

TOWN OF CLARENCE, ERIE COUNTY
INDUSTRIAL DEVELOPMENT AGENCY

MINUTES

November 18, 2021

Chairman Kempton called the meeting to order at 8:15 a.m. and asked Ms. Rosel to take roll call. Present were Robert Dixon, Elaine Wolfe, Mary Powell, Clayt Ertel and Chris Kempton. Peter DiBiase arrived at around 8:30 a.m. Lauren Fix was not at the meeting as she was out of town. Also present were Paul Leone, Lawrence Meckler, Steven Bengart, Jennifer Strong, Kimberly Ignatowski and Cynthia Rosel.

Minutes.

Mr. Kempton asked if everyone had a chance to review the minutes from the October 21, 2021 meeting. There was a motion to accept the minutes by Clayt Ertel with a second by Robert Dixon. There was nothing further on the question.

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

Treasurer's Report.

The Chairmen presented the financial reports for October and November. Mr. Kempton reviewed the November report as that has the year to date figures. There was a technology issue with the computer last month and that is why there are two reports today. Mr. Kempton went over the balances in the checking and money market accounts. The total expenses to date are in the amount of \$37,472.44. Fees received to date are \$42,337.50. Interest earned to date is \$255.75. There is a net income of \$5,120.81. A motion to accept the October and November financials was made by Clayt Ertel with a second by Elaine Wolfe. There was nothing further on the question.

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

Correspondence.

Ms. Rosel forwarded e-mails from Ron Silva from the NYSEDC to everyone to review and a Notice of Public Hearing from the Lancaster IDA. There was no further correspondence.

Invest Buffalo Niagara Presentation.

At the last meeting, Doug Dimitroff, Chair of Invest Buffalo Niagara was invited to give a presentation on the organization. Mr. Dimitroff asked the CIDA Board to consider becoming a member. Mr. Kempton is going to move that the CIDA become a member at the \$5,000 per year level, which is the lowest level. The organization's non-contractual request is for a three year commitment. It is a one year at a time membership that can be cancelled at any time. Mr. Kempton moved that the CIDA become a member of Invest Buffalo Niagara at the lowest level in the amount of \$5,000.00 for one year. There was a second by Clayt Ertel. On the question, Mr. Ertel said that he believes that it is worthwhile to at least give it a

chance and see what it is all about. His only question is why this is different. Mary Powell said that she spoke to someone in her office about the organization. She asked if Mr. Dimitroff explain how the CIDA would benefit directly. Mr. Kempton has viewed the website. He does not see that there will be a direct benefit but there are in-direct benefits with what businesses they attract to the area. There are committees that the CIDA members can participate. Mr. Kempton volunteered and Mr. Dixon did also to become participants in a committee. Mr. DiBiase would also like to participate. Mary Powell would also participate if needed. Ms. Powell also asked that whoever participates share the information with the other Board members via e-mail or however is possible. Mr. Kempton said that yes that will be done. Ms. Rosel asked if Mr. Kempton will reach out to Mr. Dimitroff to let him know that the Board will participate at the lowest level. Mr. Kempton said they he will be doing that.

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

Ms. Wolfe asked how often they meet. Mr. Kempton will have to find out the details. Mr. Leone believes they meet evert 6 months. Mr. Kempton will get more details and suggests that the Board may want to visit the Invest Buffalo Niagara website.

New Business.

Mr. Leone received an application from the Green Family for a project on Sheridan Drive. A copy of the application was forwarded to the members for review for this meeting for eligibility and to possibly set a public hearing. This project will be located on 9150 Sheridan Drive and has been to the Town Board. A Neg Dec has been issued. It is a \$6,359,000. It is a mixed use project and it meets the 1/3 retail requirement so it is eligible. Mr. Leone is asking the Board consider putting the project on the agenda in December for a public hearing and to consider inducing. There will be an IMPLAN done and forwarded to the Board members. Ms. Strong will prepare a Notice of Public Hearing and the proposed resolution for the next meeting if the Board is in agreement. The Board members agreed.

Mr. Leone is working with the Campione Safety on the possible 9950 County Road project. This would be for a 12,000 sq. ft. warehouse. He is waiting for an application to come in.

He also met with a gentleman on a possible project at 6625 Transit that would be a high end luxury European Style mixed use complex called Villa Italia which would include commercial, retail, office space, residential apartments and townhouses with the intention of becoming a global destination. Mr. Leone asked him to get in touch with him with a list of the investors. He has not heard anything back yet.

Old Business.

There was discussion on the NYS Comptroller Report and the findings on what the CIDA needs to be doing and improving on. The one item was the posting of items on the website. Ms. Strong has gone through all of that and the CIDA is in compliance. The other item was the reporting of the full time employment that is required for the PARIS report (submit accurate reports to the State oversight committee). Ms. Strong did reach out to Drescher and Malecki and they are aware of this.

Discussion on the yearly reporting of full time employees by the open PILOTS followed. The CIDA Auditor sends out the questionnaire to the open projects for the full time employment reporting. In order

to verify what is being reported for full time employees there needs to be something in place to confirm that what is being reported is as accurate as possible. Ms. Ignatowski discussed the NYS 45 ad the NYS 941 forms. The NYS 45 has too much information that is sensitive, SSN's, etc. The 941 would be a better form as some of the information could be redacted by the project. This can be added to the annual questionnaire that is sent out by the Auditors. Ms. Strong added that the employment has to be verified in the closing documents also and that is done by the NYS 45 form as part of the closing documents. She will reach out to the auditors to them know that this form is submitted at closing. Ms. Strong added that 941 could be included instead of the NYS 45. If the 941 would be the better way to go she could ask for it with the closing documents or give the applicant the choice of the forms to submit. Ms. Rosel and Ms. Ignatowski will also get in touch with Drescher and Malecki to have this added to the questionnaire. Ms. Powers said that one form is annually and one is quarterly. Which would be asked for. Mr. Kempton added that the annual form by submitted. Mr. Bengart suggested that the auditor decide what the best form to use is. The auditors will be advised of the new requirement regarding full time employment and make that a part of the annual reporting.

Also, the other part was the goals. Ms. Strong answered that the goals are the employment and project spending and also retention and growth. Mr. Kempton added that he believes that we are on the right track and going forward.

The questionnaire will be going out in January with the new requirement added.

Items Not On the Agenda.

Mary Powell asked if there is anything new on Eastern Hills Mall. Mr. Kempton and Mr. Meckler concurred that there is nothing new.

Ms. Strong advised that the governor updated the open meetings law that any document that is being discussed at the meeting should be on the website at least 24 hours before the meeting.

Public Comments.

None.

Adjournment.

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

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

Meeting adjourned at 8:55 a.m.

Respectfully submitted,
Cynthia M. Rosel