.33           Payroll Expenses/Insurance         0.00         2,933.13           Publicity & Public Hearings         0.00         856.00           Sponsorship         225.00         4,700.00           Total Expense         11,025.19         141,660.75           Net Ordinary Income         -5,729.00         16,999.69		0.654.36	107.051.20
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Conferences & Seminars         0.00         100.00           Legal & Accounting         0.00         500.00           Membership Dues         0.00         5,100.00           Office Expenses         1T Support         0.00         710.00           Office Equipment         0.00         195.62           Postage         36.00         233.83           Subscriptions         14.99         408.89           Supplies         44.80         1,181.99           Total Office Expenses         95.79         2,730.33           Payroll Expenses/Insurance         0.00         2,933.13           Publicity & Public Hearings         0.00         856.00           Sponsorship         225.00         4,700.00           Total Expense         11,025.19         141,660.75           Net Ordinary Income         -5,729.00         16,999.69			
Legal & Accounting         0.00         500.00           Membership Dues         0.00         5,100.00           Office Expenses         36.00         710.00           Office Equipment         0.00         195.62           Postage         36.00         233.83           Subscriptions         14.99         408.89           Supplies         44.80         1,181.99           Total Office Expenses         95.79         2,730.33           Payroll Expenses/Insurance         0.00         2,933.13           Publicity & Public Hearings         0.00         856.00           Sponsorship         225.00         4,700.00           Total Expense         11,025.19         141,660.75           Net Ordinary Income         -5,729.00         16,999.69	Total Complete Payroll	10,506.27	116,844.71
Membership Dues         0.00         5,100.00           Office Expenses         0.00         710.00           IT Support         0.00         195.62           Postage         36.00         233.83           Subscriptions         14.99         408.89           Supplies         44.80         1,181.99           Total Office Expenses         95.79         2,730.33           Payroll Expenses/Insurance         0.00         2,933.13           Publicity & Public Hearings         0.00         856.00           Sponsorship         225.00         4,700.00           Total Expense         11,025.19         141,660.75           Net Ordinary Income         -5,729.00         16,999.69	Conferences & Seminars	0.00	100.00
Office Expenses           IT Support         0.00         710.00           Office Equipment         0.00         195.62           Postage         36.00         233.83           Subscriptions         14.99         408.89           Supplies         44.80         1,181.99           Total Office Expenses         95.79         2,730.33           Payroll Expenses/Insurance         0.00         2,933.13           Publicity & Public Hearings         0.00         856.00           Sponsorship         225.00         4,700.00           Total Expense         11,025.19         141,660.75           Net Ordinary Income         -5,729.00         16,999.69	Legal & Accounting		500.00
IT Support         0.00         710.00           Office Equipment         0.00         195.62           Postage         36.00         233.83           Subscriptions         14.99         408.89           Supplies         44.80         1,181.99           Total Office Expenses         95.79         2,730.33           Payroll Expenses/Insurance         0.00         2,933.13           Publicity & Public Hearings         0.00         856.00           Sponsorship         225.00         4,700.00           Total Expense         11,025.19         141,660.75           Net Ordinary Income         -5,729.00         16,999.69		0.00	5,100.00
Office Equipment         0.00         195.62           Postage         36.00         233.83           Subscriptions         14.99         408.89           Supplies         44.80         1,181.99           Total Office Expenses         95.79         2,730.33           Payroll Expenses/Insurance         0.00         2,933.13           Publicity & Public Hearings         0.00         856.00           Sponsorship         225.00         4,700.00           Total Expense         11,025.19         141,660.75           Net Ordinary Income         -5,729.00         16,999.69			
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Publicity & Public Hearings         0.00         856.00           Sponsorship         225.00         4,700.00           Total Expense         11,025.19         141,660.75           Net Ordinary Income         -5,729.00         16,999.69	Total Office Expenses	95.79	2,730.33
Sponsorship         225.00         4,700.00           Total Expense         11,025.19         141,660.75           Net Ordinary Income         -5,729.00         16,999.69			
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Net Ordinary Income         -5,729.00         16,999.69	Sponsorship	225.00	4,700.00
	Total Expense	11,025.19	141,660.75
Net Income -5,729.00 16,999.69	Net Ordinary Income	-5,729.00	16,999.69
	Net Income	-5,729.00	16,999.69

### THE OAKS AT SOUTH PARK LLC

## 5360 Genesee Street, Suite 201 Bowmansville, New York 14026

October 28, 2022

Hamburg Industrial Development Agency Attn: Sean Doyle, Executive Director 6122 South Park Avenue Hamburg, New York 14075

Re: Refinance of 5138 South Park Ave, Hamburg, New York 14075

Dear Mr. Doyle:

Please accept this letter as our request for the Hamburg Industrial Development Agency ("HIDA") to approve a refinance in connection with the above referenced project. Specifically, the existing loan between The Oaks at South Park LLC and S&T Bank, will be assigned to Acres Realty Funding, Inc. in connection with a refinance of the project. As part of this refinance, we respectfully request that the HIDA consent to the assignment of the mortgage and a new gap mortgage in connection with this project. We are not requesting any additional tax benefits from the HIDA, nor are we requesting a new inducement with respect to the additional funds covered by the gap mortgage.

Should you require any additional documentation from us in connection with this matter, please do not hesitate to contact me.

Very truly yours.

THE OAKS TROUTH PARK LLC

By: Anthony J. Cutaia, Manager

cc: Jenn fer Strong, Esq.
Michael Schiavone, Esq.

RESOLUTION OF THE TOWN OF HAMBURG INDUSTRIAL
DEVELOPMENT AGENCY CONSENTING TO A MORTGAGE,
ASSIGNMENT OF LEASES AND RENTS, SECURITY AGREEMENT,
FINANCING STATEMENT AND FIXTURE FILING (BUILDING LOAN)
IN AN AMOUNT NOT TO EXCEED \$\_\_\_\_\_\_ AND
OTHER RELATED DOCUMENTS IN CONNECTION WITH IN THE
REFINANCING OF THE 2019 THE OAKS AT SOUTH PARK LLC
PROJECT

WHEREAS, to accomplish the purposes of the Act, the Agency induced The Oaks at South Park LLC, with respect to the acquisition and equipping by the Agency with the proceeds of a lease with mortgage for the acquisition by the Lessee of an approximately 27 acre parcel of land located at 5138 South Park Avenue in the Town of Hamburg, the construction by the Lessee, as agent for the Agency (i) the adaptive re-use of a former school building and redevelopment the parcel of land for construction of 19 two-story buildings totaling 152 housing units and (ii) installation of baseball and softball fields and other amenities and the acquisition and installation of machinery, equipment, furnishings and fixtures by the Lessee, as agent for the Agency, all for a residential housing complex with additional services (the "Project"), and in furtherance of said purpose the Agency adopted its Inducement Resolution on June 25, 2019; and

WHEREAS, pursuant to such Inducement Resolution, the Agency acquired a leasehold interest in the Facility pursuant to a certain Lease to Agency, dated as of November 1, 2019, between The Oaks at South Park LLC as lessor, and the Agency, as lessee, (the "Lease to Agency") and leased the Facility back to The Oaks at South Park LLC pursuant to a certain Leaseback Agreement, dated as of November 1, 2019, between the Agency, as lessor, and The Oaks at South Park LLC, as lessee, (the "Leaseback Agreement");

WHEREAS, the Agency has now received a request for the Agency's consent to the execution and delivery by The Oaks at South Park LLC, as Mortgagor, of a MORTGAGE, ASSIGNMENT OF LEASES AND RENTS, SECURITY AGREEMENT, FINANCING STATEMENT AND FIXTURE FILING (BUILDING LOAN) in an amount not to exceed to ACRES REALTY FUNDING, INC, as Mortgagee (the "Mortgage") and an Assignment of Leases and Rents ("Assignment").

WHEREAS, The Oaks at South Park LLC, is not requesting an additional benefits from the Agency and is only seeking the consent of the Agency of its proposed refinance; and

WHEREAS, the facility will remain a residential housing complex with additional services; accordingly, there will be no change in the Payment in Lieu of Taxes ("PILOT") Provisions attached as Exhibit C to the Leaseback Agreement.

### NOW, THEREFORE BE IT RESOLVED AS FOLLOWS:

Section 1. The Agency hereby consents to the execution and delivery of a Mortgage and Assignment between 2019 The Oaks at South Park LLC Project and Acres Realty Funding, Inc., with respect to the Lease to Agency and the Leaseback Agreement, as

amended.

Section 2. The execution and delivery of the Mortgage and Assignment in the form approved by the Chairman, Vice Chairman, Executive Director Secretary or Assistant Secretary is hereby authorized. The appropriate officers of the Agency are hereby authorized to execute, seal, acknowledge and deliver such Certificate. The execution and delivery of the Mortgage and Assignment shall be conclusive evidence of due authorization and approval.

Section 3. The Agency determines that the PILOT provisions shall remain unchanged as there is no change in use or in the occupancy of the Facility.

Section 4. The Oaks at South Park LLC, agrees that it will pay all Agency Administrative Fees and legal fees due at closing.

Section 5. This resolution shall take effect immediately.

Ado	pted:	November 9, 2022	
Acc	epted:		
THE	E OAKS A	T SOUTH PARK LLC	
Ву			
,	Anthony	J. Cutaia, Manager	

Re: HIDA Project with Johnson's Taphouse Inc.

### Dan Stanford <dstanford@townofhamburgny.gov>

Wed 10/12/2022 12:34 PM

To: Jennifer L Strong Esq <jlstrong@neillstrong.com> Cc: Sean Doyle <sdoyle@townofhamburgny.gov>

I object to the following..."The foregoing is subject, in each case, to the Lessee's rights to obtain reductions in the assessed valuation of the Facility, to maintain existing exemptions, and to obtain other exemption, abatements or discounts therefrom, if any, and to seek to obtain a refund of any such payments made, all of which are hereby expressly reserved by the Lessee."

If they can seek a reduction in assessed value than they should a provide a professional appraisal of the project to determine value

From: Jennifer L Strong Esq <jlstrong@neillstrong.com>

Sent: Monday, October 3, 2022 8:52 PM

To: Dan Stanford <dstanford@townofhamburgny.gov>; Sean Doyle <sdoyle@townofhamburgny.gov>

Cc: Jennifer L Strong Esq <jlstrong@neillstrong.com> Subject: HIDA Project with Johnson's Taphouse Inc.

Dear Dan,

Attached please find the proposed DRAFT PILOT, for your review and comment. The same assumes a Project Completion date before March 1, 2023. As we move towards closing these dates may be adjusted as needed.

Jennifer L Strong, Esq. (716) 937-3353



# **HIDA & HNYLDC**

**Meeting Schedule 2023** 

January 18th

February 15th

March 15th

April 19th

May 17<sup>th</sup>

June 21st

July 19th

August 16th

September 20<sup>th</sup>

October 18th

November 15<sup>th</sup>

December 13th

(Due to the holidays, December is scheduled for the 2<sup>nd</sup> Wednesday of the month.)

Meetings held at 7:30am

3rd Wednesday of the month unless otherwise noted
Court Room, Blasdell Village Hall



TO: HIDA Board of Directors

FROM: Sean P. Doyle, Executive Director

DATE: November 9, 2022

RE: <u>Employee SEP Plan</u>

As part of the Hamburg Industrial Development Agency employee benefit package, established by the Board, each employee is to receive a contribution towards their respective retirement, in lieu of a formal pension plan. The contributions are calculated based on an agreed upon percentage, as stated in each individual's employment contract, of their gross wages for the year. The Hamburg Industrial Development Agency also covers the cost of the FICA at 7.65%.

The following calculations are based upon the 2022 wages:

Sean P. Doyle		Mary	Mary E. Doran		
Salary (Jan - Dec)	\$93,772.36	Salary (Jan - Dec)	\$34,027.95		
4% 7.65%	\$ 3,750.89 \$ <u>286.94</u>	4% \$ 7.65% \$	3 1,361.12 3 104.13		
Total payment	\$ 4,037.83	Total Payment	\$1,465.25		

This payment shall be included in the December 9<sup>th</sup> payroll.

Following up on our discussion of Pitch Hamburg's funding request, I am looking for your thoughts and ideas as to how the HIDA should proceed.

In my opinion the premise for creating Pitch Hamburg is a good. New business development is an essential part of the economy and is something the IDA should embrace. That being said if we move ahead to assist Pitch Hamburg financially or through service, it has to be done per state law, be within our mission statement and Pitch has to be accountable to the HIDA for how funds the HIDA provide were used. I am not in favor of the HIDA agreeing to provide a specific amount of funding to Pitch for four years.

### During the meeting the following issues were brought up regarding Pitch Hamburg:

### **Chair Hutchison**

- 1. The HIDA cannot fund any retail activity.
- 2. The Board would like to review Pitch Hamburg's by laws, diversity policy, annual budget, financial practices and safe guards, and committees.

### **Director Doyle**

- 1. What outcomes would be provided to the Town of Hamburg as a result of the financial support?
- 2. What publicity would the Hamburg IDA gain?
- 3. Funding requirements should list current 501 c 3 status and annual, independent audit reports on organization website.
- 4. What are the outcomes of other startup incubators for manufacturing, production, back office type jobs and real estate?
- 5. Year to date financials.
- 6. Requirement for letters of support.

Please add any additional items to the list for discussion or that the HIDA should request from Pitch.

### Regarding how to assist Pitch Hamburg:

The HIDA might be able to fund a specific request, one that aligns legally, financially and are within the scope of the HIDA mission statement. In the event the funds are not used for the specified purpose Pitch would be required to return or repay the amount provided by the HIDA.

Again ideas or suggestions that you have

### Andy Palmer

- Of course, any sponsorship or aid for Pitch Hamburg should be done according to NYS
  law, and our corporate mission statement. I would quote our mission statement..." The
  Agency was established pursuant to the Act with purposes and powers and the Agency's
  Mission includes undertaking projects and programmatic initiatives in furtherance of and
  to advance the job opportunities, health, general prosperity and economic welfare of the
  people of the Town".
- The question for me is not IF we support Pitch Hamburg, the question should be HOW we can support Pitch Hamburg.
- I do agree with the questions Janet brought up regarding by-laws, board make-up, and other very reasonable questions. Pitch's board needs to have answers for those questions from us, and from any other agency they seek funding from. Is there a way our first action is to ask Sean and Mary to help their executive director and board get the basics squared away? Not as an extra for our crew, but as a paid endeavor for Sean and Mary with the full blessing of the board? I don't know if that is to much of an ask from Sean and Mary.
- I would suggest a yearly meeting between the IDA board and Pitch's board to discuss if whatever agreement we come to is fulfilling any kind of quantitative ROI for the IDA.
- I wonder if we created a budget line item for "Program Initiatives" in our yearly budget that we are not obligated to spend, but have the freedom to spend on things like Pitch Hamburg? We would then be able to have the money to spend on a case-by-case basis.
- As I said at the board meeting. Inflation is high, interest rates are going higher. In my humble opinion this will make it hard for startups or small businesses to seek normal bank funding. I believe this will provide the HDC and us opportunities to step in the void.