

PUBLIC HEARING SCRIPT

Delaware North Companies, Incorporated Project

Public Hearing to be held on October 29, 2013 at 11:30 a.m.,
at the Erie County Industrial Development Agency's offices located at
95 Perry Street, Suite 403, Buffalo, New York 14203

ATTENDANCE

Ellen Kennedy - Resident, City of Buffalo
Raymond Carr- ECIDA Board Member
Christopher Hurley - Hurwitz & Fine
Liz Burakowski - Erie County
Richard Tobe - Erie County
Matthew Drosendahl - Uniland
Jill Pawlik - Uniland
Kathleen Peterson - City of Buffalo
Glenn White - Delaware North
Gregory Sehr - Upstate Consultant
Richard Anderson - Town of Amherst
Dan Zimmer - Delaware North Companies
Chris Szczygiel - Assembly member Sean Ryan's Office

Second Option: To be followed when Members of the Public are in attendance:

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

Hearing Officer: *Welcome. This public hearing is now open; it is 11:30 a.m. My name is Grant Lesswing, I am a 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 Delaware North Companies, Incorporated 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 Saturday, October 19, 2013.*

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

Hearing Officer: *The proposed project will be located at 250 Delaware Avenue, City of Buffalo, Erie County, New York (the "Land") consisting of: (i) the appointment of the Company as*

agent of the Agency to undertake the planning, design, construction, and equipping of 109,345+/- SF of class "A" office space (the "Improvements") and (ii) the acquisition and installation by the Company of certain items of machinery, equipment and other tangible personal property (the "Equipment" and, collectively with the Land and Improvements, the "Facility").

The proposed financial assistance contemplated by the Agency includes sales and use tax exemption 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 143 Genesee Street, Buffalo, New York 14203 until the comment period closes on Friday, November 15, 2013. 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.

Dan Zimmer - Vice President, Delaware North Companies - Delaware North Companies is a family owned business that's approaching its 100th anniversary in 2015 that is also the year that our lease at Key Center expires. Delaware North recently submitted a application for assistance from the ECIDA through one of ECIDA's programs to obtain sales tax abatement on the investment Delaware North will be making to build out its 109,000 sq. ft. of office space inside Uniland's proposed building at 250 Delaware Avenue. Delaware North is looking to be a tenant in the building. Delaware North is seeking assistance covering the floors it will be occupying in the building and the Jacobs family that owns Delaware North wants to keep its world headquarters in downtown Buffalo. It has grown its business here and feels a sense of loyalty to its hometown. Delaware North is looking to create a true world headquarters facility in downtown Buffalo that the City, County and State would be proud of, as well as committing to keeping its future growth here. I would be happy to address any questions or comments.

Ellen Kennedy - Resident, City of Buffalo - I just really question how the ECIDA could justify giving tax breaks to Delaware North. According to their website has 200 locations across three continents and had 2.6 billion dollars in annual revenue. Tax breaks to move to a new office space, it would seem the company could easily afford this move without any public support. Jeremy Jacobs and his family have been outstanding citizens in our community, generous philanthropists both personally and through Delaware North. I can't believe they would move their headquarters just because they do not receive tax breaks for new office space. Such a move would seem to violate their company values. Some quotes from their website include; "approach business in a sociable responsible manner" "a family tradition of integrity, accountability & commitment to always do the right thing" "carefully consider the consequences of our decisions and actions". I strongly oppose approving this application.

☒ 6. ADJOURNMENT.

As there were no further comments, the Hearing Officer closed the public hearing at 11:37 a.m.

SIGN IN SHEET

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at the Erie County Industrial Development Agency's offices
located at 95 Perry Street, Suite 403, Buffalo, New York 14203
regarding:

Delaware North Companies, Incorporated

Project Location: 250 Delaware Avenue, Buffalo, New York 14202

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