

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

MINUTES

January 16, 2014

Organizational Meeting

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

Present were Elaine Wolfe, David Schuster, Michael Buettner, Chris Kempton, Mary Powell, Clayt Ertel and Chairperson David Hartzell. Mary arrived at 8:08 a.m. Also present were Paul Leone, Nathan Neill, Lawrence Meckler, Pamela Cuvillo, Cynthia Rosel and James Rash. Councilman Robert Geiger also attended.

CIDA election of Officers for 2014.

Chairperson.

There was a motion by Clayt Ertel to nominate David Hartzell as CIDA Chairperson for 2014. There was a second by Chris Kempton. There were no other nominations and nothing on the question.

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

Vice-Chairperson.

Motion by Chairperson Hartzell nominating Clayt Ertel as CIDA Vice Chairperson for 2014. There was a second by Michael Buettner. There were no other nominations and nothing on the question.

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

Treasurer.

Motion made by Chairman Hartzell to nominate Chris Kempton as CIDA Treasurer for 2014. Mr. Kempton accepted. There was a second by David Schuster. There were no other nominations and nothing on the question.

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

Secretary.

There was a motion by Mr. Hartzell nominating Mary Powell as CIDA Secretary for 2014 with a second by Chris Kempton. There were no other nominations and nothing on the question.

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

Appointments to CIDA for 2014.

There was a motion by Chairman Hartzell to appoint Steven Bengart and Lawrence Meckler as Co-Counsel/Co-Assistant Secretary for 2014 with a second by Clayt Ertel. There was nothing on the question.

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

Mr. Hartzell made a motion to appoint Nathan Neill as Transactional/Bond Counsel for 2014 with the provision that this appointment can be removed at any time during the year if the Board so chooses. There was a second by Michael Buettner. On the question there was discussion to clarify removing an appointment and what Board votes on it...the CIDA Board or the Town Board. The CIDA Board appointees could be removed by the CIDA Board. Mr. Meckler added that any CIDA Board appointees could be removed and replaced if the CIDA Board wants to do so, unless, there is a specific contract...you would have to look at the terms of the contract. The CIDA Board members are appointed by the Clarence Town Board and only the Town Board can remove one of the CIDA Board members. There was nothing further on the question.

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

There was a motion by Mr. Hartzell to appoint Paul Leone as Business Consultant at the budgeted rate for 2014 a second by David Schuster. There were no other nominations. On the question Mary Powell asked if it is necessary to put the provision to make a change for this appointment into the record for Mr. Leone as it was for Mr. Neill. It was discussed that it would be the same for any appointment...a change could be made at the discretion of the CIDA Board.

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

There was a motion by Chairman Hartzell to appoint Drescher and Malecki for 2014 for the CIDA by Chairman Hartzell with a second Chris Kempton. One the question, Ms. Powell wanted to put on the record that Luke Malecki will be the new representative from the firm. There was nothing further.

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

Paul Leone was appointed CEO at the budgeted rate by David Hartzell with a second by Clayt Ertel. There was nothing on the question.

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

Chairman Hartzell moved to appoint Pam CuvIELLO as CFO for 2014 at the budgeted rate with a second by David Schuster. There was nothing on the question.

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

Chairman Hartzell moved to appoint Cindi Rosel as CIDA Staff Secretary for 2014 at the budget rate with a second by Elaine Wolfe. There was nothing on the question.

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

Mr. Hartzell moved to appoint Chris Fusco as Billing Administrator for 2014 at the budgeted rate with a second by Mary Powell. There was nothing question.

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

Mr. Hartzell congratulated all the elected members of the Board and the appointees for 2014 and thanked them for all the hard work and effort they put in. He added that 2013 was a good year and he expects 2014 to be even better.

Minutes of December 19, 2013.

There was a motion by Chairman Hartzell to approve the minutes of December 19, 2013 with a second by Clayt Ertel. On the question Mr. Hartzell asked if everyone has reviewed them and if they were comfortable with the minutes. There was nothing further on the question.

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

Treasurer's Report.

Mr. Kempton has two reports. The first is through December 31, 2013 and the second is dated January 1-16, 2014. He reported on the balances in the checking and the money market accounts. Revenues for 2013 were \$135,057.49 compared to the prior year of \$28,332.11. Total expenses were in 2013 were \$62,241.80 compared to 2012 expenses of \$45,763.59. Interest earned was \$1,295.33 in 2013 compared to \$1,849.38 in 2012. The total net income for 2013

was \$74,111.02 versus a loss of -\$15,582.10 in 2012. The 2013 net income includes a fee that was received on the 4125 Transit Road project that closed on December 20, 2013.

Mary Powell asked when the auditors will be coming in. Mr. Kempton said that they come in March to review the audit. Mary asked if it was a full audit. Mr. Kempton answered that it is and the audit should be in progress. Ms. CuvIELLO said that they will begin next Tuesday.

Mr. Kempton asked when Ms. Fusco will be coming in to give her update on the Pilots. Last year she came in March. They are still collecting in February. Ms. Rosel reported that the David DeMarie pilot is behind on the School Tax portion but that is being worked out between Mr. Castilone and the School District. He has made a payment and they do bill him the penalties and he pays them.

Motion by Chris Kempton to accept the Financial Statements as of January through December 2013 with a second by Michael Buettner. There was nothing on the question.

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

Councilman Geiger joined the meeting and the Chairman welcomed him to the meeting.

The second report is the January 1-16, 2014. He reported on the balances in the checking and the money market account. The financial report shows a negative balance as there are disbursements due at the beginning of the year paid in January. There have been no fees collected yet for 2014 that were reflected on this report. Mr. Leone brought in a check for \$1,000 from the Seal and Design project that will be on the next report. The budget for 2014 is attached. Mr. Kempton commented on the insurance line item as actually being higher than the premium that came in at considerably less for 2014 thanks to Joe Floss from the Floss Agency shopping it out. The estimated revenues are \$90,000. Appropriations are estimated to be \$114,178. If we do incur the estimated expenses and revenues are only \$90,000, then the expenses will have to be paid out of the capital funds. Mr. Kempton noted that we need to be conscientious of expenses as we move throughout the year.

Mr. Kempton moved to accept the financial statements through January 16, 2014. There was a second by Elaine Wolfe. There was nothing further on the question.

Mary Powell wanted to discuss the delinquency with the school taxes on one of the Pilots. She wanted to make sure that a record was kept. Mr. Meckler and Mr. Neill added that the school district e-mails the CIDA attorneys and with Chris Fusco. He does make payments to the school district and they bill him directly. Mr. Meckler added that it is being monitored. Mr. Neill added that the district charges penalties. Mary Powell wanted it noted in the minutes that this is being monitored and there is a process. Mr. Kempton added that he thinks that the Board should be kept up to date and that Chris Fusco come in in March to give her report on the outstanding Pilots.

Mr. Kempton also suggested that maybe in cases like this that we should have an update more often.

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

Correspondence.

The SBA sent a flyer for the 18th Annual Straight Talk 2014 Seminar on January 18, 2014. Paul Leone presents the “Show Me the Money” Seminar and has for the last 18 years.

Paul Leone spoke briefly on the seminar. He said that there are about 250 companies that will be there this year. There were over 400 participants last year. Mr. Hartzell added that Tom Lorentz, the owner of Main Mobility located in Clarence, will be a speaker.

There was nothing further under correspondence.

New Business.

Mr. Leone and Mr. Hartzell have met with the owners of Seal and Design. They were approved at the last meeting for sales tax. They are planning a new expansion and will be submitting an application for the 40,000 sq. ft. addition.

Mr. Leone has also set up the training for January 23, 2014 for Seal and Design. Mary Powell added that it would be great for the members to go to one of the training sessions

There was discussion regarding the type of Pilot that would be offered on the new project. It would be a 7 or 10 year pilot. There was further discussion on the pilots and after the application is received, the Board can make its decision at that time.

Mr. Leone also discussed the Community Choice Act. There have been many meetings on this topic. There is a bill in the Senate. The Town Board would have to pass a resolution that they are in favor of the bill. There is no one in the Assembly to present the bill at this time.

There was further discussion regarding the way the bill reads and the Towns that would be assigned to Clarence.

Elaine Wolfe discussed the One Region Forward Workshop that will be held at the Clarence Town Hall on Saturday February 8th. The CIDA will be sponsoring the event. Elaine will be coordinating it. She hopes that the CIDA members will be able to attend. RSVP is suggested but walk-ins are welcome. UB will be gathering the information and compiling the results. The purpose is to get recommendations on the development of Erie County. Ms. Wolfe handed out some flyers and will put some out in the foyer

Mr. Hartzell moved to spend less than \$500 for the cost of flyers and refreshments to support the event. There was a second by Clayt Ertel. There was nothing further on the question.

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

Old Business.

Mr. Ertel was hoping that the Chairman of the Planning Board would be able to be here today but he was out of Town. Mr. Ertel said that in going through the Planning Board Goals and Narrative of September 2013, one of his concerns is that the upcoming Master Plan, with the future of the Town at stake, does not address the future of the Town and the growth that is necessary in the commercial end of our development. Jim Rash outlined something that he feels is excellent. Mr. Ertel also did an outline that he would like to give to the Planning Board Chairman. He feels that the process is broken. He feels that it takes too long for a project to go through the process.

Mary Powell appreciates what Mr. Ertel is saying but she feels that is subjective. There was further discussion regarding having the Planning Board meet with CIDA Board to discuss the commercial and business growth as part of the Master Plan.

Mr. Kempton asked what they mean about the Master Plan being a Land Use document. There was discussion regarding the Master Plan and it being a Land Use document.

Mr. Hartzell said that Mr. Sackett will be back in Town in April and we could have him at that meeting.

EDO

Mr. Rash reported on his activities for the month. He has set a time to have the presentation by Laura Hackathorn; attended the meeting with Town officials and the Cimato family regarding the Cimato Industrial Park; re-contacted businesses that expressed an interest in locating in the business park; is meeting with the Seneca Indians to discuss economic development between the SIN and the Town; the ad production is finished and will be in special February Bee Community addition; did an article for the Chamber for next month; also talked about printing up some flyers to send to Tech companies and so forth; he mentioned to the Chairman that the CIDA might consider setting aside an amount, not very much, around \$500 to develop, get a mailing list, and to send out the flyers.

On that subject, Mr. Hartzell added what he thinks Jim has in mind is to take the idea of a Yahoo that located to Lockport and build on it trying to bring tech companies to WNY. Mr. Hartzell moved to spend an amount not to exceed \$750 to send flyers out to Yahoo, Micro Soft and other tech companies and to have an intern put it together. There was a second by Mr. Buettner. On the question, Ms. Powell asked if sending out flyers is a good idea. Is there another way to do this...think outside of the box to get out information. Ms. Powell did not know how many companies they are looking at. Mr. Hartzell said probably about a dozen or so. Ms. Powell

added that there are better delivery systems than just using the mail, more personal contact with the companies. Mr. Hartzell added that was a good idea be a little more creative than a flyer. There was nothing further on the question.

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

Mr. Rash would like to attend the State of the Town luncheon for a cost of \$25.00 which will be at Orazios. There was a motion by David Hartzell with a second by Clayt Ertel to attend.

He added that was where he first heard about the Town having a \$175,000 figure of commercial revenue relative to the Master Plan and he asked where that figure came from. No seemed to know and they still don't.

At the next meeting, he will also have an outline of a plan for the advertising line to get an idea of just how much of that budget line will be used.

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

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