

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

MINUTES

March 17, 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 Chairman Chris Kempton. Also present were Steven Bengart, Paul Leone, Nathan Neill, Larry Meckler, Pamela Cuvillo, and Cynthia Rosel.

Minutes of February 18, 2016.

There was a motion to approve the minutes of the February 18, 2016 minutes by Clayt Ertel with a second by Elaine Wolfe. There was nothing on the question.

**Vote: Ayes: Ballard, Wolfe, Schuster, Buettner, Powell, Ertel. Noes: None.
Recuse: Kempton (he was not at the February meeting.) Absent: None.
Unanimous**

Treasurer's Report.

David Schuster went over the Financial Report through March 17, 2016. Mr. Schuster reported on the balances in the bank accounts. The final fee for the Rockledge Project was received in the amount of \$3,795.00. Total expenses through March 17, 2016 were in the amount of \$16,114.65. There was nothing out of the ordinary to report for the month. Interest earnings are in the amount of \$144.27. There is a negative Net Income for the first period in the amount of -12,175.38. There being nothing further, a motion was by Clayt Ertel with a second by Elaine Wolfe to accept the Treasurer's Report through March 17, 2016. There was nothing on the question.

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

Auditor's Report for 2015.

Timothy Thomas, CPA/Director for EFPR Group LLP the new CIDA Independent Auditor presented the 2015 Audit Report. The handout provided was a draft report. There were some questions on some items in the report. Those would be corrected. Mr. Thomas will make the changes to the report and get it back to Pam Cuvillo. Mr. Thomas reported that everything is in order and it is a very clean report. Nothing unusual. Mr. Thomas concluded the report. Mr. Schuster wanted to know if there is a way to speed up the annual reporting from the projects. Mr. Thomas thought that there might be. Ms. Rosel also added that we are waiting for

approximately 6 projects to return the reports and they have been contacted. The attorneys have not been involved at this point as these projects have been contacted and are cooperating. Mr. Kempton added that in the CIDA policy there are specific dates for the reporting to be sent to the Auditor. We may want to look at the policy to see if that needs to be amended.

Mr. Kempton and the Board thanked Mr. Thomas.

The Board will vote on the Auditor's Report at the next meeting after the corrections are made.

The Audit Committee should meet before the next meeting to review the Audit Report and accept it to make their recommendation to the Board to adopt the 2015 Independent Audit Report.

Correspondence.

There were two public hearing notices e-mailed to the Board members. One from the Town of Amherst and one from the Town of Lancaster. There was also a notice received that the Castilone Group has filed a Chapter 11 Bankruptcy. The CIDA has the right to file an action against the Castilone Group. The various tax jurisdictions would file their own claims. Going forward, they are on the tax rolls. They are at 100%.

New Business.

Paul Leone has two new projects to discuss today. The first project is the former New Buffalo Shirt Factory at 4055 Casilio Parkway. (Mary Powell will recuse herself and left the meeting. She also will file a Transactional Statement of Disclosure with the Town Clerk.). Pallet Services Inc. is purchasing the building for \$2.7M. They have also submitted an application. This would be a special pilot with a 5 year freeze on the assessment and for Sales Tax exemption and Mortgage Tax abatement. They have a commitment with Evans Bank to do the financing. Contracts are in place. The Town Planning and Zoning Departments have been contacted. Pallet Services has approximately 66 jobs and another 10 are expected to be created within the next few months. Mr. Neill added that the CIDA should notify the Town of Tonawanda that Pallet Services is relocating and that there will be a special pilot on this project. Mr. Leone would like to schedule a public hearing on this for the April meeting.

The next proposed project is for the property located at 6449 Transit Road. The applicant is Russell Salvatore (this is the grandson of Russell Salvatore). This is a mixed use project for apartments and retail. Mr. Leone did speak with Nathan Neill on this project before bringing it before the Board. The incentive would be for sales tax and mortgage tax abatement only. They have submitted an application. Mr. Ertel said that it would be a rehabilitation project also because it is a dilapidated building that is falling down. It could be adaptive re-use. There will be no Pilot. Mr. Leone would like to put this on the April agenda for a public hearing.

The other project is for the former Bonzanna's pizzeria at 8885 Main Street. Mr. Leone has been contacted by a person who may be interested in this property. It would be for a pizzeria. Mr. Neill said that this retail. If this would be taken into consideration, it would have to be for the

outside only...to have the building fixed...not for anything inside the business. Mr. Leone added that it is in an enhancement zone and would be considered a blighted property that has been vacant for over 5 or 6 years. Mr. Ertel added that it is longer than that. The applicant could apply for a 485-b. Mr. Meckler said that the law has changed since Pizza Inn was incentivized. Mr. Meckler said that the applicant could apply for the 485-b and apply just for sales tax. There are some environmental issues also. There was some further discussion regarding the environmental issues. Something does need to be done...maybe they need to go through the Town. It would have to be made clear that the CIDA cannot do any interior, just the exterior of the building. Mr. Kempton added that Paul needs some direction. The CIDA would accept an application for consideration. Mr. Leone will let them know the CIDA position on this.

The 4055 Casilio Pkwy Project and the 6449 Transit Road will be on the agenda for the public hearings in April.

Mr. Leone had no other new business.

Old Business.

Steering Committee Charter Document.

Steve Bengart looked at the suggested changes that Mary Powell would like to see in the Charter if it is alright with the rest of the Board. These are just to clarify...not to make any substantive changes. Mr. Bengart did not understand some of the changes and he will discuss it further and report at the April meeting.

There was more discussion regarding the mixed use and the Charter. Mr. Ertel said that this is resurfacing.

Mr. Kempton added that to summarize, the Steering Committee met on Tuesday. The Steering Committee is clearly trying to retain a certain character in the Town...an Agrarian character...maintain the Heritage of the Town that flows into the conservation movement in the Town. A lot of people are concerned about that. Mr. Kulpa has come up with a proposal to create three different centers...one in the Hollow, one in the area where Sheridan, Main and Thompson come together and one in the Harris Hill area...three different centers that have their own characteristics/identification...and what would happen to fill in the gaps between that would be zoned in such a way to promote that Agrarian look so you would feel that you could stop in each area and get out an look around. The idea is not to look like Transit Road...but to keep the character of the Town. There would be some sort of separation in each area. The style and character of the buildings would have some sort of continuity/conformity. There would be enough flexibility that people would not say that they did not want to do that to their building. Mary Powell added that they need to keep conscious of the use because certain buildings command a higher value. Mr. Ertel added that they are. Mr. Kempton said that he thinks that will progress with the zoning. The concept is not going to be 5 or 10 miles of buildings after building after building...you will actually feel like you will be going into three different, distinct places. The idea that these areas would be connected with bike paths and walkways. They are a diverse group with very good ideas.

This will be on the agenda going forward as a regular item for discussion each month as a report on the Steering Committee meeting.

Mr. Ertel brought up the Masiello, Martucci and Calabrese Association Agreement. Mr. Ertel is highly in favor of joining the Coalition for Community Building (CCB). Especially, with some of the things that are going on in Albany. The contract is pretty straight forward. We can cancel at any time with 30 days written notice. He feels that there is a lot going on that the CIDA should be involved in. We have no strength as one IDA...we have strength as five IDA's. This has been discussed before and he would like a motion to join the Coalition.

Michael Buettner moved that the CIDA join the Masiello, Martucci, & Associates and there was a second by Elaine Wolf.

On the question, Mr. Kempton added, that with all of the organizations that are in our area that promote economic development, it gets confusing. This is just one of the organizations...there is one at the state level that he thinks we should join that is \$400. He thinks that the CCB is one we should join also. Sue Ballard is familiar with the group and is in favor of joining. Mary asked that if we join can any of the members go. She said that if we do join, we should ask Mr. Calabrese to come in periodically to give an update to the Board on what the CCB is doing first hand regarding the IDA's.

Mr. Schuster also said that we are losing money every year. He was not in favor of entering into the agreement.

On the motion, Ms. Rosel asked since the 1st quarter of the year has passed, do we want to make this retroactive to January 1, 2016. Mr. Meckler said that we should make it effective as of April 1, 2016. The motion should be that the Board approves entering into the Agreement with Masiello, Martucci, Calabrese & Associates. There was nothing further on the question.

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

The agreement term will be April 1, 2016 to December 31, 2016 at a cost of \$500 per month for 9 months for a fee of \$4,500.00. The agreement can be cancelled by either party at any time with 30 days written notice.

Mr. Neill was informed that the Assessor's office received a copy of a deed that was filed from Voelkl LLC to 6035 Transit LLC. It is for the 6035 Transit Road - Buffalo Pharmacy Project. This is a lease, lease back project. Voelkl is selling the property. It is necessary to come to the CIDA with a request in to consider an Assignment of Lease. The CIDA was not informed of this and they do need to send a letter. Mr. Jeffery Voelkl will still be a principle in the LLC but is partnering with Bevilacqua who will also be a principle of 6035 Transit LLC. It is not going to change anything but they still need to come to the CIDA for approval. Mr. Neill was going to have a resolution today, but he did not receive the letter. So he will have it for next month as long as he gets the letter.

Mr. Buettner announced that he has retired as of last month. He has a new e-mail address. He asked that Ms. Rosel send it to everyone. He was congratulated on his retirement.

There was no other business.

Mr. Ertel will not be at the next meeting as he will be in Florida all month. Mr. Schuster will not be at the meeting. There will be 5 members present but Mary will have to recuse on the one public hearing. They need 4 votes to pass a resolution.

There was a friendly motion to adjourn.

The meeting was adjourned at 9:33 a.m.