

MEMORANDUM OF UNDERSTANDING

between the Town of Amherst and the
University at Buffalo, State University of New York
Concerning Land Use Planning, Development, and Shared Governance

PREAMBLE:

The parties have agreed that it would be beneficial to enter into this Memorandum of Understanding (MOU) to document the arrangements for establishing protocols between the parties generally and also specifically in connection with the implementation of the Town of Amherst Bicentennial Comprehensive Plan ("Amherst Plan") and the UB Comprehensive Physical Plan ("UB Plan").

WHEREAS the "Vision of Amherst in 2018," the *Vision Statement in the Amherst Plan*, is an expression of citizen expectations and directions for the future of the Town. The Vision Statement foresees a future based on maintaining and enhancing the exceptional quality of life for which the Town is renowned, based upon three fundamental attributes:

- Livability, encompassing healthy neighborhoods, outstanding public facilities and services, and an active community life.
- Community Character, through the management of growth and change to preserve natural and cultural resources, maintain green space throughout Amherst, and revitalize older neighborhoods and commercial corridors while accommodating quality new development.
- Shared Direction, with Amherst as a partner in the renewed prosperity of the Buffalo-Niagara region, working to balance its roles as a premier residential community and a complementary center of regional activity.

WHEREAS the Amherst Plan contains "*Four Key Initiatives*" that provide a focus for action as the Town works to move towards a position of excellence as articulated in the Vision Statement. These Key Initiatives are:

- Aesthetic/Community Character: To be renowned for the beauty, character, and environmental quality of Amherst.
- Education: Capitalizing on the presence of the University at Buffalo, other institutions of higher learning, and outstanding public school districts, to become known as one of the nation's leading "knowledge-based" communities.
- Revitalization: To become a model for effective reinvestment and revitalization of older neighborhoods.
- Governance: To exercise leadership by providing excellent services and facilities, ensuring fiscal balance, and managing development to promote predictability, fairness, and quality.

WHEREAS the *Draft Vision Statement for the UB Plan* reflects the two major themes of the planning effort—academic excellence and responsibility to society: "The Vision for the University at Buffalo's Comprehensive Master Plan effort is for UB to become a model "21st century University"—an open place of learning and a generator of new ideas that sets a

standard of academic excellence and serves a diverse population in today's knowledge based society."

WHEREAS the following *Draft Guiding Principles for the UB Plan* serve as the underlying foundation for the Plan and reflect the core values driving the planning effort:

1. Promote academic excellence, the interdisciplinary exchange of ideas, and the development of vital intellectual communities.
2. Promote a united and accessible university campus with three strong, distinctive, and seamlessly interconnected centers designed to facilitate social interaction.
3. Reflect the University's responsibility to the community that founded it by respecting and being shaped, in part, by public plans and policies.
4. Provide the basis for long-range capital programming and the prudent stewardship of university resources.
5. Establish UB as a leader in environmental stewardship and sustainable development.

WHEREAS the parties have a number of common goals and objectives which may be summarized as:

- to lead and support a model knowledge-based community;
- to act in a sustainable way for the long-term wellbeing of the UB Campus (herein referring to all UB properties), the Town of Amherst, and the surrounding region;
- to recognize responsibility to the community and the importance of and commitment to partnerships to achieve shared objectives;
- to create a vibrant and livable community.

WHEREAS as owners and responsible parties in the regulation of adjacent lands, the parties will continue to cooperate in mutually beneficial activities related to their respective mandates regarding these lands.

WHEREAS it is in the best interests of the parties to combine their efforts whenever appropriate and to resolve amicably any issues of mutual concern.

WHEREAS nothing in this MOU abrogates the powers of the Town of Amherst or the University of Buffalo to exercise their statutory responsibilities nor does it commit their governing bodies to any particular course of action or decision and any plans developed are merely recommendations as far as those statutory decision making bodies are concerned.

WHEREAS nothing herein is intended to place any additional requirements or restrictions on the Town of Amherst's legal land use authority.

WHEREAS nothing in this MOU amends any existing agreement to which UB or the Town of Amherst is a party nor will UB or the Town of Amherst be obliged to amend any existing agreement that may be in conflict with this MOU.

AGREEMENT:

The parties hereto agree as follows:

1.0 ACKNOWLEDGMENT OF SHARED RESPONSIBILITY

The University at Buffalo and the Town of Amherst express herewith their Understanding:

- 1.1 That they have a responsibility, individually and jointly, to address shared challenges and opportunities and to openly and transparently work towards a better future for members of the University community, the Amherst community, and the broader regional public; and
- 1.2 That exercise of joint responsibilities can best flow through collaborative efforts under the auspices of the Office of the University President and the Town Board.

2.0 STATEMENT OF A COLLECTIVE VISION

Accordingly, University at Buffalo and the Town of Amherst herewith:

- 2.1 Commit themselves to a shared vision of a sustainable, knowledge-based community for the University at Buffalo and the Town of Amherst; and
- 2.2 Confirm that addressing the problems and optimizing the opportunities offered by the University and the Town can best be done by adopting the core principle of sustainability in all spheres of activity, whether that is educational, social, economic, technological, or environmental.

3.0 ESTABLISHMENT OF A FRAMEWORK FOR COOPERATION

The University and the Town recognize that a structure and protocol for cooperation is necessary to achieve this shared vision and agree:

- 3.1 To pursue this vision and mission through continuing and formalizing community building activities both independently and collaboratively;
- 3.2 To draw on the intellectual capital available at the University and the civic infrastructure of the Town;
- 3.3 To foster an ongoing dialogue between the parties on topics of mutual concern, such conversation being a critical component in building a shared sense of community;
- 3.4 To establish a working group to be appointed by the Office of the President of the University and the Town Board to lead cooperative efforts to integrate the development and enhancement activities in the University and the Town;
 - 3.4.1. To direct the working group to develop, as its initial task, an "Integrated Town-University Strategic Plan" based on the shared goals and objectives in the Amherst and UB Plans, with the primary purpose of the strategic plan being to guide follow up projects designed to maintain and enhance livability, protect the environment, and promote sustainable growth; and
 - 3.4.2. To direct the working group to engage in such joint projects as appropriate and feasible, such as shared use of facilities and services; jointly sponsored events; neighborhood or corridor management plans; and other matters.
 - 3.4.3. To direct the working group to identify ongoing projects and programs of mutual concern where routine and open communication can be established at varying staff levels that will lead to better outcomes for both parties

3.4.4. To direct the working group to develop a proposal for consideration by the Town Board and Office of the President for establishing a consistent and routine procedure for review of the University's and the Town's proposed capital projects, private sector development, and any special purpose planning of mutual interest

4.0 TERM

4.1 The term of this MOU shall commence on the date of this MOU and continue until it is terminated by either party on not less than one (1) year's written notice.