

TOWN OF CLARENCE, ERIE COUNTY
INDUSTRIAL DEVELOPMENT AGENCY

MINUTES

September 16, 2021

Chairman Chris Kempton opened the public hearing for the 8615 Roll Road Project at 8:18 a.m. Mr. Leone introduced the applicant and owner, Richard McNamara who was present. Mr. Leone explained that this is the second public hearing for this project. The applicant has come back to the CIDA to request an increase in the amount of the project due to increased construction and material costs. That is why the second public hearing is necessary. Agency assistance is being requested for an amount not to exceed \$2,550,000. The first public hearing was held on May 20, 2021 and the original inducement was approved for \$2,300,000.00 at the June 17, 2021 meeting. The assistance contemplated by the Agency 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. This will be a seven (7) year PILOT. Mr. Leone asked if there were any questions. There was some further discussion on the location and the type of business. Mr. McNamara said that the business is located on Roll Road across from the Gypsum mines. Mr. McNamara is a general contractor and the company makes cabinetry commercially and also does custom work including remodeling. The business also has a supply division. His employment numbers have gone up and he is planning on hiring more employees as the business grows.

Mr. Leone recommended that if there are no further questions, the public hearing be closed. The Chairman moved to close the public hearing on the 8615 Roll Road Project at 8:21 a.m.

(A copy of the Notice of Public Hearing Notice is attached hereto as Attachment "A")

Mr. Kempton convened the regular meeting at 8:22 a.m.

Present were Lauren Fix, Robert Dixon, Elaine Wolfe, Mary Powell, Clayt Ertel and Chairman Kempton. Peter DiBiase was unable to make the meeting. Also present were Paul Leone, Lawrence Meckler, Peter DiCostanzo, Jennifer Strong, Kimberly Ignatowski and Cynthia Rosel.

New Business.

The Chairman said that a second public hearing was held this morning on the 8615 Roll Road Project. Mr. Kempton moved to approve the project and adopt the resolution as prepared by Jennifer Strong and there was a second by Mary Powell. The Chairman asked if there were any questions and there being none a vote was taken and the project approved.

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

Minutes of August 19, 2021.

The Chairman asked if everyone had a chance to review the minutes from the August meeting that were e-mailed prior to this meeting. There was a motion by Lauren Fix to approve the minutes from the

August 19, 2021 meeting. There was a second by Mary Powell. There was nothing on the question. The Board voted as follows:

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

Treasurer's Report

The Chairman went over the Financial Report. Mr. Kempton went over the Profit and Loss Statement. So far fees received to date are in the amount of \$22,637.50. Total expenses to date are in the amount of \$33,477.49. Interest earned to date is \$213.91. There is a net income of -10,625.08. There are a couple of projects that should be closing. After reviewing the reports, there was a motion by Clayt Ertel with a second by Elaine Wolfe to approve the Financial Report as of September 16, 2021. There was nothing on the question. The vote was as follows:

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

2022 Budget.

The Board received a copy of the proposed budget for 2022 last month for review. The budget needs to be voted on. There have been some minor changes. Ms. Ignatowski talked to Drescher and Malecki and the fee for services for the 2021 Audit will remain the same. Advertising and Marketing and Promotion were decreased as those budget items have not been hitting the budgetary numbers over the last couple of years. Other than that, everything else stayed flat except for salaries which have been increased by 3%. There was no further discussion. Mr. Kempton asked for a motion to adopt the proposed budget 2022 as presented as the 2022 Budget. There was a motion by Elaine Wolfe with a second by Robert Dixon. There was nothing further on the question. The Budget was adopted.

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

Correspondence.

E-mails were sent out with Notices of Public Hearings from the Hamburg IDA, the Lancaster IDA and the Erie County IDA. Ms. Rosel also informed everyone present that the Annual Report on Public Authorities in New York State that is compiled by the Authorities Budget Office is out and the excerpts on Economic Development Results for 2016-2020 were e-mailed to all. The report from the NYS Comptroller's office is not out yet. There was also an invitation that was e-mailed on the open house the Cortese project is having on October 9, 2021.

New Business.

Mr. Kempton asked Paul Leone if he had any other new business to report. Mr. Leone received an e-mail from the One-Eyed Cat Brewery that are looking to open a tap room and brewing facility. They are looking at property on Goodrich Rd. but he does not have an address. They were looking in Clarence a couple of years ago. This would qualify as manufacturing. If we receive an application, it would have to be run by the attorneys. He has also been Temasys a compressed air company is also looking for property in Clarence. He also has been working on the Red Tail Landing. They are still working on that project. Mr. Leone has not heard anything on the Sheridan Drive project from the Green family.

Old Business.

Premium Mortgage has a PILOT with the CIDA and it was discovered that they had improperly conveyed the property and it was discovered that it was regarding estate planning. Ms. Strong composed a letter that was sent to Premium Mortgage and since then the company will correct this error. Otherwise, the CIDA option would be to pull the PILOT.

Invest Buffalo Niagara.

Mr. Kempton, with the Board's permission, will invite a representative from Invest Buffalo Niagara to come to the meeting next meeting to let the Board know what the organization is about. He will coordinate it.

Items Not on the Agenda.

Mary Powell asked about the NYS Comptroller Audit. The Chairman said we have not heard anything on it. The report Cindi Rosel e-mailed the Board the general report. Mr. Leone said that the Amherst IDA did hear from Jason who was doing the investigation on the CIDA in 2019 that the reports will be out very soon. We will need to watch for it.

Mr. Kempton said that he believes there was a meeting on the UTEP. Paul Leone and Jennifer Strong did attend that meeting. The UTEP is still being worked on and the document has been shortened. Mr. Kempton said that there was a point system that the IDA's would base its decisions on that was drafted. Mr. Kempton asked if the point system is the one they will be presenting to the other Boards. The UTEP has been reduced to 5 pages. Mr. Leone has a copy of the point system. There are no dates on anything. It still being tweaked. Ms. Fix asked if we have to adopt the proposed UTEP policy. Mr. Kempton said no we do not. Ms. Strong said that it is required that the CIDA adopt a UTEP policy. Mr. Kempton said the CIDA can adopt its own policy. Mr. Leone said that the policy will go to all the IDA's for input and perhaps approval. Mr. Leone and Ms. Strong will keep the Board informed as soon the final draft is presented and ready for the IDA's to review.

Public Comments.

None.

There being nothing further, Chairman Kempton asked for a motion to adjourn the meeting.

Adjournment.

There was a motion to adjourn the meeting by Elaine Wolfe with a second by Lauren Fix. There was nothing on the question.

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

Meeting adjourned at 8:45 a.m.

Respectfully submitted,

Attachment "A"

**NOTICE OF PUBLIC HEARING
TOWN OF CLARENCE, ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY**

PLEASE TAKE NOTICE that the Town of Clarence, Erie County, Industrial Development Agency will hold a second public hearing on September 16, 2021 at 8:15 a.m. at the Clarence Town Hall, One Town Place, Clarence, NY 14031 to consider the following proposed financial assistance requested of the Agency.

8615 ROLL ROAD LLC - Request for increased Agency assistance in the form of a lease only or lease with mortgage transaction in an amount not to exceed \$2,550,000.00. The assistance contemplated by the Agency 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. 8615 Roll Road LLC (the "Lessee") requests assistance in connection with the construction of a 27,000 square foot addition to an existing 12,000 square foot building which will be renovated on a 2.54 acre parcel of land located at 8615 Roll Road, in the Town of Clarence, New York, to expand RE McNamara Inc. (the "Sublessee") which is currently out of space and the acquisition and installation of machinery, equipment, furnishings and fixtures required in connection therewith, all for a warehouse and light manufacturing 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 and other future sub-tenants.

The Agency will present information relative to this project and application at the hearing. Persons interested may attend and will be given an opportunity during the hearing to make statements. Also written comments may be submitted to the Agency at or before the hearing.

Additional information can be obtained from and written comments may be addressed to:

Paul Leone
Consultant to Town of Clarence, Erie County, Industrial Development Agency
One Town Place
Clarence, New York 14031