

TOWN OF CLARENCE, ERIE COUNTY  
INDUSTRIAL DEVELOPMENT AGENCY

MINUTES

March 18, 2021 (Via ZOOM)

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

Present were Lauren Fix, Peter DiBiase, Robert Dixon, Elaine Wolfe, Clayt Ertel, and Chris Kempton. Absent was Mary Powell. Also present were Paul Leone, Lawrence Meckler, Steven Bengart, Jennifer Strong, Peter DiCostanzo, Liaison, Kimberly Ignatowski and Cynthia Rosel.

**Minutes of February 18, 2021.**

Mr. Kempton asked if everyone had a chance to read the minutes from the February meeting that were e-mailed to everyone. There was a motion by Clayt Ertel to approve the minutes of the February 18, 2021 meeting with one correction to correct the vote to include Robert Dixon as voting Aye to adjourn the meeting. He was not absent. There was a second by Elaine Wolfes. There was nothing on the question.

Vote: Ayes: Fix, DiBiase, Dixon, Wolfe, Ertel, Kempton. Noes: None Recuse: None.  
Absent: Powell. Motion carried.

**Treasurer's Report.**

Peter DiBiase, Treasurer, went over the financial report from February 19 to March 18, 2021. Mr. DiBiase reported on the current Assets of the CIDA reporting on the balances in the checking account and in the money market account. The Agency received a fee for the 4015 Casilio Pkwy.-Seal and Design Project in the amount of \$5,000. This is a sales tax only project and there is no PILOT. Interest for the period of February19 through March 18 is in the amount of \$27.07. The financial report for this period shows a total of fees received to date of \$5,000, expenses of \$4,586.25, and interest earned in the amount of \$55.17. There is a net income of \$468.92 as of March 18, 2021. Mr. DiBiase asked if there were any questions on the financial report. There was a motion by Clayt Ertel with a second by Chairman Kempton to accept the Treasurer's Report as presented. There was nothing on the question.

Vote: Ayes: Fix, DiBiase, Dixon, Wolfe, Ertel, Kempton. Noes: None Recuse: None.  
Absent: Powell. Motion carried.

**2020 Auditor's Report.**

Nicole Ruf, Partner, Drescher Malecki LLP went over the draft Financial Audit report for 2020. There were no material defects that were found upon examination of the financial records. The Management letter did have one issue on the Management Letter recommending that the CIDA review the current ABO requirements on what to have on the website. All of the draft materials were e-mailed for review previously. There were no difficulties during the audit process. The Audit is pretty straight forward. The presentation also included the Financial Statement highlights, the Operating Revenues and Expenses, and the Net Position of the CIDA. There was a motion to accept the 2020 Audit Report as submitted by Nicole Ruf of Drescher and Malecki made by Chairman Kempton with a second made by Robert Dixon. There was nothing further on the question.

Vote: Ayes: Fix, DiBiase, Dixon, Wolfe, Ertel, Kempton. Noes: None Recuse: None.  
Absent: Powell. Motion carried.

**Correspondence.**

None.

**New Business.**

Mr. Leone had second meeting with Mr. Natale on a possible project at 9159 Main Street. The amount of the project is only between \$100,000/\$150,000. After discussing with Jennifer this project does not warrant IDA incentives. Mr. Natale opted out.

Mr. Leone added that he is still waiting to hear from Alden Bank on a proposed project on Transit Road in the former Citizens Bank regarding the renovations on the building.

Mr. Leone is waiting to hear back from JR Products. They have not decided as yet regarding an expansion or new building on land across the street from them on County Road.

On the NYSERDA proposed Solar Project, they are still in the discussion stage on this project. .

Mr. Leone also has been in touch with 2 potential applicants on mixed use buildings on Transit Road. Waiting for completed applications on both of these. Mr. Kempton asked if these two projects meet the criteria for the retail and residential components. Mr. Leone answered that he is working with Jennifer Strong on these and it will be determined after the completed applications are submitted.

**Old Business.**

None.

**Harassment Policy.**

A Harassment Policy was e-mailed to the members to review. The CIDA needs to adopt the policy. Ms. Strong reviewed the policy and advised that the policy is okay and meets the State requirements. Mr. Kempton asked if anyone had any questions. There being none Mr. Kempton asked for a motion to adopt the Sexual Harassment Policy as presented. Clayt Ertel made the motion to adopt the Policy and there was a second by Robert Dixon. On the question, Mr. Kempton said that typically that there needs to be training for every employee which includes the Board members, the attorneys, the Business Consultant, and the staff of the CIDA. Ms. Strong added that this training needs to be done every year. It has to be completed before the end of the calendar year. Kim Ignatowski let everyone know that she can provide the training information. She also said that if anyone has taken the training from their company, they should provide her with the proof that they took the training. Mr. Kempton asked Kimberly if she would send the information to everyone just to make sure that they have it. She will do that. There was nothing further on the question.

Vote: Ayes: Fix, DiBiase, Dixon, Wolfe, Ertel, Kempton. Noes: None Recuse: None.  
Absent: Powell. Motion carried.

**Revised Incentive Application.**

Mr. Kempton said that each project has to submit an application. Ms. Strong said that the laws changed 2018 requiring what an application should contain and the CIDA does need to update its application. The draft application that Ms. Strong has created comes into compliance with all the 2018 requirements and what was in the State Comptroller Draft Audit Report. There was discussion regarding the Local Labor Policy. This was discussed by the Board several years ago. The CIDA adopted a policy but not the one called Local Labor Policy. Mr. Kempton would like to the Board to review the policy and discuss at a future meeting in June or July. He asked Ms.

Rosel to e-mail the Local Labor Policy and the adopted policy to the members. The application can be adopted today without the Local Labor Policy insertion. Ms. Strong prepared two applications one with the policy and one without. Mr. Kempton moved to adopt the new Application as prepared and presented by Jennifer Strong without the Local Labor language. There was a second by Elaine Wolfe. There was nothing on the question.

Vote: Ayes: Fix, DiBiase, Dixon, Wolfe, Ertel, Kempton. Noes: None Recuse: None.  
Absent: Powell. Motion carried.

**Amend Business Consultant Agreement.**

Mr. Kempton asked Jennifer Strong why the contract needs to be amended. Ms. Strong said that the Draft St. Comptroller Report noted that Mr. Leone's contract does not authorized him to file the ST-60 form with New York State. The contract needs to be amended or re-written to include the language authorizing Mr. Leone to send the ST-60 form to the State. Mr. Kempton asked if Mr. Leone was alright with the new contract. He replied that he is. Clayt Ertel moved to amend the contract between the Clarence IDA and Paul Leone as business consultant to authorize Mr. Leone to prepare the ST-60 and send to the State. There was a second by Elaine Wolfe. There was nothing on the question.

Vote: Ayes: Fix, DiBiase, Dixon, Wolfe, Ertel, Kempton. Noes: None Recuse: None.  
Absent: Powell. Motion carried.

**Items not on the Agenda.**

Mr. Leone talked about legislation that Senator Kennedy is proposing regarding the local IDAs. This bill would limit a local IDA to incentivize a project for local town taxes and school taxes. This is the third time that Mr. Kennedy is proposing a bill of this type regarding the local IDA's. There was further discussion on the proposed bill especially what would happen to the assets of the local IDA's regarding a cooperative agreement with the ECIDA. The bill was sent to the members. Mr. Kempton would like to have this item put on a future agenda to discuss. Mr. Meckler said that the attorney's need to look at how the assets can be protected. This bill does not provide for a dissolution on the local IDA's but more of an absorption into the ECIDA. Mr. Dixon added that the CIDA may want to look into ways to start using the funds. Mr. Kempton did add that the one project is the study that was approved is for the Sheridan Drive corridor that would be the same that was prepared for the Main Street Corridor. Jonathan Bleuer is working on that. This will be discussed at a future meeting as soon as there is some progress.

**Public Comments.**

None.

There was a motion by Clayt Ertel with a second by Robert Dixon to adjourn the meeting.

The meeting was adjourned at 9:15 a.m.