

TOWN OF AMHERST INDUSTRIAL DEVELOPMENT AGENCY
Minutes of the 552nd Meeting
Friday, November 22, 2024 – 8:30 am
James J. Allen Boardroom
Agency Offices, 4287 Main Street

PRESENT: Carlton N. Brock, Jr.
Anthony Agostino
William Tuyn
Hadar Borden
Frank LoTempio, III
Nicole Gavigan
Hon. Timothy Drury
David S. Mingoia, Executive Director
Kevin J. Zanner, Hurwitz & Fine PC

GUESTS : AIDA Staff
Jeffrey Palumbo, Esq.
James Bodecker, NED-New Energy Solar
Matthew Dubois, Esq.

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 Hadar Borden, seconded by Anthony Agostino and unanimously carried, the minutes of the October 2024 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 October 2024.

Upon a motion by Frank LoTempio, seconded by William Tuyn and unanimously carried, the Treasurer's Report for October 2024 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

There were no Committee Reports presented at this meeting.

UNFINISHED BUSINESS

There was no Unfinished Business presented at this meeting.

NEW BUSINESS

I. 6812 Main Street, LLC – Authorization Resolution

Applicant requested that the project be tabled until a future meeting. Upon motion by Frank LoTempio, seconded by William Tuyn and unanimously carried, the motion to table the 6812 Main Street, LLC passed by a vote of 7-0.

II. NED-New Energy Solar 8, LLC, 1050 New Road – Authorization Resolution

National Energy Development, LLC (NED) is a renewable energy company operating in the Northeast with over 70 megawatts (MW) under development.

The applicant requested authorization to develop a 4.384 MW community solar farm on approximately 40 acres of land at 1050 New Road. The renewable electricity generated by the system is fed directly into the local utility distribution system, where it can then be purchased by area homes and businesses as credits against their electricity bill. The expected electric generation capacity of this project is enough to power about 1,000 homes. NED anticipates that this project will be transferred to an equity investor in order to claim federal tax credits as is the case in most solar projects across the industry. Three residential lots that were part of the Town of Amherst site plan approval are not part of the AIDA project.

After discussion, Frank LoTempio made a motion to approve the request by NED-New Energy Solar 8, LLC. William Tuyn seconded the motion to approve. Votes of aye were cast by Brock, Tuyn, Agostino, Borden, Drury, LoTempio and Gavigan. Motion to approve passed 7-0.

III. Hurwitz & Fine Engagement Letter

The Agency received an Engagement Letter from Agency counsel Kevin J. Zanner of Hurwitz & Fine. The letter proposed that the Agency and Amherst Development Corporation continue to engage Hurwitz & Fine as counsel. The term of engagement would be for an additional five years.

After discussion, Frank LoTempio made a motion to approve of the engagement letter from Hurwitz & Fine and have them continue as counsel to the Agency and Development Corporation for a term of five years. Votes of aye were cast by Brock, Tuyn, Agostino, Drury, Borden, LoTempio and Gavigan. Motion to approve passed 7-0.

8:58 am – Frank LoTempio made a motion to adjourn the meeting. Hadar Borden second the motion. The motion to adjourn was passed unanimously.