

TOWN OF AMHERST INDUSTRIAL DEVELOPMENT AGENCY
Agenda – 517th Meeting
Friday, May 15, 2020-8:30 am

James J. Allen Boardroom
Agency Offices – 4287 Main Street, Amherst, NY 14226

1. Roll Call of Members
2. Reading and Approval of Minutes
3. Bills & Communications
4. Treasurer's Report
5. Executive Director's Report
6. Committee Reports
7. Unfinished Business
 - Extension to Authorization Resolution
 - 3980 Bailey, LLC
8. New Business
 - Amherst IDA – Covid-19 Program
9. Adjournment

TOWN OF AMHERST INDUSTRIAL DEVELOPMENT AGENCY
Minutes of the 516th Meeting
March 27, 2020 – 8:30 am
James J. Allen Boardroom
Agency Offices, 4287 Main Street

Due to the Covid-19 Pandemic and pursuant to Governor Andrew Cuomo’s Executive Order No.202.1, the Amherst IDA Board of Directors meeting was conducted by teleconference and live streamed at www.AmherstIDA.com. In physical attendance at the meeting were Chairman Carlton Brock and Executive Director David Mingoia. A video recording of the meeting can be accessed and viewed at www.AmherstIDA.com.

PRESENT via telephone: Steven Sanders
Anthony Agostino
Hon. Timothy J. Drury
Hadar Borden
Kevin J. Zanner, Hurwitz & Fine PC

ABSENT: William Tuyn
Philip Meyer

GUESTS via telephone: Justin Reid, Bonadio Group

Chairman Carlton Brock called the meeting to order.

MINUTES

The minutes of the January 2020 meeting were approved as presented.

BILLS & COMMUNICATIONS

There were no Bills & Communications at this meeting.

TREASURER’S REPORT

The Treasurer’s Report for February 2019 was approved as presented.

PUBLIC COMMENT

There was no Public Comment at this meeting.

EXECUTIVE DIRECTOR’S REPORT

The Executive Director’s Report is attached to these minutes.

Executive Director Mingoia requested that, due to the Covid-19 pandemic and social distancing practices, the board approve a change in the checking signing practice. The current practice requires two authorized signatures on the checks. The new practice would require one signature along with a review and sign off from the Treasurer or other Executive Committee member for the single signature checks.

Judge Drury made a motion to approve the temporary check signing request for the duration of the Covid-19 pandemic crisis. Hadar Borden seconded the motion. After a brief discussion votes of aye were cast by Brock, Sanders, Agostino, Drury and Borden. Motion to approve passed 6-0.

COMMITTEE REPORTS

Audit & Finance Committee – Anthony Agostino informed the board that the Audit & Finance Committee had met with the Agency’s auditor, Justin Reid from The Bonadio Group in February. Mr. Reid was invited to speak to the board. Mr. Reid gave the board a presentation of the 2019 Audited Financial Statements.

There was a brief discussion after the presentation. Judge Drury made a motion to accept the 2019 Audited Financial Statements as presented. Hadar Borden seconded the motion. Votes of aye to accept the 2019 Audited Financial Statements were made by Brock, Sanders, Agostino, Drury and Borden. Motion to approve passed 5-0.

Governance Committee – The Governance Committee met earlier in the month and recommended the approval the 2019 Mission Statement and Measurement Report as presented. Judge Drury made a motion to approve the 2019 Mission Statement and Measurement Report. Hadar Borden seconded the motion. Votes of aye were cast by Brock, Sanders, Agostino, Drury and Borden. Motion to approve passed 5-0.

UNFINISHED BUSINESS

There was no unfinished business presented at this meeting.

NEW BUSINESS

I. Assignment & Assumption of Lease – 40 Curtwright Drive

Uniland Development Company, through a related corporation, is seeking to purchase 40 Curtwright Drive and assume the existing Amherst IDA Lease on the property. The Agency lease is currently with 10 Curtwright Drive LLC and was entered into on October 1, 2015. There are eight years left on the PILOT, which would transfer with the purchase. There are no new incentives requested.

The Amherst IDA Board approved the project in July 2015 authorizing a \$3,400,000 lease transaction for the construction and equipping of a 55,000 square foot expansion to an existing manufacturing/distribution facility together with related site improvements. The single tenant in the building is Ashton-Potter, a long time Amherst company. Ashton-Potter is a light manufacturing "specialty" printer of sensitive/valuable items. Nearly all of their product is shipped outside of New York State.

Judge Drury made a motion to approve the request for Assignment and Assumption of Lease for 40 Curtwright Drive as presented. Hadar Borden seconded the motion. After discussion, votes of aye were cast by Brock, Sanders, Agostino, Drury and Borden. Motion to approve passed 5-0.

RESOLVED, THAT THE OF THE TOWN OF AMHERST INDUSTRIAL DEVELOPMENT AGENCY GRANT CONSENT TO THE SALE, ASSIGNMENT AND ASSUMPTION OF THE PROJECT LOCATED AT 40 CURTWRIGHT DRIVE, BY 10 CURTWRIGHT DRIVE, LLC, AS SELLER/ASSIGNOR TO UNILAND DEVELOPMENT I, LLC, AS PURCHASER/ASSIGNEE, IN CONNECTION WITH THE 2015 10 CURTWRIGHT DRIVE PROJECT.

Meeting adjourned 9:24 am.

EXECUTIVE DIRECTOR'S REPORT

May 15, 2020

Erie County Business Task Force

1,865 Unique Companies responded to a regional survey on COVID-19 impacts and business outlook and needs that was active from April 14th to the 28th. The majority (1,339) of the respondents were from Erie County with 11% from Amherst companies. The City of Buffalo, at 26%, was the largest location for company responses.

Sector response was fairly representative of regional percentages with Professional Services (16%), Retail (12%), Construction (11%), and Manufacturing (9%) as the top-4 respondents. 71% of respondents were for-profit, of which, 13% were independent contractors or gig workers. 81% of respondents had less than 50 employees, with the bulk of that (27%) having 11-50 employees. 19% were sole proprietors.

Short and Long-Term concerns were the same as 93% anticipate a decline in revenues with sole proprietors and restaurants anticipating revenue declines of 75% or more. Hospitality respondents anticipate declines between 50 and 75 percent.

A small silver lining is that 73% of respondents expect their layoffs to be temporary, which is good news to our current 25% unemployment rate. 23% do expect their job losses to be permanent. Additionally, on the investment side, respondents were postponing their plans (58%), but most (70%) expected to revisit and make planned investments in the next 12 months.

Main Survey Takeaways:

- The Smaller the Business, the Greater the Risk
- Postponement of Investment Has Impact on Our Operations
- Restaurants and Main Street Retail are facing dire circumstances and will need support to encourage local spending (These businesses are slated for Phase 3 & 4 of the Governor's Re-Opening Plan)
- Advocacy at Federal level will remain necessary as State and Local governments cannot address all business needs
- Businesses that can safely open should be allowed to (Construction)

Most Economists feel there were not fundamental problems with the economy – unlike the 2008 Recession – and expect 4th Quarter GDP to rebound along with unemployment peaking in the 3rd Quarter. From most of my Economic Development involvement recently, the focus is three key areas:

1. Expand Investment in Life Science, Logistics and Advanced Manufacturing
 - a. On-shoring key products and supply chains to the U.S., Mexico and Canada – minimize reliance on overseas production
2. Remote Work
 - a. Impact on Real Estate – PWC Survey indicated that 26% of CFOs are actively reducing their real estate foot print
 - b. Repurpose of properties
 - c. Secondarily, mid-tier markets (like ours) has opportunity to win investment previously centered in major markets.
3. Resiliency – Both Private and Public Sectors
 - a. Quicker response to challenges and opportunities
 - b. Businesses to consider investment in areas that are impacted less

2019 Material Factors Review

We completed our review of eight (8) projects that are subject to the AIDA's Recapture Policy. Several media stories detailed other IDA's approach to companies that are short of job commitments. We are pleased to report that in accordance with our policy, we currently do not have any companies out of compliance with material terms approved when the project was induced.

1. Amherst Alarm – Investment is complete and employment exceeds approved commitment.
2. 2500 Kensington/Shatkin F.I.R.S.T – Investment is complete and employment exceeds approved commitment.
3. Bureau Veritas/Northpointe – Investment is nearing completion (this year), and the company will have 2 years to create jobs per the application.
4. Strategic Financial Solutions (2017) – Investment and Job Goals Met. Compliance Period ends this year.
5. Willowbrook Hospitality/Norhtown Hotel – Project is under construction.
6. Fredonia Place/Reist Street – Investment is underway, but job goals have been met and exceeded.
7. Centene – Investment is complete and hiring is underway. Company has 2 years from investment completion to achieve job goals.
8. Strategic Financial (2019) – Investment and Hiring is underway.



May 8, 2020

David S. Mingoia, Executive Director/CEO
Town of Amherst Industrial Development Agency
4287 Main Street
Amherst, New York 14226

Re: 3980 Bailey Avenue – Proposed Redevelopment Project
Town of Amherst Industrial Development Agency
Applicant: 3980 Bailey Avenue LLC

Dear Mr. Mingoia:

This letter is being submitted on behalf of 3980 Bailey Avenue LLC (“Applicant”) to request a one (1) year extension of the approval granted by the IDA Board of Directors on May 17, 2019.

The Applicant is seeking Amended Site Plan Approval from the Planning Board during its meeting on Thursday, June 18th based on some modifications that have made to the previously approved layout for the infill redevelopment project consisting of the following:

1. The previously approved building consisting of nine units (4 bedrooms per unit) has been replaced with two buildings consisting of eight unit per buildings (2 bedrooms per unit). The reasons for this modification consist of the following:
 - A more detailed analysis of previously proposed residential units consisting of 4 bedrooms per unit revealed some challenges associated with limiting the likely range of tenants to students. By providing upscale 2 bedroom units instead for 4 bedroom units, the target market for tenants is greatly expanded to include faculty and staff at the University of Buffalo, empty nesters, young professionals as well as graduate students; and
 - The replacement of the previously proposed building with two buildings allows greenspace to be provided between the buildings also allows an increase in the number of residential units on the sides of the buildings (northern and southern sides) with side exterior windows.
2. The previously proposed flat roof has been replaced with a sloped roof so that the two buildings will have a more residential appearance than the previously approved building; and
3. The range of exterior materials has been expanded to include brick, stone and high quality siding with a wood-like appearance.

HOPKINS SORGI & MCCARTHY PLLC

Attorneys at Law

5500 Main Street, Suite 343 • Williamsville, New York 14221

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Correspondence to David S. Mingoia, Executive Director/CEO

May 8, 2020

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If the Planning Board approves the pending request for Amended Site Plan Approval during its meeting on June 18th, which the Applicant believes is highly likely, the goal will then be to finalize construction plans and obtain a building permit from the Town's Building Department and also close on project financing as soon as possible so that work can be commenced in order to allow the redevelopment project to be finished and ready for occupancy by early to mid-summer of 2021.

Please feel free to contact me at 510-4338 or via e-mail at shopkins@hsr-legal.com if you have any questions regarding this letter, the requested one (1) year extension or the status of the proposed redevelopment project.

Sincerely,

HOPKINS SORGI & MCCARTHY PLLC



Sean W. Hopkins, Esq.

cc: David Sutton, R.A., Sutton Architecture, 3980 Bailey Avenue LLC [Via e-mail]



AMHERST IDA COVID-19 DISASTER RELIEF SALES TAX INCENTIVE ASSISTANCE

Eligibility	<ol style="list-style-type: none"> 1. Meeting Amherst IDA Eligibility Requirements 2. For-Profit Business Located in the Town of Amherst or Village of Williamsville 3. Able to Document Economic Injury Due to COVID-19 Impact
Incentive	Up to \$100,000 in Sales Tax Savings (Approximately \$1.1 Million of Eligible Purchases)
Other Benefits	<ol style="list-style-type: none"> 1. Amherst IDA Fee is Waived 2. Amherst IDA Application Fee Reduced 3. Legal Counsel Fees Reduced 4. Expedited Application Process
Eligible Purchases	<ul style="list-style-type: none"> • Furniture, Fixtures & Non-Production Equipment • Construction Materials
Other Requirements	<ul style="list-style-type: none"> • Employment Creation and Retention May Apply • Compliance with Flexible Recapture Terms
Expiration	December 31, 2020

Please visit AmherstIDA.com and click on COVID-19 tab for more information on this program and other assistance for affected businesses.