

**Hamburg Industrial Development Agency
Board of Directors Meeting
December 10, 2010
Village of Hamburg Council Room**

Public Hearing - Robert J Brunner/JP Fitzgerald's Inc

Present

Marcella Fugle
Steve Walters
Tom Moses
Kevin Smardz
Patti Paul
Norma Rusert-Kelly

Excused

Janet Plarr
Mike Petrie
Matt Dils

Guest

Craig Cwick
Chris Greene
Nathan Neill
Bob Brunner

Executive Director

Michael J. Bartlett

- **Move** to open the public hearing for the Robert Brunner/JP Fitzgerald's Inc project at 8:05 a.m.

-**Bob Brunner**, the owner of JP Fitzgerald's was introduced and presented his project to the Board. The company is requesting assistance under the Agency's Enhancement Area program. Assistance will include mortgage tax exemption, sales tax exemption and a Pilot equal to the 485 B. Applicant is going to construct a 5600 sq ft addition to an existing 3600 sq ft building housing his business. Improvements to the building will include a new banquet room, larger bar area, more outdoor dining, new kitchen, improved access to stairs and wheelchair accessible ramp. Total project cost is approximately \$1 million.

- **Move** to close the public hearing for the Robert Brunner/JP Fitzgerald's Inc project at 8:10 a.m.

- **Move** to open the Board of Directors meeting at 8:10 am.

- **Christopher Greene**, a partner with Damon Morey who is representing Autumn View Health Care Facility, LLC was introduced to the Board. The owners of the Autumn View Manner Partnership which own the Autumn View Manor facility located on Southwestern Blvd are selling the property to Nationwide Health Properties Inc. Nationwide is a publicly owned real estate investment trust (REIT) and invest primarily in healthcare real estate in the United States. The Agency is being asked to approve the assignment to and assumption by Nationwide of the leasehold interest of the Autumn View Manor Partnership in the 2010 Autumn View Health Care Facility project. This will preserve the Pilots benefits currently being given to Autumn View Manor for Nationwide. This is a condition of the sale . The current operator will now lease the facility from Nationwide & continue to operate the facility.

RESOLUTION OF THE TOWN OF HAMBURG INDUSTRIAL DEVELOPMENT AGENCY APPROVING THE ASSIGNMENT TO AND ASSUMPTION BY NATIONWIDE HEALTH PROPERTIES, INC. OF THE LEASEHOLD INTEREST OF AUTUMN VIEW HEALTH CARE FACILITY PROJECT

Moved: Pattie Paul

Seconded: Marcella Fugle

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

Nays: None

Carried

RESOLUTION OF THE TOWN OF HAMBURG INDUSTRIAL DEVELOPMENT AGENCY ADOPTING A NEGATIVE DECLARATION IN CONNECTION WITH THE APPLICATION FOR PROJECT FINANCING BY ROBERT J BRUNNER AND JP FITZGERALD'S INC.

Moved: Norma Rusert-Kelly

Seconded: Tom Moses

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

Nays: None

Carried

RESOLUTION OF THE TOWN OF HAMBURG INDUSTRIAL DEVELOPMENT AGENCY (THE "AGENCY") AUTHORIZING ROBERT J BRUNNER (THE "LESSEE") TO CONSTRUCT AN APPROXIMATELY 5600 SQUARE FOOT ADDITION TO AND RENOVATE THE LESSEE'S EXISTING APPROXIMATELY 3600 SQUARE FOOT BUILDING LOCATED AT 4236 CLARK STREET IN THE VILLAGE OF HAMBURG, NEW YORK, TO DEMOLISH A BUILDING LOCATED AT 4250 CLARK STREET, HAMBURG, NEW YORK AND AUTHORIZING JP FITZGERALD'S INC (THE "SUBLESSEE") TO ACQUIRE AND INSTALL MACHINERY AND EQUIPMENT REQUIRED IN CONNECTION THEREWITH, ALL FOR A RESTAURANT/BANQUET FACILITY, FOR LEASE TO THE AGENCY AND SUBSEQUENT SUBLEASE TO THE LESSEE FOR SUB-SUBLEASE TO THE SUBLESSEE AND AUTHORIZING AN EQUIPMENT LEASE AGREEMENT OR INSTALLMENT SALE AGREEMENT BETWEEN THE AGENCY AND THE SUBLESSEE AND TO TAKE OTHER PRELIMINARY ACTION..

Moved: Tom Moses

Seconded: Steve Walters

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

Nays: None

Carried

- **Motion** to approve the Town of Hamburg Industrial Development Agency 2011 Budget as presented.

Moved: Marcella Fugle

Seconded: Norma Rusert-Kelly

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

Nays: None

Carried

- **Motion** to approve the minutes from the November 19, 2010 Board of Directors meeting.

Moved: Tom Moses

Seconded: Pattie Paul

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

Nays: None

Carried

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

Moved: Patti Paul

Seconded: Norma Rusert-Kelly

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

Nays: None

Carried

- **Executive Director Bartlett** informed the Board that he has received a copy of a letter sent to Steve Walters informing Steve that he is foregoing any further attempts to develop his apartment project commonly known as Hickey Farms.

- **Motion** to adjourn at 8:32 a.m.

Moved: Norma Rusert-Kelly

Seconded: Tom Moses

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

Nays: None

Carried

Sincerely,

Michael J. Bartlett
Executive Director