

TOWN OF AMHERST INDUSTRIAL DEVELOPMENT AGENCY
Minutes of the 436th Meeting
June 17, 2011 – 8:30 am
Agency Offices, 4287 Main Street

The meeting of the above captioned Corporation was called to order by Chairman Fredrick A. Vilonen.

PRESENT: Fredrick A. Vilonen
Edward F. Stachura
Randall Clark
Ayesha Nariman
Aaron Stanley
Stuart Shapiro
Robert M. Ciesielski
James Allen, Executive Director
Nathan Neill, Esq.
Steven Sanders, Town Board Liaison

GUESTS: AIDA Staff
Dave Tytko, Uniland Development
Mary Ellen Tighe, Buffalo News
Chris Moran, Supervisor Weinstein's Office

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

MINUTES

The minutes of the April 2011 meeting were approved as presented.

BILLS & COMMUNICATIONS

The Agency received a letter from Hodgson Russ requesting the Agency grant a waiver enabling them to represent M & T Bank in a future project before the AIDA board of directors. Agency counsel Nathan Neill agreed that there was no conflict of interest in this regard.

Upon a motion by Randall Clark, seconded by Ayesha Nariman and unanimously carried, it was

RESOLVED, THAT THE TOWN OF AMHERST INDUSTRIAL DEVELOPMENT AGENCY GRANT THE WAIVER AUTHORIZING HODGSON RUSS TO REPRESENT M & T BANK IN FUTURE PROJECT BEFORE THE AMHERST INDUSTRIAL DEVELOPMENT AGENCY BOARD OF DIRECTORS.

TREASURER'S REPORT

The Treasurer's Reports for April and May 2011 were approved as presented.

PUBLIC COMMENT

There was no Public Comment at this meeting.

EXECUTIVE DIRECTOR'S REPORT

Executive Director Allen gave his Executive Director's report which is attached to these minutes.

Board member Robert Ciesielski addressed a portion of Mr. Allen's report regarding SEQRA reform. Mr. Ciesielski stated that he felt it was beyond the purview of the IDA to pursue SEQRA reform measures. The board then had a lengthy discussion on this matter.

NEW BUSINESS

I. Authorization Resolution – Mortgage Transaction

60 Pineview, LLC – Company is requesting Agency consent to a \$500,000 mortgage transaction. The purpose of the transaction is to provide equity financing for the company. The project originally involved the 1996 construction of a 10,000 square foot manufacturing facility for bio technology related projects of IMMCO Diagnostics, along with a 10,520 square foot addition in 1998. The PILOT agreements will not be affected by this transaction. They expire in 2013 and in 2016.

HSBC Bank will provide the financing for this transaction.

Upon a motion by Edward Stachura, seconded by Ayesha Nariman and unanimously carried, it was

RESOLVED, THAT THE TOWN OF AMHERST INDUSTRIAL DEVELOPMENT AGENCY AUTHORIZE THE EXECUTION AND DELIVERY OF A MORTGAGE IN THE PRINCIPAL AMOUNT OF \$500,000, A DEED FROM THE AGENCY TO THE LESSEE, A LEASE TO AGENCY AND AN AMENDED AND RESTATED LEASE AGREEMENT IN CONNECTION WITH THE 1996 AND 1999 60 PINVIEW DRIVE PROJECTS, AND FURTHER AUTHORIZE AND APPROVE THE EXECUTION AND DELIVERY OF OTHER DOCUMENTS REQUIRED IN CONNECTION THEREWITH.

II. Authorization Resolution – Third Mortgage Transaction

3500 Sheridan, LLC – Company is requesting Agency consent to a \$700,000 third mortgage transaction. The proceeds will be used for cost overruns associated with their renovation project located at 3500 Sheridan Drive. Buffalo Rheumatology is the primary tenant. The Agency approved the original project in 2010. The PILOT agreement will not be affected by this transaction. It commences in 2012. M & T Bank will provide the financing for this transaction.

Upon a motion by Randall Clark, seconded by Robert Ciesielski, a vote of no by Ayesha Nariman, it was

RESOLVED, THAT THE TOWN OF AMHERST INDUSTRIAL DEVELOPMENT AGENCY AUTHORIZE THE EXECUTION AND DELIVERY OF A MORTGAGE IN THE AMOUNT OF \$700,000 IN CONNECTION WITH THE 3500 SHERIDAN DRIVE PROJECT OF THE AGENCY AND FURTHER AUTHORIZE AND APPROVE THE EXECUTION AND DELIVERY OF DOCUMENTS IN CONNECTION THEREWITH.

8:58 am – meeting adjourned.

Executive Director's Report May/ June 2011

Through the Coalition for community Building, we have been working on 3 main issues:

1. SEQRA reform
2. Wetlands Classifications/ Methods of Delineation
3. IDA Reform- §862 to allow mixed use development projects

We have met with representatives of ESDC to discuss having the 3 items on the agenda for the Regional Councils. (May 5)

We met with representatives of the DEC in Albany (in a meeting facilitated by Senator Grisanti) to discuss the issues of classification, delineation, and the entire process. A subsequent meeting is going to be held here, in early Fall.

We are meeting with Assemblyman Magnarelli, Chairman of the Assembly Local Government Committee on June 22 to discuss amending §862 to allow for IDA assistance to mixed use projects in areas designated by respective municipal legislatures.

We met with Ken Adams, the Economic Development Director for the State of New York to discuss the Regional Councils, their purpose and agenda. He has indicated that SEQRA reform, Wetlands classification and resolving many of the other “chokepoints” identified by FAIR and the CCB are being addressed. He says there will be coordination between the ED programs and every regulatory agency in the State to expedite the permitting process, at the same time assuring high environmental standards. It is accepted that the time it takes to get a permit in NYS makes us noncompetitive with virtually every other state.

Met yesterday (June 16) with Paul Beyer, the Director of the NYS Smart Growth Initiative. He is very supportive of amending §862 and all of the other issues of concern to us. As did Ken Adams, Paul Beyer said that all regulatory agencies and ESDC are working together to resolve all of the development chokepoints but at the same time are encouraging and prioritizing smart growth development projects. Our approach to redevelopment is very much in line with the current thinking of the Governor, ESDC and the various agencies that regulate the process.

ICIB will be meeting on June 28 to finalize the changes in the redevelopment map and the changes in eligibility for §485-b incentives. This report will be forwarded to the Town Board for approval soon thereafter.