

TOWN OF AMHERST INDUSTRIAL DEVELOPMENT AGENCY
Minutes of the Executive Committee Meeting
April 7, 2017 – 8:30 AM
Agency Office, 4287 Main Street

Executive Committee: Carlton N. Brock, Jr.
Michele F. Marconi
Steven D. Sanders
David S. Mingoia, Executive Director

Guests: E. Marshall Wood, Jr.
Michael R. Szukala
Edward Stachura
William W. Tuyn

Mr. Brock opened the meeting at 8:34 AM and requested a motion to approve the minutes of the March Executive Committee Meeting. Mr. Sanders made the motion, seconded by Ms. Marconi, and carried unanimously.

Mr. Mingoia provided an overview of the Shatkin First Project and comments from the public received via regular mail and webmail. Ms. Marconi mentioned that the applicant had not explained who exactly the beneficiary of tax benefits was and suggested that the project may still be retail. Discussion on this project ensued resulting in Mr. Mingoia suggesting that he would request additional information from the company's counsel in advance of the April Board Meeting. Mr. Sanders made a motion to send the project to the Board for review, seconded by Ms. Marconi and carried unanimously.

Ms. Marconi brought up the need to modify the process that projects are reviewed, as the current schedule is not working. Discussion centered around the timing of the public hearing and project presentation by the applicant. It was determined that this activity should take place at a monthly Board Meeting, and then the project would be vetted further until the next scheduled Board Meeting where it could be acted on. Ms. Marconi made a motion to adopt this new project review schedule, seconded by Mr. Sanders and carried unanimously.

Review of Agency Bylaws and Committee Charters began. Mr. Wood noted there remained a few errors in the documents, including the ability of a Committee to hire outside counsel. It was agreed that staff would perform a thorough review of the documents before final review by Agency counsel and Board consideration.

Ms. Marconi brought up the Uniform Tax Exemption Policy (UTEP) and its continued inconsistencies with statutory language, specifically the 2013 retail eligibility changes. She indicated that she would like to see the Board make a resolution that all retail is ineligible. Mr. Brock stated that he has been on record as to the need for discretion by the Board and not to create absolutes in policy. Mr. Mingoia noted that all of the IDAs in Erie County are working on modifying the UTEP to eliminate these inconsistencies.

Mr. Mingoia noted that Iskalo submitted a second application for the Riekart House. In his discussions with counsel, it was recommended that although the Board could consider the submission, the pending status of the motion the applicant filed was active. Without knowing the court's ruling, or future legal challenge by Iskalo, delaying review may be appropriate.

At 9:24 AM, Mr. Sanders made a motion to adjourn, seconded by Ms. Marconi and carried unanimously.