

TOWN OF CLARENCE, ERIE COUNTY  
INDUSTRIAL DEVELOPMENT AGENCY

MINUTES  
July 19, 2018

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

Present at the meeting were Patrick Johnson, Elaine Wolfe, Mary Powell, Clayt Ertel and Chris Kempton. Robert Dixon was absent. Also present were Paul Leone, Jennifer Strong, Lawrence Meckler, Steven Bengart, Kimberley Ignatowski, Peter DiCostanzo, Councilman/Liaison and Cynthia Rosel. Guests attending were Paul Stephen, Rock Oak West LLC and Rachel Gebbart, Associate Energy Consultant Energy Service Department for National Fuel.

**8:16 a.m. - Public Hearing – 10075 Main Street Project – Rock Oak West LLC**

Mr. Kempton opened the public hearing on the 10075 Main Street Project. Mr. Leone introduced Paul Stephen, one of the principles of Rock Oak West LLC, who is here on behalf of the applicants. Mr. Leone explained that the applicants are requesting assistance from the Agency in the form of a lease only or lease with mortgage transaction in an amount not to exceed \$3,500,000. The incentives 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 in accordance with existing Agency Uniform Tax Exemption Policy and Guidelines, as amended. The project consists of the construction of an approximately 35,000 square foot building on a 4.5 acre parcel of land located at 10075 Main Street, in the Town of Clarence, New York, to expand Innovative Concepts in Entertainment, Inc.). ICE is currently out of space. The acquisition and installation of machinery, equipment, furnishings and fixtures required in connection therewith, all for a manufacturing/distribution facility (the "Project"). The Project will allow the Sublessee to expand its current business and maintain their level of sales and employment, making the project affordable with a competitive lease rate and keeping the Sublessee in the Town of Clarence. The Project will be subleased to the Lessee for sub-sublease to the Sublessee which will be the sole occupant of the Project. The property tax abatement would be for 10 years. Mr. Leone asked if anyone had any questions.

Mr. Bengart said that the project was on the Planning Board agenda at the meeting last night for Preliminary Concept Plan Review and Coordinated Review under the State Environmental Quality Review Act (SEQRA) which must be completed before the CIDA can take any action on the project.

Ms. Wolfe asked where the project will be located exactly. Mr. Stephen answered that it will be on Main Street right next to ICE. Mr. Stephen added that the expansion will keep ICE in the Town of Clarence instead of looking elsewhere to expand. Mr. Stephen toured the operation and it is a very nice, clean and innovative facility.

There being no further discussion or questions, Mr. Kempton asked for a motion to close the public hearing. There was a motion by Elaine Wolfe with a second by Clayt Ertel. There was nothing on the question.

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

Due to the early stages of the approval process of the project with the Town Planning Board. The earliest that the CIDA Board can take action will be at the September meeting.

### **Minutes of June 19, 2018 Meeting.**

Mr. Kempton asked if everyone had a chance to review the minutes of the June meeting. There was a motion by Clayt Ertel with a second by Elaine Wolfe to accept the minutes of the June 19, 2018 meeting. There was nothing on the question.

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

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

Mr. Kempton will be giving the report today. The report is through July 19, 2018. Mr. Kempton reported on the balances in the checking account and the money market account. There was a transfer made from the Money Market to the Checking Account to cover expenses. Revenues received through July 19, 2018 are in the amount of \$51,500. Interest earnings to date are \$1,074.18. Expenses to date are \$69,572.92. The Net Income to date is -16,998.74. There was a final payment made to Camoin for the study. The Chairman asked if there were any questions on the financials. There was nothing further. There was a motion by Patrick Johnson with a second by Elaine Wolfe to accept the Treasurer's report through July 19, 2018. There was nothing on the question.

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

### **2019 Budget.**

The preliminary budget needs to be worked on before the August meeting. Kimberly Ignatowski will work on the Budget with Mr. Johnson and e-mail to everyone before the August meeting when the vote will be taken.

### **Auditor for 2018 Budget.**

There was discussion regarding hiring Drescher and Malecki to conduct the 2018 Audit for the CIDA. Ms. Ignatowski and Ms. Rosel has no issues with them. Ms. Ignatowski will contact Drescher and Malecki to ask if they would perform the 2018 Audit and provide an Engagement Letter before the CIDA budget process outlining the services they would provide and the fees for the service.

### **Correspondence.**

None.

## **New Business.**

Mr. Leone said that he met with Mr. Kempton and Mr. Ertel regarding the 8326 Main Street-Bar Bill Restaurant Project, the site of the former Old Red Mill restaurant. Mr. Leone added that no application has been submitted as of today but he did receive an e-mail last night from Clark Hooke regarding the project. Mr. Hooke would like the CIDA to review the project to determine whether or not it would meet the criteria for incentives. Mr. Leone will give them an application.

## **Old Business.**

None.

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

### **6449 Transit Road – RSA Development Project.**

The Chairman said that we have been waiting for additional information on this project and asked if there has been any other information submitted on the RSA Development Project. There has been nothing further submitted by the Attorney of from Mr. Salvatore. Mr. Kempton would like this to be put on the August agenda for a vote. There is an application before the Board that must be acted on. A vote on this project will be taken at the August meeting.

There was also talk about the Enhancement Zone. The CIDA would review the Enhancement Zone occasionally to determine if a recommendation be made to discontinue or add to the Enhancement Zone. It has not been looked at for a while and it may good to revisit the Enhancement Zone,

Mr. Kempton also discussed that the CIDA consider offering another incentive package that would be different than what is offered now. It could be a 3 year of 5 year pilot. Mr. Meckler and Mr. Bengart added that whatever new type of incentive would be offered, it would have to be and additional incentive tool to provide for those who would qualify for the incentive.

Elaine Wolfe asked about the Main Street Corridor and where the CIDA stands on the project. Does the CIDA move forward in trying to obtain Grants and who is spearheading the next part of the project or is anyone spearheading it. Mr. Kempton said that the Town has adopted the studies as part of the Master Plan and it has shifted to the Town to execute the Plans. Mr. DiCostanzo said that the Town does not have a point person for this.

Paul Leone introduced Rachel Gebbart, Associate Energy Consultant Energy Service Department for National Fuel who talked about grant opportunities with National Fuel. The Grants are for Commercial portions of a projects not Residential. There are 20 different programs offered by National Fuel, Mr. Meckler suggested that the contact information be put on the website.

Mr. Leone also said that NYSEG also offers programs.

Mr. Kempton said that there is still one opening to fill on the CIDA Board. Two more applications were submitted. Mr. Kempton asked Ms. Rosel to forward the two new applications to the Board members. Mr. Kempton will call each individual to explain what the CIDA does.

The Chairman would like the Board members to review the applications and if they have any comments, to forward them to Ms. Rosel and she will forward to the Chairman. Mr. Kempton will pass the comments on to Mr. DiCostanzo.

There was also talk about the policy regarding Multiple Family Housing and Senior Housing. The CIDA may want to revisit the policy.

**Public Comments.**

None.

Meeting adjourned at 9:20 a.m.