

TOWN OF AMHERST INDUSTRIAL DEVELOPMENT AGENCY
Minutes of the 456th Meeting
October 18, 2013 – 8:30 am
Agency Office, 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 Barry A. Weinstein, MD Stuart Shapiro Carlton N. Brock, Jr. James Allen, Executive Director Nathan Neill, Esq.
ABSENT:	Barbara Nuchereno
GUESTS:	AIDA Staff David Robinson, Buffalo News Jim Fink, Business First Dave Tytka, Uniland Development Peter Sayadoff, Uniland Development Matt Drosendahl, Uniland Development Jill Pawlik, Uniland Development Mark Griffith, Fidelis Care Jud Paine, resident Andy Reynolds, Coalition for Economic Justice

Chairman Vilonen reminded everyone that the meeting was being recorded.

MINUTES

The minutes of the July 2013 meeting were approved as presented.

BILLS & COMMUNICATIONS

There were no Bills & Communications at this meeting.

TREASURER'S REPORT

The Treasurer's Report for July 2013 was approved as presented.

PUBLIC COMMENT

There was no public comment at this meeting.

EXECUTIVE DIRECTOR'S REPORT

Executive Director Allen informed the board that he continues to work with the ECIDA Policy Committee on redefining the adaptive reuse/redevelopment policy. He noted that with the recent

changes in the law, reaching a consensus on its definition is proving to take a bit longer than he anticipated.

COMMITTEE REPORTS - AUDIT COMMITTEE

Audit/Finance Committee – The Committee met on Tuesday, October 15, 2013 at 8:30 am to discuss the proposed 2014 AIDA Budget and recommended its approval.

A discussion took place regarding the proposed 3% cost of living salary increase for AIDA staff. Board member Barry Weinstein noted that Town of Amherst employees were getting 2% increases. Dr. Weinstein was reminded that the AIDA is not a town department and that AIDA did not receive a cost of living increase for 2013.

Upon a motion by Aaron Stanley, seconded by Edward Stachura and a vote of no by Barry Weinstein, it was

RESOLVED, THAT THE TOWN OF AMHERST INDUSTRIAL DEVELOPMENT AGENCY ADOPT THE 2014 BUDGET PROPOSAL AS PRESENTED.

UNFINISHED BUSINESS

There was no Unfinished Business presented at this meeting.

NEW BUSINESS

REQUEST FOR PROPOSALS – AIDA/ADC AUDIT SERVICES

The Agency sent a *Request For Proposal For Professional Audit Services* in August 2013 to 20 firms and through social media and received twelve responses. After reviewing the responses, three firms were interviewed by Agency Staff and Board Treasurer Aaron Stanley. The Bonadio Group has been selected as the preferred firm based on a combination of price for audit services, experience auditing industrial development agencies and familiarity with federal regulations governing the development corporation.

The contract is for a three year period with an option for two additional years at a starting fee of \$11,000 rising to \$11,200 in years four and five.

Upon a motion by Barry Weinstein, seconded by Carlton Brock and unanimously carried, it was

RESOLVED, THAT THE TOWN OF AMHERST INDUSTRIAL DEVELOPMENT AGENCY SELECT THE BONADIO GROUP FOR PROFESSIONAL AUDITING SERVICES FOR A THREE YEAR PERIOD WITH AN OPTION FOR TWO ADDITIONAL YEARS AT A STARTING FEE OF \$11,000 RISING TO \$11,200 IN YEARS FOUR AND FIVE.

AUTHORIZATION RESOLUTION

APPLICANT

The Uniland Partnership of Delaware, LP
100 Corporate Parkway, Suite 500
Amherst, New York 14226
Carl J. Montante, President

REQUEST

The applicant is requesting authorization for a \$16,491,866 lease transaction for the construction and equipping of an 87,737 square-foot expansion to a single tenant facility for Fidelis Care New York. Fidelis provides government sponsored health care programs, such as Medicaid, Family Health Plus and Child Health Plus. Most recently, Fidelis Care was approved to be a Qualified Health Plan in New York State of Health: The Official Health Plan Marketplace. The project is located at 480/490 CrossPoint Parkway within the Williamsville Central School District.

Project Eligibility

- The purposes of an industrial development agency shall be to promote, develop, encourage and assist in the acquiring, constructing, reconstructing, improving, maintaining, equipping and furnishing industrial, manufacturing, warehousing, commercial, research and recreation facilities per Section 858 of General Municipal Law.
- The company is eligible under NAICS 5241 – business services and is qualified under the Countywide Eligibility Policy.
- The project complies with the Town of Amherst Comprehensive Plan as it maintains and grows the tax base through a high quality development that includes job retention and creation.

Fidelis Care New York located to their 480 CrossPoint Parkway facility in August 2011, and employs 645 at that location which is 72 more than its 2010 commitment. This new project will accommodate Fidelis' growth and will yield greater efficiencies resulting from facilities tailored to Fidelis' needs and avoidance of the need to spread its operations over more than one location. Growth in the industry, the expansion of its product lines, including Medicare and Managed Long Term Care, the New York State of Health exchange, and the need to service its members and providers, is driving the need for additional office space.

The applicant states that IDA participation is necessary because “the operation efficiencies realized by operation at a centralized, built-to-suit facility allows Fidelis Care to remain competitive in its industry. With alternative locations available in Queens and Albany, AIDA participation in this project is necessary to solidify the Amherst location as the frontrunner amongst those operations and most importantly, make the project economically feasible.”

EMPLOYMENT

The project will create 385 new, full-time jobs by 2018 with an average salary of \$53,000 per year.

PILOT SCHEDULE

Based on the information contained within the application and applying it to the PILOT criteria, the project would be eligible for the Agency's 10 year Enhanced PILOT policy as defined in the Countywide Eligibility Policy. During the abatement period, the project will pay an estimated \$466,358 in property taxes; \$205,764 to the Town of Amherst, \$56,151 to Erie County and \$204,442 to the Williamsville Central School District.

The vacant land currently generates approximately \$9,850 in annual Town, County and School taxes. Over the abatement period this amount would be \$98,500. Should this project proceed, the net revenue gain over the abatement period would be \$367,858.

Project Tax Savings

As a result of the Agency's participation in this transaction, the project applicant would realize an estimated \$673,616 in sales tax savings, \$1,656,322 in property tax savings and \$164,919 in mortgage recording tax savings.

Recommendation

Approval

Board member Barry Weinstein voiced his support of the project due to the number of jobs being created. Dr. Weinstein also noted that while he supported the project, he felt that the property tax abatement was too generous. He suggested that the county-wide eligibility policy be re-evaluated to ascertain if the property tax abatements could be curtailed for future projects.

Board member Carlton Brock also voiced his support for the project. He also suggested that criteria may be developed in the future that will better evaluate a company's threat of leaving the area.

After a lengthy discussion, and upon a motion by Barry Weinstein, seconded by Aaron Stanley and unanimously carried, it was

RESOLVED, THAT THE TOWN OF AMHERST INDUSTRIAL DEVELOPMENT AGENCY (THE "AGENCY") AUTHORIZE THE UNILAND PARTNERSHIP OF DELAWARE L.P. (THE "LESSEE") TO CONSTRUCT AN APPROXIMATELY 87,737 SQUARE FOOT ADDITION TO AN EXISTING APPROXIMATELY 90,000 SQUARE FOOT BUILDING ON AN APPROXIMATELY 11.66 ACRE PARCEL OF LAND ALREADY OWNED BY THE AGENCY LOCATED AT 480 CROSSPOINT PARKWAY, WHICH ADDITION IS TO BE LOCATED AT 490 CROSSPOINT PARKWAY, WHICH PARCEL IS ALSO ALREADY OWNED BY THE AGENCY, ALL FOR A NON-RETAIL SINGLE-TENANT OFFICE FACILITY FOR LEASE BY THE AGENCY TO THE LESSEE FOR SUBLEASE TO FIDELIS CARE NEW YORK (THE "SUBLESSEE") OR IN THE ALTERNATIVE TO LEASE THE FACILITY FROM THE LESSEE, SUBLEASE IT BACK TO THE LESSEE FOR SUB-SUBLEASE TO THE SUBLESSEE AND TO TAKE OTHER PRELIMINARY ACTION.

9:11 am – meeting adjourned.