

TOWN OF LANCASTER  
INDUSTRIAL DEVELOPMENT AGENCY  
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**AGENDA  
ORGANIZATIONAL MEETING  
AND REGULAR MEETING OF  
LANCASTER INDUSTRIAL DEVELOPMENT AGENCY**

**TUESDAY, JANUARY 10, 2017 AT 8:30 AM**

**HELD AT  
LANCASTER TOWN HALL  
21 CENTRAL AVENUE, LANCASTER, NY 14086**

**ORGANIZATIONAL MEETING: 8:30 AM**

**PUBLIC HEARING: NONE**

**REGULAR MEETING: FOLLOWING ORGANIZATIONAL MEETING**

Call to order by Chair Coleman at \_\_\_\_\_ a.m.

Roll Call: Present: Frank Fialkiewicz  
Steven Hoffman  
Alan Kurtzman  
Jesse Nikonowicz  
Kenneth O'Brien  
David Visone  
Johanna Coleman, Chair

Absent:

Also Present: Richard Grimm, General Counsel/Bond Counsel  
Robert Benzel, Chief Executive Officer  
David J. Brown  
Paul Leone, Consultant

RESOLUTION OF THE TOWN OF LANCASTER INDUSTRIAL DEVELOPMENT AGENCY

APPOINTMENT OF OFFICERS FOR 2017

WHEREAS, the Town of Lancaster Industrial Development Agency, in accordance with the By-Laws of this organization, is obligated to appoint certain officers of the Agency each January.

NOW, THEREFORE, THE TOWN OF LANCASTER INDUSTRIAL DEVELOPMENT AGENCY HEREBY APPOINTS THE FOLLOWING INDIVIDUALS TO THE SPECIFIED OFFICER TITLES:

Chair	Johanna M. Coleman
Vice-Chairman	Steven Hoffman
Secretary & Audit Committee	Kenneth O'Brien
Assistant Secretary	David J. Brown
Contracting Officer	David J. Brown
Treasurer	Alan Kurtzman

NOW, THEREFORE, BE IT RESOLVED, that all of the above appointments are not to be compensated.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

MEMBER FIALKIEWICZ	VOTED
MEMBER HOFFMAN	VOTED
MEMBER KURTZMAN	VOTED
MEMBER NIKONOWICZ	VOTED
MEMBER O'BRIEN	VOTED
MEMBER VISIONE	VOTED
CHAIR COLEMAN	VOTED

January 10, 2017

RESOLUTION OF THE TOWN OF LANCASTER INDUSTRIAL  
DEVELOPMENT AGENCY (THE "AGENCY") ADOPTING A  
COMBINED FEE SCHEDULE FOR THE AGENCY

WHEREAS, the Agency has previously adopted fee schedules for various Agency activities; and

WHEREAS, the Agency has determined that it would be in the best interest of the Agency to have all Agency Fees set forth on a single fee schedule.

NOW, THEREFORE BE IT RESOLVED AS FOLLOWS:

1. The Agency does hereby adopt the attached fee schedule as the combined fee schedule of the Agency.
2. This resolution shall take effect immediately.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

MEMBER FIALKIEWICZ	VOTED
MEMBER HOFFMAN	VOTED
MEMBER KURTZMAN	VOTED
MEMBER NIKONOWICZ	VOTED
MEMBER O'BRIEN	VOTED
MEMBER VISONE	VOTED
CHAIR COLEMAN	VOTED

Adopted: January 10, 2017

**TOWN OF LANCASTER INDUSTRIAL DEVELOPMENT AGENCY  
FEE SCHEDULE**

**Application Fee:** At the time of application for approval by the Agency of any transaction there shall be a non-refundable application fee of Five Hundred Dollars (\$500). If the request is for refinancing of an existing Project of the Agency where no public hearing is required, this Application Fee will be applied as an offset against all or a portion of the Agency Administrative Fee Due.

For an extension of an inducement, each extension of six months shall require payment of one quarter of the Agency Administrative Fee.

**Agency Administrative Fees:**

**1. New Projects**

The Agency Administrative Fee for new Projects shall be 1% of the dollar amount of the Project as determined by the Agency. One quarter of the Agency Administrative Fee or .25% must be received by the Agency prior to the issuance of a Sales Tax Letter by the Agency except for installment sale transactions when the entire Agency Administrative Fee of 1% is due at time of the issuance of the Sale Tax Letter. The balance of the Agency Administrative Fee or .75% shall be due on the closing of the transaction.

**2. Refinacings**

The Agency Administrative Fee for refinacings shall be \$500 plus one percent (1%) of any new money being financed.

By way of illustration, if the Agency authorized a Project with a Project Cost of \$1,200,000, the initial Agency Administrative Fee payable would have been a total of \$12,000 with .25% or \$3,000 due at the time of the sales tax letter and \$9,000 payable at the closing. For purpose of illustration, we will assume that the Project was financed through bonds or a note and mortgage

in the principal amount of \$1,000,000. At the end of five years, the Lessee comes to the Agency for assistance in refinancing the Project with a new borrowing of \$1,300,000. The Lessee will have to advise the Agency of the outstanding principal balance remaining on the bond or note. For purpose of illustration, we will assume that the principal balance has been reduced by \$100,000 leaving a remaining principal balance of \$900,000. The Lessee would have to pay an Agency Administrative Fee of 1% on the amount over the original \$1,200,000 authorized and for which the Agency Administrative Fee was paid or 1% of \$100,000 (\$1,000) plus an administrative fee of 1% on the difference between the \$1,000,000 originally borrowed and the remaining principal balance or 1% of \$100,000 (\$1,000) because that amount would also constitute new money. This would be in addition to the \$500 refinancing fee for a total Agency Administrative Fee of \$2,500.

### 3. Sublease Approvals

The Agency fee for approval of a new sublease for the entire Project shall be \$500.

### 4. Approval of Lease Assignment and Assumptions

The Agency Administrative Fee for approval of Lease Assignments and Assumptions shall be one quarter percent (.25%) of Agency Administrative Fee which would have been due if the Project was a new Project but reduced by the percentage of the benefit already received with respect to real property tax abatement.

By way of illustration, if it is assumed that the Agency provided a ten-year real property tax abatement as set forth below

Year	Tax Paid	Abatement
2016	10%	90%
2017	10%	90%
2018	10%	90%
2019	20%	80%
2020	20%	80%

2021	20%	80%
2022	30%	70%
2023	30%	70%
2024	30%	70%
2025	30%	70%

**Total Abatement      7.9 years of abatement**

If after year 2020, an application was received requesting that the Agency approve the assignment and assumption of the lease agreement, four years of abatement are remaining. If you add up the percentage of abatement for each year the total remaining abatement is 2.8 years of abatement. The fee would be 0.25% of the percentage remaining of the real property tax abatement (2.8 divided by 7.9 = 0.354430380 x 0.25% or 0.0025 times the original Project Cost) Assuming the original Project Cost was \$1,000,000, the fee at the time of the original Project would have been \$10,000. The fee for the assignment and assumption would be \$1,000,000 x 0.0025 x 0.354430380 = \$886.08.

**Additional Fees**

Additional costs associated with meeting the Agency's current environmental policy are the responsibility of the Applicant.

If the Project Application is withdrawn or does not close, the Applicant is responsible for any costs, including Agency Counsel Fees, incurred by the Agency on behalf of the Project.

**Agency Counsel Fees**

Bond/Mortgage/Lease Project Cost	Legal Fee
to \$750,000	\$5,000*
\$750,001 to \$1,500,000	\$7,500

\$1,500,001 to \$3,000,000	\$10,000
\$3,000,001 to \$5,000,000	\$12,500
\$5,000,001 to \$10,000,000	\$15,000
above \$10,000,000	\$20,000 minimum with additional legal fees payable based upon the circumstances and work involved

\* With respect to legal fees for Projects up to \$750,000, this Legal Fee would include only two drafts of documents. In addition, if due to delays caused by the Lessee or the Lender, the closing is delayed beyond a sixty day period from the date of the first draft, additional time may also be billed by Agency Counsel in his or her discretion. If further drafts are required or the closing is unreasonably delayed, additional time shall be billed at the hourly rate then in effect for Agency Counsel for the additional time only.

Legal Fees for refinancings shall be based upon the dollar amount refinanced in accordance with the above schedule. In the case of minor amendments of the prior loan documents, Agency Counsel Fees shall be charged on a time basis at the hourly rate then in effect for Agency Counsel. Agency Counsel shall determine whether the amendment to the prior loan documents is a minor amendment in his or her sole reasonable discretion.

**Installment Sale Transactions Legal Fee**

to \$750,000	\$3,000*
\$750,001 to \$1,500,000	\$5,000
\$1,500,001 to \$3,000,000	\$7,500
over \$3,000,000	\$10,000 minimum with additional

legal fees payable based upon the circumstances and work involved

\* With respect to legal fees for Projects up to \$750,000, this Legal Fee would include only two drafts of documents. In addition, if due to delays caused by the Lessee or the Lender, the closing is delayed beyond a sixty day period from the date of the first draft; additional time may also be billed by Agency Counsel in his or her discretion. If further drafts are required or the closing is unreasonably delayed, additional time shall be billed at the hourly rate then in effect for Agency Counsel for the additional time only.

Legal Fees for Assignment and Assumptions shall be on a time basis.

In addition to counsel fees, disbursement of up to \$1,000 will be added to each closing. If additional transcripts above the normal amount are required (5 for lease only and 7 for bond or mortgage transactions), they will be billed to reflect the additional copy cost and the additional binding costs and may exceed the \$1,000 total.

January 10, 2017



RESOLUTION OF THE TOWN OF LANCASTER INDUSTRIAL DEVELOPMENT AGENCY AUTHORIZING PAUL LEONE, CONSULTANT FOR THE LANCASTER INDUSTRIAL DEVELOPMENT AGENCY AS ITS AGENT FOR PURPOSE OF FILING OF FORM ST-60 WITH THE STATE OF NEW YORK DEPARTMENT OF TAXATION AND FINANCE

WHEREAS, New York State General Municipal Law Section 874 (9) was recently amended to require that each time the Agency appoints an agent or project operator for purposes of extending sales and use tax exemptions, the State of New York Department of Taxation and Finance must be notified within 30 days through the filing of Form ST-60 (IDA Appointment of Project Operator or Agent), and

WHEREAS, Paul Leone, Consultant to the Town of Lancaster Industrial Development Agency helps in the administration of the Agency's projects and in particular he acts as liaison with the Applicant on behalf of the Agency and as a result is in the best position to complete and file Form ST-60.

NOW, THEREFORE, BE IT RESOLVED, AS FOLLOWS:

1. That the Agency hereby authorizes Paul Leone, Consultant to the Lancaster Industrial Development Agency to complete and file Form ST-60 with the State of New York Department of Taxation and Finance on behalf of the Agency.
2. That this resolution shall take effect immediately.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

MEMBER FIALKIEWICZ	VOTED
MEMBER HOFFMAN	VOTED
MEMBER KURTZMAN	VOTED
MEMBER NIKONOWICZ	VOTED
MEMBER O'BRIEN	VOTED
MEMBER VISONE	VOTED
CHAIR COLEMAN	VOTED

January 10, 2017

RESOLUTION OF THE TOWN OF LANCASTER INDUSTRIAL DEVELOPMENT AGENCY

AUTHORIZATION TO ADOPT PAYMENT IN LIEU OF TAXES (PILOT) POLICY

WHEREAS, the Town of Lancaster Industrial Development Agency (LIDA) has adopted the Countywide IDA Eligibility Policy. Pursuant to this policy real property tax exemptions are given to qualified projects on value added by construction or renovation, and

WHEREAS, the LIDA's PILOT policy requires that full payment in lieu of real estate taxes be made on the land portion (non-depreciable portion of the real property assessed as land) and on existing improvements. Abatements are granted on new improvements or value added in accordance with the Countywide IDA Eligibility Policy, and

WHEREAS, the Countywide IDA Eligibility Policy provides for the economic equivalent of seven (7) years of full abatement on value added by new construction projects for traditional manufacturing, distributive services, business services and arts, entertainment and recreation, and

WHEREAS, the Countywide IDA Eligibility Policy provides for the economic equivalent of five (5) years of full abatement on value added by new construction projects for venture and/or multi-tenant facilities, long term care facilities and civic facilities, and

WHEREAS, on mixed or multiple-use projects, LIDA reserves the right to determine the applicable schedule of PILOT payments subject to approval by its Board of Directors.

NOW, THEREFORE, BE IT

RESOLVED, that the following schedule outlines the LIDA PILOT policy applicable to abatement on value added by projects eligible for the 7 year PILOT and the 10 year PILOT:

Tax Fiscal Year	7 Year PILOT	10 Year PILOT
1	90%	90%
2	90%	90%
3	80%	90%
4	80%	80%
5	70%	80%
6	70%	80%
7	70%	70%
8	N/A	70%
9	N/A	70%
10	N/A	70%

Special District Taxes are not subject to abatement under any conditions. LIDA further reserves the right to deviate from the standard PILOT. Exceptions to the standard PILOT schedules require that the Agency follow the provisions for deviation from the standard PILOT required under § 874 (4) (b) and (c) of the General Municipal Law. The LIDA policy for deviation from the standard PILOT is set forth below:

Procedures for Deviation from Standard PILOT POLICY

In order to offer a non-standard PILOT, the Board of Directors must:

1. Meet to discuss offering a non-standard PILOT, and
2. Send written notice to all affected local taxing jurisdictions at least 30 days prior to the meeting at which the Agency proposed to approve a non-standard PILOT, advising them as to the proposed deviation from the standard PILOT and the reasons why the Agency is considering such proposed deviation, and
3. Review and respond to any correspondence received by the Agency from any affected local taxing jurisdictions regarding the proposed deviation, and
4. Allow a representative of the affected local taxing jurisdictions an opportunity to appear before the Agency to address the Agency regarding the proposed deviation from the standard PILOT, and
5. After completion of the above steps, the Agency may approve a deviation from the standard PILOT policy.

**FEES AND EXPENSES**

A non-refundable application fee of five hundred dollars (\$500.00) must accompany all applications submitted to the LIDA. This fee is deductible from the LIDA Administrative Fee at closing. The Administrative Fee is generally a one-time, lump-sum fee not to exceed one percent (1%) of the cost of the project which benefits from LIDA ownership or other assistance, payable at closing. If a sales tax letter is required prior to closing, one quarter of the Administrative Fee is payable at that time, with the remaining three quarters of the Administrative Fee due at closing. For installment sale transactions, the entire administrative fee is payable at the time of the issuance of the sales tax letter.

Additional fees payable by the company at closing include the Agency's counsel fees, which counsel fees are established by a resolution of the Agency, as well as those of the purchaser and/or trustee, if any. Total costs vary with the size and complexity of the project. Should the law or the nature of the project require that the LIDA take other than routine action with respect to the environmental impact of a proposed project, the company will be responsible for all additional costs incurred by the LIDA in achieving any project environmental or other approvals.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

MEMBER FIALKIEWICZ	VOTED
MEMBER HOFFMAN	VOTED
MEMBER KURTZMAN	VOTED
MEMBER NIKONOWICZ	VOTED
MEMBER O'BRIEN	VOTED
MEMBER VISONE	VOTED
CHAIR COLEMAN	VOTED

RESOLUTION OF THE TOWN OF LANCASTER INDUSTRIAL DEVELOPMENT AGENCY AUTHORIZING THE CHAIRMAN, VICE CHAIRMAN OR OTHER OFFICER, IN THE ABSENCE OF THE CHAIRMAN OR VICE CHAIRMAN TO CALL FOR A PUBLIC HEARING ON AN APPLICATION SUBMITTED TO THE AGENCY.

WHEREAS, the Town of Lancaster Industrial Development Agency (the "Agency") normally meets only once a month, and

WHEREAS, the Agency from time to time receives applications for inducement at times that make it difficult to schedule a public hearing on a timely basis.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. That the Agency hereby authorizes the Chairman, the Vice Chairman in the absence of the Chairman or other officer in the absence of the Chairman and Vice Chairman to call for a public hearing on a proposed project upon receipt of an application and such information as such Chairman, Vice Chairman or other officer deems sufficient in his discretion.
2. That such public hearing shall be scheduled, if possible, to take place prior to the next Agency meeting, or at such other time as may be necessary.
3. That the scheduling of such public hearing shall not be deemed to constitute approval of such project or of the completeness of such application and is only intended to expedite necessary procedural requirements.
4. This Resolution shall take effect immediately.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

MEMBER FIALKIEWICZ	VOTED
MEMBER HOFFMAN	VOTED
MEMBER KURTZMAN	VOTED
MEMBER NIKONOWICZ	VOTED
MEMBER O'BRIEN	VOTED
MEMBER VISONE	VOTED
CHAIR COLEMAN	VOTED

January 10, 2017

RESOLUTION OF THE TOWN OF LANCASTER INDUSTRIAL  
DEVELOPMENT AGENCY:

AUTHORIZATION TO RETAIN GENERAL COUNSEL AND BOND  
COUNSEL

WHEREAS, the Lancaster Industrial Development Agency, in accordance with the By-Laws of this organization, is obligated to appoint General Counsel and Bond Counsel to oversee matters related to the Lancaster Industrial Development Agency; and

WHEREAS, appointment of General Counsel and Bond Counsel to the Lancaster Industrial Development Agency is made annually; and

WHEREAS, Magavern, Magavern and Grimm LLP is a well respected law firm with associates who have the necessary expertise in representing municipalities and organizations in areas such as municipal law and real estate; and

WHEREAS, said services are of significant benefit to the Lancaster Industrial Development Agency and its applicants.

NOW, THEREFORE, BE IT

RESOLVED, that Magavern, Magavern & Grimm LLP be appointed as General Counsel and Bond Counsel to the Lancaster Industrial Development Agency for 2017 with legal fees to be paid in accordance with the fee schedule adopted by the Lancaster Industrial Development Agency on January 10, 2017.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

MEMBER FIALKIEWICZ	VOTED
MEMBER HOFFMAN	VOTED
MEMBER KURTZMAN	VOTED
MEMBER NIKONOWICZ	VOTED
MEMBER O'BRIEN	VOTED
MEMBER VISONE	VOTED
CHAIR COLEMAN	VOTED

January 10, 2017

RESOLUTION OF THE TOWN OF LANCASTER INDUSTRIAL DEVELOPMENT AGENCY:

AUTHORIZATION TO APPOINT CHIEF FINANCIAL OFFICER

WHEREAS, David J. Brown, Director of Administration & Finance for the Town of Lancaster, has requested re-appointment to the position of Chief Financial Officer of the Town of Lancaster Industrial Development Agency for the year 2017, and

WHEREAS, said appointment shall be compensated \$7,500 in accordance with the terms and conditions, as agreed upon, and

WHEREAS, said services are of significant benefit to the Lancaster Industrial Development Agency involving the overseeing of all funds of the Lancaster Industrial Development Agency as stated in the by-laws of the Agency.

NOW, THEREFORE, BE IT

RESOLVED, that David J. Brown be appointed as Chief Financial Officer, upon the same terms and conditions as previously agreed upon, with an annual salary as set forth above, to be paid by the Treasurer without prior approval of the entire Board, for the year 2017.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

MEMBER FIALKIEWICZ	VOTED
MEMBER HOFFMAN	VOTED
MEMBER KURTZMAN	VOTED
MEMBER NIKONOWICZ	VOTED
MEMBER O'BRIEN	VOTED
MEMBER VISIONE	VOTED
CHAIR COLEMAN	VOTED

January 10, 2017

**RESOLUTION OF THE TOWN OF LANCASTER INDUSTRIAL DEVELOPMENT AGENCY:**

**AUTHORIZATION TO APPOINT ADMINISTRATIVE SECRETARY AND RECORDS MANAGEMENT OFFICER TO THE LANCASTER INDUSTRIAL DEVELOPMENT AGENCY FOR 2017**

WHEREAS, Mary J. Nowak has requested re-appointment to the position of Administrative Secretary & Records Management Officer of the Town of Lancaster Industrial Development Agency for 2017, and

WHEREAS, said appointment shall be compensated \$7,500 in accordance with the terms and conditions, as agreed upon, and

WHEREAS, said services are of significant benefit to the Lancaster Industrial Development Agency including, but not limited to, preparation of agendas for Board Meetings and Public Hearings, recording and preparation of official minutes of all proceedings, notification and coordination of all correspondence and official documents to Lancaster Industrial Development Agency Members, its consultants, attorneys and applicants; and

NOW, THEREFORE, BE IT

RESOLVED, that Mary J. Nowak be appointed as Administrative Secretary and Records Management Officer upon the same terms and conditions as previously agreed upon, with an annual salary as set forth above, to be paid by the Treasurer without prior approval of the entire Board, for the year 2017.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

MEMBER FIALKIEWICZ	VOTED
MEMBER HOFFMAN	VOTED
MEMBER KURTZMAN	VOTED
MEMBER NIKONOWICZ	VOTED
MEMBER O'BRIEN	VOTED
MEMBER VISIONE	VOTED
CHAIR COLEMAN	VOTED

January 10, 2017

RESOLUTION OF THE TOWN OF LANCASTER INDUSTRIAL  
DEVELOPMENT AGENCY:

AUTHORIZATION TO PROVIDE SERVICES TO LANCASTER  
INDUSTRIAL DEVELOPMENT AGENCY FOR PILOT BILLINGS FOR 2017

WHEREAS, the Lancaster Industrial Development Agency is responsible for PILOT billings related to LIDA projects for County and Town taxes, Village taxes and School taxes; and

WHEREAS, a need exists to coordinate PILOT billings for the LIDA; and

WHEREAS, David Brown and Jean Farmer of the Town of Lancaster Supervisor's Office were authorized to coordinate billing and collection of all LIDA PILOTS on April 14, 2015 and desire to provide these services to the Agency in 2017; and

WHEREAS, said services are of significant benefit to the Agency including, but not limited to, the calculation, preparation, mailing of PILOT billings as well as the collection of payments of said PILOT billings.

NOW, THEREFORE, BE IT

RESOLVED, that for 2017, David Brown and Jean Farmer be and are hereby authorized to coordinate all PILOT billings for the Lancaster Industrial Development Agency, upon the same terms and conditions as previously agreed upon. Mr. Brown and Ms. Farmer shall perform the stated duties for the LIDA, in addition to and where practicable, outside of their regularly scheduled working hours at the Town of Lancaster Supervisor's Office; and

BE IT FURTHER

RESOLVED, that David Brown shall be compensated \$1,500.00 for 2017 Town and County PILOT billings, \$500.00 for 2017 Village PILOT billings and \$1,000.00 for 2017-2018 School PILOT billings to be paid by the Treasurer without prior approval of the entire Board; and



BE IT FURTHER

RESOLVED, that Jean Farmer shall be compensated \$1,500.00 for 2017 Town and County PILOT billings, \$500.00 for 2017 Village PILOT billings and \$1,000.00 for 2017-2018 School PILOT billings to be paid by the Treasurer without prior approval of the entire Board; and

BE IT FURTHER

RESOLVED, that all the above will be reviewed and approved by Magavern Magavern & Grimm, LLP, as general counsel to the LIDA.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

MEMBER FIALKIEWICZ	VOTED
MEMBER HOFFMAN	VOTED
MEMBER KURTZMAN	VOTED
MEMBER NIKONOWICZ	VOTED
MEMBER O'BRIEN	VOTED
MEMBER VISIONE	VOTED
CHAIR COLEMAN	VOTED

January 10, 2017

RESOLUTION OF THE TOWN OF LANCASTER INDUSTRIAL  
DEVELOPMENT AGENCY:

AUTHORIZATION TO APPOINT CHIEF EXECUTIVE OFFICER

WHEREAS, Robert G. Benzel, former board member of the Lancaster Industrial Development Agency, has requested appointment to the position of Chief Executive Officer for the year 2017, and

WHEREAS, said appointment does not receive compensation from the LIDA, and

WHEREAS, said services are of significant benefit to the Lancaster Industrial Development Agency involving discharge of the executive and administrative functions of the Lancaster Industrial Development Agency.

NOW, THEREFORE, BE IT

RESOLVED, that Robert G. Benzel be appointed as Chief Executive Officer, without compensation from the LIDA, for the period of January 1, 2017 through December 31, 2017.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

MEMBER FIALKIEWICZ	VOTED
MEMBER HOFFMAN	VOTED
MEMBER KURTZMAN	VOTED
MEMBER NIKONOWICZ	VOTED
MEMBER O'BRIEN	VOTED
MEMBER VISONE	VOTED
CHAIR COLEMAN	VOTED

January 10, 2017

RESOLUTION OF THE TOWN OF LANCASTER INDUSTRIAL  
DEVELOPMENT AGENCY REAFFIRMING THE PAYMENT IN LIEU OF  
TAXES POLICY PREVIOUSLY ADOPTED BY THE AGENCY

BE IT RESOLVED AS FOLLOWS:

1. That the Agency reaffirms its policy of requiring full payment in lieu of taxes on the land portion but offering the graduated tax abatement in accordance with the schedule adopted by the Erie County Industrial Development Agency with respect to any improvements.
2. That this resolution shall take effect immediately and shall apply to all projects induced after the adoption of this resolution.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

MEMBER FIALKIEWICZ	VOTED
MEMBER HOFFMAN	VOTED
MEMBER KURTZMAN	VOTED
MEMBER NIKONOWICZ	VOTED
MEMBER O'BRIEN	VOTED
MEMBER VISONE	VOTED
CHAIR COLEMAN	VOTED

January 10, 2017

RESOLUTION OF THE TOWN OF LANCASTER INDUSTRIAL DEVELOPMENT AGENCY APPROVING THE USE OF A SUBLEASE APPROVAL FORM TO AUTHORIZE SUBLEASES INSTEAD OF REVIEWING THE ENTIRE SUBLEASE

WHEREAS, the Town of Lancaster Industrial Development Agency (the "Agency") reserves the right to review and approve all proposed Subleases in Projects owned by the Agency, and

WHEREAS, the Agency is primarily concerned with eligibility questions and insuring their Projects comply with the Act and not with particular business items, and

WHEREAS, the Agency has received expressions of concerns from Applicants for Agency Projects that disclosure of the terms of proposed Subleases might be detrimental to their interest.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN OF LANCASTER INDUSTRIAL DEVELOPMENT AGENCY AS FOLLOWS:

1. The Agency hereby authorizes Lessees in Agency Projects to submit a Sublease Approval Form in lieu of submitting the complete Sublease.
2. The Sublease Approval Form attached hereto and made a part hereof is hereby approved as the official form for submittal to the Agency.
3. This resolution shall take effect immediately.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

MEMBER FIALKIEWICZ	VOTED
MEMBER HOFFMAN	VOTED
MEMBER KURTZMAN	VOTED
MEMBER NIKONOWICZ	VOTED
MEMBER O'BRIEN	VOTED
MEMBER VISONE	VOTED
CHAIR COLEMAN	VOTED

January 10, 2017

**TOWN OF LANCASTER INDUSTRIAL DEVELOPMENT AGENCY  
SUBLEASE APPROVAL FORM  
SUB-TENANT QUESTIONNAIRE – TO BE COMPLETED BY PROPOSED TENANT**

1. COMPANY NAME: \_\_\_\_\_
2. PRIMARY CONTACT: \_\_\_\_\_
3. TITLE: \_\_\_\_\_
4. COMPANY PRESIDENT / GENERAL MANAGER:  
NAME: \_\_\_\_\_ TITLE: \_\_\_\_\_
5. COMPANY SIC (NACIS) CODE: \_\_\_\_\_
6. BUSINESS DESCRIPTION *(Describe in detail company background, products, customers, goods and services)*: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
7. HISTORY OF COMPANY: \_\_\_\_\_  
\_\_\_\_\_
8. DOES THIS OCCUPANCY CONSTITUTE A RELOCATION? Yes \_\_\_ No \_\_\_
9. IF YES, WHERE IS COMPANY PRESENTLY RELOCATING FROM? *(City, State or Province, Country)*  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_
- a.) Is location to Lancaster necessary to: (Check one or both if applicable)
  - Discourage your company from moving out of New York State? \_\_\_\_\_
  - To remain competitive within your industry? \_\_\_\_\_*(If either or both are checked, please provide a specific, detailed explanation as attachment on company letterhead)*
- b.) In regard to current location, does your company: Own: \_\_\_\_\_ Lease: \_\_\_\_\_
- c.) If leased, when does the lease expire? \_\_\_\_\_
- d.) If owned, what will become of the facility? \_\_\_\_\_  
\_\_\_\_\_
- e.) Have local economic development officials in the municipality where the company is currently located been contacted about alternative sites within that municipality?  
YES \_\_\_\_\_ NO \_\_\_\_\_
- f.) If yes, what was the outcome? \_\_\_\_\_  
\_\_\_\_\_
- g.) If no, why not? \_\_\_\_\_

10. WILL THIS LANCASTER LOCATION BE YOUR COMPANY'S HEADQUARTERS?  
YES \_\_\_\_\_ NO \_\_\_\_\_

If no, where is the Company's Headquarters located (City, State or Province, Country)?

CITY \_\_\_\_\_ STATE / PROVINCE \_\_\_\_\_

11. CURRENT NUMBER OF EMPLOYEES:

FULL TIME: \_\_\_\_\_ PART TIME: \_\_\_\_\_

12. ESTIMATED NUMBER OF FUTURE EMPLOYEES (WITHIN TWO (2) YEARS):

FULL TIME: \_\_\_\_\_ PART TIME: \_\_\_\_\_

13. NUMBER OF EMPLOYEES THAT LIVE IN:

LANCASTER \_\_\_\_\_ BUFFALO \_\_\_\_\_

OTHER ERIE COUNTY \_\_\_\_\_ OUTSIDE ERIE COUNTY \_\_\_\_\_

14. APPROXIMATE PERCENTAGE OF PRODUCTS / SERVICES EXPORTED:

OUTSIDE ERIE COUNTY BUT WITHIN NEW YORK STATE \_\_\_\_\_

WITHIN THE REST OF THE U.S. \_\_\_\_\_

CANADA \_\_\_\_\_ INTERNATIONAL \_\_\_\_\_

FORM COMPLETED BY: \_\_\_\_\_

PLEASE PRINT

DATE: \_\_\_\_\_

TITLE: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_

RESOLUTION OF THE TOWN OF LANCASTER INDUSTRIAL  
DEVELOPMENT AGENCY

PUBLIC HEARING PROCEDURE FOR  
INDUSTRIAL DEVELOPMENT AGENCY PROJECTS

WHEREAS, the Town of Lancaster Industrial Development Agency has adopted general procedures for the conducting of public hearings with respect to bond issues as required by Section 147(f) of the Internal Revenue Code and with respect to all other Agency projects as well; and

WHEREAS, upon receipt of an application, following review by the staff as to eligibility of the Project, a public hearing is scheduled by the Agency. Notice of the public hearing is published in the Lancaster Bee, a newspaper having a general circulation in the Town of Lancaster. The publication date is set to meet the prior publication requirements of New York State under the General Municipal Law and as required under Section 147 (f) of the Internal Revenue Code. The notice describes date and place of the public hearing and a description of the proposed project and includes information on the Project as required by the Internal Revenue Code for tax exempt projects as well as the information required under the General Municipal Law of the State of New York. The public hearing notice also provides an address where comments can be sent; and

WHEREAS, the public hearing is held at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York 14086 unless such public hearing is required to be held in the Village of Depew, in which case the public hearing will be at the Depew Village Hall, 85 Manitou Street, Depew, New York 14043 or at other location selected by the Agency. The public hearing is conducted by the Chairman, Vice Chairman or other officer of the Agency immediately prior to scheduled meetings of the Agency and is generally attended by the entire membership of the Agency; and

WHEREAS, the procedures of the hearing are to have the reading of a summary of the proposed project with a description of the proposed benefits to be received and then request comments from those in attendance. If written comments are received, those comments are incorporated into the record; and

WHEREAS, after those who are there in attendance have an opportunity to be heard, the hearing is closed by the officer of the Agency conducting the hearing. A record of the hearing is then prepared for the official records of the Agency.

NOW, THEREFORE BE IT RESOLVED AS FOLLOWS:

1. The Agency does hereby adopt the above noted public hearing procedure.
2. This resolution shall take effect immediately.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

MEMBER FIALKIEWICZ	VOTED
MEMBER HOFFMAN	VOTED
MEMBER KURTZMAN	VOTED
MEMBER NIKONOWICZ	VOTED
MEMBER O'BRIEN	VOTED
MEMBER VISONE	VOTED
CHAIR COLEMAN	VOTED

January 10, 2017



RESOLUTION OF THE TOWN OF LANCASTER INDUSTRIAL  
DEVELOPMENT AGENCY ESTABLISHING A FIVE HUNDRED DOLLAR  
(\$500.00) APPLICATION FEE FOR ALL PROJECTS

WHEREAS, the Town of Lancaster Industrial Development Agency (the "Agency") has traditionally undertaken considerable administrative burdens in document preparation for all projects whether or not they actually proceed but due to recent changes in New York State Law, the LIDA is required to undertake increased responsibility for projects including public hearing requirements and expanded reporting requirements, which reporting requirements are annual throughout the term of all projects, and

WHEREAS, the Agency has discussed with representatives of other Agencies, what their requirements are with respect to Application fees and has determined that, in general, Application Fees are charged for projects.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. That the Agency hereby establishes a non-refundable application fee in the amount of Five Hundred Dollars (\$500.00) for all projects which fee shall be due and payable at the time of submission of the application and which application fee is designed to cover Agency costs in document preparation, publication of hearing notices, complying with reporting requirements and other costs of the Agency with respect to projects.
2. This resolution shall take effect immediately.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

MEMBER FIALKIEWICZ	VOTED
MEMBER HOFFMAN	VOTED
MEMBER KURTZMAN	VOTED
MEMBER NIKONOWICZ	VOTED
MEMBER O'BRIEN	VOTED
MEMBER VISONE	VOTED
CHAIR COLEMAN	VOTED

RESOLUTION OF THE TOWN OF LANCASTER INDUSTRIAL DEVELOPMENT AGENCY TO AUTHORIZE CONSULTANT AGREEMENT WITH PAUL LEONE FOR 2017

WHEREAS, the Town of Lancaster Industrial Development Agency (the "Agency") has previously entered into a Consultant Agreement with Paul Leone of Cheektowaga, New York to provide independent consulting services to the Lancaster Industrial Development Agency; and

WHEREAS, a need exists for an individual to serve as liaison between the Agency and its applicants; and

WHEREAS, Paul Leone is well respected and has the necessary expertise to assist the LIDA in matters related to the Agency; and

WHEREAS, the Agency desires to enter into a new Consultant Agreement with Paul Leone, as an independent contractor for 2017.

NOW, THEREFORE, BE IT

RESOLVED, that the Chairman of the Lancaster Industrial Development Agency be and is hereby authorized to enter into an Agreement with Paul Leone for 2017; and

BE IT FURTHER

RESOLVED, that Paul Leone be compensated \$2,500.00 per month by the Agency for his services; and

BE IT FURTHER

RESOLVED, that all the above and the Consultant Agreement will be reviewed and approved by Magavern, Magavern & Grimm, LLP, as general counsel to the LIDA.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

MEMBER FIALKIEWICZ	VOTED
MEMBER HOFFMAN	VOTED
MEMBER KURTZMAN	VOTED
MEMBER NIKONOWICZ	VOTED
MEMBER O'BRIEN	VOTED
MEMBER VISONE	VOTED
CHAIR COLEMAN	VOTED

January 10, 2017

RESOLUTION OF THE TOWN OF LANCASTER INDUSTRIAL  
DEVELOPMENT AGENCY

AUTHORIZATION TO PAY BILLS UNDER \$2,000 WITHOUT PRIOR  
APPROVAL OF THE LIDA BOARD

WHEREAS, it has been determined that it would be in the best interest of the Agency to establish a policy authorizing the payment of bills up to \$2,000 without prior authorization from the LIDA Board.

NOW, THEREFORE BE IT RESOLVED AS FOLLOWS:

1. The Agency does hereby adopt a policy authorizing the payment of bills up to \$2,000 without prior approval from the LIDA Board.
2. This resolution shall take effect immediately.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

MEMBER FIALKIEWICZ	VOTED
MEMBER HOFFMAN	VOTED
MEMBER KURTZMAN	VOTED
MEMBER NIKONOWICZ	VOTED
MEMBER O'BRIEN	VOTED
MEMBER VISONE	VOTED
CHAIR COLEMAN	VOTED

January 10, 2017

RESOLUTION OF THE TOWN OF LANCASTER INDUSTRIAL  
DEVELOPMENT AGENCY TO AUTHORIZE AGREEMENT EXTENSION  
WITH MASIELLO, MARTUCCI, CALABRESE & ASSOCIATES FOR 2017

WHEREAS, the Town of Lancaster Industrial Development Agency (the "Agency") has previously entered into an Agreement with Masiello, Martucci, Calabrese & Associates to provide independent lobbying and governmental affairs consulting services to the Lancaster Industrial Development Agency; and

WHEREAS, the Agency desires to enter into an Agreement Extension with Masiello, Martucci, Calabrese & Associates for 2017.

NOW, THEREFORE, BE IT

RESOLVED, that the Chairman of the Lancaster Industrial Development Agency be and is hereby authorized to enter into an Agreement Extension with Masiello, Martucci & Associates for 2017; and

BE IT FURTHER

RESOLVED, the annual fee will be \$6,000, payable in 12-equal monthly installments of \$500.00 each.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

MEMBER FIALKIEWICZ	VOTED
MEMBER HOFFMAN	VOTED
MEMBER KURTZMAN	VOTED
MEMBER NIKONOWICZ	VOTED
MEMBER O'BRIEN	VOTED
MEMBER VISONE	VOTED
CHAIR COLEMAN	VOTED

January 10, 2017

December 9, 2016

Johanna Coleman  
Town of Lancaster IDA  
21 Central Avenue  
Lancaster, New York 14068

**AGREEMENT EXTENSION BETWEEN LANCASTER IDA  
AND MASIELLO, MARTUCCI, CALABRESE & ASSOCIATES**

The partners at Masiello, Martucci, Calabrese and Associates have enjoyed representing the interests of the Lancaster IDA for the past year. We look forward to continuing our work on your behalf in 2017. Therefore, we propose the following contract renewal for your approval.

Masiello, Martucci, Calabrese & Associates (MMCA) agree to provide lobbying and government affairs consulting services to the Lancaster IDA, as a member of the Coalition for Community Building (CCB) effective January 1, 2017 through December 31, 2017 a fee of \$6,000. This fee shall be paid in 12-equal monthly installments of \$500.00 each.

This agreement can be cancelled by either party with a 30-day written notice and provided all billings are current.

This client also agrees to abide by all requested filings by the New York State Commission on Public Integrity.

Signed by:

\_\_\_\_\_  
Johanna Coleman, Supervisor  
Lancaster IDA

  
\_\_\_\_\_  
Anthony M. Masiello, President  
Masiello, Martucci, Calabrese & Associates

Date signed: \_\_\_\_\_

Date signed: 12/9/16

**REGULAR MEETING**

Presentation of Minutes from December 13, 2016 meeting: Motion by Member \_\_\_\_\_,  
seconded by Member \_\_\_\_\_, approved, corrected or denied.

Presentation of Financial Statement for period of December 13, 2016 to January 10, 2017:  
Motion by Member \_\_\_\_\_, seconded by Member \_\_\_\_\_, approved, corrected  
or denied.

**RESOLUTIONS: None**

**NEW BUSINESS:**

**CURRENT BUSINESS:**

**OTHER BUSINESS**

**NEXT LIDA MEETING – TUESDAY, FEBRUARY 14, 2017 AT 8:30 AM**

MOTION TO ADJOURN: \_\_\_\_\_