

TOWN OF CLARENCE, ERIE COUNTY  
INDUSTRIAL DEVELOPMENT AGENCY

MINUTES

November 17, 2022

Chairman Kempton called the meeting to order at 8:16 a.m.

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

**Minutes of October 20, 2022 Meeting.**

Mr. Kempton asked if there were any questions on the minutes of the October 20, 2022 meeting. There being none, there was a motion to approve the minutes of the October 20, 2022 meeting made by Clayt Ertel with a second by Lauren Fix. There was nothing on the question. The vote was as follows:

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

**Treasurer's Report.**

Peter DiBiase, Treasurer went over the Financial Report dated November 17, 2022. Mr. DiBiase reported the balances in the bank accounts as of November 17, 2022. For the period of January 1 through November 17, 2022 the fees that have been received are in the amount of \$1,000.00. Total expenses to date are in amount of \$40,797.06. Interest earned to date is in the amount of \$1,260.19. The net income to date is -38,536.87. As per Ms. Strong, there has been no response from the attorney on the Greens on Sheridan Project. The inducement will expire as of December 31, 2022. She will reach out again and have an answer for the December meeting. There being no further comments or questions, Mr. DiBiase concluded his report. There was a motion to approve the Financial Report by Elaine Wolfe with a second by Mary Powell. There was nothing on the question. Vote was as follows:

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

**Correspondence.**

None to report.

**Vision Sheridan Drive Project Update.**

Andrew Schaeffer updated the Board on the progress of the Project. Mr. Schaeffer let the Board know that there are still some spots that need to be filled for members of the committee. As soon as the other committee spots are all filled, a kick-off meeting will be set. Still looking for members from the Chamber, Planning Board and business representatives from businesses on Sheridan Drive. As soon as the committee is all set, Wendel can then move forward. There will be another update at the December meeting.

## **Invest Buffalo Niagara Membership**

Mr. Kempton began the discussion regarding the membership in Invest Buffalo Niagara stating that the CIDA is not committed but has agreed to a three year membership. This is to be re-evaluated on a yearly basis to decide if the Board wishes to sign on for another year's membership. Mr. Kempton has been assigned to one of the committees and a meeting is coming up soon. The Chairman receives different information via e-mails which he forwards to Ms. Rosel, who then forwards that information to the Board. Mr. Kempton added that the website for Invest Buffalo Niagara is very well done. The Board should visit the website. Mr. Kempton said that he recommends that the CIDA continue membership for another year and moved to continue membership for an additional year. There was a second by Clayt Ertel. Ms. Powell asked what the membership fee is. Mr. Kempton answered it is \$5,000 for a year...which would be \$15,000 for three years. This would be the second year. The CIDA agreed to the three year term to be reviewed on a yearly basis and decide if the CIDA would like to commit to another year. After the three years, this would need to be looked at to evaluate the progress that has been made for the WNY community and if it is worthwhile to continue membership. Mary Powell asked if there was any room for any of the other members to be a participant in the meetings or committees. Mr. Kempton said that there should be. Mr. Dixon did have the opportunity to meet with Invest Buffalo Niagara (not for the CIDA but for his own business) and with consultants from other areas, one from Dallas and one from Tennessee. The consultants were here to understand the business climate in the Buffalo area and what the hiring issues the area is running up against. They are putting together a package to take to other companies to market Buffalo. Intel ended up expanding in Ohio and Mr. Dixon's understanding was that Buffalo was second on the list and just missed out on that project. The package being prepared would be a marketing tool that would say something like "consider Buffalo and Western New York" and outline all the reasons why.

Ms. Powell went back to her question about anyone else attending the meetings. Mr. Kempton will find out for sure if there is a schedule of meetings and get back to the Board. Mr. Kempton does have the e-mails he receives forwarded by Ms. Rosel to the Board that do spell out what is going on and the meetings that are scheduled. The Board can review them to see what is going on. There was nothing further. Mr. Kempton said that the motion on the floor is to approve continuing the membership in Invest Buffalo Niagara for one additional year and there was a second. The Chairman asked for a vote.

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

## **New Business.**

An application was passed out to the members and the attorneys from Mark Dean the applicant. This is for discussion only today. This is an architectural firm that will be constructing a building at 8353 Main Street. The application needs more information. Mr. Bengart added that this is in the early planning stages and has not gone to the Town yet. Mr. Kempton asked if it meets the eligibility requirements. Ms. Strong answered that it does. It is in the early stages and it is too early to go forward with the CIDA at this time. Mr. Leone has not done his paperwork to determine what benefits would be appropriate for this project. Mr. Kempton said that it looks like this will not go forward until sometime next year. Mr. Bengart said that would be the case. Mr. Leone wanted to show the Board that there is activity in the Town and interest in CIDA incentives.

Mr. Leone talked about a proposed project that would be for sales tax only for interior renovations. The company was a tenant at the property located at 4255 Research Parkway. They purchased the property. The company wanted to see if they could get incentives but they cannot get a PILOT or Mortgage Tax as they have already closed. The owners are looking over the application and deciding if they want to do an installment sale only. Mr. Leone does have a copy but there is still some information that is needed. He will meet with the company soon.

Mr. Leone also spoke to Noel Dill on his project on the 280+/- acres. Mr. Leone will follow through and keep in contact with Mr. Dill

Mr. Leone asked Ms. Strong about the McNamara project. That is still in the early stages and will go forward but not until next year. It is still in the planning stages. Mr. Bengart added that it will go forward...it is just in the early stages. There are some issues that are being worked out with the Town. This project will need a public hearing once everything ready to go forward.

Ms. Strong talked about the Seal and Design Project that was approved at the last meeting. They are now ready to go forward to receive the sales tax letters. The fee down payment will also be forthcoming in a few days. The ¼ of 1% down payment is in the amount of \$3,687.50. The project is \$1.4 million. The balance will be paid at closing which is expected in February of 2023.

Ms. Strong has reached out again and made every effort to get a response from the attorney on the Greens on Sheridan Project but has not heard anything yet. This project does expire at the end of December. Mr. Kempton said that this is most likely to expire and not go forward. There have been rumors, but only rumors, that they may not go forward and sell the property. Ms. Strong will continue to reach out and get an answer. She will advise the Board when she hears anything.

### **Fee Schedule.**

There was discussion regarding the CIDA Fee Schedule. Mr. Kempton has more questions than answers. He would like to make things more simple and less complicated than it is now. Mr. Kempton's plan is to take each section individually. There was discussion on the first charges which is a \$500 application fee. There was a suggestion that the application fee be increased. Ms. Strong added that the fee is inclusive of the fee for the public hearing which involves required publication of the Notice. Mr. Kempton also questioned the addressing of the refinancing of a project. It was decided to go over one section at a time.

The agency Administrative Fees-New Projects was also discussed and there some suggested changes. Ms. Strong will keep track and make suggested changes for the Board to consider as each paragraph is reviewed and discussed.

Mary Powell would like to have any changes be red lined in order to compare the language.

There will be further discussion at the next meeting.

### **Items not on the agenda.**

Councilman DiCostanzo met with the Ethics Board and said that everyone will be getting the new disclosure forms for 2023. Councilman DiCostanzo wanted to make sure that everyone on the Board is aware and reminded the Board that if any member recuses from participating or voting on a project, a Transactional Statement of Disclosure must be filled out and filed with the Town Clerk. Mr. DiCostanzo

had a sample of the Disclosure form for everyone. Mr. Kempton said that he is of the understanding that this is something that is done on a project by project basis. Peter DiCostanzo said yes that is how it works. Mary Powell asked if this is just a reminder and there is not change. Mr. DiCostanzo confirmed that was the case. Ms. Rosel added that the Board has been aware of this practice and have been very diligent in this practice.

**Public Comments.**

Councilman Daniel Michnik stopped at the end of the meeting to introduce himself to the members. He has been involved in various committees for about 30 years. He does know some members and wanted to meet those he does not. He thanked the CIDA for all that they do for the community. Mr. Kempton thanked the Councilman for visiting and invited him to stop in anytime to attend a meeting.

There being no further agenda items, the Chairman asked for a motion to adjourn the meeting. There was a motion made by Elaine Wolfe with a second by Lauren Fix to adjourn the meeting.

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

Meeting adjourned at 9:11 a.m.

Respectfully submitted:

Cynthia Rosel