

TOWN OF CLARENCE, ERIE COUNTY
INDUSTRIAL DEVELOPMENT AGENCY

MINUTES

August 19, 2021

Clayt Ertel, Vice Chairman called the meeting to order at 8:17 a.m.

Present were Peter DiBiase, Robert Dixon, Elaine Wolfe, Mary Powell, and Clayt Ertel. Lauren Fix was out of Town and Chris Kempton was also out of Town and were not at the meeting. Also present were Paul Leone, Steven Bengart, Jennifer Strong, and Cynthia Rosel.

Minutes of July 15, 2021.

Mr. Ertel asked if everyone had a chance to review the minutes from the July meeting that were e-mailed prior to this meeting. There was a motion by Robert Dixon to approve the minutes from the July 15, 2021 meeting. There was a second by Mary Powell. There was nothing on the question. The Board voted as follows:

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

Treasurer's Report.

Peter DiBiase went over the financial report. Mr. DiBiase reported on the balances in the checking and money market accounts as of August 19, 2021. An Agency fee for the down payment for the Burke Homes Project of \$8,837.50 was received and also a \$500 fee for the refinance of the Ron Senior Enterprises Project was received for this period. The total amount of fees received as of August 19, 2021 is \$9,337.50. Total fees received to date are in the amount of \$22,637.50. Interest earned to date is \$191.26. Total expenses through July 15, 2021 are in the amount of \$31,944.13. There is a net income of -9,115.39. After reviewing the detail, there was a motion by Elaine Wolfe with a second by Robert Dixon. There was nothing on the question. The vote was as follows:

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

Proposed Budget.

Peter DiBiase spoke with Kimberly Ignatowski regarding the proposed budget that is in the Financial Packet. The highlighted items are the Tentative Budget for 2022. If everyone will review the Tentative Budget and it can be voted on at the September. Any suggestions or changes can be discussed at this time.

Correspondence.

None.

New Business.

8615 Roll Road Project.

Jennifer Strong explained that because of an increase in the project costs due to the pandemic the applicant has come back to the CIDA with an amended application to ask for an increase in benefits. There will be a 2nd public hearing scheduled for the September meeting to consider the increase the new amount. The Board will vote on the request

for an increase after the public hearing. Mary Powell asked why there has to be a 2nd public hearing for an increase if the project was already induced. Ms. Strong answered that it is because it is not what was originally agreed on. Mr. Leone said that the increase is quite a bit. This will not affect anything other than the increase in the mortgage amount.

Mary Powell moved to set a public hearing for the 8615 Roll Road Project for the September 16, 2021 meeting at 8:15 a.m. to consider an increase in benefits as requested by the applicant. There was a second by Elaine Wolfe. There was nothing further on the question

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

APEX Acquisition Associates – 8600 Sheridan Drive - Six Month Extension

The applicant has contacted Paul Leone that they are in need of an extension of the Sales Tax Exemption for this project due to the pandemic. This project did close about a year ago but there have been increased costs and delays in getting supplies causing the delay in the construction. Paul received an e-mail from Michael Curran asking for the extension which is in the packet along with a proposed extension resolution. Mary Powell moved to adopt the resolution extending the inducement period and the sales tax period for the Lessee from August 19, 2021 to February 29 2022. There was a second by Elaine Wolfe. There was nothing on the question and the votes was as follows:

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

Jonathan Bleuer.

Mr. Ertel talked about the Main Street Study and the positive impact it has had on the Town of Clarence and in the Main Street Corridor. Jonathan Bleuer said that it has been a busy summer. He does not have presentation but has not had the time to do one that at this point. There are several mixed-use projects in review. All the plans that have been put forward in terms of the Vision Main Street, Clarence 2030, the Camoin Economical Analysis and the Master Sewer Plan are being used on a daily basis. Mr. Bleuer said that our hope, if you can recall and are aware of, was to do a Vision Sheridan Plan, because we think that's the next "frontier" of commercial development in the Town, but the Planning Office just has not had the ability to craft an RFP yet. It is on the list and will probably occur this winter. Mr. Dixon asked if there is anything the CIDA can do to help. Mr. Bleuer said he believes that the Town needs to craft the RFP. Mr. Dixon said beyond that...in general terms. Mr. Bleuer replied that at this point we are in little bit of a holding pattern. Mr. Leone said the CIDA can only use the CIDA funds, legally, for specific matters. Funds were used for the Vision Main Street Study and the Camoin Associated Economic Analysis. Mr. Bengart said that the CIDA can go back the ABO again to see if the funds can be used and what for they can be used for. Mr. Bleuer added that the goal is to get to a point to really putting a focus on Sheridan. Main Street is humming which is nice to see. He does not think that there is another planning document that needs to be created...that is in a really good place. Sheridan needs help. Transit is in a good place. Mr. Bleuer knows that there were questions on where the sewers stand. The Planning Department has spent a lot of time on sewers in the last several months. They have about \$60,000,000 worth of sewer projects that are on our radar. So if you recall, after the economic analysis that the CIDA hired and funded, the Town actually funded a Master Sewer Plan and there were many priorities that came out of that Sewer Plan. What they have been able to do is, Tim Lavocat, the Town Engineer, put values and numbers based on values were out there for each priority. So now Planning has broken out the dollar amount for each one of those priorities. The priorities range from, obviously, the parallel line the Peanut Line, in Amherst to actually get additional capacity into Town. Sewering Main Street. Sewering Harris Hill. Removing some existing on site treatment facilities in Town. Now that they have costs for each one of those, now they are getting into maps, plans and reports. So actual district plans, the reports of how that sewer gets there and the cost associated, the detail breakout of costs. The Town Supervisor as well, as well as the Supervisor of

Amherst, have jointly signed, kind of a white paper document, of support for the parallel line extension. Amherst is taking the lead on that. Amherst has previously budgeted funds to design that. With the Town involvement they are seeking grant funds to make that happen. We know that there will probably some sort of Public, Private Partnership as well. Mr. Ertel added that the line connecting Clarence to Amherst was never built to the capacity it should have been built and that's what we are talking about. It is mutual development. Whatever is done with the capacity will improve the Amherst facility as well as Clarence. It is as good for Amherst and it is good for Clarence. The Planning office has reached out to Schumer's Office and have put in some congressional directive spending requests for Main Street, in particular, because that's a bigger ticket item and costs more to run sewer all the way to Main Street. The goal is to bring it up Goodrich Road and then you'd be able to spur off at Main Street heading east and west. That is more of a long term thing but at least it is in the pipeline. The key is to get this in front of people so they see that we have interest. They are never going to know about it if we don't ask. Schumer's Office has put together a directive request form in the anticipation of some Federal Dollars coming. We have heard this for many years. At least they are aware of the issues that we have. These funds are to correct existing pollution problems, to spur economic development, job creation and a more sustainable development for the Town.

Mr. Ertel asked Jon to give the Board an overview of what is happening specifically as far as development and projects in the Town that are in the Planning pipeline right now that would be interesting to the Board. Mr. Bleuer said three of the larger projects in the Town are the Eastern Hills Mall Redevelopment, a Bevilacqua Project which is a very large scaled mixed use project on Transit, and Paul Bliss has a very large mixed use project on Transit Road. Sheridan Drive has the Matt Green mixed use project which is conceptually approved and they are working on development plan approval. It will be on the Town Board agenda for a special exception use permit. SEQR is done. It is on the North side of Sheridan. There is also the Credit Union Project on the south side of Sheridan. There is also the Harris Hill Commons mixed use project at Harris Hill and Sheridan on the North West Corner. Paul Stephen is also proposing two mixed use projects on the north and south sides of Main Street. Mr. Leone asked about the Bitterman project. Mr. Bleuer said that has been conceptually approved and it is currently in development plan review. They still require a special exception use permit. There has been some community opposition. Mr. Leone asked about the Roba Project. Mr. Bengart added that he said there are issues with drainage and there may need to be a meeting set up to discuss the issues to see if there is anything we can do. Ms. Wolfe asked if 3 story is the limit in Clarence. Jonathan said that 3 story is currently not allowed for mixed use multi-family. There have received some variances. We expect the code to allow it in certain places. Transit being a place and perhaps Sheridan. Planning is going to work on it. Mr. Ertel asked if there was anything else for Jonathan. Mr. Bleuer said that Sheridan is top priority...it just won't happen till things slow down a little. At least we are still moving. Mr. Bleuer thanked the Board for its support and work. This Board does important things for the Town of Clarence. Mr. Ertel and the board thanked Jonathan for coming in for a very informative presentation.

Mr. Ertel gave a synopsis of what has been happening on Main Street and what new businesses have come forth since the Main Street Study was done. The auto businesses have expanded to add new dealerships and building expansions. The Stage Restaurant, that was vacant for a long time, is now operating a successful restaurant as well as offering entertainment. The old bank at Harris Hill and Main that was vacant is now occupied by Community Bank. The old Pizzeria at Cameron and Main, that was vacant for a long time, is now open again as the Depot Pizzeria. The Cortese Building is now open and is a beautiful addition to Main Street. The Chemung Canal Trust Company Bank has also opened on Main Street as its headquarters in Western New York. The Main Goodrich complex and complex at Main and Goodrich Paul Stephan projects are completed and operating. The old Russ Tool Rental building is being remodeled and updated. Cozy Catering has opened just down the Street. ICE has put in a huge addition. There is a new Dance Studio that opened next door. The old Coachman's Restaurant buildings are being redeveloped. The building next to the Bank is going to be a takeout business. The old church on the north side of Main is now a successful Polish/Italian Restaurant and the old church on the corner of Main and Salt is a successful banquet facility. This is just a thumbnail view of what has and is going on. There are many other projects that are in the works.

New Business cont'd.

Premium Mortgage Project.

Mr. Bengart spoke with the attorney for Premium Mortgage and what happened there was that the principles of Premium Mortgage met with an attorney for estate planning purposes. There was a deed filed changing the Premium into a different LLC. The Real Estate attorney who handled that forgot that there was a PILOT on this property. They are going to deed it back and straighten this out. This was not done intentionally. There is nothing for the IDA to do.

Mr. Leone talked about the possible changes to the UTEP that were discussed at a meeting on August 12, 2021 that Paul and Jennifer Strong attended. The proposed changes were presented. The local IDA's will have to review them when the changes are distributed. There will be another meeting scheduled. Mary Powell said that it is important to be a part of these meetings and the discussions are very helpful in understanding the suggested changes. She did attend the meetings in the past. She wanted to know there was a redlined version available. Mr. Leone did not have it today. Ms. Strong said they are making more changes. They should be coming out with the new changes soon. Mr. Leone will let the Board know when the next meeting is scheduled for.

Old Business.

Alden State Bank – update.

Ms. Strong did follow up with the Authorities Budget Office. She received a phone call from the head of their legal department of the ABO, who was incredibly rude and who told Ms. Strong that it has never been nor will it ever be the duty of the ABO to give legal opinions. She was also told that if you have a problem to go to the AG. Mr. Bengart said that there is still no better answer. Ms. Strong said that we have gone to the ABO for guidance and was told to put the question in writing...which she did and then received the call.

The project has been going forward. Ms. Strong said that she will call the local office that did the audit and let them know what happened and the answer she got.

Mr. Bengart informed the Board that the North Forest project which all the PILOTS have expired. They are refinancing and the title company is asking for a correction to the deed that reconveyed the property back to North Forest Properties and out of IDA. What Mr. Bengart is asking for is the authority as an Assistant Secretary to sign the paperwork that would correct a title issue so they can proceed with the refinancing. Mary Powell asked if it would affect the CIDA in anyway. Mr. Bengart said that it would not. Mary Powell moved to authorize Steven Bengart as an assistant secretary for the Clarence IDA to prepare and sign any documents necessary to correct any title issues that may exist with regard to the North Forest Properties project. There was a second by Robert Dixon. There was nothing on the question. The vote was as follows:

Vote: Ayes: DiBiase, Dixon, Wolfe, Powell, Ertel. Noes: None Recuse: None.

Absent: Fix, Kempton. Motion carried.

Items not on the Agenda.

None.

Public Comments.

None.

Adjournment.

There was a friendly motion to adjourn the meeting at 9:20 a.m.