

TOWN OF AMHERST INDUSTRIAL DEVELOPMENT AGENCY
Minutes of the 445th Meeting
May 18, 2012 – 8:30 am
Agency Offices, 4287 Main Street

The meeting of the above captioned Agency was called to order by Chairman Fredrick A. Vilonen.

PRESENT:	Fredrick A. Vilonen Edward F. Stachura Aaron Stanley Stuart Shapiro Barry A. Weinstein, MD James Allen, Executive Director Nathan Neill, Esq.
ABSENT:	Ayesha Nariman Robert M. Ciesielski
GUESTS:	AIDA Staff Terry Gilbride, Hodgson Russ Steven Sander, TOA Councilman David Tytko, Uniland Development Co. David Robinson, Buffalo News Andy Reynolds, Organizer, Coalition for Economic Justice

Chairman Vilonen reminded everyone that the meeting was being tape-recorded.

MINUTES

The minutes of the April 2012 meeting were approved as presented.

BILLS & COMMUNICATIONS- The Agency is in receipt of a draft report from the Amherst Comptroller's office pertaining to the annual audit of Agency PILOT collection. The report indicates that the Agency is collecting the annual PILOTs pursuant to the payment in lieu of tax agreement associated with each project. The report also states that 100% of 2012 Town PILOTs were remitted on the February 15th tax due date in the amount of \$1,342,798.78 (see attached).

TREASURER'S REPORT

The Treasurer's Reports April 2012 was approved as presented.

PUBLIC COMMENT

There was no public comment at this meeting.

EXECUTIVE DIRECTOR'S REPORT

The Executive Director's Report is attached to these minutes

COMMITTEE REPORTS - Governance Committee-Reaffirm Existing Agency Policies

The Governance Committee of the AIDA/ADC met on Tuesday, May 14, 2012 to discuss current Agency policies.

PAAA guidelines require an annual review and re-adoption of certain policies. Changes were made in 2011 to the Data Gathering Policy, Fee Schedule Policy and the Procurement Policy.

Over the past several weeks, Agency staff has reviewed all AIDA/ADC policies and does not recommend any changes to the following policies – Audit Committee Charter, Governance Committee Charter, Code of Ethics Policy, Conflict of Interest Policy, Data Gathering Policy, Defense & Indemnification Policy, Employee Compensation Policy, Expense Policy, Fee Schedule Policy, Financial Disclosure Policy, Investment Policy, Procurement Policy, Property Disposal Policy, Real Property Acquisition Policy, Recapture Policy, Whistleblower Policy.

These policies can be found on the AIDA website: www.amherstida.com/resources/reports.html

Upon a motion by Barry Weinstein, seconded by Aaron Stanley and unanimously carried, it was

RESOLVED, THAT THE TOWN OF AMHERST INDUSTRIAL DEVELOPMENT AGENCY REAFFIRMS ITS THE FOLLOWING EXISTING POLICIES: AUDIT COMMITTEE CHARTER, GOVERNANCE COMMITTEE CHARTER, CODE OF ETHICS POLICY, CONFLICT OF INTEREST POLICY, DATA GATHERING POLICY, DEFENSE & INDEMNIFICATION POLICY, EMPLOYEE COMPENSATION POLICY, EXPENSE POLICY, FEE SCHEDULE POLICY, FINANCIAL DISCLOSURE POLICY, INVESTMENT POLICY, PROCUREMENT POLICY, PROPERTY DISPOSAL POLICY, REAL PROPERTY ACQUISITION POLICY, RECAPTURE POLICY, WHISTLEBLOWER POLICY.

UNFINISHED BUSINESS

There was no Unfinished Business presented at this meeting.

NEW BUSINESS

I. Authorization Resolution – Modification of Mortgage

North Forest Properties #4, LLC is requesting the modification of the mortgage terms on their project located at 2390 North Forest Road. The project was for the construction of a 17,980 square foot multi-tenant office facility. The Agency closed on the \$1,300,000 mortgage in September 2004.

M & T Bank will provide the financing. The PILOT agreement expires in 2015.

Upon a motion by Barry Weinstein, seconded by Aaron Stanley and unanimously carried, it was

RESOLVED, THAT THE TOWN OF AMHERST INDUSTRIAL DEVELOPMENT AGENCY AUTHORIZE THE EXECUTION AND DELIVERY OF AN AMENDED AND RESTATED LEASE AGREEMENT OR LEASE AGREEMENT AMENDMENT, A MORTGAGE MODIFICATION AGREEMENT, A GENERAL ASSIGNMENT OF RENTS AND THE EXECUTION AND DELIVERY OF OTHER DOCUMENTS AND AGREEMENTS REQUIRED IN CONNECTION THEREWITH IN CONNECTION WITH THE REFINANCING OF THE 2004 NORTH FOREST PROPERTIES #4, LLC, PROJECT.

8:50 am – meeting adjourned

May 18, 2012

Executive Director's Report

There are two reports that I would like to bring to your attention: (1) the update of the Town of Amherst Bicentennial Comprehensive Plan (Section 5.0, Economic Development) and (2) the NYS Comptroller's Annual Performance Report on New York State's Industrial Development Agencies (published May 2012).

Town of Amherst Bicentennial Comprehensive Plan (Economic Development)

The goal of Section 5.0- Economic Development of the Comprehensive Plan is:

A Town with a strong tax base and ample economic opportunities for a diverse base of employers and employees housed in attractive, state of the art commercial facilities in convenient and accessible locations.

Objectives:

- Maintain Amherst's strong tax base
- Attract more high-paying jobs to the Town
- Ensure that economic development and redevelopment respect the character and quality of life of Amherst's residential communities
- Capitalize on the presence of the University at Buffalo to leverage University-related economic development opportunities
- Build partnerships with development agencies, private industry, and educational and research institutions in Amherst and throughout the region.

Summary of the findings of the update:

- Town of Amherst Comprehensive Master Plan is the basis for Amherst IDA Mission Statement/ Purpose. In the master plan update, currently underway, 2010 employment data reinforces the Town's role as a regional employment center. **87,132** persons employed at various businesses and institutions commute into Amherst each day, an increase of 9,606 jobs since 2002. The majority of non-resident workers commute to Amherst from the City of Buffalo (**14.9%**) and the Town of Cheektowaga (**6.7%**). It is also interesting to note that employment growth is in businesses such as Management of companies (**+46.5%**), finance and insurance (**+43.8%**), health care and social management (**+24.6%**). Employment declined in sectors such as construction (**-23.4%**), accommodation and food services (**-9.1%**) and educational services (**-5.0%**).

- In the Town of Amherst Bicentennial Comprehensive Plan we learned that from **1980-2000**, Amherst lead the region in job creation and commercial development. During this time, the number of permanent jobs in the Town expanded from **38,000** to **75,600**, an increase of nearly **37,000** jobs. *The overall change in employment in the Buffalo Niagara region was about 47,000, meaning that Amherst alone was responsible for over 79% of the region's job growth.*
- Data released from the **2010 Census** indicates that overall employment has grown to **104,149**. This level of employment exceeds that **projected for 2020 (103,844)**. *Employment projections prepared in 2001 projected that there would be 88,209 jobs by 2010 and 103,844 jobs in the Town by 2020.*
- **Since 1979** (first bond issue), agency has assisted **400+ projects**, total capital investment, approximately **\$2.5 Billion**.
- Employment projections prepared in **2001** projected that there would be **88,209** jobs by **2010** and **103,844 jobs** in the Town by **2020**. However, employment data reported in US Census Bureau in **2010** indicates the town's present employment is **104,149!!!!**
- **Redevelopment projects since 2000-2011**
 - o **49** projects, total capital investment **\$171,000,000**
 - o **2 projects** is **2012-** approximately **\$30,000,000**
 - o Total redevelopment 2000-2012, over **\$200 Million**.

The Comptroller's Annual Performance Report on NYS IDAs

There are a total of 114 IDAs in New York State currently.

IDAs were authorized in 1969 in GML-Article 18-a, and have been established for every county outside of New York City, with two counties sharing one IDA – for a total of 56 county IDAs. There are also 26 city IDAs, including the New York City IDA, 27 town IDAs, 4 village IDAs, and one IDA that was jointly established for a city and a town. County IDAs sponsored the majority of all projects in 2010 (nearly 62 percent), followed by town IDAs (nearly 17 percent) and the New York City IDA (nearly 13 percent).

It should also be noted that in the most recent NYS Comptrollers report, IDAs were examined in terms of costs per job created and net job change as a result of IDA assistance.

For all IDAs in New York State:

The median cost per job was **\$1,661**; the cost per job in Amherst was **\$358**.

The median operating expense per job was **\$318**; in Amherst it was **\$60**.

The net change in jobs as a result of IDA assistance: statewide: **498**; in Amherst: **11,836**.

In fact, in terms of net job change, Amherst ranks 4th in the state:

- New York City- **22,085**
- Monroe County- **13,982**
- Suffolk County- **15,175**
- Town of Amherst- **11,836**
- City of Albany- **9,996**

Net job change for other IDAs in Erie County:

- ECIDA- **1926**
- Clarence- **374**
- Concord- **140**
- Hamburg- **690**
- Lancaster- **1,698**

