

**TOWN OF AMHERST INDUSTRIAL DEVELOPMENT AGENCY**  
**Minutes of the 460<sup>th</sup> Meeting**  
**June 20, 2014 – 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  
E. Marshall Wood, Jr.  
James Allen, Executive Director  
Nathan Neill, Esq.

ABSENT: Carlton N. Brock, Jr.

GUESTS: AIDA Staff  
David Robinson, Buffalo News  
Dave Tytka, Uniland Development  
Jim Fink, Business First  
Keith Deck, Old Dutchman's  
Patrick Deck, Old Dutchman's

Chairman Vilonen reminded everyone that the meeting was being recorded.

**MINUTES**

The minutes of the March 2014 meeting were approved as presented.

**BILLS & COMMUNICATIONS**

The Agency is in receipt of a letter (attached) from the project operators for EMP Property, LLC/Williamsville Property, LLC (a/k/a William Mattar project). The letter is in regard to their project located at 6710 Main Street. The Agency authorized this project in January 2014. The letter states *"Our new growth projections indicate we can make our project work without the use of public monies, so we are declining to accept the AIDA benefits. Our increased growth projections necessitate changes in the physical layout of our campus area. With these changes, we continue to move forward with back office businesses and other non-law firm entities, as well as the Mattar LLC National Advocates for Veterans."*

The project operator has indicated that they have not utilized any sales and use tax exemptions to date.

*(For Informational Purposes)* – The Agency received the Annual Examination Report from the Town of Amherst Comptroller's Office. The Report states that AIDA 2014 PILOTs have been calculated correctly based on the contractual requirements and assessed value of record with the Town of Amehrst and are remitting the proper amounts to the Comptroller's Department *(report is attached)*.

## **TREASURER'S REPORT**

The Treasurer's Report for March, April and May 2014 were 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 is working with the Town of Amherst Planning Department on the hiring of consultants for the update of the Zoning Ordinances.

## **COMMITTEE REPORTS**

### **Governance Committee-Reaffirm Existing Agency Policies**

The Governance Committee of the AIDA/ADC met on Tuesday, May 20, 2014 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. The Agency adopted a Local Labor Policy in June 2013.

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, Local Labor 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/policies](http://www.AmherstIDA.com/policies)

Upon a motion by Barry Weinstein, seconded by Stuart Shapiro and unanimously carried, it was

RESOLVED, THAT THE TOWN OF AMHERST INDUSTRIAL DEVELOPMENT AGENCY RE-ADOPT ITS CURRENT POLICIES AS WRITTEN WITH NO CHANGES AND/OR AMENDMENTS.

### **Adoption of Credit Card Policy**

Based on a recommendation in the Agency's 2013 Audited Financial Statements conducted by the Bonodio Group, the Audit Committee has reviewed the attached Credit Card Policy and recommend its approval.

Upon a motion by Aaron Stanley, seconded by Edward Stachura and unanimously carried, it was

RESOLVED, THAT THE TOWN OF AMHERST INDUSTRIAL DEVELOPMENT AGENCY ADOPT THE CREDIT CARD POLICY AS WRITTEN WITH NO CHANGES AND/OR AMENDMENTS.

## **NEW BUSINESS**

### **I. Authorization Resolution – One John James Holdings, LLC**

Company is requesting Agency consent to refinance the existing mortgage on its property located at One John James Audubon Parkway, Amherst, New York. The Agency closed on this project in June 2009. It involved the renovation and equipping of an existing 20,000 square foot facility which became the headquarters for Exigence North America, LLC.

The total amount of the proposed transaction would not exceed \$1,000,000. The balance on the current mortgage is approximately \$1,200,000.

Applicant states that the purpose of this transaction is decreased interest charges on the mortgage.

The project is located within the Williamsville Central School District and there is no PILOT agreement. Property is on the tax rolls.

RSB Citizens Bank will provide the financing for this transaction.

Upon a motion by Aaron Stanley, seconded by Marshall Wood and unanimously carried, it was

**RESOLVED, THAT THE TOWN OF AMHERST INDUSTRIAL DEVELOPMENT AGENCY AUTHORIZE THE EXECUTION AND DELIVERY OF A MORTGAGE IN AN AMOUNT NOT TO EXCEED \$1,000,000, AMENDMENTS TO THE LEASE TO AGENCY AND LEASE AGREEMENT, IF REQUIRED, IN CONNECTION WITH THE REFINANCING OF THE 2009 ONE JOHN JAMES AUDUBON PARKWAY PROJECT, AND FURTHER AUTHORIZE AND APPROVE THE EXECUTION AND DELIVERY OF OTHER DOCUMENTS IN CONNECTION THEREWITH.**

### **II. Authorization Resolution**

#### **Project Applicant**

Old Dutchman's Wrought Iron, Inc.  
2800 Millersport Highway  
Getzville, New York 14068  
Keith A. Deck, President

#### **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 project is eligible under NAICS 3323 as a production and distribution center.
- The project complies with the Town of Amherst Comprehensive Plan as it maintains and grows the tax base through a high quality development leveraging existing infrastructure.

#### **Project Description**

Old Dutchman Wrought Iron, Inc. is requesting assistance for a Lease Transaction not to exceed \$1,602,000. The project involves the acquisition, construction and equipping of a 20,000 square foot

warehouse and production facility to be considered as an expansion to an existing 5,000 square foot facility located at 2800 Millersport Highway. The project also includes the renovation and equipping of the existing 5,000 square foot facility. The project is located within the Williamsville Central School District.

The company specializes in manufacturing custom decorative, ornamental aluminum, stainless steel and wrought iron fences, gates and railings for both commercial and residential settings. The company was founded in 1994 and moved to its current 2800 Millersport Hwy location in 1999.

The project entails the purchase of adjacent property and the construction of a 20,000 square foot metal building which will connect to their existing structure. The new building and layout will allow for the establishment for more efficient access to the property and additional production capacity.

The applicant states that Agency participation is necessary because they can no longer be competitive in their current limited space. Future growth of the company in its current facility, due to size and layout does not allow them to diversify their products and services. The proposed expansion project consists of the largest capital expenditure that the company has ever attempted. Without the assistance of the IDA, the project is not economically feasible.

#### **Employment**

The project will retain 9 full-time and 2 part jobs and create an additional 4 full-time jobs upon completion. Annual payroll is expected to increase to approximately \$673,691 with the average annual salary for the 4 new positions estimated at \$35,000 each.

#### **PILOT SCHEDULE**

The project is eligible for the Agency's 7 Year PILOT. During the abatement period, the project would pay an estimated \$144,432 in property taxes; \$48,192 to the Town of Amherst, \$20,800 to Erie County and \$75,440 to the Williamsville Central School District.

The existing property currently generates \$12,824 in annual town, county and school taxes. Over the abatement period this amount would be \$89,768. Should this project proceed, the estimated net revenue gain would be \$54,664 over the period of abatement.

#### **Project Tax Savings**

As a result of the Agency's participation in this transaction, the project applicant would realize an estimated \$77,900 in sales tax savings, an estimated \$16,020 in mortgage recording tax savings and approximately \$124,872 in property tax savings.

Chairman Vilonen, on the advice of Agency counsel, informed the board that he is a current and future customer of Old Dutchman's Wrought Iron, Inc.

Supervisor Weinstein informed the board that the Amherst Town Board recently approved the rezoning of the vacant parcels so the project could proceed.

Upon a motion by Barry Weinstein, seconded by Edward Stachura and unanimously carried, it was

**RESOLVED, THAT THE TOWN OF AMHERST INDUSTRIAL DEVELOPMENT AGENCY (THE "AGENCY") AUTHORIZE OLD DUTCHMAN WROUGHT IRON, INC. (THE "LESSEE") TO ACQUIRE A PARCEL OF LAND ADJACENT TO THEIR EXISTING FACILITY AT 2800 MILLERSPORT HIGHWAY IN THE TOWN OF AMHERST, TO CONSTRUCT OF A NEW APPROXIMATELY 20,000 SQUARE FOOT WAREHOUSE AND PRODUCTION ADDITION TO THE EXISTING APPROXIMATELY 5,000 SQUARE FOOT BUILDING AND TO RENOVATE AN APPROXIMATELY 4,000 SQUARE FOOT PORTION OF THE EXISTING FACILITY BUILDING TO PROVIDE A SHOWROOM/RECEPTION AREA, LUNCH ROOM, LOCKER AREA, RESTROOMS AND CONFERENCE CENTER, FOR LEASE TO THE AGENCY AND SUBLEASE BACK TO THE LESSEE, ALL FOR MANUFACTURING FACILITY TO BE LEASED BY THE LESSEE TO THE AGENCY FOR SUBLEASE TO THE LESSEE.**

8:45 am – meeting adjourned.