

TOWN OF CLARENCE, ERIE COUNTY  
INDUSTRIAL DEVELOPMENT AGENCY

MINUTES

June 16, 2022

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

Present were Robert Dixon, Elaine Wolfe, Mary Powell, Clayt Ertel and Chris Kempton. Lauren Fix arrived at around 8:18 a.m. Peter DiBiase was not able to attend. Also present were Lawrence Meckler, Steven Bengart, Jennifer Strong, Paul Leone, Peter DiCostanzo, Councilman/Liaison, and Kimberly Ignatowski. Jonathan Bleuer, Director of Community Development and Andrew Schaeffer, Junior Planner from the Town of Clarence Planning and Zoning Department were at the meeting to discuss submitted RFP's.

**Minutes of May 19, 2022 Meeting.**

There was a motion to approve the minutes of the May 19, 2022 meeting by Clayt Ertel with a second by Mary Powell. There was nothing on the question. The vote was as follows:

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

**Treasurer's Report.**

Chairman Kempton presented the Treasurer's Report going over the Balance Sheet with the Board members. There were no fees received so far this year. Interest earned is \$112.56. Total expenses to date are in the amount of \$32,098.00. The Net Income for the period of January 1 through June 16, 2022 is -31,985.44. There are some outstanding projects that will generate income. The Green project is still waiting on the mortgage commitment and the assignment of the Niagara Produce Project name change still has to close.

There was a motion to approve the Financial Report by Robert Dixon with a second by Robert Dixon. There was nothing on the question. Vote was as follows:

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

The Green project has not closed as they are waiting for the approval of the financing and there is a fee for the closing on the Niagara Produce name change.

**Correspondence.**

None.

**New Business.**

Mr. Leone reported that Rich McNamara has asked for an extension on the sales tax exemption for the 8615 Roll Road Project. He asked for a 12-month extension. Mr. McNamara's request states that he is asking for the extension due to the inability to be able to get materials in a timely manner to complete the project. Mr. Leone said that normally the Board grants a 6 months extension. Ms. Strong added that it would be up to the Board to approve a 12-month extension. This project has already closed and all fees have been paid to the agency. Mr. Kempton did not find the request for a 12-month extension as unreasonable. Mary Powell agreed that 12 months is not unreasonable. Ms. Fix and Mr. Ertel also said that it would not be unreasonable as Mr. McNamara cannot get the product necessary to finish the construction. Jennifer Strong prepared a resolution in the event the Board would decide to approve the extension. Mr. Kempton asked for a motion. There was a motion by Clayt Ertel with a second by Elaine Wolfe to adopt the resolution to extend the sales tax exemption for the 8615 Roll Road Project for a period of 12 months. There was nothing further on the question.

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

(Resolution is attached to the minutes as Attachment "A")

Mr. Leone has had several meetings with Pallet Services that is contemplating an expansion. Seal and Design is also planning another expansion. Mr. Leone has also been meeting on the MJ Peterson proposed project. There are about 5 potential projects in the pipeline. Mr. Leone will keep the Board updated.

Mr. Kempton also brought up the Brookfield Club expansion. This project would not be eligible for incentives. It would be considered retail and that is something that the CIDA cannot incentivize.

### **RFP Proposals**

Jonathan Bleuer, Director of Community Development and Andrew Schaeffer, Junior Planner from the Town of Clarence Planning and Zoning Department were at the meeting to give a power point presentation outlining the submitted proposals for the Vision Sheridan Study. The Board voted and agreed to fund the Study at a previous meeting. Jonathan Bleuer and Andrew Schaeffer were tasked with preparing and distributing an RFP. The RFP was sent to between 40 to 50 companies in April of 2022. RFPs were to be submitted by to the CIDA on May 27, 2022. There were 4 submissions. This phase is the selection period. Jonathan Bleuer sent a link to the Board members with the proposals to review. CPL (Clark Patterson Lee), Fisher Associates, Labella and Wendel submitted the RFP. Mr. Schaeffer and Mr. Bleuer reviewed the proposals and prepared a brief power point presentation outlining what each company submitted for the Sheridan Drive Economic Redevelopment Plan. Mr. Schaeffer went over each submittal and gave a brief synopsis of all of the proposals. Lauren Fix asked why the CIDA is funding this project as Sheridan Drive is a State Highway. Mr. Bleuer answered that the study will look at the land use outside of the right-of-way. The Main Street project was much more closely collaborated on with the NYSDOT as there were a lot of changes going on Main Street. Sheridan Drive has been recently been upgraded so there will not be as much collaboration. All of the proposals submitted came in at slightly under the maximum \$50,000. Schedules and times lines were part of most of the proposals. Proposals also included the team members that will be a part of the project including project management and leader for each task.

After the presentation, it was decided that the Board would go into Executive Session to further discuss the proposals.

A motion was made by Mary Powell to go into Executive Session under §105(f) of NYS Public Officers Law to discuss the employment of a particular person or corporation with a second by Chairman Kempton.

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

Executive Session began at 8:43 a.m.

A motion was made by Clayt Ertel with a second by Robert Dixon to exit the Executive Session at 8:50 a.m.

The Board reentered the Regular meeting at 9:00 a.m.

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

(Robert Dixon left the meeting at 9:00 a.m.)

Upon re-entering the regular session, Mr. Kempton said that there were 4 proposals submitted for the Vision Sheridan Drive Project. The Chairman asked the Board members to review the proposals for the meeting in August at which time the Board will discuss what the next steps will be for this project at that time.

Mr. Bleuer and Mr. Schaeffer thanked the Board and the Chairman thanked them both for the time they put into the excellent presentation.

Mr. Leone wanted to know if the Board will be offering any other incentives on the Sheridan Drive corridor project. Mr. Kempton said there is time to think about that. This is something for discussion later there is time for that. Good point. This is something that would not have to be decided until we have a plan. Mr. Kempton continued by saying the plan is a great tool for the developers. Mr. Ertel added that there have been 26 new businesses on Main Street in Clarence since the Vision Main Street Plan.

Mary Powell wanted to briefly discuss the committees that will be formed for the development of the Plan. Mr. Kempton said that there were at least 10 meetings. Mr. Kempton added that if anyone is interested in serving on any of the committees, please e-mail me. This will all be discussed at the August. This will be a commitment as there will be several meetings involved for this project.

There was discussion regarding Solar Energy and Solar Farms. Mr. DiCostanzo

**Old Business.**

None.

**Items Not on The Agenda.**

Mr. DiCostanzo spoke on incentivizing Solar Farms. Why would we want to incentivize Solar Farms? He knows it is allowed. Ms. Strong added that it is listed in the new UTEP and is encouraged by the Governor's green energy plan. Peter DiCostanzo said it is not about jobs or economic development...the Town and School would be subsidizing green energy. Mr. Kempton asked Mr. DiCostanzo if it is anticipated that there may be someone coming to the CIDA to request incentives for this type of project. Mr. BENGART said that what he has seen is that these projects have been going through municipalities for PILOTs and not through IDA's. The Town of Lancaster did incentivize a Solar Project. Ms. Fix added that solar fields are a problem on a global standard. They take away farm land, potential businesses and green space. The Chairmen added that there is a policy and a criteria that needs to be met through the UTEP. Ms. Strong added that the State allows for a 15-year abatement by going directly to the state. Mr. Kempton added the CIDA is allowed to incentivize certain things. That would be decided if a project comes to the Board. This can be addressed when and if that happens.

**Public Comments**

None.

There was a motion to adjourn the meeting by the Chairman at 9:15 a.m. with a second by Elaine Wolfe. There was nothing on the question.

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

Adjournment 9:15 a.m.

Respectfully submitted:  
Cynthia Rosel

Attachment "A"

**RESOLUTION OF THE TOWN OF CLARENCE, ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY (THE "AGENCY") EXTENDING THE SALES TAX PERIOD FOR 8615 ROLL ROAD LLC (THE "LESSEE") UNTIL JUNE 16, 2023**

WHEREAS, **8615 ROLL ROAD LLC** (the "Lessee") has entered into negotiations with the officials of the Town of Clarence, Erie County, Industrial Development Agency (the "Agency") with respect to the construction and equipping of a 27,000 square foot addition to an existing 12,000 square foot building which will be renovated on a 2.54 acre parcel of land located at 8615 Roll Road, in the Town of Clarence, New York, for a warehouse and light manufacturing Facility, as agent for the Agency for lease to the Agency and subsequent leaseback to the Lessee for sub-sublease to **RE McNamara Inc.** (the "Project"); and

WHEREAS, there has been delay in constructing and equipping of the Project due to the Co-Vid 19 Pandemic; and

NOW, THEREFORE, BE IT RESOLVED BY THE AGENCY AS FOLLOWS:

- 1. The Agency does hereby extend the sales tax period for the Lessee from June 16, 2022 to June 16, 2023.**

2. This resolution shall take effect immediately.

ADOPTED: June 16, 2022  
ACCEPTED: June \_\_, 2022

8615 ROLL ROAD LLC  
as Lessee

RE McNamara INC  
as Sublessee

By \_\_\_\_\_  
Name:  
Title:

By \_\_\_\_\_  
Name:  
Title: