

TOWN OF CLARENCE, ERIE COUNTY  
INDUSTRIAL DEVELOPMENT AGENCY

MINUTES

January 20, 2022 (Via ZOOM)  
(Organizational Meeting)

Chris Kempton called the meeting to order at 8:15a.m. (This meeting was via ZOOM (virtual).)

Present were Lauren Fix, Peter DiBiase, Robert Dixon, Elaine Wolfe, Mary Powell, Clayt Ertel, and Chris Kempton. Also present were Paul Leone, Steven Bengart, Jennifer Strong, Peter DiCostanzo, Councilman/Liaison, Kimberly Ignatowski and Cynthia Rosel.

**Election of Officers for 2022.**

The first order of business was the nomination and election of the officers for the CIDA 2022.

Mr. Kempton began with asking for nominations for the officers of the Clarence IDA Board. There were no nominations. The Chairman asked if any Board member would like to serve as an officer. The officers from 2021 were Chris Kempton as Chairman, Clayt Ertel as Vice Chairman, Peter DiBiase as Treasurer and Mary Powell as Secretary. Since there were no nominations, Mr. Kempton volunteered to serve as Chairman for 2022. The Chairman asked if there was a member who would like to serve as the Vice Chairman. Clayt Ertel answered that he would re-assume the positon of Vice Chairman for 2022. Mr. Kempton asked if there was a member who would be willing to be appointed as the Treasurer. Peter DiBiase offered to serve as the Treasurer for 2022. Mr. Kempton asked if there was a member who would be willing to serve as the Secretary. Mary Powell offered to serve as the Secretary. There being no other volunteers or objections, the Chairman asked for a motion to accept the slate of Chris Kempton, Chairman; Clayt Ertel, Vice Chairman; Peter DiBiase, Treasurer, and Mary Powell as Secretary for 2022. Robert Dixon moved to accept the slate of officers as presented by Mr. Kempton with a second by Elaine Wolfe. There was nothing further on the question. The vote was as follows:

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

**Appointments to Staff.**

The Administrative Staff appointees were, Lawrence Meckler and Steven Bengart to serve as Co-Counsel/Co-Assistant Secretary; Jennifer Strong of Neill and Strong as Transactional Counsel; Paul Leone as Business Consultant and CEO; Kimberly Ignatowski as CFO; Cynthia Rosel as Staff Administrative Assistant and Mary Morris as CIDA Billing Administrator. The Board was in agreement with the re-appointment of the slate of existing Staff. As presented for the year of 2022. The Chairman recommended that the re-appointment of the staff and moved to accept the slate of appointments for the CIDA Staff as presented. There was a second by Clayt Ertel. There were nothing further on the question and the vote was as follows:

**Minutes of December 16, 2021.**

There was a motion to approve the minutes of the December 16, 2021 meeting by Peter DiBiase with a second by Chairman Kempton with a second by Lauren Fix. The vote was as follows:

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

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

The Treasurer's Report was not available for the meeting due to Ms. Ignatowski was not able to provide the Report for this meeting due to a computer issue. It will be available next week and for the February meeting. There was nothing significant to report at this time.

Mr. Kempton asked Ms. Ignatowski if the Drescher and Malecki engagement letter for Audit Services for 2021 was signed. That was been taken care of in November. Mr. Kempton also asked about the progress with the annual questionnaire. Ms. Ignatowski said that she and Ms. Rosel have been in contact with Jared Pickard from the auditor's office who has been working with the CIDA consistently as part of the Audit team. Ms. Rosel was contacted by Mr. Pickard with questions on exactly what additional forms the CIDA would be requiring relative to the full time employment reporting and that information was added. The additional information was added to the questionnaire. Ms. Ignatowski added that the confirms have been sent out.

### **Correspondence.**

There have been several e-mails forwarded to the Board members, the attorneys, to Paul and Kimberly from the NYSEDC.

### **New Business.**

There is nothing new at this time. The Greens on Sheridan LLC Project is moving along but has not been closed on yet. Ms. Strong added that they need to submit the Project Agreement, the Sales Tax Agreement and submit the down payment along with the Administrative Agreement. They are waiting on the mortgage commitment also.

### **Old Business:**

None.

### **UTEP Updated Version Discussion:**

Mr. Kempton began the discussion on the new revisions and updates that the ECIDA has made to the Uniform Tax Exempt Policy. The Chairman reminded the Board and everyone present that as an IDA, the CIDA has to have a policy and what was agreed upon in the past was to have Uniform Policy that was adopted by all the local IDA's and the ECIDA. The UTEP that was adopted has been in place for many years and is now is being updated. Drafts of the proposed amendments prepared by ECIDA have been e-mailed to the members and everyone present for review. The CIDA as well as the other local IDAs will be asked to adopt this policy. The Chairman added that the CIDA Board does not have to make a decision on the new revisions but it is up for discussion today and perhaps to be adopted at the February meeting. This is the moment to discuss the agreement as amended and address any concerns. There is the agreement and a score card that will be discussed. Mr. Leone added that there is going to be a ZOOM meeting on January 27 at 2:00 p.m. that the ECIDA is presenting and anyone can join in for the discussion on the proposed policy that the ECIDA is adopting. Mr. Kempton added that the information has been circulated to the Board and all present for the ZOOM meeting. Ms. Rosel confirmed that all this information, including the agreement and score sheet, were circulated by e-mail to everyone present. Mr. Kempton's understanding is that the purpose of the meeting is to invite the various jurisdictions ...the effected towns and effected school districts...to review the new UTEP...he asked Ms. Strong and Mr. Leone if that was correct in that the various jurisdictions will have the opportunity to ask and have answered any questions at the zoom meeting. Ms. Strong answered that he is correct. Ms. Strong also said that the ECIDA sent the letter to all the jurisdictions in Erie County. Ms. Strong added that before the CIDA would adopt the policy, the CIDA needs to send a similar letter to all the effected tax

jurisdictions and hold a public hearing and then adopt the policy. Ms. Strong explained the procedure of sending the letter and referencing the date of the public hearing in that letter. This can be done at the meeting in February. Mr. Bengart said that if the Board is comfortable with the new revised policy...then they could set the public hearing at the February meeting. The Chairman asked Mr. Bengart if what Mr. Bengart is saying is ...that if the Board is comfortable with the revisions of the UTEP as it has been presented by the ECIDA, along with the scorecard, that the next step would be to schedule a public hearing and then send the letter out to the jurisdictions notifying them...Mr. Bengart answered yes that would be the process. Ms. Strong added that perhaps after the February meeting the public hearing could be held in March. Mr. Bengart said that would likely be his recommendation.

Mary Powell has some comments. The first was that she would like to have the minutes of the December meeting corrected. Ms. Powell said that the minutes of the December meeting say that the CIDA does not have a Local Labor Policy. That is incorrect...the CIDA does have a Local Labor Policy. She would like to have the December 16, 2021 meeting minutes remove that statement from the minutes. Mr. Bengart added that the statement cannot just be removed or deleted...it would have to be corrected at this meeting and be part of the January 2022 meeting minutes regarding the correction. Mr. Bengart advised that a motion should be made regarding the reference to correct the meeting minutes of the December 16, 2021 meeting where the minutes reference that the CIDA does not have a Local Labor Policy as the CIDA does have a Local Labor policy.

Ms. Powell moved to amend the minutes of the December 16, 2021 meeting by correcting the reference in the December 16, 2021 minutes that the CIDA does not have a Local Labor Policy as the CIDA does have a Local Labor policy. There was a second by Chris Kempton.

On the question Mr. Bengart added that the minutes of December 16, 2021 meeting is amended to correct the statement that the CIDA does not have a Local Labor Policy as the CIDA does have a Local Labor Policy.

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

Ms. Powell continued the discussion regarding the amended UTEP. She wanted to know if the redlined version is the best version. She went back to other redlined versions and wanted to know if there were other redlined versions to compare to the current policy. Ms. Strong added that all of the redlined versions have been circulated. Mr. Kempton added that the redlined version is the most recent draft of the UTEP. Ms. Strong agreed. Ms. Powell said that this needs to be compared to the policy that is on the website. There are changes in black that are not redlined. Mr. Kempton asked Steve Bengart if he would take the most recent redlined draft and summarize the changes by comparing to the current policy. Mr. Bengart will do that.

Mr. Kempton continued with discussion with the new PILOT schedules on the draft policy. The schedules are different from the current policy in place. The schedules are different as follows: A. Tier 1: Five Year PILOT; B. Tier 2: 7 Year PILOT; and C. Tier 3: is 10 Year PILOT. The percentages are all different. There was discussion regarding the new percentages and how they would affect the applicants. He wanted to know if the projects fall into a certain category, how is this going to be received by the businesses that are looking for incentives. There was further discussion regarding the scoring system and the PILOT schedules. Mr. Kempton wanted to know if the Board believes conceptually in the scoring system and the new PILOT schedules. The Board members all agreed conceptually in the scoring system and the PILOT schedules. Mr. Kempton and Mr. Leone will look at some of the projects and plug them into the scoring system to see where they would fall into the PILOT schedule system. They will report back at the next meeting in February.

#### **Items Not on the Agenda.**

Over the next few months, Mr. Kempton would like to schedule the committee meetings for the Executive Committee, Governance Committee, and Finance and Audit Committee to be held after the regular meeting. This will be on the agenda.

Mr. Kempton also discussed the scheduling of the “on Board” meeting with Invest Buffalo Niagara. Mr. Kempton has submitted his dates and reminded that an e-mail went out and the members that wanted to be a part of this to pick a date. Mr. Ertel and Mr. Dixon will reply with those dates and a date will be picked by Invest Buffalo Niagara and they will be notified.

Mr. Kempton also said that if anyone does sign up for the virtual meeting regarding the UTEP policy be sure to ask any questions during the Q/A session. This is important as it is a policy that must be adopted.

There was a friendly motion by Elaine Wolfe with a second by Clayt Ertel to adjourn the meeting

The meeting was adjourned at 9:27 a.m.

Respectfully submitted,  
Cynthia Rosel