

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

MINUTES

March 21, 2019

Chris Kempton called the meeting to order at 8:17 a.m.

Present at the meeting were, Elaine Wolfe, Clayt Ertel, and Chris Kempton. Robert Dixon, Patrick Johnson and Mary Powell were not present. There was not a quorum present, therefore, no action could be taken at the meeting. Also present were Paul Leone, Jennifer Strong, Larry Meckler, Steve Bengart, Kimberly Ignatowski, and Cynthia Rosel. Luke Malecki and Nicole Ruf from Drescher and Malecki were also present.

Minutes of February 21, 2019.

(This will be on the agenda for the April meeting.)

Treasurer's Report

Chairman Kempton gave the Treasurer's Report as Patrick Johnson was not at the meeting. Mr. Kempton reported on the balances in the money market and the checking account. There have been no fees received to date. Total expenses through March 21, 2019 are in the amount of \$15,630.00. Interest earned to date is \$2,678.34. There is a negative net income of \$-12, 951.66. There is a project that should be closing soon.

Auditor's Report

Luke Malecki, Partner and Nicole Ruf, Senior Manager, of Drescher and Malecki LLP, were present to give the Independent Audit Report for 2018. Luke Malecki passed out copies of the Audited Financial Statements and a power point presentation. The reporting included the products of the Audit which are the Basic Financial Statements, the Management Letter and the Auditor Communications. The Representation Letter will be issued today or tomorrow. There were no significant accounting deficiencies or material weaknesses found during the Audit process. It was a very clean Audit as in years past. The presentation also included the Financial Statement highlights, the Operating Revenues and Expenses, and the Net Position of the CIDA. Mr. Malecki also noted that there were some new reporting requirements from the Governmental Accounting Standards Board ("GASB").

Ms. Ruf noted that there were a couple of items noted in the Management Letter. One was regarding the sale of a property and the other was regarding the website and the approved applications. The Chairman thanked Luke Malecki and Nicole Ruf for presenting the Audit results for 2018.

There was also discussion regarding the few projects that have not submitted the annual questionnaires and Ms. Rosel and Mr. Leone will follow-up on those. Mr. Kempton also inquired about investing funds.

The Chairman thanked Luke Malecki and Ms. Ruf for coming in to present the Audit report.

The Audited Financial Statements will be posted on the website.

Correspondence.

There were e-mails that went to the Board members, the attorneys and the staff with attachments. One was the Activity and Issue Update from Carl Calabrese and the other was a Notice of Public hearing that came in from the Amherst IDA. There was also correspondence from the New York State Authorities Budget Office regarding IDA filing, recordkeeping and reporting requirements related to sales and use tax for IDA's and Authorities.

New Business.

Mr. Leone is still working with the principles on a proposed project on Main Street. He will follow-up on this next month.

He also let the Board know that the SBA is having the annual business luncheon.

Old Business.

Jennifer Strong has a resolution that cannot be voted on at this meeting because there are not enough members present today. The reason for the resolution for the 10075 Main Street-Rock Oak West LLC project is that the applicant has changed names forming a new LLC for the project. The previous resolution needs to be amended to reflect the change. They have just started to move towards closing so this can be presented to the Board for a vote on this Resolution at the next meeting. Ms. Strong has been in touch with the applicant's attorney and they have received the commitment from the lender. Ms. Strong will let the Board know when the closing date is set. A new ST-60 will be required to notify the state of the change in name. Ms. Strong and Mr. Leone have taken care of that.

Report on Pilot Status.

Mary Morris, Billing Administrator for the CIDA reported that all the pilots have been paid. There was one project that paid late. They did pay the penalty. Mr. Kempton wanted to know how many pilots are still open. Ms. Morris said there are approximately 29 open pilots. There are several that have expired in December of 2018 and will be coming off the list for 2020.

Mr. Kempton asked about tracking payments for each year. Ms. Morris does not have that information available. Mr. Kempton asked about the school tax. If there is a default on paying school taxes on a project the School District does notify the CIDA. The CIDA will then have to go after the project principle. This was done on a project a couple of years ago and the pilot was terminated. The School District is sent a list of the open pilots through the Town. The School

District has a copy of the Pilots so the person in charge knows when a Pilot expires. The Town Assessor would put the project back on the rolls when the time is up.

Items not on the Agenda.

Clayt Ertel brought up the prevailing wage issue that is being considered for IDA projects by the State Legislature. Mr. Calabrese is working on the issue.

Mr. Leone advised the Board that the meeting on the UTEP changes will be held at the Amherst IDA on April 2, 2019 at 3 p.m.

Ms. Strong is going to attend that meeting...Steve Bengart will also attend.

Mr. Leone also mentioned doing some PR on the CIDA on projects that have done in the past. He will work with Jennifer Strong on it. This would be to inform the public on the taxes generated on the CIDA projects.

Councilman/Liaison, Peter DiCostanzo, mentioned a program called "New York Now" that is broadcast on PBS Sunday mornings at 9:30 a.m. The program has various topics. Recently, the discussion on the program were items that were discussed at today's CIDA meeting. It is an interesting program and he would recommend that the members take a look at it if they get a chance.

Public Comments.

None.

The meeting was adjourned at 9:23 a.m.

Respectfully submitted.

Cynthia M. Rosel