

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

MINUTES

April 18, 2019

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

Present at the meeting were, Robert Dixon, Patrick Johnson Clayt Ertel, and Chris Kempton. Mary Powell and Elaine Wolfe, were not present as they were out of Town. Also, present were Paul Leone, Jennifer Strong, Larry Meckler, Steve Bengart, Kimberly Ignatowski, and Cynthia Rosel.

Minutes of February 21, 2019 and March 21, 2019.

There was a motion to accept the minutes of the February 21, 2019 and the March 21, 2019 meetings by Patrick Johnson with a second by Clayt Ertel. There was nothing on the question.

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

Treasurer's Report

The financial report as of April 18, 2019 was given by Patrick Johnson, Treasurer. There were no new revenues received during this period. Total expenses to date amount to \$24,840.00. Interest earned to date is \$4,078.29. There is a negative net income of -20,761.71. A transfer will be made from the money market to the checking in the amount of \$10,000 to cover expenses.

The Finance and Audit Committee will meet after today's regular meeting.

Correspondence.

Ms. Rosel e-mailed a Notice of Public Hearing from the Amherst IDA to everyone. The public was scheduled for today at 8:30 a.m. and was on the 3980 Bailey, Inc. Project.

New Business.

Mr. Leone is meeting with several parties on proposed projects. There is nothing definite yet. He will report back next meeting. Some of the proposed projects may not meet the eligibility for CIDA Benefits.

Old Business.

Jennifer Strong has a resolution regarding the 10075 Main Street Project. This was on the agenda for the March meeting but there was not a quorum at that meeting to consider the

resolution. The resolution is amending the resolution of October 25, 2018 authorizing the project. This is a name change on the application. There is no change in the project, the financials have not changed, and the same benefits are being given. The name has changed from Rock Oak West, Inc. to 10075 Main Street LLC. Mr. Kempton moved to adopt the Amended Resolution as written and presented by Jennifer Strong. There was a second by Clayt Ertel. There was nothing on the question.

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

(Resolution is attached hereto as Exhibit A to the minutes of April 18, 2019)

Items not on the Agenda.

Mr. Kempton presented an update on the UTEP meeting that took place on April 2, 2019 at the Amherst IDA. The policy has been in place for quite some time and it is being amended. The only thing that may be adjusted is the Pilot Schedules. There is also discussion regarding how a project would qualify using a score system. The score would determine the Pilot for a particular project. There will be discussion on the scoring system.

Mr. Kempton also talked about the bills being or having been proposed in the State Legislature. Mr. Kennedy is proposing a bill that would designate the ECIDA as the only IDA in Erie County that could exempt state and county taxes without prior approval from those levels of Government. If this would pass, the local IDA's could still induce projects but would have to go to the ECIDA to get their approval. Carl Calabrese will reach out to Senator Kennedy regarding his proposed bill.

Public Comments.

None.

The meeting was adjourned at 8:40 a.m.

Respectfully submitted.

Cynthia M. Rosel

Attachment A

RESOLUTION OF THE TOWN OF CLARENCE, ERIE COUNTY, INDUSTRIAL DEVELOPMENT AGENCY (THE "AGENCY") AMENDING A PRIOR RESOLUTION ADOPTED ON OCTOBER 25, 2018 AUTHORIZING ROCK OAK WEST LLC TO CONSTRUCT AN APPROXIMATELY 35,000 SQUARE FOOT FACILITY ON A 4.5 ACRE PARCEL OF LAND LOCATED AT 10075 MAIN STREET AND TO ACQUIRE AND INSTALL MACHINERY, EQUIPMENT, FURNISHINGS AND FIXTURES REQUIRED IN CONNECTION THEREWITH, TO SUBSTITUTE 10075 MAIN STREET LLC (THE "LESSEE") AS AGENT FOR THE AGENCY, FOR LEASE TO THE AGENCY AND SUBSEQUENT LEASEBACK TO THE LESSEE FOR SUBLEASE TO INNOVATIVE CONCEPTS IN ENTERTAINMENT, INC. (THE "SUBLESSEE"), ALL FOR A MANUFACTURING/DISTRIBUTION FACILITY, AND TO TAKE OTHER PRELIMINARY ACTION.

WHEREAS, Rock Oak West, LLC, previously entered into negotiations with the officials of the Town of Clarence, Erie County, Industrial Development Agency (the "Agency") with respect to the construction and equipping by the Agency with the proceeds of a lease with mortgage transaction of a manufacturing/distribution facility consisting of the construction of an approximately 35,000 square foot facility on a 4.5 acre parcel of land located at 10075 Main Street, in the Town of Clarence, and the acquisition and installation of machinery, equipment, furnishings and fixtures required in connection therewith, to substitute 10075 Main Street LLC (The "Lessee") as agent for the Agency, for lease to the Agency and subsequent leaseback to the Lessee for Sublease to Innovative Concepts in Entertainment, Inc., (the "Sublessee") all for a manufacturing/distribution facility (the "Project"); and

WHEREAS, a Public Hearing was held on July 19, 2018 and a resolution was adopted on October 25, 2018 by the Agency authorizing the Project; and

WHEREAS, Rock Oak West, LLC has requested that the Agency allow for the substitution of 10075 Main Street LLC, (the "Lessee") who are the now current owners of the real property at 10075 Main Street, in the Town of Clarence.

NOW, THEREFORE, THE TOWN OF CLARENCE, ERIE COUNTY, INDUSTRIAL DEVELOPMENT AGENCY HEREBY RESOLVES AS FOLLOWS:

Section 1. The Agency does hereby amend the prior Inducement Resolution adopted on October 25, 2018 to substitute 10075 Main Street LLC in place of Rock Oak West, LLC and authorizing the Agency to enter into an Agent Agreement, a Lease to Agency and a Leaseback Agreement with the new Lessee and a subsequent Leaseback to the Lessee for Sublease to Innovative Concepts In Entertainment, Inc. (The "Sublessee").

Section 2. The prior resolution adopted on October 25, 2018, with all its terms and conditions shall continue in full force and effect except as specifically modified by this resolution and any actions taken in reliance on the prior resolution are hereby expressly ratified and confirmed.

Section 3. This resolution shall take effect immediately.

ADOPTED: April 18, 2019

ACCEPTED:

10075 MAIN STRRET LLC

By: _____

