

TOWN OF AMHERST
INDUSTRIAL DEVELOPMENT AGENCY
AMHERST, NEW YORK

Management's Discussion and Analysis,
Financial Statements and
Supplemental Information

December 31, 2008 and 2007

(With Independent Auditors' Report Thereon)

TOWN OF AMHERST INDUSTRIAL DEVELOPMENT AGENCY

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INDEPENDENT AUDITORS' REPORT

The Board of Directors
Town of Amherst Industrial
Development Agency:

We have audited the accompanying basic financial statements including the statements of net assets of Town of Amherst Industrial Development Agency as of December 31, 2008 and 2007, and the related statements of revenue, expenses and changes in net assets and cash flows for the years then ended. These financial statements are the responsibility of the Agency's management. Our responsibility is to express an opinion on the basic financial statements based on our audits.

We conducted our audits in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in Government Auditing Standards, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audits to obtain reasonable assurance about whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audits provide a reasonable basis for our opinion.

In our opinion, the financial statements referred to above present fairly, in all material respects, the financial position of Town of Amherst Industrial Development Agency as of December 31, 2008 and 2007, and the changes in its net assets and its cash flows for the years then ended, in conformity with accounting principles generally accepted in the United States of America.

In accordance with Government Auditing Standards, we have also issued our report dated March 13, 2009 on our consideration of Town of Amherst Industrial Development Agency's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, grant agreement and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with Government Auditing Standards and should be read in conjunction with this report in considering the results of our audit.

Management's Discussion and Analysis as listed in the foregoing table of contents is not a required part of the basic financial statements but is supplementary information required by accounting principles generally accepted in the United States of America. This information is the responsibility of the Agency's management. We have applied certain limited procedures, which consisted principally of inquiries of management regarding the methods of measurement and presentation of the required supplementary information. However, we did not audit the information and express no opinion on it.

Our audits were made for the purpose of forming an opinion on the basic financial statements taken as a whole. The additional information and other supplemental information listed on the foregoing table of contents, which are also the responsibility of the Agency's management, is presented for purposes of additional analysis and is not a required part of the basic financial statements. Such information has been subjected to the auditing procedures applied in the audit of the basic financial statements and, in our opinion, is fairly stated in all material respects in relation to the basic financial statements taken as a whole.

Toski, Schaefer & Co., P.C.

Williamsville, New York
March 13, 2009

TOWN OF AMHERST INDUSTRIAL DEVELOPMENT AGENCY

Management's Discussion and Analysis

December 31, 2008

This section of the Town of Amherst Industrial Development Agency's (the Agency) annual financial report presents a discussion and analysis of the Agency's financial performance during the fiscal year ended December 31, 2008. Please read it in conjunction with the Agency's basic financial statements following this section.

FINANCIAL HIGHLIGHTS

- The assets of the Agency exceeded liabilities at December 31, 2008 by \$1,741,929. Of this amount, \$1,279,506 (unrestricted net assets) may be used to meet ongoing obligations and \$81,576 is invested in capital assets, net of debt.
- The Agency's total net assets increased by \$170,882.

OVERVIEW OF FINANCIAL STATEMENTS

This annual report includes the independent auditors' report, management's discussion and analysis, and the basic financial statements of the Agency.

Required Financial Statements - The basic statements are prepared using the accrual basis of accounting. This provides an indication of the Agency's financial health. The basic financial statements include:

- Statements of Net Assets - Lists all assets, liabilities and net assets. This information can be found on pages 9 and 10.
- Statements of Revenue, Expenses and Changes in Net Assets - Shows the financial activity for 2008 and 2007 and displays how this financial activity changes the Agency's assets. This information can be found on pages 11 and 12.
- Statement of Cash Flows - Shows the cash provided and used during 2008 and 2007 and how it affects cash balances of December 31, 2008 and 2007. This information can be found on page 13.

The notes to the financial statements provide information regarding the Agency and explain in more detail some of the information in the financial statements.

TOWN OF AMHERST INDUSTRIAL DEVELOPMENT AGENCY
Management's Discussion and Analysis, Continued

FINANCIAL ANALYSIS

As noted earlier, net assets may serve over time as a useful indicator of the Agency's financial position. At December 31, 2008, assets exceeded liabilities by \$1,741,929.

Summary of Town of Amherst Industrial Development Agency's Net Assets

	<u>2008</u>	<u>2007</u>
Current assets	\$ 1,229,192	1043,147
Capital assets, net depreciation	823,623	847,523
Restricted assets	380,847	380,069
Other assets	<u>55,000</u>	<u>55,000</u>
Total assets	<u>2,488,662</u>	<u>2,325,739</u>
Current liabilities	746,733	12,289
Long-term liabilities	<u>-</u>	<u>742,403</u>
Total liabilities	<u>746,733</u>	<u>754,692</u>
Investment in capital assets, net of related debt	81,576	101,297
Restricted for future industrial development loans	315,843	315,067
Restricted for mortgage escrow	65,004	65,002
Unrestricted	<u>1,279,506</u>	<u>1,089,681</u>
Total net assets	\$ <u>1,741,929</u>	<u>1,571,047</u>

A large portion of the Agency's net assets (73.5%) is unrestricted and available to meet ongoing and future liabilities. Other portions of the Agency's assets, such as future development loans (18.1%) and mortgage escrow and (3.7%) are resources that are subject to restriction on how they are used.

At the end of the year, the Agency is able to report a positive balance in it's net asset category.

TOWN OF AMHERST INDUSTRIAL DEVELOPMENT AGENCY
Management's Discussion and Analysis, Continued

The current year and previous year excess of revenues over expenditures is presented below:

Statement of Revenues, Expenditures and Changes in Net Assets

	<u>2008</u>	<u>2007</u>
Operating revenue	\$ 908,955	1,355,866
Operating expenditures	(764,543)	(789,280)
Non-operating activities	<u>26,470</u>	<u>33,298</u>
Increase in net assets	170,822	599,884
Net assets at beginning of year	<u>1,571,047</u>	<u>971,163</u>
Net assets at end of year	\$ <u>1,741,929</u>	<u>1,571,047</u>

The following table represents the amount of revenue from various sources, as well as, increases or decreases from the prior year:

	<u>2008</u>	<u>Percent of Total</u>	<u>2007</u>	<u>Amount of Increase (Decrease)</u>	<u>Percent of Increase (Decrease)</u>
Revenue:					
Administrative fees	\$ 887,191	94.85%	1,287,530	(400,339)	-31.09%
Application fees	3,000	0.33%	10,500	(7,500)	-71.43%
Grant income	18,764	1.99%	56,736	(37,972)	-66.93%
Interest income	26,470	2.83%	36,428	(9,958)	-27.33%
Rental income	<u>-</u>	<u>0.00%</u>	<u>1,100</u>	<u>(1,100)</u>	<u>-100.00%</u>
Total revenue	\$ <u>935,425</u>	<u>100.00%</u>	<u>1,392,294</u>	<u>(456,869)</u>	<u>-32.81%</u>

The following provides an explanation of revenue that significantly changed over the prior year:

- **Administrative fees** - The decrease was due to a lessening of project activity and closings in 2008. Administrative fees earned in 2007 were above average for the agency in terms of revenue generated from projects.

TOWN OF AMHERST INDUSTRIAL DEVELOPMENT AGENCY

Management's Discussion and Analysis, Continued

- **Grant income** - The Agency received reimbursement from National Grid for the 2005 Visualization Project and a portion of grant revenue from the New York State Department of State for the Sheridan Drive Commercial District Study under the Brownfield Opportunity Area Program (BOA) in 2007. Grant income in 2008 reflects a partial payment from BOA, which is the only project currently receiving reimbursement from another funding entity.
- **Interest income** - The decrease was due to decreased interest rates due to the deterioration of the national economy throughout 2008.

Expenses by Function

	<u>2008</u>	<u>Percent of Total</u>	<u>2007</u>	<u>Amount of Increase (Decrease)</u>	<u>Percent of Increase (Decrease)</u>
Operating Expenses:					
Administrative	\$ 437,688	57.25%	427,025	10,663	2.50%
General operating	222,973	29.16%	222,304	669	0.30%
Marketing/events	<u>103,882</u>	<u>13.59%</u>	<u>139,951</u>	<u>(36,069)</u>	<u>-25.77%</u>
Total operating expenses	\$ <u>764,543</u>	<u>100.00%</u>	<u>789,280</u>	<u>(24,737)</u>	<u>-3.13%</u>

The following provides an explanation of the expenses that changed significantly over the prior year:

- **Marketing/events** - The decrease was due to budget adjustments eliminating prospective consultant costs associated with redevelopment initiatives, such as Harlem-Kensington and Main-Eggert revitalization projects.

TOWN OF AMHERST INDUSTRIAL DEVELOPMENT AGENCY
Management's Discussion and Analysis, Continued

CAPITAL ASSETS AND DEBT ADMINISTRATION

Capital Assets

The Agency's investment in capital assets for its activities as of December 31, 2008, amounted to \$823,623 (net of accumulated depreciation). The investment in capital assets includes leasehold improvements and equipment.

All depreciable assets were depreciated under the straight-line method using the full-year convention.

Capital assets net of depreciation are presented below:

Summary of Town of Amherst Industrial Development Agency's Capital Assets
(Net of Depreciation)

	<u>2008</u>	<u>2007</u>
Land	\$ 100,000	100,000
Leasehold improvements	46,831	43,231
Equipment	176,408	165,138
Building	<u>719,835</u>	<u>719,835</u>
	1,043,074	1,028,204
Less accumulated depreciation	<u>(219,451)</u>	<u>(180,681)</u>
	\$ <u>823,623</u>	<u>847,523</u>

Current Liabilities:

As of December 31, 2008, the Agency had current liabilities in the amount of \$746,733, including a mortgage payable in the amount of \$742,047 for the purchase of the office building and land during 2006. The Agency will be refinancing the mortgage in 2009.

TOWN OF AMHERST INDUSTRIAL DEVELOPMENT AGENCY

Management's Discussion and Analysis, Continued

Budget

On September 19, 2008, the Agency amended the 2008 budget to reflect lower than anticipated revenue and costs through the first eight months of the year, which is reflected in the budget on page 24. Even though the budget was revised, it still included several variances between budgeted and actual amounts. Maintenance and landscaping purchases were significantly decreased during the year. Professional and legal fees were also significantly lower than anticipated due to the elimination of costs associated with the possible merger with Erie County Industrial Development Agency.

Request for Information

This financial report is designed to provide a general overview of the Agency's finances for all those with an interest in the Agency's finances. Questions concerning any of the information provided in this report, or requests for additional information, should be addressed to: Town of Amherst Industrial Development Agency, 4287 Main Street, Amherst, New York 14226.

TOWN OF AMHERST INDUSTRIAL DEVELOPMENT AGENCY
 Statements of Net Assets
 December 31, 2008 and 2007

<u>Assets</u>	<u>2008</u>	<u>2007</u>
Current assets:		
Cash and equivalents	\$ 1,195,374	1,013,393
Receivables:		
Accounts receivable	-	14,700
Grant receivable	<u>33,818</u>	<u>15,054</u>
Total receivables	<u>33,818</u>	<u>29,754</u>
Total current assets	<u>1,229,192</u>	<u>1,043,147</u>
Property and equipment at cost:		
Land	100,000	100,000
Leasehold improvements	46,831	43,231
Equipment	176,408	165,138
Building	<u>719,835</u>	<u>719,835</u>
	1,043,074	1,028,204
Less accumulated depreciation	<u>(219,451)</u>	<u>(180,681)</u>
Net property and equipment	<u>823,623</u>	<u>847,523</u>
Other assets:		
Note receivable	50,000	50,000
Escrow for real property	<u>5,000</u>	<u>5,000</u>
Total other assets	<u>55,000</u>	<u>55,000</u>
Restricted assets:		
Restricted for future industrial development loans	315,843	315,067
Cash restricted for mortgage escrow	<u>65,004</u>	<u>65,002</u>
Total restricted assets	<u>380,847</u>	<u>380,069</u>
Total assets	<u>\$ 2,488,662</u>	<u>2,325,739</u>

(Continued)

See accompanying notes to financial statements.

TOWN OF AMHERST INDUSTRIAL DEVELOPMENT AGENCY
Statements of Net Assets, Continued

<u>Liabilities and Net Assets</u>	<u>2008</u>	<u>2007</u>
Current liabilities:		
Accounts payable	\$ 3,152	7,733
Due to U.S. Treasury Department	1,534	733
Current installments of mortgage payable	<u>742,047</u>	<u>3,823</u>
Total current liabilities	746,733	12,289
Mortgage payable, less current portion	<u>-</u>	<u>742,403</u>
Total liabilities	<u>746,733</u>	<u>754,692</u>
Net assets:		
Invested in capital assets, net of related debt	81,576	101,297
Restricted:		
Restricted for future industrial development loans	315,843	315,067
Restricted for mortgage escrow	<u>65,004</u>	<u>65,002</u>
Total restricted net assets	<u>380,847</u>	<u>380,069</u>
Unrestricted:		
Reserved for future investments	100,000	100,000
Unreserved	<u>1,179,506</u>	<u>989,681</u>
Total unrestricted net assets	<u>1,279,506</u>	<u>1,089,681</u>
Total net assets	1,741,929	1,571,047
Commitment and contingencies (note 8)	<u>-</u>	<u>-</u>
Total liabilities and net assets	<u>\$ 2,488,662</u>	<u>2,325,739</u>

See accompanying notes to financial statements.

TOWN OF AMHERST INDUSTRIAL DEVELOPMENT AGENCY
 Statements of Revenue, Expenses and Changes in Net Assets
 Years ended December 31, 2008 and 2007

	<u>2008</u>	<u>2007</u>
Operating revenue:		
Administrative fees	\$ 887,191	1,287,530
Application fees	3,000	10,500
Grant income	18,764	56,736
Rental income	-	1,100
Total operating revenue	<u>908,955</u>	<u>1,355,866</u>
Operating expenses:		
Salaries and benefits	<u>437,688</u>	<u>427,025</u>
General and administrative:		
Marketing	27,718	30,610
Meetings and conferences	6,995	7,140
Office supplies	16,744	18,914
Postage	2,000	2,503
Auto and travel	6,800	6,227
Telephone	8,281	9,134
Dues and subscriptions	6,589	7,412
Equipment rental and repair	5,722	6,377
Professional fees	29,435	21,605
Legal fees - financing activities	270	250
Legal fees - other	3,007	27,183
Utilities	9,444	9,578
Maintenance and landscaping	19,761	20,062
Building mortgage interest	42,056	41,994
Insurance	15,232	14,790
Taxes	7,460	6,918
Special events and projects	26,164	45,824
Education	4,407	1,554
BNE participation	50,000	50,000
Total general and administrative	<u>288,085</u>	<u>328,075</u>
Depreciation	<u>38,770</u>	<u>34,180</u>
Total operating expenses	<u>764,543</u>	<u>789,280</u>
Increase in net assets from operations	<u>144,412</u>	<u>566,586</u>

(Continued)

See accompanying notes to financial statements.

TOWN OF AMHERST INDUSTRIAL DEVELOPMENT AGENCY
 Statements of Revenue, Expenses and Changes in Net Assets, Continued

	<u>2008</u>	<u>2007</u>
Non-operating activities:		
Interest income	\$ 26,470	36,248
Grant to Town of Amherst Development Corporation	<u> -</u>	<u>(2,950)</u>
Total non-operating activities	<u>26,470</u>	<u>33,298</u>
Increase in net assets	170,882	599,884
Net assets at beginning of year	<u>1,571,047</u>	<u>971,163</u>
Net assets at end of year	<u>\$ 1,741,929</u>	<u>1,571,047</u>

See accompanying notes to financial statements.

TOWN OF AMHERST INDUSTRIAL DEVELOPMENT AGENCY
 Statements of Cash Flows
 Years ended December 31, 2007 and 2006

	<u>2008</u>	<u>2007</u>
Cash flows from operating activities:		
Fees received	\$ 904,891	1,289,730
Rental income received	-	1,100
Grant income received	-	41,682
Payments to employees and vendors	<u>(729,553)</u>	<u>(751,660)</u>
Net cash provided by operating activities	<u>175,338</u>	<u>580,852</u>
Cash flows from investing activities:		
Additions to equipment	(14,870)	(34,245)
Interest income	26,470	36,248
Withdrawals (deposits) from restricted deposits	<u>(778)</u>	<u>193</u>
Net cash provided by investing activities	<u>10,822</u>	<u>2,196</u>
Cash flows from financing activities:		
Repayment of long-term debt	(4,179)	(4,241)
Grant to Town of Amherst Development Corporation	<u>-</u>	<u>(2,950)</u>
Net cash used in financing activities	<u>(4,179)</u>	<u>(7,191)</u>
Net increase in cash and equivalents	181,981	575,857
Cash and equivalents at beginning of year	<u>1,013,393</u>	<u>437,536</u>
Cash and equivalents at end of year	<u>\$ 1,195,374</u>	<u>1,013,393</u>
Cash flows from operating activities:		
Increase in net assets from operations	144,412	566,586
Adjustments to reconcile increase in net assets to net cash provided by operating activities:		
Depreciation	38,770	34,180
Changes in:		
Receivables	(4,064)	(23,354)
Accounts payable	(4,581)	3,537
Due to U.S. Treasury	<u>801</u>	<u>(97)</u>
Cash flows provided by operating activities	<u>\$ 175,338</u>	<u>580,852</u>

See accompanying notes to financial statements.

TOWN OF AMHERST INDUSTRIAL DEVELOPMENT AGENCY

Notes to Financial Statements

December 31, 2008 and 2007

(1) Summary of Significant Accounting Policies

(a) Nature of Activities

The Town of Amherst Industrial Development Agency (the Agency) is a public benefit corporation and was created in 1973 in accordance with Article 18-A of New York State General Municipal Law for the purpose of encouraging financially sound companies to locate and expand in the Town of Amherst, New York. The Agency is exempt from federal, state and local income taxes. The Agency is a separate entity and operates independently of the Town of Amherst, New York.

(b) Basis of Accounting

The accompanying financial statement have been prepared on the accrual basis of accounting in accordance with the accounting principles generally accepted in the United States of America (GAAP) as applied to government units. The Governmental Accounting Standards Board (GASB) is the accepted standard setting body for establishing accounting and financial reporting principles. The Agency applies all GASB pronouncements as well as the Financial Accounting Standards Board pronouncements issued on or before November 30, 1989, unless those pronouncements conflict with or contradict GASB pronouncements.

The Agency has evaluated the requirements of GASB Statement No. 45 - "Accounting and Financial Reporting by Employers for Postemployment Benefits Other Than Pensions," that was effective for the Agency for the year ended December 31, 2008, and has determined that there is no effect on the Agency's financial statements as the Agency does not currently pay for any postemployment benefits for its retirees. GASB Statement No. 49 - "Accounting for Pollution Remediation Obligations," established standards for accounting and financial reporting for pollution remediation obligations, which are obligations to address the potential detrimental effects of existing pollution by participating in pollution remediation activities, such as site assessments and cleanups. The requirements of the statement became effective in 2008. Management has determined this statement does not have a material effect on the financial statements of the Agency.

(c) Estimates

The preparation of financial statements in conformity with accounting principles generally accepted in the United States of America requires management to make estimates and assumptions that affect certain reported amounts and disclosures. Accordingly, actual results could differ from those estimates.

(d) Cash and Equivalents

For purposes of the statement of cash flows, the Agency considers all highly liquid debt instruments purchased with a maturity of three months or less to be cash equivalents.

TOWN OF AMHERST INDUSTRIAL DEVELOPMENT AGENCY

Notes to Financial Statements, Continued

(1) Summary of Significant Accounting Policies, Continued

(e) Industrial Development Revenue Bond Transactions

Industrial development revenue bonds issued by the Agency are secured by the properties which are leased to companies and are retired by lease payments. The conduit debt arising from bonds and notes are not obligations of the Agency. The Agency does not record the assets or liabilities resulting from completed bond and note issues in its accounts since its primary function is to facilitate the financing between the borrowing companies and the bond holders. The Agency receives bond administrative fees from the borrowing companies for providing this service. Such fees are recognized immediately upon issuance of funds.

(f) Lease, Second and Collateral Mortgage Agreements and Other Financing Programs

Lease agreements are used for projects when no financing is needed. Typically the project is financed internally by the company or developer. Second and collateral mortgage agreements are a financing tool used only when there is a mortgage already on the property. There are typically two types of second mortgages available: (1) a fixed asset second mortgage which is used for tenant improvements and/or equipment when the builder/owner needs to borrow additional money; and (2) an equity asset mortgage which is used for permanent working capital when the borrower/owner borrows the appreciated value or equity in an existing building. There is a variety of other financing programs, such as equipment purchase mortgages, leasehold mortgages, installment sales, acquisitions and expansions that, the Agency offers to participating companies.

The Agency does not record the assets or liabilities resulting from these activities in its accounts since its primary function is to arrange the financing. Funds arising therefrom are controlled by trustees or banks acting as fiscal agents. For providing this service, the Agency receives administrative fees from the borrowing companies. Such fees are recognized when earned.

(g) Payments in Lieu of Taxes

The Agency has entered into contractual arrangements, with each of the client companies that have outstanding industrial development revenue bonds, whereby the client companies make payments in lieu of taxes to the Agency. Upon receipt of such payments, the Agency remits them to various taxing jurisdictions (Town of Amherst, County of Erie and various school districts) within the Town of Amherst. The Agency does not reflect transactions regarding payments in lieu of taxes in its financial statements since its function in this area is to collect and remit the payments. The Agency does not charge a fee for this service.

The Agency collected and remitted \$6,371,466 and \$6,670,015 of payments in lieu of taxes for the years ended December 31, 2008 and 2007, respectively.

TOWN OF AMHERST INDUSTRIAL DEVELOPMENT AGENCY

Notes to Financial Statements, Continued

(1) Summary of Significant Accounting Policies, Continued

(h) Capitalization and Depreciation

Rental property and equipment are recorded at cost. Depreciation is provided for in amounts sufficient to relate the cost of depreciable assets to operations over their estimated service lives using the straight-line method. Improvements are capitalized, while expenses for maintenance and repairs are charged to expense as incurred. Upon disposal of depreciable property, the appropriate property accounts are reduced by the related costs and accumulated depreciation. The resulting gains and losses are reflected in the statements of revenue, expenses and changes in net assets.

(i) Budgetary Data

The budgetary data presented in the additional information to the financial statements reflects adopted annual budgets as modified.

(j) Income Taxes

The Agency is a quasi-governmental organization. The Agency is not subject to federal or state income taxes, nor is it required to file federal or state income tax returns, therefore, no provision for income taxes is reflected in the financial statements.

(2) Related Party Transactions

The Town of Amherst Industrial Development Agency is related to the Town of Amherst Development Corporation (the Corporation), a not-for-profit corporation, through members of its Board of Directors. At December 31, 2008 and 2007, the Agency had a \$50,000 non-interest bearing note receivable from the Corporation.

The Agency provides a grant to the Corporation, as necessary, for certain professional fees incurred during the year. The grant amounted to \$2,950 for the year ended December 31, 2007. A grant was not awarded to the Corporation during the year ended December 31, 2008.

In addition, the Agency provides office space and personnel at no cost to the Corporation. It is anticipated that the Agency will begin charging the Corporation for facilities and personnel if and when the amounts provided become financially material.

(3) Cash and Cash Equivalents

The Agency's investment policies are governed by state statutes. In addition, the Agency has its own written investment policy. Agency monies must be deposited in FDIC insured commercial banks or trust companies located within the state which have a branch office located within the Town of Amherst. The Treasurer is authorized to use only demand accounts and certificates of deposit. Collateral is required for demand deposits and certificates of deposit at 102% of the amount of all deposits not covered by federal deposit insurance. Obligations that may be pledged as collateral are obligations of the United States and its agencies and obligations of the state and its municipalities and school districts.

TOWN OF AMHERST INDUSTRIAL DEVELOPMENT AGENCY

Notes to Financial Statements, Continued

(3) Cash and Cash Equivalents, Continued

Unrestricted cash and investments are comprised of the following:

At December 31, 2008, the Agency's financial institution bank account balances amounted to \$1,680,016. These balances included checking and money market funds. Deposits are recorded at cost plus accrued interest and categorized as either:

- (A) FDIC insured, or
- (B) Collateralized with securities held by the pledging financial institution in the Agency's name, or
- (C) Uncollateralized

Total deposits are categorized as follows:

<u>A</u>	<u>B</u>	<u>C</u>
\$ <u>367,221</u>	<u>1,312,795</u>	<u>-</u>

Cash and equivalents at December 31, 2008 and 2007 consist of the following:

	<u>2008</u>	<u>2007</u>
Checking accounts	\$ 99,898	27,029
Petty cash	1,068	444
Money market accounts	294,408	85,920
Certificate of deposits	<u>800,000</u>	<u>900,000</u>
	<u>\$ 1,195,374</u>	<u>1,013,393</u>

Restricted cash and investments are comprised of the following:

	<u>2008</u>	<u>2007</u>
Community Development Block Grant funds restricted for future industrial development loans - cash on deposit - demand accounts	\$ 315,843	315,067
Funds restricted for mortgage escrow - cash on deposit - escrow accounts	<u>65,004</u>	<u>65,002</u>
	<u>\$ 380,847</u>	<u>380,069</u>

Restricted cash and investments at December 31, 2008 and 2007 were entirely covered by federal depository insurance or by collateral held by the Agency's custodial bank in the Agency's name.

(4) Pass-through Grants

The Agency was awarded funds from a Community Development Block Grant in 1985 in the amount of \$200,000 from the Town of Amherst Special Grant Fund. The grant proceeds, and all interest earned thereon, are restricted to use for future loans to be made by the Agency to promote industrial development. At December 31, 2008 and 2007, the Agency is accountable for the following:

TOWN OF AMHERST INDUSTRIAL DEVELOPMENT AGENCY

Notes to Financial Statements, Continued

(4) Pass-through Grants, Continued

	<u>2008</u>	<u>2007</u>
Cash	\$ 315,843	315,067
Due to U.S. Treasury Department	<u>(1,534)</u>	<u>(733)</u>
	<u>\$ 314,309</u>	<u>314,334</u>

(5) Note Receivable

The Agency has an unsecured, non-interest bearing note receivable from the Town of Amherst Development Corporation which amounted to \$50,000 at December 31, 2008 and 2007.

(6) Mortgage Payable

The Agency's mortgage with First Niagara Bank amounted to \$742,047 and \$746,226 at December 31, 2008 and 2007, respectively. The mortgage bears interest at 5.65% and is payable in monthly installments of \$3,853 of principal and interest. A balloon payment in the amount of \$739,866 is due in August 2009, therefore, the principal balance of \$742,047 is classified as current at December 31, 2008. The terms of the mortgage required the Agency to maintain a restricted deposit with the bank which amounted to \$65,004 and \$65,002 at December 31, 2008 and 2007, respectively.

(7) Pension Plan

The Agency adopted a defined contribution pension plan on October 1, 1987. The plan covers all employees who are 21 years of age and have completed one year's service. Contributions to the plan are made by the Agency at the rate of 7.7% of the employee's compensation. Employees are required to contribute at least 3% but not over 10% of their compensation. The Agency's policy is to fund pension costs as they accrue. The total pension cost for the Agency amounted to \$17,458 and \$25,300 during the years ended December 31, 2008 and 2007, respectively.

(8) Commitment and Contingencies

In January 1999, the Agency entered into an agreement with several other entities to stimulate economic development through debt or equity investment in technology start-ups in Western New York. This is being done through the Western New York Business Development Fund. Among other things, the agreement calls for the Agency to make a maximum commitment to fund investments in the amount of \$150,000. At December 31, 2008 and 2007, the Agency has funded \$50,000. This has been accomplished by the Agency loaning the funds to the Town of Amherst Development Corporation, which in turn made investments to local businesses.

TOWN OF AMHERST INDUSTRIAL DEVELOPMENT AGENCY

Schedule of Financing Activity
1979 to 2008

	<u>Date Issued</u>	<u>Basis for computing administrative fees</u>
Industrial development revenue bonds	1979	\$ 2,090,000
	1980	10,599,000
	1981	4,030,000
	1982	5,375,000
	1983	4,305,000
	1984	24,809,665
	1985	28,593,000
	1986	20,565,250
	1987	26,520,200
	1988	50,173,000
	1989	31,270,000
	1990	17,217,000
	1991	28,473,300
	1992	13,541,452
	1993	20,697,393
	1994	19,381,125
	1995	16,700,291
	1996	45,622,164
	1997	67,256,562
	1998	34,667,822
	1999	58,229,176
	2000	81,840,506
	2001	31,662,263
	2002	20,975,000
	2003	<u>7,985,516</u>
Total industrial development revenue bonds		<u>672,579,685</u>
Lease agreements	1988	15,200,000
	1989	9,150,421
	1990	7,001,692
	1991	15,935,832
	1993	1,306,428
	1994	25,928,673
	1995	750,000
	1997	500,000
	1999	1,503,455
	2000	19,660,620
	2001	2,577,833
	2002	41,792,658
	2003	6,503,499
	2004	32,290,592

(Continued)

TOWN OF AMHERST INDUSTRIAL DEVELOPMENT AGENCY

Schedule of Financing Activity, Continued

	<u>Date issued</u>	<u>Basis for computing administrative fees</u>
	2005	\$ 52,124,726
	2006	41,785,178
	2007	35,484,598
	2008	<u>32,236,000</u>
Total lease agreements		<u>341,732,205</u>
Second mortgage agreements	1988	1,110,000
	1989	250,000
	1990	1,585,000
	1992	125,000
	1995	95,000
	1996	1,985,000
	1997	1,000,000
	2001	287,000
	2002	800,000
	2003	4,655,957
	2004	2,600,000
	2005	235,000
	2006	874,000
	2007	2,662,798
	2008	<u>3,625,984</u>
Total second mortgage agreements		<u>21,890,739</u>
Assignment of leases	2002	5,048,750
	2004	17,029,930
	2005	13,861,726
	2006	10,500,000
	2007	<u>12,967,258</u>
Total assignment of leases		<u>59,407,664</u>
Collateral mortgages	1991	200,000
	1992	530,000
	1994	673,000
	1996	300,000
	2003	<u>1,576,915</u>
Total collateral mortgages		<u>3,279,915</u>

TOWN OF AMHERST INDUSTRIAL DEVELOPMENT AGENCY

Schedule of Financing Activity, Continued

	<u>Date issued</u>	<u>Basis for computing administrative fees</u>
Equipment purchase mortgages	1994	\$ 1,850,000
	1995	<u>824,064</u>
Total equipment purchase mortgages		<u>2,674,064</u>
Leasehold mortgages	1994	<u>1,020,000</u>
Installment sales	1991	466,494
	1993	312,000
	1994	303,113
	1996	3,854,000
	1997	918,631
	1998	2,361,315
	2000	61,069,108
	2001	2,338,546
	2003	1,757,976
	2004	12,763,495
	2005	8,474,818
	2006	9,830,000
	2007	32,085,780
	2008	<u>18,870,000</u>
Total installment sales		<u>155,405,276</u>
Acquisitions	1994	<u>2,865,700</u>
Expansions	1995	<u>1,300,000</u>
Refinancing transactions	2001	8,600,000
	2002	960,000
	2003	559,750
	2004	5,491,750
	2005	26,384,367
	2006	20,327,894
	2007	24,808,265
	2008	<u>34,860,000</u>
Total refinancing transactions		<u>121,992,026</u>
Tax exempt bonds	2007	<u>14,860,000</u>
Projects with predetermined fees	2001	<u>46,121,000</u>
Projects with predetermined fees	2008	<u>866,686,576</u>
Total basis for computing administrative fee		<u>\$2,311,814,850</u>

TOWN OF AMHERST INDUSTRIAL DEVELOPMENT AGENCY

Schedule of Detailed Financing Activity
Year ended December 31, 2008

	<u>Date</u> <u>Issued</u>	<u>Basis for Computing</u> <u>Administrative Fees</u>
Lease agreements:		
2410 N. Forest Rd.	1/08	\$ 14,566,000
45 Bryant Woods	3/08	1,400,000
Gelia Wells and Mohr	3/08	3,060,000
6500 Sheridan Drive	3/08	7,100,000
Sheridan Prop. II, LLC	9/08	<u>6,110,000</u>
		<u>32,236,000</u>
Second Mortgage Transaction - Sheridan Equity Partners, LLC		
	2/08	<u>3,625,984</u>
Installment sales:		
Tops Markets	1/08	8,425,000
Meritain Health, Inc.	3/08	3,500,000
Key Bank	5/08	3,300,000
3476 Sheridan Drive	6/08	1,500,000
Stenclik Building, LLC	10/08	1,300,000
Calvary Portfolio Services	12/08	600,000
5590 Main Street	12/08	<u>245,000</u>
		<u>18,870,000</u>
Refinancing Transactions:		
Sachel, LLC	2/08	460,000
Wilham Associates	10/08	1,200,000
580 Crosspoint	12/08	<u>33,200,000</u>
		<u>34,860,000</u>
Projects with Predetermined Fees - HSBC Technology & Service (USA), Inc. \$866,686,576 - 2007 Project to be conducted over a period not to exceed 15 years. Commencing 2008. Annual fee to Agency is \$150,000		
Total 2008 Projects		<u>\$ 89,591,984</u>

TOWN OF AMHERST INDUSTRIAL DEVELOPMENT AGENCY

Schedule of Revenues

Years ended December 31, 2004 through 2008

	<u>2008</u>	<u>2007</u>	<u>2006</u>	<u>2005</u>	<u>2004</u>
Revenues:					
Administration fees	\$ 887,191	1,287,530	792,375	716,762	638,632
Application fees	3,000	10,500	12,000	10,000	9,500
Legal fees (external) - financing activities	-	-	17,280	30,047	52,050
Legal fees (internal) - financing activities	-	-	-	-	46,028
Grant income	18,764	56,736	-	-	-
Rental income	-	1,100	1,200	-	-
Interest income	<u>26,470</u>	<u>36,248</u>	<u>17,715</u>	<u>7,674</u>	<u>4,896</u>
Total revenues	<u>\$ 935,425</u>	<u>1,392,114</u>	<u>840,570</u>	<u>764,483</u>	<u>751,106</u>

TOWN OF AMHERST INDUSTRIAL DEVELOPMENT AGENCY

Schedule of Revenues and Expenses - Budget and Actual
Year ended December 31, 2008

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Operating revenues:			
Administrative fees	\$ 775,000	887,191	112,191
Application fees	4,500	3,000	(1,500)
Grant income	<u>45,000</u>	<u>18,764</u>	<u>(26,236)</u>
Total operating revenues	<u>824,500</u>	<u>908,955</u>	<u>84,455</u>
Operating expenses:			
Salaries and benefits	445,845	437,688	8,157
Marketing	30,000	27,718	2,282
Meetings and conferences	8,000	6,995	1,005
Office supplies	17,500	16,744	756
Postage	3,000	2,000	1,000
Auto and travel	7,000	6,800	200
Telephone	8,500	8,281	219
Dues and subscriptions	6,500	6,589	(89)
Equipment rental and repair	4,000	5,722	(1,722)
Professional fees	40,000	29,435	10,565
Legal fees - financing activities	-	270	(270)
Legal fees - other	10,000	3,007	6,993
Utilities	11,000	9,444	1,556
Maintenance and landscaping	38,000	19,761	18,239
Building mortgage interest	42,500	42,056	444
Insurance	20,000	15,232	4,768
Taxes	7,800	7,460	340
Special events and projects	30,000	26,164	3,836
Education	4,500	4,407	93
BNE participation	50,000	50,000	-
Depreciation	<u>38,500</u>	<u>38,770</u>	<u>(270)</u>
Total operating expenses	<u>822,645</u>	<u>764,543</u>	<u>58,102</u>
Excess of operating revenues over operating expenses	1,855	144,412	142,557
Non-operating activities - interest income	<u>25,000</u>	<u>26,470</u>	<u>1,470</u>
Excess of revenues over expenses	<u>\$ 26,855</u>	<u>170,882</u>	<u>144,027</u>

TOWN OF AMHERST INDUSTRIAL DEVELOPMENT AGENCY

Schedule of Revenues and Expenses - Budget and Actual

Year ended December 31, 2007

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Operating revenues:			
Administrative fees	\$ 1,300,000	1,287,530	(12,470)
Application fees	10,500	10,500	-
Grant income	42,000	56,736	14,736
Rental income	-	1,100	1,100
Total operating revenues	<u>1,352,500</u>	<u>1,355,866</u>	<u>3,366</u>
Operating expenses:			
Salaries and benefits	436,811	427,025	9,786
Marketing	32,000	30,610	1,390
Meetings and conferences	7,000	7,140	(140)
Office supplies	17,500	18,914	(1,414)
Postage	3,000	2,503	497
Auto and travel	6,000	6,227	(227)
Telephone	9,000	9,134	(134)
Dues and subscriptions	5,500	7,412	(1,912)
Equipment rental and repair	3,500	6,377	(2,877)
Professional fees	20,000	21,605	(1,605)
Legal fees - financing activities	-	250	(250)
Legal fees - other	30,000	27,183	2,817
Utilities	9,000	9,578	(578)
Maintenance and landscaping	44,000	20,062	23,938
Building mortgage interest	42,500	41,994	506
Insurance	15,000	14,790	210
Taxes	7,000	6,918	82
Special events and projects	37,000	45,824	(8,824)
Education	2,000	1,554	446
BNE participation	50,000	50,000	-
Depreciation	11,000	34,180	(23,180)
Total operating expenses	<u>787,811</u>	<u>789,280</u>	<u>(1,469)</u>
Excess of operating revenues over operating expenses	<u>564,689</u>	<u>566,586</u>	<u>1,897</u>
Non-operating activities:			
Interest income	35,000	36,248	1,248
Grant to Amherst Development Corporation	-	(2,950)	(2,950)
Total non-operating activities	<u>35,000</u>	<u>33,298</u>	<u>(1,702)</u>
Excess of revenues over expenses	<u>\$ 599,689</u>	<u>599,884</u>	<u>195</u>

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**INDEPENDENT AUDITORS' REPORT ON INTERNAL CONTROL OVER FINANCIAL
REPORTING AND ON COMPLIANCE AND OTHER MATTERS BASED ON AN AUDIT OF
FINANCIAL STATEMENTS PERFORMED IN ACCORDANCE WITH
GOVERNMENT AUDITING STANDARDS**

The Board of Directors
Town of Amherst Industrial
Development Agency:

We have audited the basic financial statements of Town of Amherst Industrial Development Agency (the Agency) as of and for the year ended December 31, 2008 and have issued our report thereon dated March 13, 2009. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in Government Auditing Standards, issued by the Comptroller General of the United States.

Internal Control Over Financial Reporting

In planning and performing our audit, we considered the Agency's internal control over financial reporting as a basis for designing our auditing procedures for the purpose of expressing our opinion on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the Agency's internal control over financial reporting. Accordingly, we do not express an opinion on the effectiveness of the Agency's internal control over financial reporting.

A control deficiency exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent or detect misstatements on a timely basis. A significant deficiency is a control deficiency, or combination of control deficiencies, that adversely affects the entity's ability to initiate, authorize, record, process, or report financial data reliably in accordance with generally accepted accounting principles such that there is more than a remote likelihood that a misstatement of the entity's financial statements that is more than inconsequential will not be prevented or detected by the entity's internal control.

A material weakness is a significant deficiency, or combination of significant deficiencies, that result in more than a remote likelihood that a material misstatement of the financial statements will not be prevented or detected by the entity's internal control.

Our consideration of internal control over financial reporting was for the limited purpose described in the first paragraph of this section and would not necessarily identify all deficiencies in internal control that might be significant deficiencies or material weaknesses. We did not identify any deficiencies in internal control over financial reporting that we consider to be material weaknesses, as defined above.

We noted certain matters that we reported to management in a letter dated March 13, 2009.

Compliance and Other Matters

As part of obtaining reasonable assurance about whether the Agency's financial statements are free of material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts and grants, noncompliance with which would have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit and, accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance that are required to be reported under Government Auditing Standards.

This report is intended solely for the information and use of the Board of Directors and management of the Agency and is not intended to be and should not be used by anyone other than these specified parties.

Toski, Schaefer & Co., P.C.

Williamsville, New York
March 13, 2009

TOSKI, SCHAEFER & CO., P.C.

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**INDEPENDENT AUDITORS' REPORT ON COMPLIANCE
WITH INVESTMENT GUIDELINES**

The Board of Directors
Town of Amherst Industrial
Development Agency:

We have audited the financial statements of the Town of Amherst Industrial Development Agency as of and for the year ended December 31, 2008, and have issued our report thereon dated March 13, 2009.

We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in Government Auditing Standards, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement and whether management has complied with the Investment Guidelines for Public Authorities.

Compliance with the Investment Guidelines for Public Authorities applicable to the Town of Amherst Industrial Development Agency is the responsibility of the Town of Amherst Industrial Development Agency's management. As part of obtaining reasonable assurance about whether the financial statements are free of material misstatement, we performed tests of the Agency's compliance with Investment Guidelines for Public Authorities. However, our objective was not to provide an opinion on overall compliance with such provisions.

The results of our tests indicate that, with respect to the items tested, the Agency complied, in all material respects, with the provisions referred to in the preceding paragraph. With respect to items not tested, nothing came to our attention that caused us to believe that the Agency had not complied, in all material respects, with those provisions.

This report is intended solely for the information and use of the Agency's board of directors, management and appropriate officials of the State of New York, and is not intended to be and should not be used by anyone other than these specified parties.

Toski, Schaefer & Co., P.C.

Williamsville, New York
March 13, 2009