

**TOWN OF AMHERST INDUSTRIAL DEVELOPMENT AGENCY**  
**Minutes of the 440<sup>th</sup> Meeting**  
**November 18, 2011 – 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 Edward F. Stachura Randall Clark Stuart Shapiro Aaron Stanley James Allen, Executive Director Nathan Neill, Esq. Steven Sanders, Town Board Liaison
ABSENT:	Ayesha Nariman Robert M. Ciesielski
GUESTS:	AIDA Staff David Robinson, Buffalo News Jim Fink, Business First Andy Reynolds, Coalition for Economic Justice Matthew Shriver, YMCA Milan Tyler, Phillips Lytle Terrance Gilbride, Hodgson Russ Alan Dewart, B & S Properties David Tytko, Uniland Development Co.

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

**MINUTES**

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

**BILLS & COMMUNICATIONS**

The Agency received a letter from Supervisor Weinstein indicating that on November 7<sup>th</sup> the Amherst Town Board voted unanimously to promote the 485-B program. (see attached)

The Agency received a letter from Councilmember Steve Sanders thanking Agency staff for their assistance with the ICIB program. (see attached)

The Agency received a letter from Supervisor Weinstein regarding the Community Development Block Grant Funds (CDBG) currently held in an Agency account for economic development loans. The letter outlines the transfer of the funds to the Town of Amherst's Community Development Block Grant account. (See attached)

## **TREASURER'S REPORT**

The Treasurer's Reports for September and October 2011 were approved as presented.

## **PUBLIC COMMENT**

Andy Reynolds of the Coalition for Economic Justice cited a recent report from the NYS Authorities Budget Office (ABO) regarding several IDA grants throughout the State to various local organizations. Mr. Reynolds asked the board to comment on these grants.

Chairman Vilonen noted that the Amherst IDA does not provide grant programs. Mr. Vilonen also noted that the Amherst IDA board would not comment on the practices of other IDA boards.

## **EXECUTIVE DIRECTOR'S REPORT**

Executive Director Allen informed the board that the recently recommended ICIB report has been adopted by the Amherst Town Board. He noted that the Amherst Town Board did not disband the ICIB upon its approval of the report.

Mr. Allen also informed the board that he participated in a panel discussion for the Tax Institute Annual meeting held in early November. He told the board the topics included economic development incentives and that there were nearly 300 in attendance.

Mr. Allen told the board that the Agency continues to work with CCB regarding the amendments to Section 862 of GML in terms of mixed use development. Mr. Allen noted that he participated in meetings with Legislators Gabryzak, Schimminger and Gallivan to discuss the matter.

## **COMMITTEE REPORTS**

The Audit/Finance Committee will be meeting on Tuesday, November 15, 2011 to review the 2011 Recommended Budget Adjustments and the 2012 Budget Recommendations. These were forwarded to the Amherst Town Board and Amherst Town Clerk in September. To date, no comments have been received.

Upon a motion by Edward Stachura, seconded by Stuart Shapiro and unanimously carried, it was

**RESOLVED, THAT THE TOWN OF AMHERST INDUSTRIAL DEVELOPMENT AGENCY  
APPROVE THE 2011 BUDGET ADJUSTMENT RECOMMENDATIONS AS PRESENTED.**

Treasurer Aaron Stanley then discussed the proposed 2012 budget recommendations and asked the board if there were any questions.

A brief discussion took place as to an item referred to in the budget notes. The discussion centered on the Agency's purchase of computer tablets for use by board members in order to reduce the amount of paper generated in board communications.

Board member Stuart Shapiro noted that while he advocated the reduction of paper, he felt that each board member should purchase their own tablet rather than having the Agency make the purchase.

Board member Edward Stachura said there are many companies that purchase computer equipment for the staff and board members. He noted that these companies have very stringent policies in place for the use of company-owned computers.

Agency staff agreed to look into the matter and provide the board with additional information prior to the board making a final determination.

Upon a motion by Randall Clark, seconded by Aaron Stanley and unanimously carried, it was

RESOLVED, THAT THE TOWN OF AMHERST INDUSTRIAL DEVELOPMENT AGENCY APPROVE THE 2012 BUDGET RECOMMENDATIONS AS PRESENTED.

#### **UNFINISHED BUSINESS**

There was no Unfinished Business presented at this meeting.

#### **NEW BUSINESS**

##### **I. ASSIGNMENT AND ASSUMPTION OF LEASE – Bryant & Stratton**

**B & S Northtowns Campus Group, LLC** – The company is requesting Agency consent to transfer the Agency Lease from Bryant and Stratton College to B & S Northtowns Campus Group, LLC, a newly formed New York limited liability company. The applicant states that the college prefers to use its available funds to support and strengthen its primary business rather than to tie up funds in real estate. Bryant & Stratton College will then be the sub-lessee of the facility.

B & S Northtowns Campus Group, LLC will be financing the transaction with a \$3,800,000 mortgage.

The PILOT agreement will not be affected by this transaction.

Upon a motion by Stuart Shapiro, seconded by Aaron Stanley and unanimously carried, it was

**RESOLVED, THAT THE TOWN OF AMHERST INDUSTRIAL DEVELOPMENT AGENCY APPROVE THE ASSIGNMENT TO AND ASSUMPTION BY B & S NORTHTOWNS CAMPUS GROUP, LLC OF THE LEASEHOLD INTEREST OF BRYANT & STRATTON COLLEGE, INC. IN THE 2011 BRYANT & STRATTON COLLEGE, INC. PROJECT AND THE EXECUTION AND DELIVERY BY THE AGENCY OF A CONSENT TO A LEASE ASSIGNMENT AND ASSUMPTION AGREEMENT, AN AMENDED AND RESTATED LEASE TO AGENCY AND AN AMENDED AND RESTATED LEASEBACK AGREEMENT, AND DELIVERY OF A BILL OF SALE TO BRYANT & STRATTON COLLEGE, INC. OF FACILITY EQUIPMENT ACQUIRED IN CONNECTION WITH THE 2011 BRYANT & STRATTON COLLEGE, INC. PROJECT**

## **II. AMENDMENT TO AUTHORIZATION RESOLUTION - Tops, LLC (5724 Main St)**

Company is requesting the Agency amend the authorization resolution adopted June 18, 2010 to reflect Tops PT, LLC as an affiliated entity in the project.

The original authorization was an installment sale transaction for the renovation and equipping of the former Quality Markets store and converting it to Tops Markets.

Upon a motion by Aaron Stanley, seconded by Edward Stachura and unanimously carried, it was

**RESOLVED, THAT THE TOWN OF AMHERST INDUSTRIAL DEVELOPMENT AGENCY AMEND A PRIOR RESOLUTION ADOPTED ON JUNE 18, 2010 AUTHORIZING AND APPROVING THE EXECUTION AND DELIVERY OF AN INSTALLMENT SALE AGREEMENT WITH TOPS MARKETS, LLC TO INCLUDE TOPS MARKETS PT, LLC TOGETHER WITH TOPS MARKETS, LLC AS THE COMPANY AS AUTHORIZED AGENTS OF THE AGENCY TO EXECUTE AND DELIVER OTHE INSTRUMENTS IN CONNECTION THEREWITH.**

Chairman Vilonen took this opportunity to note that this would be last board meeting for member Randy Clark. Mr. Vilonen thanked Mr. Clark for is many years of tireless service to the Agency and the Town of Amherst.

9:23 am – meeting adjourned.