

The Town of Cheektowaga



CHEEKTOWAGA TOWN HALL – SUITE 201
3301 BROADWAY STREET
CHEEKTOWAGA, NEW YORK 14227

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MARY F. HOLTZ
Town Supervisor

July 27, 2015

John Cappellino
Director of Business Development
Erie County Industrial Development Agency
143 Genesee Street
Buffalo, NY 14203

Dear John:

Sodexo, Inc. has submitted a proposal seeking ECIDA financial assistance to relocate from its existing four Uniland-owned properties, located in the Town of Amherst, to the Airborne Business Park, located in the Town of Cheektowaga, and also owned by Uniland. Sodexo considered three options in its desire to create a more efficient operation, including one which would see the company moving its operation to the company's U.S. headquarters in Gaithersburg, Maryland.

In choosing the Airborne Business Park location to consolidate its operations in our region, the company not only considered the footprint required for efficient operations but also the proximity for current employees. The proposal by Sodexo will retain current jobs and holds the promise of more good paying jobs for our area. The company has also made it clear that the potential for ECIDA incentives is a key factor that will allow Sodexo to make a long term commitment to the Buffalo region rather than relocating to Maryland.

I am writing to express my strong support of this project and urge its full and positive consideration.

Sincerely,

A handwritten signature in cursive script that reads "Mary F. Holtz".

Mary F. Holtz
Supervisor
Town of Cheektowaga



TOWN OF AMHERST

BARRY A. WEINSTEIN, M.D.
SUPERVISOR

July 20, 2015

Ms. Karen M. Fiala
Manager, Tax Incentives
ECIDA
95 Perry Street, Suite 403
Buffalo, NY 14203

Dear Ms. Fiala:

I am in receipt of your formal notification dated July 14, 2015, that Sodexo is proposing to relocate from Amherst to Cheektowaga into a newly-built facility constructed by Uniland.

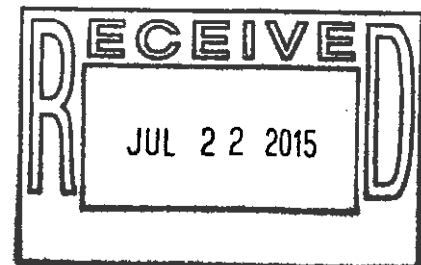
Based upon the information received in your notification, as Supervisor of the Town of Amherst, I offer no objection.

Regards,

Barry A. Weinstein, M.D.
Supervisor

BAW/sv

cc: James Allen, AIDA
Bob Murray, Esq.
Supervisor Mary Holtz



PUBLIC HEARING SCRIPT

**The Uniland Partnership of Delaware,
L.P. and/or Individual(s) or Affiliate(s),
Subsidiary(ies), or Entity(ies) formed or
to be formed on its behalf Project**

Public Hearing to be held on July 27, 2015 at 9:00 a.m.,
at the Town of Cheektowaga Town Hall, 3301 Broadway (Town Council Chamber)
Cheektowaga, New York 14227

ATTENDANCE

Peter Sayadoff/Uniland
Kirk Laubenstein/Coalition for Economic Justice
Mathew Dresendahl/Uniland
Scott Brooks/Sodexo
Sarah Buckley/ Coalition for Economic Justice
Jud Payne/ Coalition for Economic Justice
Ellen Kennedy/ Coalition for Economic Justice
Jill Pawlik/Uniland
John Cappellino/ECIDA
 Members of the General Public

1. WELCOME: Call to Order and Identity of Hearing Officer.

Hearing Officer: *Welcome. This public hearing is now open; it is 9:00 a.m. My name is Grant Lesswing. I am the Business Development Officer of the Erie County Industrial Development Agency, and I have been designated by the Agency to be the hearing officer to conduct this public hearing.*

2. PURPOSE: Purpose of the Hearing.

Hearing Officer: *We are here to hold the public hearing on The Uniland Partnership of Delaware, L.P. and/or Individual(s) or Affiliate(s), Subsidiary(ies), or Entity(ies) formed or to be formed on its behalf project. The transcript of this hearing will be reviewed and considered by the Agency in determination of this project. Notice of this hearing appeared in The Buffalo News on Thursday, July 16, 2015.*

☒ 3. PROJECT SUMMARY: Description of Project and Contemplated Agency Benefits.

Hearing Officer: *The proposed project (the "Project") consists of: (i) a parcel of vacant land located at 400 Airborne Parkway, Town of Cheektowaga, Erie County, New York (the "Land") to be improved with a 109,170+/- SF building to be utilized as a back office operations center (the "Improvements"); and (ii) the acquisition of and installation in and around the Improvements of certain machinery, equipment and items of personal property thereon (the "Equipment" and, collectively with the Land and Improvements, the "Facility").*

The proposed financial assistance contemplated by the Agency includes New York State and local sales and use tax exemption benefits, mortgage recording tax exemption benefit, and real property tax abatement benefits (in compliance with Agency's uniform tax exemption policy).

☒ 4. FORMAT OF HEARING: Review rules and manner in which the hearing will proceed.

Hearing Officer: *All those in attendance are required to register by signing the sign-in sheet at the front of the room; you will not be permitted to speak unless you have registered. If you have a written comment to submit for the record, you may do so. Written comments may also be delivered to the Agency at 95 Perry Street, Suite 403, Buffalo, New York 14203 until the comment period closes on August 17, 2015. There are no limitations on written comments.*

☒ 5. PUBLIC COMMENT: Hearing Officer gives the Public an opportunity to speak.

Hearing Officer: *If anyone is interested in making a comment, please raise your hand, state your name and address; if you are representing a company, please identify the company. I request that speakers keep comments to 5 minutes, and if possible, 3 minutes.*

The Hearing Officer calls on those who raise their hand.

Hearing Officer: *State your name, please.*

Peter Sayadoff

Good morning. My name is Peter Sayadoff. I am the Director of Capital Markets for Uniland Development Company. Uniland Development Company together with Sodexo, Inc. jointly request that the Erie County Industrial Development Agency provide certain financial assistance for the construction and equipping of a 109,170 square foot office building at 400 Airborne Parkway, Cheektowaga, New York. Uniland is responsible for the design, construction and funding of the three-story back office facility situated on 6.2 acres of land within Cheektowaga's Airborne Business Park. Uniland's portion of the Project represents a \$21,000,000 investment. Sodexo, Inc., as tenant, is simultaneously filing an ECIDA application for exemption from sales tax on the purchase of new furniture, fixtures and equipment for the facility. Sodexo's portion will result in just over \$6,000,000 investment, resulting in a total investment of over \$27,000,000 for the Project.

The goal of this project is to retain 511 jobs by providing Sodexo operational efficiencies that justify their remaining in Erie County rather than pursue other sites outside of New York State, particularly Gaithersburg, Maryland, Sodexo's U.S. headquarters. The financial assistance and consolidation into one location will help mitigate some of the upfront and ongoing costs to Sodexo and provide the justification for a long-term commitment to the Buffalo region. This development project includes relocating and consolidating Sodexo's four facilities in a Uniland office park in Amherst to a Uniland facility in Cheektowaga. All four existing leases currently expire on November 30, 2015. Uniland and Sodexo will modify the existing leases to expire upon commencement of the new lease at 400 Airborne Parkway. The modification of the existing leases to extend the term to coincide with the start of the new lease at 400 Airborne Parkway is contingent upon receipt of ECIDA benefits on or before August 28, 2015.

Uniland is committed to providing the highest quality and most cost-effective work environments possible. As a leader in this region for 40

years Uniland has worked hard to create valuable relationships with our tenants, business partners and stakeholders in the communities in which we operate. It would be our honor to develop a new facility for Sodexo at Airborne Business Park, allowing them to more efficiently run their operations and keep them here in the Buffalo area.

Hearing Officer: *State your name, please.*

Kirk Laubenstein: *Sure. My name is Rev. Kirk Laubenstein; I'm with the Coalition for Economic Justice; I'm the Executive Director. Um, I mean I guess I've got to say that this tactic of moving, you know, saying oh we're going to move out, we're going to move to Maryland, just rings hollow. The reason you're here is because we have a, you know, relatively well-educated workforce, low cost of living, so you can pay your people less. Um, you know, we believe that moving jobs from Amherst to, you know, Cheektowaga, is simply atrocious. Um, it's a terrible use of taxpayer dollars. You're not actually creating any new jobs, uh, and that's unconscionable. And coming to the, you know, coming to the uh, coming to the residents, coming to, you know, the school teachers, coming to the, you know, the people of this county and saying oh we need this money. Um, you know, I guess I would say what real job creation is this? Nothing. 511 jobs from Amherst to Cheektowaga. Um, you know, keeps everything in the region, um, you know, and you're going to ask us for millions of dollars? That seems unfair, unjust and just abominable. And I mean the other this is Uniland has a terrible track record with using non-union labor, not paying prevailing wage. Um, you know I guess I would say this Project isn't good for the Buffalo region. It's simply sheep stealing from one community to another community uh to benefit, you know, the wealthy one percent, both Sodexo and Uniland. And I would, you know, I vehemently oppose this ah, this new development.*

Hearing Officer: *State your name, please.*

Sarah Buckley *My name is Sarah Buckley. I'm a Registered Nurse and lifelong resident of Western New York. Uh my family and friends have benefited from*

Western New York's public schools and as a Registered Nurse I take care of people who benefit from Medicare and Medicaid, and also as a homeowner and worker I contribute to these public goods. Uh the promise of the new Buffalo and Western New York, uh a promise that we as those who grew up in Western New York have always known to be true, that this is a great place to live, and also as the wife of a local small business owner, it's a great place to do business. I'm impressed with the Erie County IDA is being true to that promise recently with higher standards and greater accountability when they decide to give tax subsidies. I hope they continue to do this and not grant subsidies for this Project that has no promise to create jobs.

Hearing Officer: *State your name, please.*

Ellen Kennedy: *My name is Ellen Kennedy and I'm here to speak against the application for public subsidy submitted by Uniland. I'm a member of Citizen Action New York and the Coalition for Economic Justice. Organizations which have been working for years to reform IDAs. There is no justification for providing any kind of public subsidy to a profitable development company in order to construct an office building. The 2013 Erie County Report entitled Initiatives for a Smart Economy, Erie County Economic Development Strategy, clearly states, and I quote from that report: "IDAs were created in New York State to induce job creating and wealth producing activities by private sector companies that would not have otherwise occurred or would have occurred at a small or slower rate." However, public support cannot and should not go to a company to simply increase its profits. A culture has developed in Erie County economic development circles, among major developers, commercial real estate brokers and economic development professionals that every project is entitled to a taxpayer supported benefit simply because a developer or company is undertaking a project. This runs counter to good economic theory, distorts the free market and weakens an already fragile tax base. Not every project should receive taxpayer support. Such benefits should*

be reserved for projects that would not otherwise have occurred, have significant job and wealth creating benefits to the community or provide targeted community redevelopment benefits. This culture of entitlement must end. If I have read Uniland's application correctly, they're asking for \$948,938 in sales, mortgage and property tax exemptions in Erie County in addition to the \$750,000 capital grant which has already been provided by Empire State Development. And they answered "Yes" to the question asking whether they plan to apply for state or federal historical tax credit programs. They are not seeking LEED certification for the new building despite the importance of a green economy. So, Erie County taxpayers should make up for the loss of revenue for their school districts, our public transportation system and the county budget, just so a profitable company can make even more money? Approving this application would make a mockery of the existence of industrial development agencies.

Hearing Officer: *We're going to keep the hearing open just in case stragglers come in until 9:30.*

6. ADJOURNMENT.

As there were no further comments, the Hearing Officer closed the public hearing at 9:30 a.m.

**SIGN IN SHEET
PUBLIC HEARING**

July 27, 2015, at 9:00 a.m.
at the Town of Cheektowaga Town Hall, 3301 Broadway
(Town Council Chamber), Cheektowaga, New York 14227
regarding:

**The Uniland Partnership of Delaware, L.P. and/or Individual(s) or Affiliate(s),
Subsidiary(ies), or Entity(ies) formed or to be formed on its behalf**

Project Location: 400 Airborne Parkway, Cheektowaga, New York 14225

Name	Company and/or Address	X box to speak/ comment
Peter Soyadoff	Uniland	X
Kirk Laubenstein	CEJ	X
BOB MEDZBEVIT	NUSSBAUM & SONS	
Matthew Drosendahl	Uniland	
Scott Brooks	Sodexo	
Sarah Buckley	CEJ	X
Jud Payne	CEJ	
ELLEN KENNEDY	CEJ	X

Jill Lawlik

Uniland

279190 2557062v1

John Cappellin

ECIDA