

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

MINUTES

September 21, 2017

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

Present at the meeting were Susan Ballard, Elaine Wolfe, David Schuster, Michael Buettner, Clayt Ertel and Chairman Kempton. Mary Powell was not in attendance as she was out of town. Also present were Paul Leone, Larry Meckler, Jennifer Strong, Esq. for Nathan Neill, Kimberly Ignatowski, Cynthia Rosel and Jonathan Bleuer, Jr. Planner-Town Planning & Zoning Dept.

Minutes of August 17, 2017.

There was a motion to approve the minutes of the August 17, 2017 meeting by David Schuster with a second by Elaine Wolfe. There was nothing on the question.

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

Treasurer's Report.

Mr. Schuster reported that the 2018 Budget needed to be amended to include the "Appropriated Fund Balance" line as we are expecting to be operating at a deficit next year. He would like a motion to approve the amended Budget adding the extra line. There was a motion by Clayt Ertel with a second by Elaine Wolfe to adopt the amended 2018 Budget to include the Appropriated Fund Balance line. On the question Mr. Buettner wanted to know the definition of appropriated fund balance. Kim Ignatowski explained that if you look at the appropriations for 2018 and the estimated revenue there is a difference \$35,846.00. If every line item is spent, and the revenue is only \$50,000, the appropriated fund balance comes into play. This line was just omitted last year.

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

Ms. Rosel reported that the Bank of Akron closed and the project affidavit showed that actual project cost was \$410,000. The project was estimated to cost \$500,000. The Bank of Akron paid 1% of the estimated cost which was \$5,000. The adjusted fee would be \$4,100.00. The CIDA would need to refund the Bank of Akron \$900 as they overpaid. There was a motion by Clayt Ertel with a second by Susan Ballard to issue a refund to the Bank of Akron for the overpayment on the project as per the final cost affidavit.

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

Mr. Schuster went over the financial report through September 21, 2017. The fees received to date are \$27,169.73. The total expenses to date are in the amount of \$42,809.49. The interest earned to date is \$568.58. There is a negative net income of -15,071.18. There was a motion by Clayt Ertel with a second by Susan Ballard to accept the financial report as submitted.

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

Correspondence.

None.

New Business.

Paul Leone talked about a request he had from BMW for assistance on a new project. Mr. Leone did speak to Mr. Downing and explained that because it is retail the CIDA cannot offer any assistance.

Mr. Leone also spoke with a possible applicant who is looking at the property at County and Goodrich Road for a greenhouse operation. They have not submitted an application yet. Mr. Ertel recused himself from any discussion regarding this matter.

He has not heard anything from Mr. McNamara on his proposed project. We do not have an application. Waiting to hear if they are going forward and if they will be looking for incentives.

Premium Mortgage is supposed to be closing sometime in October.

There was discussion about the Eastern Hills Mall.

Old Business.

Mr. Kempton talked about the Vision Main Street Plan. The Town Board adopted the developed Plan on 9-13-17 as a supplement to and made a part of Clarence 2030, the Town Comprehensive Plan. The next part of the project is to hire a consultant to prepare an Economic Assessment of the current economy of the Town.

There has been one response to the RFP from Camoin Associates. Mr. Ertel did get a hold of Bryan Kulpa to find out if there is another company that the RFP should be sent to. Mr. Kulpa did have one company, Harrison Studio. The RFP will be forwarded to Mr. Kulpa so that he can forward it on to them. Per Mr. Ertel, there is another company that Mr. Kulpa will forward the RFP to. Mr. Ertel will have that name later today.

Mr. Kempton asked Jonathan Bleuer about the RFP that we received. Mr. Bleuer said that he is new to this type of RFP. Jonathan feels that we did not need the level of the detail in the submitted RFP or to spend that much. Things have been moving along more quickly than was thought originally. The goal is to create more design guidelines form based.

Mr. Meckler said the he thinks that it would be worth interviewing the company. The document is very thorough and on target. The tasks can be toned down to what is actually needed. He also likes that they are outside the region...sometimes you get a more objective view.

Mr. Ertel also added that some the information may be needed for the grant process for the State and the Federal Grants. Ms. Wolfe asked if the Grant Writer should be involved with the RFP process. He would know what is needed for the Grant process.

Mr. Kempton also added that there are two purposes for having the study done. The first phase is to put us in the position and to be prepared to apply for grants. The second would be just to know internally from zoning if the market there. Mr. Kempton added that we will wait to see if the other two companies respond to the RFP and then interview. Mr. Kulpa will get the RFP to the two additional companies he thinks they should go to. The deadline to submit responses to the RFP will be extended.

Mr. Bleuer added that this is not needed for the Master Sewer Plan to go forward for the January deadline...for grants it is. Mr. Bleuer added that the Planning Board, the Town Board and the CIDA are all working on different components on the Main Street Project. Mr. Bleuer has been talking with the Planning Board Chairman and Town Board about setting up a joint meeting with the Planning Board, the Town Board and the CIDA to see where we are going, what the time line is, and who does what on the project.

It was decided that the deadline to submit responses for the RFP should be extended to October 15, 2017. If a little more time is needed by a company to respond, that would be possible if it were a week or so. Mr. Ertel will follow-up with Mr. Kulpa to find out if the companies Mr. Kulpa recommended are going to respond to the RFP. Mr. Kempton will contact Mr. Camoin to let him know where we are on this.

Education Discussion.

Mr. Kempton said the other IDA's are going to meet in October to continue looking at the current UTEP that all the IDA's signed on to.

The Chairman wanted to go over the Ethics Code. The Chairman asked Mr. Meckler to speak about the Conflict of Interest section in the Code. Mr. Meckler said that there are two types of conflict of interest...direct and indirect. A direct conflict would be if you would have an actual financial interest in the transaction wherein you would benefit financially. Indirect conflict would be where you would not have a direct financial interest but because of other business relationships with that entity...for example, if you were voting on an item that effects that entity, that could be perceived that you are currying favor with the other entity. Mr. Kempton asked if his company did business with for example the Bank of Akron, which he recused himself from voting on earlier today, he does business with them through his company, if his company did business with them but he is not on that account, would he have to recuse. Mr. Meckler said that it depends if his company benefited and Mr. Kempton would benefit from a transaction. It is up to the Board members to self-police themselves with what goes on in their business world. If you unsure, discuss with one of the attorneys.

Mr. Kempton added that the Board should review the CIDA Ethics Code to familiarize yourselves with the Code of Ethics.

Items not on the Agenda.

None.

Public Comments.

None.

There being no further business. Susan Ballard moved to adjourn the meeting with a second by Michael Buettner.

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

The meeting was adjourned at 9:17 a.m.