

TOWN OF CLARENCE, ERIE COUNTY
INDUSTRIAL DEVELOPMENT AGENCY

MINUTES

September 21, 2023

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

Present were Lauren Fix, Peter DiBiase, Robert Dixon, Elaine Wolfe and Chairman Kempton. Absent were Clayt Ertel and Mary Powell. Paul Leone, Jennifer Strong, Kimberly Ignatowski and Cynthia Rosel were also present.

Minutes of August 17, 2023 Meeting.

Chris Kempton asked if there were any questions or comments on the minutes of the August 17, 2023 meeting. There were none. There was a motion by Lauren Fix with a second by Elaine Wolfe to approve the August 17, 2023 meeting minutes. There was nothing on the question. The vote was as follows:

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

Treasurer's Report.

Peter DiBiase, Treasurer, reviewed the financial report as of September 21, 2023. Mr. DiBiase reported on the balances in the cash-checking and various CD accounts. Total fees received to date are in the amount of \$5,262.50 Interest earned to date is a total of \$6,045.63. Total expenses for the period of June 23-July 20, 2023 were \$1,060.00 and to date are \$54,213.46 There is a net income of -57,679.69. The Treasurer asked if there were any questions. Mr. Kempton added that the only question would be regarding any anticipated fees and if any projects will close before the end of the year. Ms. Strong answered that the Seal and Design project should be closing shortly as the inducement expires next month. There is one issue and Ms. Strong is working with the attorney regarding the documents required for closing on Seal and Design. The Dean Architects project is underway. The Sheridan Drive Project and the Dimar Project are also still open.

Mr. Kempton asked if there are any other questions on the Treasurer's Report of September 21, 2023. There being none, the Chairman moved to accept the Treasurer's Report and there was a second by Robert Dixon. There was nothing on the question.

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

2024 Budget:

The proposed 2024 Budget was e-mailed to the Board prior to the August meeting for the Board to review before the August meeting. There was discussion at the August meeting regarding the Budget and the Audit committee recommendations. Mr. Kempton added that if are no comments or questions on the proposed budget for 2024, and upon the recommendation of the Audit Committee, the Chairman moves to adopt the 2024 Budget as presented. There was a second by Elaine Wolfe. On the question, Mr. Bengart added that the Budget was sent out to the Board members in advance and that everyone has had a chance to review the budget. Ms. Ignatowski added that the proposed budget was discussed at the august meeting along with the recommendations of the Audit Committee. There was only one change, which was brought up at the August meeting regarding the Auditors fee. Ms. Ignatowski sent out an amended

budget with the updated figure for Drescher and Malecki. There being nothing further, the vote is as follows in favor of adopting the 2024 Budget as presented:

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

Public Hearing for 4280 Research Parkway LLC – 2nd Application:

Mr. Kempton opened the public hearing at 8:21 a.m. Paul Leone explained that the applicant submitted a 2nd application for this project due to the considerable increase in cost for construction that were not anticipated at the time of the first application was submitted. The application was sent to the Board prior to the meeting. There also is a new cost benefit analysis completed that was also sent to the Board. The original application to the Agency for assistance has been replaced by the Company with an application for an increased project cost in an amount not to exceed \$6,410,757.00. The assistance contemplated by the Agency will include mortgage tax abatement up to \$36,000.00, sales tax exemption up to \$185,063.00 on any materials and/or equipment purchased for incorporation into the Project and real property tax abatement pursuant to a ten-year PILOT in accordance with the Agency's Uniform Tax Exemption Policy and Guidelines. 4280 Research Parkway, LLC requests assistance in connection with the construction of 55,000 square foot manufacturing facility located at 4280 Research Parkway, in the Town of Clarence, New York and the Clarence Central School District for lease to a single tenant.

Mr. Bengart added that the information was sent to the Board in advance of the meeting and public hearing for the Board to review. Mr. Kempton added that the information was received by the Board prior to the meeting for the Board to review along with the new cost benefit analysis and the public hearing notice.

Mr. Kempton closed the public hearing at 8:23 a.m.

Correspondence.

A public hearing notice was received from the Amherst IDA and e-mailed to the Board.

New Business.

Consider Approval of 4280 Research Pkwy. LLD 2nd application and Increase.

Mr. Kempton moved to adopt the resolution for the increase in the project amount as prepared by Ms. Strong with a second by Elaine Wolfe approving the increased amount of the 4280 Research Parkway LLC project. On the question, Mr. Kempton asked if there were any further comments or question on the project. There was nothing further on the question:

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

Paul Leone added that he is waiting on the Pallett Services proposed new project. Other than than there is nothing further at this time to report.

Old Business.

Mr. Kempton asked Ms. Strong to report on the projects that are pending. Ms. Strong reported four projects pending: Dean Architect, Seal and Design, Sheridan Drive, and DIMAR Manufacturing (sales tax only). DIMAR is related to the 4280 Research Parkway LLC project. Ms. Strong has been trying to get in touch with the attorney for the Dean project. There was discussion regarding this project. They are

proceeding with the construction and are using the sales tax exemption. The project does need to close before the inducement expires. Ms. Strong continues to try to get in touch with the Attorney. Paul Leone was asked to contact Mr. Dean to let him know to have his attorney contact Ms. Strong.

The next project is the Seal and Design Project should be closing soon as long as all the documents are in order. Ms. Strong is waiting for the Attorney Opinion letter from Seal and Design's attorney. This expires October 19th. This project will expire after that and they would have to re-apply or extend the inducement. Ms. Strong will contact the attorney regarding proceeding to closing.

On the Sheridan Drive project, the Project and Agent agreement has not been signed. There does not seem to be any action on this project. Mr. Meckler added that it appears that the applicant is rebidding the job. They will be getting bids in the next couple of weeks. The cost for construction material keeps on increasing. There has been site work done but that has stopped for now. Mr. Leone added that the applicant may be coming back to the CIDA for an increase in the project amount.

DIMAR is an installment sale. They are asking for Sales Tax only. This project will go forward when the 4280 Research Park LLC project is constructed. Then DIMAR will be able to equip the facility.

Mr. Leone asked about Pallett Services. Mr. Bengart answered that Pallett Services still needs to submit documentation to the Planning and Zoning Department. There has been nothing further on this.

Mr. Leone also asked about the proposed Solar project for Noel Dill and the acreage that has been purchase on Wehrle Drive. Mr. Bengart said he cannot answer that. Mr. Dill can make application with Planning and Zoning.

Items Not on the Agenda.

Mr. Kempton talked to the Board about the Vision Sheridan Drive Plan. There is a public forum scheduled for October 12, 2023 at the Clarence High School in the Library. The presentation will be given by Wendel and the Planning/Zoning Department. Mr. Kempton said that the Board is encouraged to attend. This will be similar to the Vision Main Street Plan forum from a few years ago. The flyer will be going out and Mr. Kempton is asking the Board members to forward this flyer on to whoever they feel it would be interested in attending. Mr. Kempton said the project is going forward and you can start to see a vision played out. This is an opportunity for the public to learn about the plan and give its input.

Public Comments.

Peter DiCostanzo commented on the CD investments.

There being no further business, the Chairman asked for a motion to adjourn the meeting.

The Chairman moved to adjourn the meeting with a second by Robert Dixon. There was nothing on the question.

Meeting adjourned at 8:51 a.m.

Respectfully submitted by Cynthia M. Rosel