

TOWN OF CLARENCE, ERIE COUNTY  
INDUSTRIAL DEVELOPMENT AGENCY

MEETING MINUTES  
November 15, 2018

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

Present at the meeting were Robert Dixon, Patrick Johnson, Elaine Wolfe, Mary Powell, Clayt Ertel, and Chairman Kempton. Also present were Paul Leone, Jennifer Strong, Lawrence Meckler, Steven Bengart, Peter DiCostanzo, Kimberly Ignatowski and Cynthia Rosel.

**Minutes of October 18 and October 25, 2018 Meetings.**

Motion by Chairman Kempton with a second by Patrick Johnson to accept the minutes of the October 18, 2018 meeting. There was nothing on the question.

**Vote: Ayes: Dixon, Johnson, Wolfe, Powell, Ertel, Kempton. Noes: None  
Absent: None. Recuse: None. Unanimous**

Motion by Elaine Wolfe with a second by Patrick Johnson to accept the minutes of the October 25, 2018 special meeting. There was nothing on the question.

**Vote: Ayes: Dixon, Johnson, Wolfe, Powell, Ertel, Kempton. Noes: None  
Absent: None. Recuse: None. Unanimous**

**Treasurer's Report.**

Treasurer Patrick Johnson reported on the balances in the Money Market and the Checking Account. The fees collected to date are in the amount of \$51,500.00 and interest earned is \$5,868.49. The total expenses to date are \$79,101.42. There is a Net Income of -21,732.93. Mr. Kempton asked for a vote to accept the financial report through November 15, 2018. There was a motion by Clayt Ertel with a second by Elaine Wolfe to accept the Treasurer's Report. There was nothing on the question.

**Vote: Ayes: Dixon, Johnson, Wolfe, Powell, Ertel, Kempton. Noes: None  
Absent: None. Recuse: None. Unanimous**

**New Business.**

Mr. Kempton asked Jennifer Strong to explain what Premium Mortgage is asking for regarding a Lease Subordination Agreement. Ms. Strong said that the project closed about a year ago and now Premium Mortgage is re-doing some of its financing. Premium is not seeking any additional benefits from the CIDA. However, Premium is financing through the SBA and the

SBA requires that the existing mortgage holders, of which the CIDA is a party to that mortgage, subordinate to the SBA mortgage. The original closing documents for the financing already has the subordination language in it but the SBA requires that its document with its language be signed. The CIDA is not giving any benefits just seconded the language that is already in existence.

Mr. Kempton added that there needs to be a motion to approve that the he, as Chairman, be authorized to sign a Lease Subordination Agreement for the existing Premium Mortgage Project to allow Premium Mortgage to obtain financing through the U.S. Small Business Administration.

Mr. Ertel so moved and there was a second by Elaine Wolfe. On the question, Mr. Kempton added that there are no CIDA benefits being sought. Ms. Powell added that the language is the same, the SBA just wants to be included. Ms. Strong said yes that is correct...the existing document is one paragraph...the SBA has a 6 page agreement. Mr. Bengart and Ms. Strong stated that the CIDA position is the same. There are no additional CIDA benefits. There was nothing further.

**Vote: Ayes: Dixon, Johnson, Wolfe, Powell, Ertel, Kempton. Noes: None  
Absent: None. Recuse: None. Unanimous**

Mr. Kempton asked Mr. Leone if he had any new business to report. Mr. Leone said that there is nothing to report. The only project that is open is the 10075 Main St.-ICE Project. If a mortgage commitment is obtained within the next few weeks, Ms. Strong will do her best to get it closed before the end of the year. J

**Old Business.**

Mr. Kempton would like to make a motion to remove the Multiple Family Housing Policy restriction from the CIDA policies. This has been discussed over the last few meetings.

Mr. Kempton moved to remove the Multiple Family Housing Policy from the Clarence IDA policies. There was a second by Clayt Ertel.

**Vote: Ayes: Dixon, Johnson, Wolfe, Powell, Ertel, Kempton. Noes: None  
Absent: None. Recuse: None. Unanimous**

Mr. Kempton asked that the attorneys amend the policy. They will do that.

**Floss Agency**

Peter Cournan, Commercial Sales Coordinator for the Floss Agency, Inc. went over the insurance coverage for the Clarence IDA. Mr. Cournan explained the D & O Policy coverage

and the Crime Policy, what the coverage is, who is covered, and went over some potential examples of scenarios that would be and not be covered by the policy.

There was a question regarding cyber coverage for the CIDA. Mr. Kempton also asked Mr. Courman to provide a quote for Cyber Insurance. Mr. Courman look into the coverage and will e-mail the information and quote to the Chairman.

### **Carl Calabrese -Annual Review of the Coalition for Community Bldg. (CCB)**

Carl Calabrese gave the Annual Review of the activities of the CCB for 2018. Mr. Calabrese went over four major proposed bills that the CCB was tracking and working on. He also talked about the discussions regarding the Unified Tax Exemption Policy and the status on the updating of the UTEP. Mr. Calabrese also reported on the Joint Session of all local IDA's as well as other organizations that was held on September 12, 2018 and the presentation by Robert Richardson, President of the Commercial Real Estate Development Association. Mr. Calabrese also provided a copy of the Commercial Real Estate Developers "White Paper" on the economic development in Buffalo and WNY. Finally, Mr. Calabrese discussed the outlook for 2019.

### **Vision Main Street Plan and Economic Analysis presentation by Jonathan Bleuer.**

Jonathan Bleuer gave a brief power point presentation on the Plans and what the Town has done with the Plans to date. The CIDA invested in two Plans: "The Vision Main Street Plan" which was a comprehensive look of the Main Street Corridor from both the public and private sectors the "Economic Analysis" of the Main Street Corridor forecasting the needs, demands and what may and may not work. The existing plans were also looked at to see if we are on track to meet those future needs. The Town Board did adopt both the Plans as an addendum to the Comprehensive Plans. It is now the Town's role to guide the future of these plans. The Town also invested and undertook a Master Sewer Plan that outlined the future of sewers in the Town. The Town Engineer is working closely with other agencies (the Town of Amherst, Erie County and the State) involved on capacity through a parallel line. He continued reporting on the progress on the future development of the Main Street Corridor. There have been sidewalks installed all along Main Street and a Bike Lane delineated on a portion of Main Street. A tree grant has been received to inventory the trees in the Town. After we have the inventory, then the Town can apply for a grant for trees. The Town did budget funds to start planting trees on the Town ROW's before any grants are in. There was significant time spent doing community engagement, both through the Vision Main Street Plan, the Economic Analysis, and all the Comp. Planning going to the people and developed these plans around what people want to see or in some cases, a few people don't want to see. You just need to keep moving forward no matter what happens. This has led to some big projects...such as the Transportation Alternative Program Grant. We should hear in January. We are starting to see private sector development in ways that match our Planning. You have food and beverage with Bar Bill not tearing the Old Red Mill building down and starting to work on it finally; the ICE expansion light manufacturing and distribution, exactly what the Economic Study said that we needed more of on Main Street in

place that is proper for it and in a design and format that works with the Plan; mixed use commercial/residential; and the Eastern Hills Mall in the transition to a town center or a lifestyle center. There has been a lot of research and there has been several meetings on this project. This is a huge project. The rezoning has been done and we are working on infrastructure. There are good things coming. Mr. Kempton thanked Jonathan for the presentation.

**Items Not On The Agenda**

None.

**Public Comments.**

None.

Meeting adjourned at 9:40 a.m.

Respectfully submitted by  
Cynthia Rosel