

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

**MINUTES**

**March 19, 2015**

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

Present were Elaine Wolfe, David Schuster, Chris Kempton and David Hartzell. Absent were Clayt Ertel, Mary Powell and Michael Buettner. Also present were Paul Leone, Nathan Neill, Steven Bengart, Larry Meckler, Pamela CuvIELLO, Cynthia Rosel and James Rash. Guests were Laura L. Benedetti, CPA from Andreozzi Bluestein et al, Beth O'Keefe from the ECIDA and Amy Schultz, Account Representative from Eagle Systems.

**Audit Report.**

Luke Malecki and Elisa Fernbach from Drescher Malecki, the CIDA's independent auditor, were present to give the 2014 Audit Report for the CIDA. The presentation was a brief summary of the Audit by Drescher and Malecki. Luke Malecki explained the audit is once again a very clean audit. There were no major changes. No uncorrected errors. There was a slight decrease in the cash balance due to less activity in 2014. The projects for 2014 were smaller compared to those in 2013. The fund balance is stable. The expenses for 2014 are pretty much consistent with the expenditures for 2013. The only comment is to be aware of the specific documentation required by the OSC...to provide itemized receipts for expenditures to be in compliance with the Authority Office. The documentation on file with the Agency is alright for internal control, but the ABO and the OSC wants to see itemized receipts. Mr. Meckler wanted to know if there is any requirement or guideline as to what the balance should be or shouldn't be. Mr. Malecki answered that there is no specific guidance as to what or where the balance should be. The fund balance should be kept in a stable position. Mr. Hartzell asked if there were any questions for Luke and there were none. Mr. Hartzell thanked Luke Malecki and Elisa Fernbach for their report.

**Minutes of February 19, 2015.**

Mr. Hartzell asked the members present if they had a chance to read the minutes of the last meeting. There was a motion by Chairman Hartzell with a second by Chris Kempton to approve the February 19, 2015 minutes. There was nothing on the question.

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

### **Treasurer's Report.**

Chris Kempton gave the Treasurer's report through March 19, 2015. Mr. Kempton went over the balance sheet reporting on the balances in the checking and money market accounts. To date, total fees received are \$19,125.00; interest income is \$141.15 and expenses are \$22,549.59. There is a negative net income of -3,283.44 to date. The detail sheet and budget analysis were also attached. There are some budget items that are already at 100%. There was a motion by David Schuster with a second by Chairman Hartzell to accept the treasurer's report through March 19, 2015.

**Vote: Ayes: Wolfe, Schuster, Kempton, Hartzell. Noes: None.**

**Absent: Buettner, Powell, Ertel. Recuse: None. Motion carried. Unanimous.**

### **Correspondence.**

There was none to report.

### **New Business.**

#### **9145 Main Street-Andreozzi, Bluestein, Weber Brown LLP (NN; PL)**

Nathan Neill has an amended resolution for the Savant Project. The project was approved earlier in August of 2014. When the applicant went to get the final design, the building size increased slightly and the cost was up somewhat. It is still the same project. The resolution needs to be amended due to the increase in cost from \$700,000 to \$970,000. Mr. Neill handed out copies of the amended resolution. Mr. Leone will send the applicant a new ST-60 to be sent to the State as the project amount has increased.

There was a motion by Chairman Hartzell to adopt the resolution prepared by Nathan Neill approving the increase in the project cost, mortgage amount and the increase in the building size. There was a second by Chris Kempton. There was nothing on the question.

**Vote: Ayes: Wolfe, Schuster, Kempton, Hartzell. Noes: None.**

**Absent: Buettner, Powell, Ertel. Recuse: None. Motion carried. Unanimous.**

### **SBA Luncheon.**

Mr. Leone and Mr. Hartzell met with Frank Sciortino of the SBA. They discussed the upcoming Annual SBA Awards Luncheon. Mr. Hartzell and Mr. Leone are recommending that the CIDA attend this year and to present an award to one of the recently finished projects. They are suggesting Tronconi Segarra & Associates as the business of the year for 2015. Mr. Leone and Mr. Hartzell are also suggesting that the CIDA purchase a table. The CIDA has not attended since 2011. The cost of the table of 10 would be \$450. The rest of the Board members were in agreement and there were several of those present that would attend. Ms. Rosel will check with the other Board members that are not present to see if they will be attending and advise if there

will be a seat for anyone else. There are seven Board members. We would save 2 seats for the award recipient. Mr. Leone thinks that they will be getting their own table but will check. As soon as we hear, then we will know how many seats are available for anyone else who would like to attend. Ms. Rosel will take care of purchasing the award and making the reservations for the table for the luncheon.

Motion by David Hartzell to purchase a table of ten for the SBA luncheon to be held on May 13, 2015 to honor the Tronconi Segarra & Associates Project at a cost of \$450 and to purchase a plaque or award to be presented to the company as the CIDA 2015 Business of the Year for an amount not to exceed \$100. There was a second by Chris Kempton. There was nothing on question.

**Vote: Ayes: Wolfe, Schuster, Kempton, Hartzell. Noes: None.**

**Absent: Buettner, Powell, Ertel. Recuse: None. Motion carried. Unanimous.**

### **Old Business.**

#### **David DeMarie, Castilone**

There was discussion by the Board members present regarding whether or not to pull the Pilot. Mr. Bengart did contact Mr. Castilone to let him know that the Board was contemplating pulling the Pilot as this happens every year. Mr. Bengart told Mr. Castilone that this will be his last notification by phone. Mr. Castilone has paid part of the school taxes but still owes over \$5,000. The last payment he made was returned for Non-sufficient Funds. He has not paid the Town/County or the special district taxes either. Mr. Castilone did call the CIDA office and he was told that his payments for the pilot were late.

Mr. Bengart wanted to know what the Board would like to do. Mr. Hartzell asked what the procedure would be. Mr. Bengart will send a delinquent letter to Mr. Castilone. Mr. Neill added that it costs him more when he is late because he has to also pay interest and that adds up the longer that payment is not received.

Mr. Hartzell moved to authorize Counsel Steven Bengart to send a default letter to Mr. Castilone and if payment is not received by a certain date, to start the procedure to pull the Pilot. There was a second by Elaine Wolfe.

**Vote: Ayes: Wolfe, Schuster, Kempton, Hartzell. Noes: None.**

**Absent: Buettner, Powell, Ertel. Recuse: None. Motion carried. Unanimous.**

### **New Pilot Schedule.**

Mr. Neill had sent out the revised Pilot Schedule for the proposed 5 year Pilot. This would be an extra category to offer and not replace any of the schedules that the CIDA has in place now but be in addition to. The proposed five year Pilot would be at 90% abatement for 5 years. Mr. Neill added that it would be up to the Board if they want to adopt the additional schedule. There was a motion by Mr. Hartzell to adopt the Five Year Pilot Schedule at 90% to use when

appropriate and be an addition to the UTEP tax abatement the CIDA offers. There was a second by Chris Kempton. On the question, Mr. Schuster wanted to know if there is a formal application for the new pilot schedule...a general policy on what type of projects this will be offered to. He would like to know in case there is a question on why one project gets a 5 year Pilot and another project gets a different Pilot...is there any exclusion. Mr. Hartzell said that this would be for those projects such as a back office type projects. Mr. Leone said that his would affect Pilots only, not sales tax or mortgage recording tax incentives. Mr. Hartzell added that we could also use a three year pilot or a two year pilot. There was nothing further on the question

**Vote: Ayes: Wolfe, Schuster, Kempton, Hartzell. Noes: None.**

**Absent: Buettner, Powell, Ertel. Recuse: None. Motion carried. Unanimous.**

### **Administrative Fees.**

There was discussion regarding the fees charged by the Agency.

### **EDO.**

Mr. Rash reported on the progress of the website, the RFP for the Main Street Revitalization Project, and about a proposed section on economic development for the Town's Master Plan 2025. He will meet with Steinmetz and will organize that better. Mr. Rash also created an activities document which is a log of specific activities that he will keep updated. Mr. Rash and Mr. Hartzell met with the Town's grant writer regarding NYS funds available to possibly finance a craft beverage industry trade show. Mr. Rash spoke with Anthony Cimato and there has been a delay in the project.

### **Items not on the Agenda.**

Chairman Hartzell talked about an article in the paper regarding Multi-Family and Multi-Family Senior Housing and a comment made by Jim Allen. At the last leadership meeting, not all of the IDA's were on board with Multi-Family Housing as was stated in the article.

Mr. Hartzell also talked about the Business Park on Wehrle Dive. Mr. Hartzell went to lunch with Dave Clare who is going to resubmit plans for the Business Park. He personally hopes that they come up a good architectural plan to make it more attractive.

Mr. Kempton volunteers for the United Way and at one of the meetings there was discussion regarding jobs. The talked about incentives that would encourage hiring. Mr. Hartzell said that there was a program years ago for these types of jobs and training.

There was also discussion regarding the Audit report and the receipt of the annual reporting forms relative to the projects and the jobs retained and/or created. These numbers are to be submitted yearly for the PARIS report and the ABO. The Attorneys will contact those who have not submitted the questionnaires as of yet.

There being no further business, there was a friendly motion to adjourn the meeting at 8:57 a.m.

Respectfully submitted,

Cynthia M. Rosel