

**TOWN OF AMHERST INDUSTRIAL DEVELOPMENT AGENCY**

**Agenda – 556th Meeting  
Friday, April 25, 2025-8:30 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. Public Comment
  - I. Speakers Limited to Three (3) Minutes
6. Executive Director's Report
7. Committee Reports
8. Unfinished Business
9. New Business
  - I. Authorization Resolution – Novum Medical Products of NY, Inc.
  - II. CivicServe Contract
10. Adjournment

**TOWN OF AMHERST INDUSTRIAL DEVELOPMENT AGENCY**

**Minutes of the 555<sup>th</sup> Meeting**

**Friday, March 21, 2025 – 8:49 am**

**James J. Allen Boardroom**

**Agency Offices, 4287 Main Street**

PRESENT:	Carlton N. Brock, Jr. William Tuyn Anthony Agostino Hon. Timothy Drury Frank LoTempio, III Nicole Gavigan David S. Mingoia, Executive Director Carly D. Brown, Hurwitz & Fine PC
ABSENT:	Hadar Borden
GUESTS :	AIDA Staff Jacqui Berger

Chairman Carlton Brock called the meeting to order and reminded everyone the meeting was being video recorded and live-streamed.

**MINUTES**

Upon a motion by Frank LoTempio, seconded by Nicole Gavigan and unanimously carried, the minutes of the February 2025 meeting were approved as presented.

**BILLS & COMMUNICATIONS**

There were no Bills & Communications presented at this meeting.

**TREASURER'S REPORT**

Treasurer Agostino reviewed the highlights of the Treasurer's Report for February 2025. Upon a motion by Frank LoTempio, seconded by Nicole Gavigan and unanimously carried, the Treasurer's Report for February 2025 was approved as presented.

**PUBLIC COMMENT**

There was no Public Comment at this meeting.

**EXECUTIVE DIRECTOR'S REPORT**

David Mingoia presented the Executive Director's Report.

## **COMMITTEE REPORTS**

### **I. Finance & Audit Committee -2024 AIDA Financial Statements**

Anthony Agostino informed the board that the Audit & Finance Committee had met with the Agency's auditor, Randall Shepard from The Bonadio Group earlier in February. The Committee voted to accept the 2024 audited financial statements and forward them on to the board of directors for approval.

Frank LoTempio made a motion to accept the 2024 Audited Financial Statements as presented. Anthony Agostino seconded the motion. Votes of aye were cast by Brock, Tuyn, Agostino, Drury, LoTempio and Gavigan. Motion to approve passed by a vote of 6-0.

### **II. Governance Committee – 2024 Authority Mission and Performance Measurement Report**

The Governance Committee met earlier to review the 2024 Report. The Committee recommended the approval of the 2024 Mission Statement and Measurement Report as presented. Frank LoTempio made a motion to approve the 2024 Mission Statement and Measurement Report. William Tuyn seconded the motion. Votes of aye were cast by Brock, Tuyn, Agostino, Drury, LoTempio and Gavigan. Motion to approve passed 6-0.

## **UNFINISHED BUSINESS**

There was no Unfinished Business presented at this meeting.

## **NEW BUSINESS**

There was no New Business presented at this meeting.

**9:00 am** – Frank LoTempio made a motion to adjourn the meeting. Nicole Gavigan seconded the motion to adjourned. Motion to adjourn passes unanimously by a vote of 6-0.

**PROJECT PROFILE:**  
**NOVUM MEDICAL PRODUCTS EXPANSION**  
**1,200,000**  
**April 25, 2025**



**ELIGIBILITY**

- Commercial Project under NYS Law
- Eligible Project under Countywide Eligibility Policy

**COMPANY INCENTIVES (EST.)**

- Property Tax = \$83,461
- Sales Tax = \$75,250
- Mortgage Tax = \$9,000

**PROJECT BENEFITS (EST.)**

- Property Taxes = \$110,299
- Income Taxes = \$776,290
- Sales Taxes = \$264,155

**EMPLOYMENT**

- 8 Construction and Supply Related Jobs Created
- 11 Full-Time and 2 Part-Time Jobs Retained, 2 Full-Time and 1 Part-Time New Jobs Created within 2-years of Project Completion
- 16 Full-Time Positions Result From Ongoing Impact of the Operation

**PROJECT SCHEDULE (EST.)**

- Work begins May 2025
- Project completion March 2026

**Project Address:**

80 Creekside Drive  
 Amherst, New York 14228  
 (Sweet Home School District)

**Investment:**

Construction: \$850,000  
 Equipment: \$100,000  
 Soft/Other Costs: \$240,000



**Project Description:**

Novum Medical Products is proposing to expand its existing 10,400 square feet facility by 6,000 square feet to remain competitive in its industry and expand capacity to take on new work. The addition is mostly warehouse/production space, but will allow for greater efficiency across all its local operations as shipping, receiving and assembly of products will be reorganized in the facility.

Novum Medical Products designs, assembles and distributes medical furniture across the United States and internationally. The company is strategically expanding its services to new markets, such as automotive related assembly. Over 90% of its products are distributed outside of New York State.

The company received site plan approval nearly 2-years ago and has been working to make the project financially feasible in light of increased borrowing, materials and labor costs. Additional building space is critical to the long-term viability of the operation due to changes in fulfillment timelines, mitigating tariffs, and warehousing of more products on site. Amherst IDA assistance is necessary to make the project financially feasible which maintains the existing taxes collected on the building, existing jobs and new positions resulting from the company's investment.

**PROJECT PROFILE:**  
**NOVUM MEDICAL PRODUCTS EXPANSION**  
**\$1,200,000**

**Page 2**

**AIDA COMPANY HISTORY:**

None

**MATERIAL TERMS:**

1. Investment of not less than \$1,020,000 at the project location as noted in the application.
2. Achievement of 14.5 full time equivalent positions within two years of project completion and maintenance of those jobs for the PILOT term.
3. Compliance with the Agency's Local Labor Policy in connection with the construction of the Project.

**AIDA Project Evaluation Criteria - Warehouse/Distribution**

Wage Rates:	\$75,000 Average Annual Salary
Regional Wealth Creation:	90% of sales outside of New York State
In Region Purchases:	Applicant indicates use of local sources for parts used in its products
Research & Development Activities:	About 10% of budget, but facility mainly assembles and fulfills orders.
Investments in Energy Efficiency:	Company plans to apply energy efficient equipment in building expansion (i.e. HVAC)
Locational Land Use Factors:	Ability to expand on site
LEED/Renewable Resources:	None
Retention/Flight Risk:	The company could relocate to a lower cost area, but prefers to expand on site
Workforce Access/Public Transportation:	NFTA bus stop less than 1/4 mile from project site

# Town of Amherst Industrial Development Agency

## MRB Cost Benefit Calculator

Date April 3, 2025  
 Project Title Novum Medical Expansion  
 Project Location 80 Creekside Drive, Amherst 14228



## Economic Impacts

Summary of Economic Impacts over the Life of the PILOT

Project Total Investment

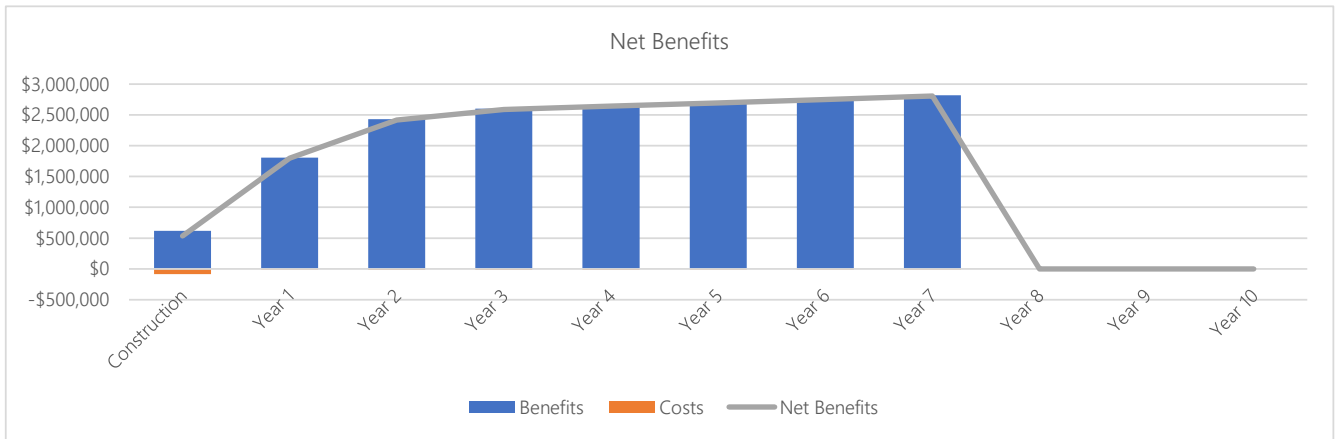
\$1,200,000

Temporary (Construction)			
	Direct	Indirect	Total
Jobs	4	4	8
Earnings	\$376,757	\$205,767	\$582,524
Local Spend	\$900,000	\$637,233	\$1,537,233

Ongoing (Operations)			
Aggregate over life of the PILOT			
	Direct	Indirect	Total
Jobs	15	16	31
Earnings	\$9,013,333	\$7,655,028	\$16,668,361

Figure 1



Net Benefits chart will always display construction through year 10, irrespective of the length of the PILOT.

Figure 2

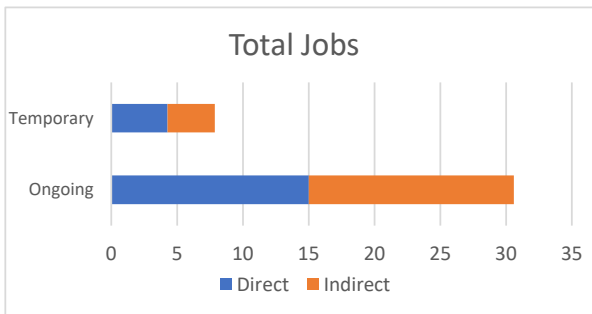
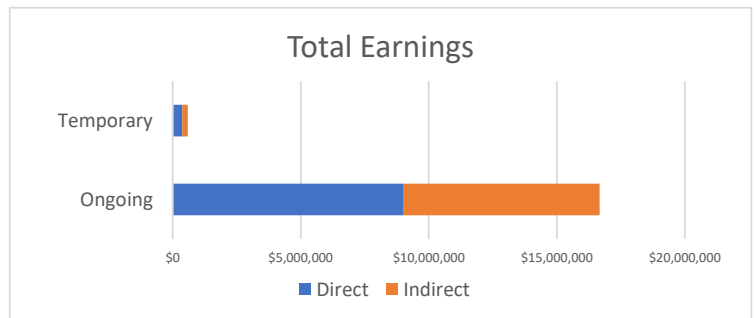


Figure 3



## Fiscal Impacts



Cost-Benefit Analysis Tool powered by MRB Group

### Estimated Costs of Exemptions

	Nominal Value	Discounted Value*
Property Tax Exemption	\$83,461	\$77,139
Sales Tax Exemption	\$75,250	\$75,250
Local Sales Tax Exemption	\$40,850	\$40,850
State Sales Tax Exemption	\$34,400	\$34,400
Mortgage Recording Tax Exemption	\$9,000	\$9,000
Local Mortgage Recording Tax Exemption	\$3,000	\$3,000
State Mortgage Recording Tax Exemption	\$6,000	\$6,000
<b>Total Costs</b>	<b>\$167,711</b>	<b>\$161,389</b>

### State and Local Benefits

	Nominal Value	Discounted Value*
<b>Local Benefits</b>	<b>\$17,504,582</b>	<b>\$16,161,691</b>
<b>To Private Individuals</b>	<b>\$17,250,885</b>	<b>\$15,927,289</b>
Temporary Payroll	\$582,524	\$582,524
Ongoing Payroll	\$16,668,361	\$15,344,765
Other Payments to Private Individuals	\$0	\$0
<b>To the Public</b>	<b>\$253,697</b>	<b>\$234,402</b>
Increase in Property Tax Revenue	\$110,299	\$102,006
Temporary Jobs - Sales Tax Revenue	\$4,842	\$4,842
Ongoing Jobs - Sales Tax Revenue	\$138,556	\$127,553
Other Local Municipal Revenue	\$0	\$0
<b>State Benefits</b>	<b>\$897,046</b>	<b>\$828,219</b>
<b>To the Public</b>	<b>\$897,046</b>	<b>\$828,219</b>
Temporary Income Tax Revenue	\$26,214	\$26,214
Ongoing Income Tax Revenue	\$750,076	\$690,514
Temporary Jobs - Sales Tax Revenue	\$4,078	\$4,078
Ongoing Jobs - Sales Tax Revenue	\$116,679	\$107,413
<b>Total Benefits to State &amp; Region</b>	<b>\$18,401,628</b>	<b>\$16,989,910</b>

### Benefit to Cost Ratio

	Benefit*	Cost*	Ratio
Local	\$16,161,691	\$120,989	134:1
State	\$828,219	\$40,400	21:1
<b>Grand Total</b>	<b>\$16,989,910</b>	<b>\$161,389</b>	<b>105:1</b>

\*Discounted at 2%

### Additional Comments from IDA

Prepared by DM

Does the IDA believe that the project can be accomplished in a timely fashion? Yes

**RESOLUTION OF THE TOWN OF AMHERST INDUSTRIAL DEVELOPMENT AGENCY AUTHORIZING A PROJECT CONSISTING OF THE RENOVATION AND EXPANSION OF AN APPROXIMATELY 10,000 SQUARE FOOT FACILITY BY NOVUM MEDICAL PRODUCTS OF NY, LLC, LOCATED AT 80 CREEKSIDE DRIVE, AMHERST, NEW YORK, FOR SALE OR LEASE TO THE TOWN OF AMHERST INDUSTRIAL DEVELOPMENT AGENCY AND RECONVEYANCE OR SUBSEQUENT LEASE PURSUANT TO AN INSTALLMENT SALE CONTRACT OR LEASE AGREEMENT TO NOVUM MEDICAL PRODUCTS OF NY, LLC, THE EXECUTION OF A MORTGAGE AGREEMENT, LEASE AGREEMENT(S) AND/OR INSTALLMENT SALE CONTRACT, AND PILOT AGREEMENT, AND THE TAKING OF OTHER ACTIONS.**

**WHEREAS**, the Town of Amherst Industrial Development Agency (the “Agency”) is authorized under the laws of the State of New York, and in particular the New York State Industrial Development Agency Act, constituting Title 1 of Article 18-A of the General Municipal Law, Chapter 24 of the Consolidated Laws of New York, as amended, and Section 914-a of the General Municipal Law, as amended (collectively, the “Act”), to promote, develop, encourage and assist in the acquiring, constructing, reconstructing, improving, maintaining, equipping and furnishing of industrial, manufacturing, warehousing, commercial and research facilities and thereby advance the job opportunities, general prosperity and economic welfare of the people of the State of New York and to improve their prosperity and standard of living; and

**WHEREAS**, Novum Medical Products of NY, LLC, a New York limited liability company, for itself or for related individuals or entities (the “Company”), has submitted an application to the Agency requesting the Agency to undertake a certain project (the “Project”) consisting of: (i) the acquisition of a leasehold interest in certain property located at 80 Creekside Drive in the Town of Amherst, State of New York (SBL No. 26.03-2-21.21) (the “Premises”); (ii) the renovation and expansion of an existing approximately ten thousand (10,000) square foot office, assembly and warehouse facility and related site improvements (collectively, the “Improvements”); and (iii) the acquisition and installation therein, thereon or thereabout of certain machinery, equipment and related personal property (the “Equipment”); and

**WHEREAS**, the Company has submitted an application and other materials and information (collectively, the “Application”) to the Agency to initiate the accomplishment of the above; and

**WHEREAS**, the Application sets forth certain information with respect to the Company and the Project, including the following: that the Company desires Agency financing for the renovation of an existing approximately 10,000+/- square foot warehouse building and related site improvements located at 80 Creekside Drive, Amherst, New York for commercial purposes, all at a cost of approximately One Million Two Hundred Thousand and No/100 Dollars (\$1,200,000.00); that the Company anticipates that eleven (11) full-time equivalent positions and two (2) part-time positions will be retained and that two (2) full-time equivalent positions and one (1) part-time position will be created as a result of the Project at the end of two (2) years of operation thereof; that (i) there will be no substantial adverse disruption of existing employment of facilities of a similar



nature in the Town of Amherst, (ii) the Project will retain existing substantial employment and result in substantial capital investment; and (iii) if Agency financing is disapproved, the Company would likely not proceed with the Project; and that, therefore, Agency financing is necessary to encourage the Company to proceed with the Project in the Town of Amherst; and

**WHEREAS**, after the giving of all required notices (including published notice), the Agency held a public hearing on the Project on April 10, 2025, and has considered all oral and written presentations made at or in connection with said public hearing; and

**WHEREAS**, the Agency has reviewed the Application, prepared a cost-benefit analysis with respect to the Project, and has considered the extent to which the Project will create and retain permanent, private-sector jobs, the value of tax exemptions to be provided, the amount of private sector investment generated or likely to be generated by the Project, the likelihood of accomplishing the proposed Project in a timely fashion, the extent to which the proposed Project will provide additional sources of revenue for the municipalities and school district and other public benefits that might occur as a result of the Project; and

**WHEREAS**, the Agency desires to encourage the Company with respect to the consummation of the Project, if by doing so it is able to induce the Company to proceed with the Project in the Town of Amherst; and

**WHEREAS**, the Company is expected to undertake and complete the Project by obtaining a conventional loan from a third party, and the Company has requested that the Agency execute any and all documents required by the parties, including any collateral mortgage(s) on the Project given to secure a loan(s) obtained by the Company to finance the cost of the Project; and

**WHEREAS**, the Company has completed and submitted to the Agency Part 1 of an Environmental Assessment Form (“EAF”) in accordance with the provisions of the State Environmental Quality Review Act and regulations adopted pursuant thereto (collectively, “SEQRA”); and

**WHEREAS**, the Agency has completed Part 2 of the EAF and has considered the proposed Project and reviewed the EAF and the criteria set forth in SEQRA in order to determine whether the Project will have a significant effect on the environment and wishes to make the findings required of an agency under SEQRA.

**NOW, THEREFORE, THE TOWN OF AMHERST INDUSTRIAL DEVELOPMENT AGENCY HEREBY RESOLVES AS FOLLOWS:**

**Section 1.** The Agency hereby resolves that the proposed Project will not have a significant impact on the environment for the reasons more particularly set forth in the negative declaration prepared by the Agency and, in accordance with SEQRA, hereby adopts such negative declaration with regard to the Project. A copy of the EAF and negative declaration is attached hereto as Exhibit A.

**Section 2.** The Project is described in the recitals to this Resolution. The financial

assistance to be provided by the Agency in connection therewith consists of: (i) an exemption from sales and use taxes for building materials and machinery, equipment, fixtures and furnishings purchased for incorporation into or use at the Project location having a total cost not to exceed Eight Hundred Sixty Thousand and No/100 Dollars (\$860,000.00); (ii) an exemption from mortgage recording taxes for one or more mortgages having a principal amount not to exceed One Million Two Hundred Thousand and No/100 Dollars (\$1,200,000.00); and (iii) an abatement from real property taxes in accordance with the Agency's seven (7) year payment in lieu of tax schedule (collectively, the "Financial Assistance"). In addition to any other covenants, obligations and agreements which may be contained in the Project Documents (as hereinafter defined), the provision by the Agency of the Financial Assistance is made subject to the agreement by the Company to comply with the following covenants and agreements, each of which shall constitute a "Material Factor":

- (a) investment of not less than One Million Twenty Thousand and No/100 Dollars (\$1,020,000.00) at the Project location as noted in the Application;
- (b) compliance with the Agency's Local Labor Policy in connection with the construction of the Project; and
- (c) achievement of fourteen and one-half (14.5) full-time equivalent positions within two (2) years of Project completion and maintenance of those positions throughout the term of the PILOT Agreement.

**Section 3.** The Agency hereby determines that the Project and the financing thereof by the Agency pursuant to the New York State Industrial Development Agency Act will promote and is authorized by and will be in furtherance of the policy of the State as set forth in said Act.

**Section 4.** The Agency hereby authorizes the Company, as agent for the Agency, to proceed with the Project as herein authorized. The Agency is hereby authorized to acquire an interest in the Project site and the buildings thereon, if any, and to make renovations or additions thereto. The Company is authorized to proceed with the acquisition and construction of the Project as set forth in the Project Agreement, the Agency Lease Agreement or Installment Contract (as hereinafter defined).

**Section 5.** The Chairman, Vice Chairman, Executive Director, Secretary, Treasurer, and any Assistant Secretary of the Agency, and other appropriate officials of the Agency and its agents and employees, are hereby authorized and directed to do and cause to be done any and all acts and things necessary or proper for carrying out this Resolution and to complete the Project in cooperation with the Company.

**Section 6.** The Company is authorized, as agent of the Agency, to initiate the construction of building renovations constituting the Project, and the acquisition of machinery, equipment, fixtures and furnishings which will be a part thereof or will be used in connection therewith, and to advance such funds as may be necessary to accomplish such purposes. The designation of the Company as agent hereunder is limited to purchases of sales-taxable tangible personal property and services in connection with the Project which do not exceed a total cost of

Eight Hundred Sixty Thousand and No/100 Dollars (\$860,000.00) and shall not apply to any other purchase by the Company or any operating expenses of the Company. The Company shall report to the Agency, at such times as the Agency shall require, or as may otherwise be prescribed by the Commissioner of the New York State Department of Taxation and Finance (the “Commissioner”), the value of all sales and use tax exemptions claimed by the Company or agents of the Company or any operators of the Project, including, but not limited to, consultants or subcontractors of such agents or Project operators under the authority granted pursuant to this Resolution. A failure to report may result in the revocation of the designation of the Company as agent and repayment of any sales and use tax exemptions claimed.

**Section 7.** The Agency is hereby authorized to enter into a Project Agreement with respect to the provision of the Financial Assistance authorized herein (the “Project Agreement”) and to acquire an interest in the Project site and renovate a facility thereon, and to execute and deliver a lease by the Company to the Agency (the “Company Lease”), an Agency Lease Agreement (the “Agency Lease Agreement”) or Installment Sale Contract (the “Installment Contract”) between the Agency and the Company, a Payment in Lieu of Tax Agreement between the Agency and the Company (the “PILOT Agreement”), and such other documents as may be necessary to fulfill the intent of the parties to the transaction (collectively, the “Project Documents”), in form satisfactory to Agency counsel. The Chairman, Vice Chairman, Executive Director, Secretary, Treasurer, or any Assistant Secretary are each authorized to execute such documents and to make or approve such amendments or modifications to the Project Agreement, Company Lease, Agency Lease Agreement, Installment Contract, PILOT Agreement and such other documents executed and delivered in connection therewith as they deem necessary under the circumstances; provided, however, that such modifications do not materially alter the risk to the Agency.

**Section 8.** In the event the Company obtains one or more conventional loans to finance the cost of the Project, the Agency is hereby authorized to execute and deliver to the lender(s) one or more collateral mortgage(s) on the Project given to secure such loan(s) (collectively, the “Mortgage Agreement”), and such other documents as may be necessary to fulfill the intent of the parties to the transaction in form satisfactory to Agency counsel, provided that the aggregate amount of such mortgage(s) subject to the Agency exemption shall not exceed One Million Two Hundred Thousand and No/100 Dollars (\$1,200,000.00). The Chairman, Vice Chairman, Executive Director, Secretary, Treasurer, or any Assistant Secretary are each authorized to execute such documents and to make or approve such amendments or modifications to such collateral mortgage(s) and other documents executed and delivered in connection therewith as they may deem necessary under the circumstances; provided, however, that such modifications do not materially alter the risk to the Agency.

**Section 9.** Any such action heretofore taken by the Company initiating the acquisition, installation and construction of the Project is hereby ratified, confirmed and approved.

**Section 10.** Any expenses incurred by the Agency with respect to the Project and the financing thereof shall be paid by the Company. By acceptance hereof, the Company agrees to pay such expenses and further agrees to indemnify the Agency, its members, employees and agents and hold the Agency and such persons harmless against claims for losses, damage or injury or any expenses or damages incurred as a result of action taken by or on behalf of the Agency with respect

to the Project and the financing thereof.

**Section 11.** In the event a lease or installment sale contract is not executed between the Company and the Agency by the expiration date of this Resolution (as such date may be extended as provided herein) or the termination of this Resolution, the Company shall then be required to pay all sales taxes which would have been levied in connection with the acquisition, construction and installation of all improvements of the real property and the machinery and equipment which constitute the Project, as if the Agency did not have an interest in the Project from the date the Company commenced its acquisition, construction and installation. In addition, in the event, because of the involvement of the Agency, the Company claims an exemption from state sales or use tax in connection with the Project, and such exemption is claimed with respect to property or services not authorized hereunder, or which exemption is in excess of the amounts authorized hereunder, or is otherwise not permitted under this Resolution, or if the Company shall fail to comply with a material term or condition regarding the use of property or services acquired by the Company as agent for the Agency as set forth in this Resolution or in any document authorized hereunder, then the Company shall be required to remit to the Agency an amount equal to the amount of state sales and use taxes for which such exemption was improperly claimed. A failure to remit such amounts may result in an assessment against the Company by the Commissioner of state sales and use taxes, together with any relevant penalties and interest.

In addition to the foregoing, in the event the Agency determines that Company is in violation of a Material Factor, or in the event that the Company closes the Project or relocates its operations to a location outside of the Town of Amherst within the time period during which the Company is receiving Financial Assistance from the Agency or in the event the Agency determines, in its judgment, that the Company knowingly and intentionally submitted false or intentionally misleading information in its application to the Agency or in any report or certification submitted to the Agency for the purpose of obtaining or maintaining any Financial Assistance from the Agency (each referred to herein as a “Recapture Event”), the Agency may, in accordance with its policies and procedures then in effect, (i) revoke the designation of the Company and any agents of the Company (including, but not limited to, consultants, sub-contractors or equipment lessors of the Company) as agents for the Agency in connection with the Project and terminate the exemption from New York State and local sales and use taxes conferred with respect to the Project, and/or (ii) require that the Company, commencing with the tax fiscal year next following such Recapture Event make payments in lieu of taxes on the Project with respect to all applicable taxing authorities in such amounts as would be payable as real estate taxes levied on the Project if the Agency did not have an interest in the Project or otherwise modify the amount or terms of any Financial Assistance being provided by the Agency in connection with the Project, and/or (iii) require that the Company pay to the Agency an amount equal to all or a portion (as determined by the Agency in its discretion) of the total value of (x) all sales and use tax exemptions claimed by the Company and any agents of the Company, including, but not limited to, consultants, subcontractors, or any equipment lessors of the Company under the authority granted under this Resolution and the Project Agreement, (y) any exemption from real estate taxes received by reason of the Agency’s leasehold interest in the Project, and/or (z) any exemption from mortgage recording tax received by reason of the Agency’s involvement with the Project. If the Agency makes any of the foregoing determinations and requires a repayment of all or a portion of the Financial Assistance received by the

Company, the Company shall (i) cooperate with the Agency in its efforts to recover or recapture any or all Financial Assistance obtained by the Company and (ii) promptly pay over any or all such amounts to the Agency that the Agency demands in connection therewith. Upon receipt of such amounts, the Agency shall then redistribute such amounts to the appropriate affected tax jurisdiction(s) unless otherwise agreed to by any affected tax jurisdiction.

**Section 12.** The Agency has not made and makes no representation or warranty whatsoever, either express or implied, with respect to the merchantability, condition, environmental status, fitness, design, operation or workmanship of any part of the Project, its fitness for any particular purpose, the quality or capacity of the materials in the Project, or the suitability of the Project for the Company's purposes or needs. The Company is satisfied that the Project is suitable and fit for its purposes. The Agency shall not be liable in any manner whatsoever to anyone for any loss, damage or expense of any kind or nature caused, directly or indirectly, by the Project property or the use or maintenance thereof or the failure of operation thereof, or the repair, service or adjustment thereof, or by any delay or failure to provide any such maintenance, repairs, service or adjustment, or by any interruption of service or loss of use thereof or for any loss of business howsoever caused, and the Company hereby indemnifies and holds the Agency harmless from any such loss, damage or expense.

**Section 13.** Should the appropriate officers of the Agency determine, in their absolute discretion, that there is reason to believe that the activities of any past or present owner or operator of the Premises have resulted in the generation of any "hazardous substance" (as the term has been defined from time to time in any applicable federal or state law, rule or regulation), or that any party has stored, disposed or released any such substance on the Premises or within a one (1) mile radius thereof, the Agency shall be under no obligation to enter into a lease as contemplated by this Resolution.

**Section 14.** No covenant, stipulation, obligation or agreement herein contained or contained in the Project Agreement, Company Lease, Agency Lease Agreement, Installment Contract, Mortgage Agreement, PILOT Agreement or other documents, nor the breach thereof, shall constitute or give rise to or impose upon the Agency a pecuniary liability or a charge upon its general credit, nor shall be deemed to be a covenant, stipulation, obligation or agreement of any member, officer, agent or employee of the Agency in his or her individual capacity.

**Section 15.** Should the Agency's participation in the Project be challenged by any party, in the courts or otherwise, the Company shall defend, indemnify and hold harmless the Agency and its members, officers and employees from any and all claims, liabilities, damages or losses arising from any such challenge including, but not limited to, the fees and disbursements of the Agency's counsel. The Company shall promptly reimburse the Agency for all such costs and expenses within thirty (30) days of the Agency's submission of an invoice to the Company. Should any court of competent jurisdiction determine that the Agency is not authorized under Article 18-A of the General Municipal Law to participate in the Project, this Resolution shall automatically become null, void and of no further force and effect (except for the obligations in this Section 15), and the Agency shall have no liability to the Company hereunder or otherwise.

**Section 16.** This Resolution shall take effect immediately and shall continue in full force

and effect for one (1) year from the date hereof and on or after such one (1) year anniversary, the Agency may, at its option (a) terminate the effectiveness of this Resolution (except with respect to the obligations of the Company pursuant to Sections 10, 11 and 15 of this Resolution which shall survive any expiration or termination) or (b) allow the Company additional time in which to close the transactions contemplated by this Resolution based upon affirmative actions taken by the Company to complete such transactions. Upon any allowance of additional time to close, the Agency may charge the Company an extension fee in accordance with the Agency's fee schedule.

**Section 17.** Certain construction work done under contract in connection with financial assistance from the Agency may be subject to the requirements of Section 224-a of the Labor Law of the State, including without limitation the requirement that such construction be subject to the prevailing wage requirements of Section 220 and 220-b of the Labor Law. In addition, such construction work may be required by Section 224-a of the Labor Law to comply with the objectives and goals of minority and women-owned business enterprises pursuant to Article 15-A of the Executive Law and service-disabled veteran-owned businesses pursuant to Article 17-B of the Executive Law. The Company acknowledges receipt of notice pursuant to Section 224-a(8)(d) of the Labor Law that the sales and use tax exemption benefit amount referred to in Section 8.5(d) and real property tax benefit amount referred to herein are "public funds" and not otherwise excluded under Section 224-a(3) of the New York Labor Law. The Company represents and warrants that it understands the requirements of Section 224-a of the Labor Law and the applicability of such requirements to the Project and shall comply therewith.

**Section 18.** This Resolution is subject to compliance with all local building and zoning requirements.

ADOPTED: April 25, 2025

[remainder of page intentionally left blank]

ACCEPTED AND AGREED TO ON \_\_\_\_\_, 2025

**NOVUM MEDICAL PRODUCTS OF NY, LLC**

By: \_\_\_\_\_

Name:

Title:

EXHIBIT A

EAF AND NEGATIVE DECLARATION

[see attached]



# Short Environmental Assessment Form

## Part 1 - Project Information

### Instructions for Completing

**Part 1 – Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 – Project and Sponsor Information</b>			
Name of Action or Project: Proposed Warehouse Addition			
Project Location (describe, and attach a location map): 80 Creekside Drive Town of Amherst Erie County			
Brief Description of Proposed Action: Construction of a 6,000 sf warehouse addition and associated site improvements.			
Name of Applicant or Sponsor: 80 Creekside Drive, LLC c/o Christopher Wood, PE Carmina Wood Design		Telephone: 716-842-3165, ext 103 E-Mail: cwood@carminawooddesign.com	
Address: 487 Main St			
City/PO: Buffalo		State: NY	Zip Code: 14203
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____ 2.2 acres b. Total acreage to be physically disturbed? _____ 0.8 +/- acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ 2.2 acres			
4. Check all land uses that occur on, are adjoining or near the proposed action: 5. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input checked="" type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify): <input type="checkbox"/> Parkland			

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES	
If Yes, identify: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation services available at or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Regarding item b. below, the site has previously been disturbed	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ Note that wetlands are not present on site _____ _____			

## PRINT FORM



**Disclaimer:** The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	No
Part 1 / Question 12b [Archeological Sites]	Yes
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	Yes
Part 1 / Question 20 [Remediation Site]	No

Project:

Date:

***Short Environmental Assessment Form***  
***Part 2 - Impact Assessment***

**Part 2 is to be completed by the Lead Agency.**

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Project:

Date:

### ***Short Environmental Assessment Form Part 3 Determination of Significance***

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

The project adds additional connected warehouse space to an existing building in an existing industrial park. It is compliant with existing zoning and utilizes public investments in sewer and water infrastructure.

☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.

☒ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Town of Amherst Industrial Development Agency

4/18/2025

Name of Lead Agency

Date

David Mingola

CEO/Executive Director

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from Responsible Officer)



## Solution Proposal

Prepared for:

**Amherst IDA**

4287 Main St.  
Buffalo, NY 14226

**Prepared:** 3/17/2025

**Expiration:** 5/16/2025

At CivicServe, we provide a purpose-built technology solution designed to centralize your economic development operations, stakeholders, partners and activities in a single, easy-to-use system. From managing and tracking programs and projects to ensuring compliance and generating insightful reports, our out-of-the-box solution aligns your unique activities and adapts to your strategic goals.

Our customers use CivicServe to:

- ✓ Attract, retain and grow businesses
- ✓ Address housing shortages and challenges
- ✓ Strengthen infrastructure and workforce development
- ✓ And more!

We're excited to present this solution designed to meet the specific needs of your organization and help drive growth and success for your community!

## The CivicServe Solution





# The CivicServe Core Platform

Manage communication, businesses and leads with our CRM and project management solution.

## Core Platform Includes:

- **Customer Relationship Management (CRM)**
  - Internal and external communication systems with email and calendar connectivity
  - Personalized public portal facilitates communication with businesses, developers, residents, elected officials, boards, etc.
  - Email system using custom tags to communicate with individuals and specialty groups
  - Individual and business communication history, email templates and bulk correspondence distribution
- **Project Management**
  - Interactive timelines with automated notifications and tasks to help all parties navigate processes and customize data capture
  - Automatic reminders and custom data capture to ensure project compliance
- CivicServe platform licensing, setup, implementation and website integration as well as user training, marketing assistance during launch and ongoing customer service support
- Multi-agency architecture to coordinate all economic development partners
- Secure, cloud-based system with assigned user roles and permissions allowing you to choose what information is private or accessible by system administrators and/or other users
- System-wide integration of geographic information system (GIS) ties data to districts, wards and custom boundaries for organized program management
- Best practice template libraries to digitize, automate and launch economic development programs, forms, KPIs and processes in minutes
- Configurable dashboards and reports allow users to create and export department, board and council reports based on selected data points and geographic parameters

***We also offer specialized modules as add-ons to assist with the management of your economic development core competencies.***

## Business Retention and Expansion (BRE) Module

Centralize business retention and expansion engagement, information and reporting with a system designed for business assistance, registration, license, certification and site visit programs.

### BRE Module Includes:

- **BRE and Site Visit Surveys**



- Custom capture digitizes economic development forms, surveys, site visits and business information
- Ability to manage, track and report on business retention and site visit activity
- Automatic notifications configured to alert users to key business updates
- Integration of GIS data ties business intelligence to location-based districts, wards and custom boundaries
- Dashboards and reports to display business engagement, project, KPI and survey activities and metrics
- **BRE Template Libraries**
  - Best practice template libraries to digitize, automate and launch BRE programs, forms, KPIs and processes in minutes

### **BRE Module Additional Options Available:**

- **Business Directory**
  - Pre-populated business information with custom tags to classify and categorize businesses and industries
  - Public, searchable version to promote and encourage utilization of local enterprises
- **Business Events**
  - Economic development business event application and registration management with tracking and reporting features
- **Monthly Business Data**
  - Monthly updates of business data, contact information and business status
- **Registration, Licensing and Certifications**
  - Business registration, certification and compliance programs

## **Incentives Module**

Protect incentive investments with a technology solution to collect applications, verify eligibility, automate notifications, collect required information, and satisfy local, state and federal compliance reporting requirements.

### **Incentives Module Includes:**

- Economic development incentive and agreement management, tracking and reporting
- Public, searchable financial program database to promote community incentives and available business, developer and resident resources
- Intuitive search by address functionality matches individuals with qualifying financial programs
- Configurable public portal to capture custom incentive applications, pre-application forms and inbound leads
- Intelligent technology applies prescreen, eligibility verification and project scoring
- Custom incentive program timelines, automation of activity notifications, renewal notices and delivery of task details

- Internal and external communication systems automate reminders and incentive compliance
- Custom data capture digitizes incentive and financial forms, KPIs and reporting intake
- Integration of GIS data ties incentive programs to districts, wards and custom boundaries
- Digitize and launch incentive programs, forms and processes in minutes and automate incentive program notifications and KPI collection with peer-recognized templates and best practices for reference
- Configurable dashboards and reports to display incentive compliance, performance and related financial activities

# Pricing Proposal

Annual Subscription		
Product	Description	Annual Price
<b>Core Platform</b>	<i>Full description above. Proposal includes the following:</i> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Customer Relationship Management (CRM)</li> <li><input checked="" type="checkbox"/> Project Management</li> </ul>	\$18,000
<b>Business Retention and Expansion (BRE) Module*</b>	<i>Full description above. Proposal includes the following:</i> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> BRE &amp; Site Visit Surveys</li> <li><input checked="" type="checkbox"/> Business Directory</li> <li><input type="checkbox"/> Business Events</li> <li><input checked="" type="checkbox"/> Monthly Business Data</li> <li><input type="checkbox"/> Registration, Licensing and Certification</li> </ul>	\$7,500
<b>Management and Multi-Module Discount</b>	Management and multi-module discount applies if the agreement is executed by May 16th, 2025. Assuming a successful deployment, the city agrees to be a referenceable customer for CivicServe.	\$9,300
<b>Total Annual Subscription Price</b>		<b>\$16,200</b>

Professional Services		
Services	Description	One-Time Fee
<b>Implementation and Configuration</b>	Includes implementation and configuration of the following: <ul style="list-style-type: none"> <li>• GIS integration</li> <li>• Configuration of public portal with organization logo, color palette, etc.</li> <li>• Upload of all existing customer businesses (to be provided by the customer). <i>CivicServe offers the option to augment data using Google's API (additional costs may apply).</i></li> <li>• Configuration of applications for incentive programs listed above</li> <li>• Configuration of all customer project scoring requirements</li> <li>• Training for all customer staff</li> </ul>	\$7,500
<b>Management Discount</b>	Management discount applies if the agreement is executed by May 16th, 2025.	(\$7,500)
<b>Total Professional Services Fee</b>		<b>WAIVED</b>

### **Assumptions Included in Price Indication:**

- Unlimited internal users of the platform will be limited to the City of Amherst employees  
Unlimited external users of the public facing portal will include an unlimited number of users including businesses, developers, business owners, residents, etc.

Prepared by:

**Will Jackson**

wajackson@civicserve.com | 814-740-2237

# Appendix

## Properties Module

Stimulate new development and opportunities with a property registration, promotion and lead management system that showcases your community to developers and investors.

### Properties Module Includes:

- **Properties and RFX Management**
  - Personalized public portal to capture custom property forms, registrations, applications and inbound leads
  - Custom data capture to digitize RFI and RFP economic development processes
  - Integration of GIS data ties properties to districts, wards and custom boundaries
  - Intelligent technology applies prescreen, eligibility verification and project scoring
  - Custom property program timelines, automation of renewal notices, registration and application records
  - Automatic reminders and custom data capture to ensure property compliance
  - Dashboards and reports display property compliance, renewals and financial activities
- **Properties Template Libraries**
  - Best practice template libraries to digitize, automate and launch property programs, forms, KPIs and processes in minutes

### Properties Module Additional Options Available:

- **Public Portal Listings**
  - Public, searchable property directory to promote preferred available and community-owned properties
- **Contract Management**
  - Economic development property agreement management, tracking and reporting (commercial/residential)
- **Vacant Property Registration**
  - Management of vacant property registration programs
- **Short-Term Rental Registration**
  - Management of short-term rental registration programs

## Workforce Module - *Coming Soon!*

A workforce management solution to develop assets and register, track and report on job fairs, skills, certifications and education-based programs.

## **Workforce Module Includes:**

### **■ Workforce Management**

- Personalized public portal to capture custom workforce forms, registrations and applications
- Custom data capture to digitize economic development workforce processes
- Integration of GIS data ties workforce data to districts, wards and custom boundaries
- Intelligent technology applies prescreen, eligibility verification and project scoring
- Custom workforce program timelines, automation of registration notices and records
- Automatic reminders and custom data capture to ensure workforce compliance
- Dashboards and reports display workforce compliance, renewals and financial activities

### **■ Workforce Template Libraries**

- Best practice template libraries to digitize, automate and launch workforce programs, forms, KPIs and processes in minutes

## **Workforce Module Additional Options Available:**

### **■ Public Portal Promotion**

- Public, searchable directory to promote available workforce programs and initiatives
- Economic development job board
- Public dashboard to display workforce data and statistics

### **■ Workforce Events**

- Economic development workforce event (i.e., job fairs, business expos, etc.) application and registration management with tracking and reporting features
- Public, searchable event directory to promote workforce events

### **■ Workforce Training**

- Digital optimization of workforce skills, education-based programs and certifications