

TOWN OF CLARENCE, ERIE COUNTY  
INDUSTRIAL DEVELOPMENT AGENCY

MINUTES

June 21, 2018

Chris Kempton called the meeting to order at 8:20 a.m.

Present at the meeting were Patrick Johnson, Elaine Wolfe, Mary Powell, and Chris Kempton. Clayt Ertel was absent. Also present were Paul Leone, Jennifer Strong, Lawrence Meckler, Steven Bengart, Peter DiCostanzo, Councilman/Liaison and Cynthia Rosel. Guests attending were Jeffrey Bochiechio, Attorney and Ethan Powers, Clarence Bee Reporter.

At 8:22 a.m. Chairman Kempton moved to enter into an Executive Session to discuss an item under Attorney/Client Privilege Communication. There was a second by Elaine Wolfe.

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

The Chairman moved to enter back into the regular meeting at 8:43 a.m. with a second by Mary Powell.

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

**8:44 a.m. – Reconvene Public Hearing of May 17, 2018– 6449 Transit Road – RSA Development Project.**

Mr. Kempton reconvened the public hearing that was kept open from the May 17, 2018 meeting. Jeffrey Bochiechio, Attorney, was present on behalf of applicant, Russell Salvatore. The Chairman said that at the last meeting Mr. Bochiechio said that he would provide more information on the project to the Board for further clarification and consideration. That information was not received before this meeting and Mr. Kempton asked if there was any more information to be presented today. Mr. Bochiechio said that when the project was originally applied for, there were certain incentives that were discussed and then approved by the CIDA. Since that time, the project has been completed and Mr. Salvatore has followed through with everything he said that he was going to do in terms of the residential and retail portion of the project. The project is fully occupied. I am here today regarding the Pilot program. I have been in touch with Mr. Leone and believe all the requirements for eligibility have been satisfied for a Pilot, which would have been equivalent to the 485-b. He understands the there was another letter from the County Executive. Mr. Bochiechio believes that the applicant has met all the requirements that are referred to in that letter. Mr. Meckler said that for the record regarding satisfying the requirements for that letter...Mr. Bochiechio is referring to meeting the eligibility requirements for the incentives. Mr. Bochiechio said that is what he is referring to. Ms. Wolfe asked if there is information available today regarding the time line for the project that Mr. Meckler asked for. Mr. Bochiechio sent a letter to Mr. Neill with the time line. Mr. Bengart asked Mr. Bochiechio if he had that with him today. He does not have his file with him today. He will e-mail a copy today when he gets back to the office. Basically the time line is that Mr.

Salvatore applied for the project in 2016. He completed the project toward the end of 2017. Mr. Salvatore did not learn that he did not have the tax credits until he actually received his tax bill towards the end of 2017. Mr. Kempton asked if there was anything further and if there were any other questions. There were none and Mr. Kempton asked for a motion to close the public hearing.

Elaine Wolfe moved to close the public hearing with a second by Patrick Johnson. There was nothing on the question.

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

The additional information that Mr. Bochiechio will e-mail will be provided to the members for further review. Whatever is provided will be taken into consideration. Mr. Kempton explained that the Board members will have to make a decision on the project at the July or August meeting.

### **Minutes of May 17, 2019 Meeting.**

Mr. Kempton asked if everyone had a chance to review the minutes of the May meeting. There was a motion by Elaine Wolfe with a second by Mary Powell to accept the minutes of the May 17, 2018 meeting. There was nothing on the question.

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

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

Mr. Kempton has two Treasurer's reports for this meeting. Mr. Kempton will be giving the report today. There is a report through June 21, 2018 and one for last month as of May 17, 2018. He will focus on the June 21, 2018 report as everything is cumulative. Mr. Kempton reported on the balances in the checking account and the money market account. He believes that a transfer of funds will be necessary in July from the savings to the checking. The revenues received through June 21, 2018 are in the amount of \$1,000. Interest earnings to date are \$869.66. Expenses to date are \$44,497.30. The Net Income to date is -42,627.64. The Chairman asked for a motion to accept the financial statements for May and June 2018. There was a motion by Mary Powell with a second by Elaine Wolfe to accept the Treasurer's Reports for May and June, 2018. There was nothing on the question.

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

The 9560 Main Street Project should close the first week in July. The total Agency Fee will be collected at closing.

### **Correspondence.**

Letter from County Executive Poloncarz in response to Mr. Kempton letter on the 6449 Transit Road Project. Mr. Kempton passed out copies of the letter. Mr. Kempton will respond to the

letter as Mr. Kempton informed Mr. Poloncarz that he would forward any new information to him if there is any.

### **New Business.**

Mr. Leone received a new application and had Ms. Rosel e-mail it to the Board and Attorneys for their review before the next meeting. The address is 10075 Main Street and the applicant is Rock Oak West LLC. It is for the expansion of the ICE manufacturing facility. An IMPLAN study will be ready before the July meeting. Mr. Leone would like to put it on the agenda in July for a public hearing.

Mr. Leone was also contacted regarding a project at 8326 Main Street the site of the former Old Red Mill restaurant. The project consists of a Bar Bill Restaurant and would include its nationwide shipping operation as well as the sauce and blue cheese production. It would be an adaptive reuse of the structure as well as an addition. At the end of the day, the question will be ...does the retail portion vs. the production and shipping part of the business, meet the requirements. Also, there may be another application coming in for an installment sale for ICE also. If Mr. Leone receives an application, the Board will receive it.

Ms. Powell was also asking about the fee structure. Mr. Kempton also said that he was thinking that the fee structure should be looked at for the smaller projects. The Board will look at the fee structure at one of the future meetings.

### **Old Business.**

None discussed.

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

Mr. Kempton said that there are two applications for the Board Member vacancies. Mr. Costanzo will present one to the Town Board at the June 27, 2018 meeting and will talk about the other application that may be voted on at a meeting in July by the Town Board meeting. The CIDA Board can review and may make a recommendation to the Town Board. Mr. Kempton asked Ms. Rosel to forward the applications to the Board Members

Mr. Leon and Mr. Kempton added that Carl Calabrese is trying to put together a joint session of the IDA members. There was a presentation at a joint session of the local IDA's by Mr. Bill Richardson. Mr. Richardson discussed an economic study of the real estate market in the Buffalo/Niagara MSA compared to other similar cities. There are some fairly alarming economic infrastructure challenges that we have in this area. The members of the local IDA's attending that meeting thought that this information would be of interest to present to a wider audience including other IDA's and agencies involved in economic development. Mr. Calabrese is putting together this special presentation. The CIDA, the other local IDA's and others will be sent invitations regarding the presentation about three weeks before the event. The IDA's can decide who they would like to attend including the other Board members and others. The date is September 12, 2018 at 8:00. The location will be confirmed. Mr. Calabrese is trying to reserve the Lancaster Opera House. Mr. Kempton and Mr. Leone will keep the Board advised when the invitation is received.

Mr. Kempton said that at the present time we do not have a Treasurer due to the resignation of David Schuster. The Chairman mentioned that he did speak to Pat Johnson to ask if he would be interested and willing to take on the treasurer's position. The Board would like to vote on this today. Mr. Kempton moved to appoint Patrick Johnson to the open Treasurer's position with a second by Mary Powell. There was nothing on the question.

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

The Chairman added that Mr. Johnson will have to be added as a signor on the accounts and arrangements can be made for that when Kim is back.

**Public Comments.**

Mr. Kempton added that he is in the employee benefit business and his company had a seminar for its clients. The speaker giving the presentation is from the NYS Business Council that lobby's for small businesses. The speaker follows the laws and regulations of the State of New York that are being proposed that effect small business. Some of the items he talked about were the new rules for the paid Family Leave Act. He covered about 20 different things.

There being nothing further, there was a motion to adjourn the meeting by Chairman Kempton with a second by Elaine Wolfe. There was nothing on the question.

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

Meeting adjourned at 9:30 a.m.