

TOWN OF AMHERST INDUSTRIAL DEVELOPMENT AGENCY

Minutes of the 405th Meeting

December 21, 2007 – 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
Barbara Batchen
Randall Clark
Ayesha Nariman
John P. DeLuca
Robert Ciesielski
James J. Allen, Executive Director
Nathan S. Neill, Esq.

GUESTS: AIDA Staff
Hon. William A. O’Loughlin, Jr.
David Robinson, Buffalo News
Edward Stachura

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

MINUTES

The minutes of the November 2007 meeting were approved as presented.

TREASURER’S REPORT

The Treasurer’s Report for November 2007 was approved as presented.

BILLS & COMMUNICATIONS

There were no Bills and Communications presented at this meeting.

PUBLIC COMMENT

There was no Public Comment at this meeting.

EXECUTIVE DIRECTORS REPORT

Executive Director Allen informed the board that staff continues to work with ECIDA staff along with other economic development partners on the development of greater incentives for redevelopment projects and “green” projects.

Mr. Allen informed the board that the Agency was working with the Amherst Chamber of Commerce and the WNY Alliance of Chambers on the development of an SBA workshop for small businesses.

Mr. Allen told the board that the Agency and the Main Eggert Association sponsored a charette on November 29th to discuss redevelopment plans for that area. It was reported that the meeting was very well attended and that the next meeting was scheduled for sometime in February.

COMMITTEE REPORTS

FINANCE COMMITTEE

AUDIT OF THE AGENCY'S 2007 FINANCIAL STATEMENTS

The Agency received an engagement letter authorizing Toski, Schaefer & Co., P.C. to audit the Agency's December 31, 2007 financial statements and to prepare the Uniform Annual Financial report that is filed with the Office of the New York State Comptroller. The anticipated fee is \$8,000, for 2008. The engagement is for a three year period with an option for two additional years.

The Agency sent a *Request For Proposals For Professional Audit Services* in October 2007 to 26 firms and received three responses. Toski, Schaefer & Co., P.C. has been selected as the preferred firm based on the price for audit services and experience auditing industrial development agencies.

Board member John DeLuca recommended that Agency staff contact representatives from the Agency's former auditor Fox & Company as to why they did not respond to the RFP.

Upon a motion by Barbara Batchen, seconded by Robert Miller, abstained by John DeLuca, it was

RESOLVED, THAT THE TOWN OF AMHERST INDUSTRIAL DEVELOPMENT AGENCY AUTHORIZE TOSKI, SCHAEFER & CO. PC TO AUDIT THE AGENCY'S DECEMBER 31, 2007 FINANCIAL STATEMENTS AND TO PREPARE THE UNIFORM ANNUAL FINANCIAL REPORT THAT IS FILED WITH THE OFFICE OF THE NEW YORK STATE COMPTROLLER FOR A FEE OF \$8,000.

UNFINISHED BUSINESS

Collateral Assignment – PNY II, LLC (Marriott Project)

Company is requesting Agency consent to the collateral assignment of its interest in the Installment Sale transaction to Anglo Irish Bank in connection of their financing for the project.

The project involves the renovation and equipping of their hotel facility located on Millersport Hwy in August 2007. The project value is estimated at \$20,000,000.

Upon a motion by Randall Clark, seconded by Barbara Batchen and unanimously carried, it was

RESOLVED, THAT THE TOWN OF AMHERST INDUSTRIAL DEVELOPMENT AGENCY AUTHORIZE AND APPROVE THE EXECUTION AND DELIVERY OF A COLLATERAL ASSIGNMENT BY PNY II, LLC OF ITS INTEREST IN THE INSTALLMENT SALE AGREEMENT BETWEEN THE AGENCY AND PNY II, LLC TO ANGLO IRISH BANK CORPORATION AND OTHER INSTRUMENTS AND MATTERS IN CONNECTION THEREWITH

Second Amendment to Authorization Resolution (580 CrossPoint – Uniland)

Company is requesting Agency consent to the substitution of Uniland Development I, LLC as the Lessee for the 580 CrossPoint Parkway project (CitiCorp) in the place of The Uniland Partnership of Delaware, LP.

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

RESOLVED, THAT THE TOWN OF AMHERST INDUSTRIAL DEVELOPMENT AGENCY (THE "AGENCY") AMEND THE PRIOR RESOLUTION ADOPTED ON JANUARY 26, 2007 AUTHORIZING THE UNILAND PARTNERSHIP OF DELAWARE L.P. TO CONSTRUCT AN APPROXIMATELY 156,626 SQUARE FOOT BUILDING ON APPROXIMATELY 5 ACRE PARCEL OF LAND ALREADY OWNED BY THE AGENCY LOCATED AT 580 CROSSPOINT PARKWAY IN THE TOWN OF AMHERST, ALL FOR A NON-RETAIL MULTI-TENANT OFFICE FACILITY FOR LEASE BY THE AGENCY TO THE LESSEE FOR SUBLEASE TO OTHER TENANTS INCLUDING AND TO TAKE OTHER PRELIMINARY ACTION AND AMENDED ON MAY 25, 2007 CHANGE THE PROJECT FROM A MULTI-TENANT OFFICE FACILITY TO A SINGLE TENANT OFFICE FACILITY TO FURTHER AMEND THE RESOLUTION TO SUBSTITUTE UNILAND DEVELOPMENT I, LLC, AS THE LESSEE IN PLACE OF THE UNILAND PARTNERSHIP OF DELAWARE L.P.

Authorization Resolution – North Forest Properties #1, LLC (1416 Sweet Home)

Company is requesting Agency consent to a mortgage resolution an amount not to exceed \$1,470,000. In November 2004 the Agency authorized the construction of three multi-tenant office facilities located at 1408-1416 Sweet Home Rd. totaling 43,732 square feet.

This transaction involves the third and final facility located at 1416 Sweet Home. The Agency closed on the first building in 2005 and the second in 2006.

StanCorp Mortgage Investors will be providing the financing for this transaction.

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

RESOLVED, THAT THE TOWN OF AMHERST INDUSTRIAL DEVELOPMENT AGENCY AUTHORIZE THE EXECUTION AND DELIVERY OF A LEASE AGREEMENT, A MORTGAGE, ASSIGNMENT OF RENTS, SECURITY AGREEMENT AND FIXTURE FILING, AN ASSIGNMENT OF LESSOR'S INTEREST IN LEASES AND THE EXECUTION AND DELIVERY OF OTHER DOCUMENTS AND AGREEMENTS REQUIRED IN CONNECTION THEREWITH IN CONNECTION WITH THE FINANCING OF THE 2007 1416 SWEET HOME ROAD PROJECT

NEW BUSINESS

APPLICANT

The Uniland Partnership of Delaware, LP
100 Corporate Parkway
Amherst, New York 14226
Carl J. Montante, President

REQUEST

Applicant is requesting authorization for a \$7,100,000 lease transaction for the construction of a multi tenant office facility totaling 53,661 square feet. Project will be located at 6500 Sheridan Drive within the Williamsville Central School District.

Applicant states that the project will enable businesses which may have otherwise left Western New York to expand into a Uniland facility at competitive rents because of the inducement. The project will also potentially create a substantial number of new job opportunities for area residents.

Applicant states that without Amherst IDA participation the project will not proceed. Rental rates would not be competitive with other markets outside the area, thereby influencing a business to relocate.

The *2007 Amherst IDA Annual Report and Business Survey* identified 55 companies requiring an additional 327,000 square feet of space in the next two years further reinforcing the need to have adequate speculative space for companies to expand into.

EMPLOYMENT

Project will retain/create an estimate 214 employment opportunities.

PILOT SCHEDULE

Project is eligible for the Agency's 10 year PILOT policy. During the abatement period, project will pay an estimated \$1,193,392 in lieu of property taxes; \$396,228 to the Town of Amherst, \$162,469 to Erie County and \$634,695 to the Williamsville Central School District.

The vacant land currently generates approximately \$6,033 in annual Town, County and School taxes. Over the abatement period this amount would be \$60,330. Should this project proceed, the net revenue gain over the abatement period would be \$1,133,062.

Project Tax Savings

As a result of the Agency's participation in this transaction, the project applicant will realize an estimated \$248,500 in sales tax savings, \$1,139,294 in property tax savings and \$71,000 in mortgage recording tax savings.

Upon a motion by Robert Miller, seconded by Barbara Batchen and a vote of no by Robert Ciesielski, it was

RESOLVED, THAT THE TOWN OF AMHERST INDUSTRIAL DEVELOPMENT AGENCY (THE "AGENCY") AUTHORIZE THE UNILAND PARTNERSHIP OF DELAWARE L.P. OR AN AFFILIATED ENTITY (THE "LESSEE") TO CONSTRUCT AN APPROXIMATELY 54,000 SQUARE FOOT MULTI-TENANT OFFICE BUILDING ON A PARCEL OF LAND LOCATED AT 6500 SHERIDAN DRIVE IN THE TOWN OF AMHERST, ALL FOR A NON-RETAIL MULTI-TENANT OFFICE FACILITY FOR LEASE BY THE AGENCY TO THE LESSEE FOR SUBLEASE TO OTHER TENANTS INCLUDING AND TO TAKE OTHER PRELIMINARY ACTION.

AUTHORIZATION RESOLUTION – Refinancing

Sachel, LLC – Company is requesting Agency consent to a refinancing transaction in the amount of \$460,000. The original project was for the acquisition and renovation of an existing 4,100 square foot warehouse facility for Reeds jewelers. The amount of the original project was \$550,000. HSBC Bank USA was the original lender for the project.

Waterford Village Bank will provide the financing for this transaction. The PILOT will not be affected.

Upon a motion by Randall Clark, seconded by Robert Miller and unanimously carried, it was

RESOLVED, THAT THE TOWN OF AMHERST INDUSTRIAL DEVELOPMENT AGENCY AUTHORIZE THE EXECUTION AND DELIVERY OF AN AMENDED AND RESTATED LEASE AGREEMENT OR LEASE AMENDMENT, IF REQUIRED, A MORTGAGE AND THE EXECUTION AND DELIVERY OF OTHER DOCUMENTS AND AGREEMENTS REQUIRED IN CONNECTION THEREWITH IN CONNECTION WITH THE REFINANCING OF THE 2003 SACHEL, LLC PROJECT

9:12 am – meeting adjourned.