

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

MINUTES

January 16, 2015

Organizational Meeting

Mr. Hartzell called the meeting to order at 7:53 a.m.

Present were Elaine Wolfe, David Schuster, Michael Buettner, Chris Kempton, Mary Powell, Clayt Ertel and Chairperson David Hartzell. Chris Kempton and Mary Powell arrived a little after 8:00 a.m. Also present were Paul Leone, Nathan Neill, Steven Bengart, Larry Meckler, Pamela CuvIELLO, Cynthia Rosel and James Rash. Guest were Theresa Carpenter from the ECIDA and representative staff from Tronconi and Segarra. Mark Tronconi

Public Hearing 4687 Transit Road Project.

A public hearing was held to consider the proposed 4687 Transit Road Project. Mr. Leone explained that the assistance contemplated by the Agency will include mortgage tax abatement, sales tax exemption and real property tax abatement in the form of a non-standard 5 year Pilot. The applicant is requesting assistance to acquire and renovate an existing 30,000 +/- vacant building in the Town of Clarence –Transit Road Enhancement area for the repurposing of the former Buffalo Athletic Club into professional office space. The applicant called Mr. Leone last evening to let him know that they are still negotiating with the owners of the property. The Agency will put off considering inducing the project until February or March 2015.

Mr. Hartzell moved to close the public hearing 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. Unanimous.

Tronconi and Segarra and Associates LLP

Mr. Hartzell introduced Mark Tronconi a partner in in the Accounting/CPA firm. Mr. Tronconi gave a brief synopsis of the company and what it provides. They do not do any IDA work at present but have done work with Erie County, City of Buffalo, many other School Districts, and the Town of Ellicottville.

There was discussion regarding the ABO and PARIS reporting requirements and the audit procedures for IDA's.

It was decided that the Board will discuss this issue further and work out the details on hiring a CPA firm.

CIDA election of Officers for 2015.

Chairperson.

There was a motion by Clayt Ertel to nominate David Hartzell as CIDA Chairperson for 2015. There was a second by Elaine Wolfe. There were no other nominations and nothing on the question.

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

Vice-Chairperson.

Motion by Chairperson Hartzell nominating Clayt Ertel as CIDA Vice Chairperson for 2015. There was a second by Chris Kempton. There were no other nominations and nothing on the question.

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

Treasurer.

Motion made by Elaine Wolfe to nominate Chris Kempton as CIDA Treasurer for 2015. There was a second by David Hartzell. There were no other nominations and nothing on the question.

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

Secretary.

There was a motion by Mr. Hartzell nominating Mary Powell as CIDA Secretary for 2015 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: None. Recuse: None. Motion carried.

Appointments to CIDA for 2015.

Chairman Hartzell moved to appoint Lawrence Meckler and Steven Bengart as Co-Counsel/Co-Assistant Secretary; Nathan Neill for Bond Counsel; Paul Leone as Business Consultant and CEO; Pam Cuvillo as CFO; Christine Fusco as Pilot Billing Administrator; and Cynthia Rosel as Administrative Assistant. There was a second by Clayt Ertel and nothing on the question.

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

Chairman Hartzell moved to appoint Drescher and Malecki as CPA through May 31, 2015. There was a second by Clayt Ertel. On the question Mr. Bengart added that it is his understanding the Board would like to explore the possibility of bringing in a different firm and put out an RFP to look at other CPA's.

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

Minutes of December 18, 2014.

There was a motion by Chairman Hartzell to approve the minutes of December 18, 2014 with a second by Chris Kempton and nothing 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 reported on the financials through January 15, 2015. He went over the balances in the money market and checking accounts. There no fees received for the month of January. The expenses to date are \$13,014.76 some of which are annual expenses and front loaded. This is not unusual at the beginning of the year. Therefore there is a net, negative income of -13,014.76. The details sheet and the budget were attached to the report. There being nothing further there was a motion by Chairman Hartzell to accept the Treasurer's Report for January 15, 2015. There was 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.**

Correspondence.

There was a Notice of Public Hearing from the Town of Lancaster IDA that was e-mailed to the members. Drescher and Malecki also sent in a letter with their engagement letter.

Ms. Rosel also passed out the annual Oaths of Office and the Annual Confidential Evaluation of Board Performance forms.

New Business.

Paul Leone said that the 4687 Transit Road project has been postponed until February or March for inducement.

There was an application received on a new proposed project for 9092 Main Street that was e-mailed to the Board members. Mr. Leone met with the applicants to discuss the project and IDA incentives. The applicants are proposing to construct a 7,818 +/- Sq. Ft. office building on 2.4 acres. The project amount would be \$1,666,647 and the discussion with the applicant included the 5 year Pilot, mortgage tax and sales tax exemption benefits. This application is being presented today for the Board's consideration to set a public hearing and induce the project in February.

After discussion regarding the application, the Board agreed to set a public hearing for the February meeting and consider inducing the project.

Old Business.

Nathan Neill has a resolution to approve an assignment and assumption for the 9280 Main Street project (DKS). The Agency induced this project originally in 2004. The resolution was amended on July 22, 2004. The agency has now received a request for consent for the assignment of the leasehold interest in the facility to a limited liability company.

After discussion there was a motion by Elaine Wolfe to approve the Assignment and Assumption resolution as prepared by Nathan Neill for the 2004 - 9280 Main Street project. There was a second by Mary Powell.

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

EDO

Jim Rash has a thin report this month due to the Holidays and scheduling. He talked about the Emerling meeting which he attended saying that he thought it would be a good looking project. He reported that he is continuing to work on the website design with 360. The kick-off meeting is scheduled for next week. Ms. Rosel added that she would like to invite anyone else on the Board if they would like to attend, especially, Elaine Wolfe because of her Marketing background and David Schuster because of his familiarity with computer programs. Neither can make the Tuesday, February 24th date. He is still working with two potential manufacturers who are looking for properties hoping to find a location in Clarence. Mr. Rash said that he meets with Paul once a week and they are forming up strategies for the coming year.

Mr. Rash said that it has been a great honor for the last two years and would hope that the Board would see fit to renew his contract for another year.

Chairman Hartzell moved to renew the contract with Jim Rash as an independent contractor with the CIDA for 2015 and it was seconded 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. Leone has a request from Tronconi and Segarra to extend the sales tax exemption to August 15, 2015. Chairman Hartzell moved to extend the sales tax exemption for Tronconi and Segarra through August 31, 2015 with a second by Chris Kempton. There was nothing further on the question.

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

Larry Meckler said that he was asked to look into whether or not the CIDA could fund Revitalization Study for the Hollow. He contacted the Authorities Budget Office as they have jurisdiction over the IDA's. The response was the CIDA Board could contract out directly with a consultant for that purpose as long as it is consistent with its public purpose. The CIDA cannot fund a study for the Hollow Assoc. or provide them or any other public or private entity with funding. If the CIDA wanted to contract with a consultant of the Hollow area...the CIDA could fund it directly...nothing can pass through the Hollow.

David Hartzell thought that was great news. If there is to be a study, it should be done of all of Main St.

There was further discussion regarding a draft study that was done for the Hollow. Mr. Meckler said if we were going to do it we would have to do our due process and it would have to be done according to the CIDA allowed purpose.

Mr. Hartzell added that we will work on this over the next couple of months and then decide if the CIDA what funding if any will be used.

There was further discussion to go out to RFP for other accounting CPA's firms for the next reporting year.

Mr. Leone also reported on the agenda for the next Policy Committee meeting.

The discussion went back to the proposed 5 year abatement policy. Mr. Neill prepared a memo to the Board regarding providing a non-standard Pilot for the BAC facility. There was discussion regarding the different tiers of percentages to offer for the 5 year Pilot. There was no decision made at this meeting. It was agreed that it would be better to have more options available.

There being nothing further the meeting was adjourned at 9:34 a.m.

Respectfully submitted,
Cynthia M. Rosel, Administrative Asst.