

TOWN OF AMHERST INDUSTRIAL DEVELOPMENT AGENCY

Minutes of the 416th Meeting

May 15, 2009 – 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
Robert L. Miller
John DeLuca
Randall Clark
Ayesha Nariman
Robert Ciesielski
Stuart Shapiro
James J. Allen, Executive Director
Nathan S. Neill, Esq.

GUESTS: AIDA Staff
David Robinson, Buffalo News
Mark Manna, Liaison, Amherst Town Board
David Tytka, Uniland Development Company
Thomas Schratz, HKC Business District
Shelly Schratz, Councilmember, HKC Business District
Edward Stachura
Terrance Gilbride, Hodgson Russ
Chris Jerzewski, McGuire Group
John Prior, Windsong Radiology
Deanna Schiller, Windsong Radiology
Dr. Anna Chen, Windsong Radiology
Marcy Zastrow, Windsong Radiology
Toni Riley, Windsong Radiology
Rich Brown, Citizens Bank
Patrick Ball, HSBC

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

MINUTES

The minutes of the March 2009 meeting were approved as presented.

TREASURER'S REPORT

The Treasurer's Reports for March 2009 and April 2009 were approved as presented.

BILLS & COMMUNICATIONS

The Agency received the attached proposed scope of services related to:

Town of Amherst Traditional Neighborhood Zoning Overlay – Behan Planning and Design

Furtherance to our redevelopment efforts, the scope of service for the development of new zoning language and integrated design standards/guidelines for both the Harlem-Kensington and the Main-Eggert Neighborhoods. Behan Planning and Design will be providing urban design expertise, graphic representations and draft overlay language. The project will be a collaboration between Behan Planning and Design's staff, the Town's Planning Department, Amherst IDA staffs and the Harlem-Kensington-Cleveland and Main-Eggert Committees. The AIDA is contributing \$15,000 towards this effort, which was allocated in the 2009 Agency Budget.

PUBLIC COMMENT

Thomas Schratz of the Harlem Kensington Cleveland Business District addressed the board. He urged the board to withhold their purported support of a resolution by Councilmember Manna calling for a moratorium on construction in the Harlem Kensington business district scheduled to be presented at the Monday May 18th Town Board meeting. Mr. Schratz indicated that any moratorium would be a setback for the area.

Councilmember Manna stated that the resolution was for a nine-month moratorium, so that the Town could complete the final phase of a study. The final phase would write the code for overlay districts in the redevelopment zone in the Town.

Executive Director Allen noted that the AIDA board was hearing of the resolution for the first time and had not made any comment as to its support or lack thereof. Mr. Allen also noted that the AIDA had committed to funding a portion of the final phase of the project and was in support of getting the codes written so that redevelopment could occur.

Councilmember Shelly Schratz also commented that the businesses in the HKC business district were very concerned to hear about the moratorium. She also urged Councilmember Manna to withdraw the resolution.

After a lengthy discussion, the AIDA board agreed to continue its support for the funding the overlay district project.

EXECUTIVE DIRECTOR REPORT

Executive Director Allen stated that the redevelopment summit originally scheduled for April was postponed until mid to late July, due to a scheduling conflict for the main speaker.

Mr. Allen noted that IDA reform legislation continues to move through the channels in Albany. He noted that its approval would be devastating to economic development efforts in New York State.

COMMITTEE REPORTS – Governance Committee

- I. **Adoption of Real Property Acquisition Policy** – The Governance Committee met Tuesday, May 12, 2009 to review the attached policy. The policy shall apply to the acquisition of all interests in real property except for acquisitions of interest in real property where the Agency is involved for the benefit of a third party. Because the Agency is a public benefit corporation a real property acquisition policy must be put in place in order to comply with the New York State Public Authorities Law.

- II. **Amendment to Fees & Expenses Policy** – The Governance Committee met Tuesday, May 12, 2009 to discuss an amendment to the Agency’s Fees & Expenses Policy. The amendment would simply include tax- exempt bond issues in the fee policy. The Agency’s fee for tax-exempt bond issues is 1% of the bond issuance. The current policy does not address tax-exempt bond issues.

Upon a motion by John DeLuca, seconded by Randy Clark and unanimously carried, it was

RESOLVED, THAT THE TOWN OF AMHERST INDUSTRIAL DEVELOPMENT AGENCY ADOPT THE REAL PROPERTY ACQUISITION POLICY AND APPROVE THE AMENDMENT TO FEES AND EXPENSES POLICY.

NEW BUSINESS

AUTHORIZATION RESOLUTIONS

Project Applicant

Windsong Radiology Group, PC
55 Spindrift Drive
Amherst, New York 14221
Deanna Schiller, Director of Operations

Request

Company is requesting Agency consent for an \$8,725,008 Installment Sale Transaction for the renovation and equipping of their existing facility located at 55 Spindrift Drive, located within the Williamsville Central School District. The NAICS for this company is 62111. This NAICS has not been designated by the Countywide Policy to be generally eligible or ineligible, but may be considered for financial assistance by an IDA in its discretion.

Windsong Radiology Group, PC is a comprehensive diagnostic imaging Center of Excellence with the American College of Radiology Center of Excellence accreditation.

Applicant states “the redesign effort would allow for the renovation and expansion of the existing Windsong floor plan into currently vacant space. The plan would accommodate new equipment, clinical expertise and resources, and additional women’s imaging services – those of which are currently not found in the Greater Erie County area today. Further, the improvements would streamline current workflow and reduce backlogs directly associated with breast imaging.”

The application also states “ Windsong Radiology Group shares the AIDA’s stated primary purpose “...to promote regional employments growth through the attraction, expansion and retention of companies within the Town of Amherst to achieve our mission.” With the assistance of the AIDA, Windsong can continue its efforts to serve Erie County as the premier diagnostic imaging Center of Excellence. Windsong’s plan includes the installation of new diagnostic imaging technology that is not currently available in Erie County. Plan also include renovations that would provide enough space for the first dedicated Breast MRI scanner available locally, and creation of a new Women’s Imaging Center. Windsong’s intent is to create new positions related to education in Breast Health Navigation and Genetic Breast Disease coordination. Windsong would also enhance its team with the recruitment of additional Fellowship-trained Women’s Imager. Our plan is to recruit top national talent that will utilize new technology. For over 22 years, Windsong has served the community with world class imaging, superior service, and a dedication to reductions in unnecessary radiation exposure. With the support requested for this project, Windsong will improve the wellbeing of the Great Erie County community.”

Employment

Project will retain 181 jobs in Amherst and create an additional 5 upon completion. Upon completion of the project, the estimated annual payroll is projected a \$13,400,000.

PILOT Schedule

No PILOT is being requested on the project. The Agency currently holds title to the property, but the abatement has expired and they currently pay the full equivalent of taxes.

Exemptions

Applicant would realize approximately \$513,450 in sales tax exemption and an estimated \$87,250 in mortgage tax exemption.

Upon a motion by Randall Clark, seconded by Robert Miller, a vote of no by Robert Ciecieski, it was

RESOLVED, THAT THE TOWN OF AMHERST INDUSTRIAL DEVELOPMENT AGENCY AUTHORIZE AND APPROVE THE EXECUTION AND DELIVERY OF AN INSTALLMENT SALE AGREEMENT WITH WINDSONG RADIOLOGY GROUP, P.C. AND OTHER INSTRUMENTS AND MATTERS IN CONNECTION THEREWITH AND A MORTGAGE, IF REQUIRED

Leonard A. Dopkins, LLC – Company is requesting Agency consent to refinance its 2002, \$1,400,000 lease transaction. The original project involved the construction of a 13,000 square foot addition to their existing 11,600 square foot facility located at 200 International Drive.

The amount of the refinancing is \$1,249,037.76. The refinancing will provide a lower interest rate on the mortgage.

HSBC Bank, USA N.A. will provide the financing for this transaction.

The PILOT expires in 2018 and will not be affected by this transaction.

Upon a motion by Stuart Shapiro, seconded by Robert Miller and unanimously carried, it was

RESOLVED THAT THE TOWN OF AMHERST INDUSTRIAL DEVELOPMENT AGENCY AUTHORIZE THE EXECUTION AND DELIVERY OF MORTGAGE, A MORTGAGE CONSOLIDATION, MODIFICATION AND EXTENSION AGREEMENT AND THE EXECUTION AND DELIVERY OF OTHER DOCUMENTS AND AGREEMENTS REQUIRED IN CONNECTION THEREWITH IN CONNECTION WITH THE REFINANCING OF THE 2002 LEONARD A. DOPKINS, LLC PROJECT

9:53 am – the board went into Executive Session to discuss a personnel matter.

9:59 am – the board agreed to enter into a shared services agreement with the Erie County Industrial Development Agency involving a newly created Business Development team. Deputy Director David Mingoia will work with the new team and the AIDA will be reimbursed for his time. A contract will be forthcoming.

10:01 am – Meeting adjourned.