

TOWN OF AMHERST INDUSTRIAL DEVELOPMENT AGENCY
Minutes of the 475th Meeting – Annual Meeting
January 22, 2016 – 8:30 am
Agency Offices, 4287 Main Street

The meeting of the above captioned Agency was called to order by Vice Chairman Edward F. Stachura.

PRESENT: Edward Stachura
 Aaron Stanley
 E. Marshal Wood
 Carlton Brock
 Steven Sanders
 Michele Marconi
 Michael Szukala
 James Allen, Executive Director
 Nathan Neill, Esq.

GUESTS: AIDA Staff
 Jim Fink, Business First
 David Tytka, Uniland Development Company

Vice Chairman Stachura called the meeting to order and reminded everyone that the meeting was being audio recorded.

MINUTES

The minutes of the December 2015 meeting were approved as presented.

BILLS & COMMUNICATIONS

There were no Bills & Communications presented at this meeting

TREASURER’S REPORT

The Treasurer’s Report for December 2015 was approved as presented.

PUBLIC COMMENT

There was no public comment at this meeting.

EXECUTIVE DIRECTOR’S REPORT

Executive Director Allen distributed a written Executive Director’s report and reviewed it with the board. See below.

- 1. Update of Data for Town Comprehensive Plan-** The contract for updating the census data necessary to update the Town’s Comp Plan should be released soon. There was a procedural glitch in terms of publicizing the contract which had to be rectified before the work could begin. The work was scheduled to begin in November 2015 but was postponed. The update should begin this month or early next month. As you know, we are paying half the cost of this update, approximately \$6,200.

2. **ECIDA Policy Committee Update-** The ECIDA Policy Committee met on January 7, 2016 to begin discussions regarding the prioritization of any potential future amendments to ECIDA policies and/or procedures. The committee had solicited comments in regard to these amendments and received them from the County Executive, the Buffalo Niagara Partnership, the NFTA and the Amherst IDA. Legislator Rath is also sending his thoughts and comments, as well as the Mayor of Buffalo. In addition, there have been several letters of concern from the Private Sector.

The consensus among the committee members was that whatever policies are amended or created must be in compliance with the Framework for Regional Growth and the One Region Forward Plan. (Just a side note- the Town of Amherst's Comprehensive Land Use Plan is in compliance with both the Framework and One Region Forward).

After a brief discussion, it was fairly clear that not everyone on the committee was familiar with either document. As such, there will be a presentation on both the Framework and One Region Forward at the next Policy Committee meeting, tentatively scheduled for February 4th. I asked that all the municipal IDAs be invited to the session and the Chairman assured me they will be invited.

3. **NYS IDA Legislation Signed by Governor-** As we discussed at the last Board meeting, the IDA legislation passed by both houses of the NYS Legislature last June was signed into law by Governor Cuomo in December, 2015. We now have 6 months from that date to comply with the new requirements under the law.

During this week, Dave Mingoia has been meeting with NYSEDC's Best Practices committee and representatives of NYS government to develop a template for all IDAs to adopt in order to comply with the new requirements. It is my recommendations that the matter (and any suggestions from the Best Practices Committee) be forwarded to our Governance Committee to commence the process of amending our applications and procedures and to the extent possible that we continue to work with all 6 IDAs in Erie County.

4. **Presentation of Economic Impact Study-** We are scheduled to make a presentation of the Center for Government Research Report on the Economic Impact of the Amherst IDA to the Town Board on March 14, 2016 at 3:00 p.m.

5. **Inquiries Not Forwarded to Board-** At the request of a couple of Board members, I intend on discussing in my Executive Director's Report any inquiries, potential applications that we receive periodically that never make it to the Board for consideration. As you know, from time to time we are asked whether a particular project is eligible for assistance and if they clearly are not, they are told no and that is the end of the discussion. Furthermore, we meet regularly with Accountants, Lawyers, Bankers and Real Estate Agents to discuss our policies and to help them understand whether their clients may be eligible or not.

While it may seem that the Board never denies a project, the reason is that unless the project is eligible, we never forward it to you. And also, as you know, we never ask the Board to consider a project unless the Town Planning staff has issued a "negative declaration" re the State Environmental Quality Review Act (SEQRA) and the Town has approved the zoning for the property in question.

However, I will discuss some inquiries to give the Board a sense of those projects that either are definitely not eligible or that may be under certain circumstances but are not yet ready for discussion at the Board level. Here is a recent sample:

- An apartment developer that asked why AIDA turned down one of his projects but approved another, similar project. We explained the recently adopted Senior Housing Policy and also discussed the Industrial Commercial Incentive Board Report and the town's Enhancement Zones. As a result, the developer is looking for property in the Village and may submit an application in the spring.
- A mixed-use project in the Village. Explained the law and the "less than one-third cost" for the retail component; the necessity of having all zoning and permitting issues resolved before we will consider the project. An application may be forthcoming.
- Request for assistance for free-standing restaurant even in an enhancement zone (actually, we receive many inquiries re restaurants). We explain that they are not eligible even in an enhancement zone unless perhaps part of a mixed use project.
- Broker inquiry regarding converting a vacant "big box" store into student housing. I explained that our informal policy has been to only assist student housing projects if owned by a not-for-profit and located physically on the campus. We discussed the "community benefit" of adaptive reuse but I indicated to the broker that I do not believe the town board nor this board believes we should be involved in student housing unless on campus. Not sure whether this will be pursued.
- Recently had an existing client, whose PILOT is expiring ask if we would consider extending his PILOT. We informed the client that we never extend a PILOT agreement but if he were expanding the building we may be able to establish a separate PILOT (and a separate S.B.L. number). He told us he was not expanding but wanted his PILOT extended because taxes haven't gone down since he built his building and wasn't looking forward to paying such high taxes going forward.

COMMITTEE REPORTS

Nominating Committee – The Nominating Committee comprised of Edward Stachura and Aaron Stanley presented a slate of candidates for officers

Carlton Brock – Chairman
Aaron Stanley – Treasurer
E. Marshall Wood – Secretary
Steven Sanders – Assistant Secretary

Mr. Stachura noted that two board members, Michele Marconi and himself had put in requests to be considered for the Vice Chairmanship. Mr. Stachura suggested the board vote for the slate of candidates that were running uncontested.

Upon a motion by Marshall Wood, seconded by Carlton Brock with aye votes from Stachura, Stanley, Marconi, Sanders and Szukala the slate of officer candidates were approved as presented. Chairman-Carlton Brock, Treasurer-Aaron Stanley, Secretary-Wood, Assistant Secretary-Sanders.

Mr. Stachura then suggested a paper ballot for the Vice Chairmanship due to two members vying for the position.

Mrs. Marconi questioned why the paper ballots were necessary.

Agency Counsel Nathan Neill informed the board that when a seat is contested, as it is for the Vice Chairmanship, the AIDA by-laws allow for paper ballots.

After a brief discussion it was determined that AIDA Secretary Marshall Wood and AIDA Counsel Neill would count the ballots. The ballots were then distributed, completed and turned over to Mr. Wood and Mr. Neill for counting in another room

Upon returning to the board table, Mr. Wood announced the Michele Marconi was elected to the Vice Chairmanship.

Newly elected Chairman Carlton Brock took his seat at the head of the table. He thanked everyone for their support and congratulated the newly elected officers. He also thanked Mr. Stachura for his service on the Executive Committee.

Mr. Brock then announced the members of the 2016 Governance Committee and 2016 Audit Committee. He noted that the committees were being comprised of board members that expressed interest in serving, along with those required to serve pursuant to the AIDA By-Laws.

Governance Committee

Carlton Brock
E. Marshall Wood
Michael Szukala

Audit Committee

Aaron Stanley
Steven Sanders
Edward Stachura

UNFINISHED BUSINESS

There was no Unfinished Business presented at this meeting.

NEW BUSINESS

There was no New Business presented at this meeting.

Meeting adjourned at 9:13 am.