

TOWN OF CLARENCE, ERIE COUNTY
INDUSTRIAL DEVELOPMENT AGENCY

MINUTES
August 16, 2018

Chris Kempton called the meeting to order at 8:16 a.m.

Present at the meeting were Robert Dixon, Elaine Wolfe, Mary Powell, Clayt Ertel and Chris Kempton. Patrick Johnson was absent. Also present were Paul Leone, Jennifer Strong, Lawrence Meckler, Kimberly Ignatowski and Cynthia Rosel.

Minutes of July 19, 2018 Meeting.

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

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

Treasurer's Report.

Mr. Kempton will be giving the report today in the absence of the new Treasurer, Patrick Johnson. The report is through July 19, 2018. Mr. Kempton reported on the balances in the checking account and the money market account. Revenues received through July 19, 2018 are in the amount of \$51,500. Interest earnings to date are \$1,601.72 (the interest rate increased slightly.) Expenses to date are \$71,132.92. There is a Net Income to date of -18,031.20. The Chairman asked if any additional projects will be closing in the near future. There is a question about the Kelly Schultz project. Jennifer Strong added that the mixed use does not have a mortgage commitment yet. There was a motion by Elaine Wolfe with a second by Mary Powell to accept the Treasurer's report through July 19, 2018. There was nothing on the question.

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

2019 CIDA Budget.

The Chairman said the 2019 Budget needs to be approved before September 30, 2018. A copy of the preliminary budget was given to the Board at the last meeting for review. The Chairman asked if there were any questions or comments. There were none. Mr. Kempton asked for a motion to approve the preliminary budget as the adopted Budget for 2019. There was a motion

by Clayt Ertel with a second by Elaine Wolfe to approve the preliminary budget as the adopted IDA Budget for 2019. There was nothing on the question.

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

Audit for 2018.

There was discussion at the last meeting regarding retaining professional services to prepare the 2018 Audit for the CIDA. Drescher & Malecki provided an engagement letter that outlined the cost for providing audit services for 2018. The cost has been budgeted for. Mr. Kempton moved to retain the services of Drescher and Malecki LLP to prepare the 2018 CIDA audit. There was a second by Mary Powell. There was nothing on the question.

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

Correspondence.

None. Ms. Rosel asked if everyone received the invitation that was e-mailed regarding the Joint Session of the local IDA Boards to be held on September 12, 2018 at 8:00 a.m. at the Lancaster Opera House and to RSVP if they will be attending as space is limited. Mr. Kempton urged the members to attend this informative presentation by Bob Richardson, president of the Commercial Real Estate Development Association and the CCB on the current state of the WNY economy, local economic and demographic trends, as well as comparisons between WNY and other similar regions around the country. Invitations also went to the CIDA Attorneys, Peter DiCostanzo, Councilman and CIDA Liaison, the Town Supervisor, Pat Casilio, Jonathan Bleuer, Jim Callahan and Robert Geiger as the Interim Chairman of the Clarence Chamber of Commerce.

New Business.

Mr. Leone was contacted by the owners of the properties located at 10750, 10748, and 10622 Main Street. The project is about 80% +/- completed. Mr. Ertel added that to his knowledge this will be mainly retail. Since the project is well under way and mainly retail, this would not be eligible for benefits.

Mr. Leone also met with a company regarding an expansion of a previous CIDA project. They may come to the CIDA to ask for incentives.

There is nothing new on the Old Red Mill project.

Old Business.

6449 Transit Road – RSA Development Project.

The public hearing on the application took place at the May 17, 2018 meeting. The public hearing was closed at the June meeting. The vote was postponed in June pending receipt of additional pertinent information that was to be supplied by the attorney before the July meeting. Nothing was received before the July meeting. Therefore, the item was put on the August agenda for a vote. At the August meeting there was no additional information received by the applicant or the attorney. This project was incentivized in 2016. There was not Pilot. This is the second application looking for a Pilot. The project is complete and working on a Phase 2 of this project. There has been no other additional information received to make the case for retroactive benefits. There is no precedence that has been found in researching in New York State to consider incentives retroactively. In the original application, the applicant did not apply for a Pilot. Mr. Kempton said that all of the information that has been received has been reviewed and discussed.

Mr. Kempton asked for a motion to approve the application for additional benefits. There was no motion. There was a motion to deny the application for additional benefits on the 6449 Transit Road-RSA Development Project made by Clayt Ertel with a second by Mary Powell. There was nothing further on the question.

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

New Member Introduction.

Chairman Kempton introduced Robert Dixon who is the newest member of the CIDA Board. He was appointed by the Clarence Town Board at the June 27, 2018 Town Board meeting. Mr. Dixon gave a brief synopsis of his background and his interest in being part of the CIDA. The Board members welcomed him.

Education.

Jennifer Strong, Bond Counsel, provided a step-by-step presentation on the Application Process for IDA incentives. Ms. Strong also went over the CIDA policies. The policies are on the CIDA website and the members should be familiar with the policies. Topics that were also covered were Pilot Projects and the Installment Sale that is an abatement of sales tax only for projects that would not qualify for complete benefits. The Board thanked Ms. Strong for the very informative presentation.

Items not on the Agenda.

None.

Public Comments.

None.

There being no further business, there was a motion by Mary Powell with a second by Elaine Wolfe to adjourn the meeting.

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

Meeting adjourned at 9:31 a.m.

Respectfully submitted by
Cynthia Rosel