

**TOWN OF CLARENCE, ERIE COUNTY  
INDUSTRIAL DEVELOPMENT AGENCY**

**MINUTES**

**October 20, 2016**

Chairman Kempton called the meeting to order at 8:15 a.m.

Present were Susan Ballard, Elaine Wolfe, David Schuster Michael Buettner, Mary Powell, Clayt Ertel and Chris Kempton, Chairman. Also present were Larry Meckler, Steven Bengart, Nathan Neill, Paul Leone, Peter DiCostanzo, Pam CuvIELLO and Cynthia Rosel.

**Public Hearing. 8171 Sheridan Drive Project – Rockledge Prof. Park Ph-2**

A Public Hearing was held regarding the 8171 Sheridan Drive, Rockledge Professional Park Ph-2 Project. The project was scheduled for a public hearing in August but the applicant withdrew that application because they were not sure of the tenancy of the project. They are asking for assistance from the Agency for a lease only with a mortgage transaction in an amount not to exceed \$600,000. Assistance by the Agency will include mortgage tax abatement if applicable, sales tax exemption and a real property tax abatement if approved by the Board. The project includes the construction of a 6,400+/- sq. ft. multi-tenant office building at 8171 Sheridan Drive for lease to the Agency and subsequent sublease to other tenants for a multi-tenant Class “A” office building that will allow the Lessee to attract new startup businesses to the Town of Clarence. Less than 1/3 of the space would be leased to retail tenants. The project is in the Enhancement Zone. This is the second project for Rockledge. An IMPACT analysis was prepared and reviewed by the Board members. Mr. Leone asked if there were any questions. Mr. Buettner asked where the location was exactly. Mr. Bengart and Mr. Ertel said that it backs up to Eastern Hills Mall and is near the Sheridan Drive entrance to the Mall. There being nothing further there was a motion to close the public hearing made by Elaine Wolfe with a second by Clayt Ertel.

**Vote: Ayes: Ballard, Wolfe, Schuster, Buettner, Powell, Ertel, Kempton      Noes: None.  
Recuse: None.                      Absent: None.                      Unanimous.**

**Minutes from September 15, 2016.**

Mr. Kempton asked if everyone had a chance to review the September minutes. Those present said they did. There was a motion by Elaine Wolfe with a second made by Clayt Ertel to accept the minutes from the September 15, 2016 meeting. There was nothing further on the question.

**Vote: Ayes: Ballard, Wolfe, Schuster, Buettner, Powell, Ertel, Kempton      Noes: None.  
Recuse: None.                      Absent: None.                      Unanimous.**

**Treasurer’s Report.**

Mr. Schuster gave the financial report through October 20, 2016. He reported on the balances in the checking and money market accounts. A fee of \$1,590.91 was received on 9/23/16. The total fees received to date are in the amount of \$51,630.91. Interest earned to date is \$670.07. Expenses are in the amount of \$52,252.36. There is a net income of \$48.62. Mr. Schuster asked if there were any questions on the report. There were none.

A motion to approve the Treasurer’s Report through October 20, 2016 was made by Susan Ballard with a second by Elaine Wolfe. There was nothing on the question.

**Vote: Ayes: Ballard, Wolfe, Schuster, Buettner, Powell, Ertel, Kempton      Noes: None.  
Recuse: None.                      Absent: None.                      Unanimous.**

Mr. Schuster brought up the Audit firm that we have been dealing with. They have been hard to contact and have not returned e-mails. Pam has reached out several times and has not received a response back. Mr. Schuster also has reached out to them and the person who took Mr. Thomas’s place has still not gotten back to him. Mr. Schuster will follow-up. This will be looked into further and a decision will be made by the next meeting regarding hiring an audit firm for the CIDA.

**Vote: Ayes: Ballard, Wolfe, Schuster, Buettner, Powell, Ertel, Kempton      Noes: None.  
Recuse: None.                      Absent: None.                      Unanimous.**

**Correspondence.**

There was an e-mail sent to the Board members regarding a Lancaster IDA public hearing.

**New Business.**

Paul Leone went over the details of the 8171 Sheridan Drive Project-Rockledge Professional Park Ph-2 that was the subject of the public hearing held this morning. Mr. Leone said that the applicant is asking for the Board’s approval for Assistance by the Agency that will include mortgage tax abatement if applicable, sales tax exemption and a real property tax abatement for the construction of a 6,400+/- sq. ft. multi- tenant office building at 8171 Sheridan Drive. The project is for an amount not to exceed \$600,000.00. The pilot would be for 7 years. The project is in the Enhancement Zone. Mr. Leone asked if there were any questions. Mr. Kempton said that basically this is what would be referred to as a spec building right now. He also asked if the applicant understands the 1/3 retail tenancy rule and that adjustments would be made per the CIDA policy regarding benefits if the project is not in compliance. Mr. Leone said that they do. Mr. Kempton also added that the project is in the Enhancement Zone and the CIDA has approved such projects before. The Chairman also suggested that the CIDA policies should be reviewed individually and updated if needed.

There being no further discussion, there was a motion by Clayt Ertel with a second by David Schuster to adopt the resolution as prepared by Nathan Neill and approve the 8171 Sheridan Drive Project-Rockledge Professional Park Ph-2. There was nothing further on the question.

**Vote: Ayes: Ballard, Wolfe, Schuster, Buettner, Powell, Ertel, Kempton      Noes: None.**  
**Recuse: None.                      Absent: None.                      Unanimous.**

Mr. Leone met with Tony Del Monte and Peter Forrestel from Akron Bank. They are talking about adding a back office addition to the building. That is all the information that Mr. Leone has right now.

Mr. Leone was contacted by Alex Scheff regarding 9505 Main Street. The CIDA did incentivize the project back in 2009. Mr. Scheff is leasing parts of the building. Mr. Scheff wanted to know if the project would qualify for a sales tax only benefit tax only. After reviewing the leases for his tenants, Mr. Leone said that the project would not be eligible because the tenants would be considered retail. When the project was initially induced the law was different.

Along these lines, there was discussion regarding the restrictions that have been put on projects for IDA incentives regarding retail projects. Mr. Kempton added that we should look at our policies and products and look at what we can do and cannot do. Mr. Kempton added that the challenge for IDA's is looking at what types of mixed use projects can be approved according to State legislation and IDA policy. Especially for the Main Street Corridor Project. Some of the potential uses will include retail as well as offices.

Mr. Kempton added that he would like to recommend that at each meeting we continue the education portion and look at the policy and discuss them. Take bits and pieces and talk about them. Each one of you will have to do the research before the meeting and come prepared with any questions you may have.

**Old Business.**

None.

**Steering Committee Meeting.**

The public forum on the Main Street Corridor Economic Redevelopment Study Project was held on Oct. 6th at the High School. There were 50 plus in attendance. Supervisor Patrick Casilio introduced the panel (CIDA members, Steering Committee members, Brian Kulpa and his crew from CPL) and gave a brief background on the stats of the Town. Mr. Kulpa along with Justin Steinbach, and other members of the CPL staff gave a presentation on the project progress so far. Mr. Kempton and Mr. Ertel did some research on the percentage of the tax revenues that come from commercial and residential properties from 2010-2015. The amount of taxes that the Town is generating from that period from commercial business has gone down. The point is that there needs to be a balance between commercial and residential.

The public were given an exercise that included approximately 50 images to grade 1-9 (to paraphrase- 1- hate it...9 being I love it), As a result of this forum, there seems to be a consistency between the public and the Steering Committee that we aren't that far apart. CPL will take what was heard from the public and the steering committee and pull it all together to create a plan. A draft should be available by January 2017.

Elaine Wolfe said that she spoke to Jonathan Bleuer and asked if he could get a copy of the survey available for the CIDA's next meeting.

There was further discussion regarding what types of business that would go in the Main Street Corridor and CIDA benefit eligibility. LDC was discussed again. Mr. Bengart said an LDC has to have funding and that cannot come from the CIDA.

Paul Leone added that he is making inquiries about some funding that is being made available from Mr. Schumer. He would like to know why these funds would only be available to the ECIDA Revolving Loan Fund. Why can't it go to all the IDA's. He will report back.

Mr. Leone also added that he has been talking to John Roba about another JR Products potential project.

**Public Comments.**

None.

There being nothing further, a motion by Susan Ballard with a second by Clayt Ertel to adjourn the meeting. There was nothing on the question.

**Vote: Ayes: Ballard, Wolfe, Schuster, Buettner, Powell, Ertel, Kempton      Noes: None.**  
**Recuse: None.                      Absent: None.                      Unanimous.**

The meeting was adjourned at 9:16 a.m.

Respectfully submitted,  
Cynthia M. Rosel