

TOWN OF CLARENCE, ERIE COUNTY  
INDUSTRIAL DEVELOPMENT AGENCY

MINUTES

September 15, 2022

Chairman Kempton called the meeting to order at 8:15 a.m.

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

**Minutes of August 18, 2022 Meeting.**

There was a motion to approve the minutes of the August 18, 2022 meeting by Elaine Wolfe with a second by Clayt Ertel. There was nothing on the question. The vote was as follows:

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

**Treasurer's Report.**

Peter DiBiase, Treasurer presented the Financial Report dated September 15, 2022. Mr. DiBiase went over the balances in the bank accounts. There was a fee of \$500.00 received from the Niagara Produce Assignment/Assumption Project. Interest earned to date is \$439.09. Total expenses to date are in the amount of \$36,196.50. The Net Income for the period of January 1 through August 18, 2022 is -35,757.41. There was a motion to approve the Financial Report by Chairman Kempton with a second by Mary Powell. There was nothing on the question. Vote was as follows:

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

**Budget for 2023.**

Ms. Ignatowski went over the changes to the tentative budget per the discussions of the last meeting. The Interest Earnings line is \$3,500 which is still a conservative number but Ms. Ignatowski will talk to the Board about doing CDs for the IDA as she thinks it would be beneficial for additional interest gain. If interest earnings are exceeded, it just lessens the amount of the appropriated fund balance that would be utilized. The other change is an additional line added for Dues and Subscriptions in the amount of \$5,850.00 which is for the membership for the NYS Economic Development Council and for the Invest Buffalo Niagara. Everything else remains the same. Mr. Kempton asked about the Sheridan Drive Study amount. Ms. Ignatowski talked with Jonathan Bleuer regarding this and he is not sure, with the way that the progress is going right now, if there will be any expense incurred in 2022 for this project. The entire amount is reflected in 2023 to be transparent and if there are any expenses less than they can be reflected as being paid in the 2022 budget.

Mr. Kempton drew attention to the appropriate fund balance...that basically means the amount expected to be taken from the savings account to cover expenses from the savings account. There are quite a few projects in the works and there is a good chance in the next 2 years, 2023-24, there will be a lot of activity and savings will not have to be used for expenses.

Mr. Kempton asked for a motion to accept the 2023 Budget as presented. There was a motion by Elaine Wolfe with a second by Clayt Ertel to adopt the 2023 Budget as presented. On the question, Mary Powell asked what the projected revenue is based on...Mr. Kempton answered history. Ms. Ignatowski said the administration fees stay at around \$40 to \$50,000...pretty much estimated. The interest earnings are just a conservative number and did not go too high.

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

Mr. Kempton said that the adopted Budget needs to go on the website.

Mr. Kempton said that the third part of the Treasurers Report is to discuss CDs and the Banking. Ms. Ignatowski has been in touch with her contact at JP Morgan regarding the transfer of the bank accounts. There is a procedure to get the funds transferred and the accounts set up. Ms. Ignatowski is in the process of working with the Bank to complete this. Currently the CIDA has a money market and a checking account with Bank on Buffalo. Kimberly received the information on the accounts available with JP Morgan. There is an interest-bearing checking account that earns .75%. The money market only earns .80%. There is only a .05% difference. Ms. Ignatowski would like to suggest to the Board to do the checking account with interest...keeping a certain amount in checking and then do one or more CDs. She received the CD rates and obviously they change every day. Ms. Ignatowski went over the CD rates for 4 mos., 90 days, 60 days, and 30 days. The balance in checking and money market is about \$859,199.00. Ms. Ignatowski said that if you put \$400,000 into a CD you still have liquid cash just in case something would come up where we would have to fund anything but there would be some funds locked up earning higher interest. Mr. Kempton's thoughts were to ladder the CDs and to keep 2 years of expenses in cash and invest the rest of the funds. Interest rates are going up. Ms. Ignatowski suggested to keep \$150,000 as liquid cash in checking and then invest the rest, however, the Board would decide. Mr. Meckler added that the total appropriations are \$104,000. If the \$150,000 is kept in checking that would be a good amount to keep liquid.

A motion was made by the Chairman to provide the authority to the Treasurer, Peter DiBiase, and CFO, Kimberly Ignatowski to monitor the CD rates and use their discretion to investment the CIDA funds into CDs and manage a CD portfolio for the CIDA. Also, a balance of \$150,000 will be kept in checking account. There was a second by Clayt Ertel. On the question Steven Bengart, counsel, added to basically follow what was discussed at the meeting. The investing will not go more than 12 months and it will be revisited at the next budget meeting in 2023.

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

### **Correspondence.**

None.

### **Vision Sheridan Drive Project Update.**

No report this month. Mr. Kempton added that there is a contract presented by Wendel for the Sheridan Drive Project. Mr. Meckler has reviewed the contract and after Jonathan Bleuer looks at the contract and approves of all of the terms, Mr. Kempton will sign.

### **New Business.**

Mr. Leone received an application from Seal and Design for a new project for an expansion and renovation of the facility located at 4015 Casilio Pkwy. This will include a 3,000 square foot addition to the front of the building. The application was just received. They qualify for a 7 year Pilot. Seal and Design is asking for lease, lease back transaction and will include sales tax exemption and a real property tax abatement. The IMPLAN study will be completed by Ms. Ignatowski. Mr. Leone would like to have this put on the agenda for a public hearing at the October meeting if this project meets all the parameters Mr. Bengart will check with Planning and Zoning regarding SEQR. Otherwise, The CIDA will need to do its own SEQR.

The application will be forwarded to the Board members for review and the Cost Benefit Analysis (IMPLAN) will be forwarded as soon as it is completed.

Mr. Leone asked Ms. Strong on the status of the Green Project. Ms. Strong will get in touch with the attorney to see about the status and if they are going forward with the project. If the project does not close it will expire as of December of 2022 and would have to be extended. This will be revisited in November.

Mr. Leone has been meeting with several other potential applicants regarding proposed projects but has not received applications as of yet. There is also a proposed project that Mr. Leone has referred to Ms. Strong in order for her to contact the potential applicant regarding a proposed continuing care facility. There are negotiations going on between the proposed applicant and the owner of the property regarding the purchase of the property. Ms. Strong explained what would be needed to be done if this does come before the board. Ms. Strong will reach out to the attorney for more information.

There are several potential projects in the works and Mr. Leone will continue to meet on these and report back to the Board on the progress.

Mr. Leone asked about the Enhancement Zones for this Sheridan Drive Project. There was brief discussion regarding this topic. The Board may want to have the enhancement zones revisited as being one of the approval process criteria.

### **Fee Schedule.**

There was discussion regarding the Fee Schedule. This is the fee that the CIDA charges applicants that come to the CIDA that are looking for incentives. The fee schedule needs to be updated. Mr. Kempton asked that everyone review the fee schedule to discuss at the October meeting.

**Items not on the agenda.**

None.

**Public Comments.**

Mr. DiCostanzo asked about the JR Products project that was approved some time ago and if there has been any word. Mr. Leone said that there has been no further word from the applicant on this project. Mr. Bengart added that the project has not gone forward as there is a private issue.

There was no further discussion.

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

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

Meeting adjourned at 9:08 a.m.

Respectfully submitted:  
Cynthia Rosel