

TOWN OF CLARENCE, ERIE COUNTY
INDUSTRIAL DEVELOPMENT AGENCY

MINUTES
August 15, 2013

Mr. Hartzell called the meeting to order at 8:00 a.m.

Present were Elaine Wolfe, Michael Buettner, Mary Powell, Clayt Ertel and Chairman Hartzell. Also present were Paul Leone, Nathan Neill, Lawrence Meckler, Steven B. Bengart, Cynthia Rosel and Jim Rash. Chris Kempton, David Schuster and Pamela CuvIELLO were not at the meeting as they were out of Town. Guests were James Dentinger, President of McGuire Development Company; James Segarra, Managing Partner of Tronconi Segarra & Associates LLP; Danielle Eisen Shainbrown, Esq. Vice President, McGuire Development Company and Ari Goldstein, Intern for McGuire Development.

Minutes of July 18, 2013.

A motion was made by Clayt Ertel with a second by Elaine Wolfe to approve the minutes of the July 18, 2013 meeting. There was nothing on the question.

**Vote: Ayes: Wolfe, Buettner, Powell, Ertel, Hartzell. Noes: None
Absent: Schuster, Kempton. Recuse: None. Motion carried.**

Treasurer's Report.

In the absence of Chris Kempton, Chairman Hartzell presented the financial report for the period of January 1 through August 15, 2013. Mr. Hartzell reported on the balances in the checking and money market accounts. There was a fee received for the 9276 Main St. Project refinance in the amount of \$1,796.00. Total expenses for the year are \$44,487.40. There is a net income of \$743.93 to date. The details and the 2013 budget are attached.

Mr. Hartzell had everyone turn to the proposed 2014 Budget page. The budget needs to be approved at the next meeting in September. Most of the items are pretty much fixed. The budget shows increase of 3% in administrative costs. The two lines that need to be looked at are advertising and marketing and promotions. There is a total of about \$35,000 budgeted for those two items. This will be discussed further at the Strategic Plan meeting.

There was a motion to approve the treasurer's report by Michael Buettner with a second by Clayt Ertel.

**Vote: Ayes: Wolfe, Buettner, Powell, Ertel, Hartzell. Noes: None
Absent: Schuster, Kempton. Recuse: None. Motion carried.**

Correspondence.

None.

New Business.

8321 Main Street Project – MSG Real Estate Holdings, LLC.

Mr. Leone said that the public hearing was held in April for the 8321 Main Street Project - MSG Real Estate Holding, LLC.

The applicants are present. Mr. Leon said that the SEQR was not completed at that time of the public hearing. Mr. Meckler said that the Town Board did a Neg Dec at the meeting last night and a public hearing was set for a Special Exception Use Permit as the building is over 10,000 sq. feet. Mr. Leone added that the application and the IMPLAN were sent to all the members a couple of months ago.

Mr. Neill has prepared the resolutions but he thought they need something else from the Town. They do need a Special Exception Use Permit but that really does not affect the CIDA vote today. Ms. Powell and Mr. Ertel added they feel that we can proceed as all the CIDA needs is the Neg Dec. from the Town. There was discussion regarding when the project can break ground. The applicant will proceed with the demolition on the house and barn and prepare the site. They need to order materials. Interest rates are going up. Mr. Dentinger President of McGuire Development Company said that they need to start construction. The Company is extremely transparent with its development process and understands the CIDA process. Danielle Eisen Shainbrown added that they need to get the building up and enclosed before the end of the year. Time, at this point, is of the essence.

Mr. Hartzell wanted to have a discussion on what types of projects the CIDA wants to do. Ms. Powell thought this should be discussed at the strategic Plan meeting. Discussion continued and it was decided that projects need to be considered on a case-by-case basis. All projects will have different fact situations. It is rare that you will get identical projects. The Board has the discretion whether or not to move forward with a project. This project is in an Enhancement Zone and is Adaptive Re-Use. It was also discussed that the Board should look at eligibility of a project before the applicant comes before the Board. Paul Leone said that the projects he brings to the Board are eligible projects. He looks at that before he presents it to the Board.

Mr. Leone added that he thinks we should move forward and get back to the project that is before the Board today. He explained that the Board has to decide what type of benefits they will approve. They can approve the complete PILOT, the modified 485-b, or if they do not approve the project, the applicant could get the 485-b through the Assessor's office.

Mr. Neill and Mr. Leone reviewed the IMPLAN for the project that shows the benefits for all of the options available for this project. Mr. Ertel added that one of the criteria looked at is the creation of new jobs for a project. The applicant is projecting that 14 new jobs will be added within two years and a projection of 35 jobs within five years which is significant.

Mr. Neill prepared two resolutions. The first is the SEQR. There was motion by Hartzell to accept the SEQR as approved by the Clarence Town Board at its meeting on August 14, 2013. There was a second by Mary Powell. There was nothing on the question.

Vote: Ayes: Wolfe, Buettner, Powell, Ertel, Hartzell. Noes: None
Absent: Schuster, Kempton. Recuse: None. Motion carried

The second resolution is to approve the project. Mr. Leone added that the project is for the construction of an approximate 20,000 sq. ft. office building and acquisition of 2.33+/- acres of land plus the acquisition and installation of machinery, equipment, furnishings and fixtures. The project amount is \$4,600,000.00. The applicants are asking for Agency assistance that will include mortgage tax abatement, sales tax exemption on any materials and /or equipment purchased for incorporation into the Project and real property tax abatement.

Mary Powell moved to approve the project for the full 7 year PILOT with a second by Elaine Wolfe. On the question Mr. Bengart added that he assumes that the Board would like all the discussion at the public hearing, all the deliberations had before the vote today, as well as the IMPLAN and the information that has been provided on this project that may in fact distinguish it from other projects be incorporated into the motion. Mr. Hartzell said yes. There was nothing further on the question.

Vote: Ayes: Wolfe, Buettner, Powell, Ertel, Hartzell. Noes: None
Absent: Schuster, Kempton. Recuse: None. Motion carried

9141-9145 Main Street Project.

Mr. Leone spoke about the proposed project. The IMPLAN is in the packet today. The application was sent to the members via e-mail. The public hearing will be held at the September meeting. The front building is the one that is being rebuilt. There was discussion regarding the number of parcels involved. They will check with the Assessor's office to check on the SBL Nos.

Mr. Leone added that the Board will have to consider the type of benefits the Board would give if they approve the project.

Mr. Leone also met with a manufacturing company that has to do with refuse. It was decided this would be investigated as a potential type of business that could be considered for Clarence. It is a planning issue. It would have to come to the Town first.

Mr. Hartzell wanted to discuss further the issues that came up earlier in the meeting relative to the types of project the CIDA would like to do. Mr. Hartzell said that it is bothersome when someone interrupts when someone else is speaking. Everyone should wait and they will have a chance to speak. There was further discussion regarding this issue. He continued by saying that he thought that it was the proper time to discuss the types of projects the CIDA would do in the future. Ms. Powell thought this type of discussion should be done at a Strategic Plan meeting where there was more time to iron it out as it is more of a policy issue. It should not be done when there is an applicant before the Board that is already when the public hearing has been done and the project is already in the pipeline. The Chairman though it was the proper time to have the discussion. Although there was not a consensus regarding this issue, it was agreed that this needs to be discussed further.

EDO Report

Mr. Rash went over his report on what he has been doing for the past month. He followed up with Carolyn Powell on the cross border expansion he has been pursuing. He has been working on expansion in the Hollow project by meeting with the owners of the businesses and shops that he is trying to lure into that area. The persons he has been in touch with all say one thing...they need foot traffic to sustain their businesses. He is looking into getting organic farmers interested in the area. He has also spoke with someone regarding a brewery in the Hollow. He attended the last Chamber mixer. He is working on getting the list from the ECC Office on the recent DBA filings He met with a company on the redesign of the Amherst IDA. It would cost about \$4,000 with a hosting fee of \$60/month. This is for design and has nothing to do with content. He has the commercial listing ready to post which could be put on the current website.

He would like to get approval for an allocation to go forward with website design. Mr. Hartzell moved to appropriate an amount not to exceed \$5,000 on a new website. Second by Clayt Ertel. Mr. Bengart asked if there will be a contract submitted for review before we sign onto this and the answer was yes. Mary Powell asked if this would be for a can design or custom. Mr. Rash said that it will be a can design and there are several to choose from. She added that a custom design would cost a lot more. Mr. Buettner wanted to know where the money is coming from. Would it be a separate line item? Will it be part of the \$35,000 for Marketing and Promotion and Advertising? Mr. Rash said it would. Ms. Powell thought it should be separate. Chairman Hartzell said Chris will decide what line of the budget the funds will come from.

Cindi Rosel had questions about inputting information on the website. She wanted to know how she would get information on the site. There are items that need to be on that are required by the statute and some are time sensitive. The website needs to me maintained. Who is going to do it. The company will host the website not input information. She can get items on as soon as she sends to Karen Jurek. The website we have now cost us absolutely nothing and we can construct our own design. Mr. Hartzell said that Ms. Rosel would have access. Mr. Rash will set up a meeting with the owners of company to give a presentation by the company to see exactly what they do.

Non-Agenda Items:

Mr. Ertel spoke about the parking available for the public and businesses on Main Street in the Hollow. The area behind the church on Main Street, which the Town owns, was going to be developed into 18 parking spaces at one point. It was discussed some time ago but nothing came of that. It really should be put in motion. Mr. Bengart brought up about funding through a grant. There is money available through grants for rails to trails. Mr. Hartzell will call the grant writer to see if this can be added to the present grant application.

There was a friendly motion to adjourn at 9:38 a.m.

Respectfully submitted: Cynthia M. Rosel