

TOWN OF CLARENCE, ERIE COUNTY  
INDUSTRIAL DEVELOPMENT AGENCY

MINUTES

March 21, 2024  
Meeting

Chairman Chris Kempton called the meeting to order at 8:19 a.m. Present were, Peter DiBiase, Elaine Wolfe, Mary Powell, Clayt Ertel and Chairman Kempton. Lauren Fix and Robert Dixon were not able to make today's meeting. Also present were, Paul Leone, Steve Bengart, Peter DiCostanzo, Kimberly Ignatowski and Cynthia Rosel. Jennifer Strong was out of Town and not able to be at the meeting.

**Minutes of February 15, 2024 Meeting.**

The Chairman asked if everyone had a chance to review the minutes of the February 15, 2024 meeting that were e-mailed to them and asked for a motion to approve them. There was a motion by Mary Powell with a second by Clayt Ertel to approve the March 21, 2024 meeting minutes. There was nothing on the question. The vote was as follows:

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

**Treasurer's Report.**

Peter DiBiase gave the Treasurer's Report. As of March 21, 2024 reported on the balance in the Checking/Savings accounts. There was one fee collected in the amount of \$500.00. The total expenses to date are in the amount of \$21,598.50. Other income is Interest and Earnings in the amount of \$4,817.28. There is a net income to date in the amount of -16,281.22. There were was nothing further on the question. There was a motion to accept the financial statements by Mary Powell with a second by Elaine Wolfe. The vote is as follows:

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

**Correspondence.**

None.

**Drescher & Malecki LLC – 2023 Audit Report.**

Nicole Ruf from Drescher and Malecki presented the 2023 Audit Report . Ms. Ruf said that they have completed the Audit for 2023. The final copies are being passed out today. The draft was sent to Kimberly Ignatowski a while ago and the Audit Committee had the opportunity to review the draft. This year the report has included the Agency Investment as there were investments in Certificates of Deposit. This year the questionnaire has been received timely except for R2B and Dean Architects. R2B will be in by Friday and Paul has been in touch with Mr. Dean and they should be submitting soon. Mr. Kempton asked for the Audit Committees recommendation regarding accepting the 2023 Audit Report as presented. The Peter DiBiase on behalf of the Audit Committee recommended that the Board accept the 2023 Financial Statement as present by Nicole Ruf of Drescher and Malecki. There was a motion by Clayt Ertel to accept the 2023 Financial Statement with a second by Peter DiBiase. There was nothing further on the question. The vote was as follows:

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

Kimberly will send a copy of the PARIS report to everyone to review before it is submitted.

**Vision Sheridan Drive Update:**

Wendel has been working behind the scenes and trying to get the closest to they can be to a final product for review by the IDA and the planning office. There have not been as many meetings with the committee in order not to over costs.

**New Business.**

The Chairman said that there are couple of new items from Paul Leone. Mr. Leone talked with Brawdy Construction located on Count Road. They are looking to expand the facility to office space and for mechanics for their trucks. It is a pretty good size operation. There is not application as of yet. Mr. Leone said that it would be a project of approximately \$1,500,000. Mr. Leone will continue to meet with the company.

There is another proposed project would be for Dynabrade. They are looking to add to their campus but not ready to do so at this time. Paul will be meeting with them soon. It is going to be a large project.

The Pallet project is not ready to go forward at this time. Paul is working with them.

**2021 Burke Homes LLC Project.**

A. Ms. Strong said that Burke Homes is coming in to ask for an extension for the 2021 project. The project was originally induced in May of 2021. The project was for the construction and equipping of two 9000 sq. ft. mixed use buildings on 2 acres of land at 6855 Transit Road. The received sales tax exemption, a PILOT and mortgage tax abatement. The project closed. They came back in May of 2022 for a sales tax exemption extension. They were supposed to finish construction in May of 2022 and meet employment goals by May of 2024. Mr. Bengart checked with the Building Department and there are no C of O's issued on the commercial space. There are three build out permits issued for the commercial space. There are no COs issued for the second floor residential space. They have reported employment. They are coming to ask for an extension...the letter is unclear as to what they are asking an extension for. They will be coming to the meeting to make the request. Today, the Board will listen to what they are asking for.

B. Mr. Kempton introduced himself to Matthew Loomis from Burke Homes was present. He explained that the project submitted an application and it was approved. There are due dates within the agreement as to when the project is to be completed. Mr. Kempton said that the project has not been completed as of yet. Mr. Kempton said that there is not going to be any action taken today. We are here to listen and have Mr. Loomis present a status on the project. The company is here to ask for an extension of the project. Mr. Loomis explained that this is a mixed used project. The Board will reflect on this and address it at the next meeting that is in April. And make a decision then. First, the Board needs to hear from the applicant.

Mr. Loomis began that the project began at Transit Station, 6855 Transit Road back in October of 2021. As you know, COVID was in effect at that point. The project was for two mixed use buildings. The second story has 3 residential units in each building and those are occupied at this point. It has been a struggle to get occupancy in the first floor commercial units. They are gaining some ground with those. There is one unit that is being completed and the tenant should be moving in April 1<sup>st</sup>...that is when Mr. Loomis is turning the unit over to her. They have another one that was just permitted. There is another one that Burke is very hopeful to rent the whole other building. All three spots. Hopefully, by the end of Summer, there will be all but one commercial space completed. On the tax dollars, the sales tax exempt amount was \$137,000 would be available to them. We have only used \$69,122.50. The sales tax is really

what they are looking at the help with on the project. Mr. Ertel asked is that is to finish off the building. Mr. Loomis said yes, the commercial space. Mr. Kempton asked how many commercial units are there. Two units with 3 commercial on the first floor and three apartments on the second floor for each unit. Ms. Strong asked about retail usage of the tenants. One is a hair stylist and the other is dog grooming. The prospective business is a PT and a Golf simulator so he is a PT for Golfers. That would take up a whole building. Mr. Kempton said that of the six commercial projects, there are three in place. Mr. Loomis said he has three. The Golf PT would like to rent three of the commercial units on the one building. The hair stylist will be in at the end of April The Dog Grooming will be starting in the next week or two. The dog grooming will hopefully be ready by June. The Golf units will take about 6 months.

Mr. Kempton added that the question is to extend the date of construction completion, the employment goal date and the sales tax. The CIDA needs a formal letter fairly detailing what Burke is requesting for extensions of the project. The PILOT has not started yet. Ms. Strong asked that Mr. Loomis include workable dates. Mr. Kempton asked if the dates for the extension would be at the end of the year would be reasonable. Mr. Loomis said it would. Mr. Loomis will get the letter to the Board as soon as possible. Include everything including the amount of sales tax exemption has been used, update the employment information and include reasonable dates.

### **Old Business.**

Mr. Kempton passed out the spread sheet from the auditors of the open projects confirming employment and the pilot payments having been made. Mr. Kempton said we will talk about it at the next meeting. Mr. Bengart said that we should get the information first and then confirm the numbers with the auditors. Kim will reach out to Nicole Ruf to explain the spread sheet.

### **Items not on the Agenda.**

Mr. Kempton gave the Board an update on the Invest Buffalo Niagara. He thinks it is important to stay a member of the program. He will continue to give updates.

### **Public Comments**

None.

Meeting adjourned at 9:26 a.m.

Respectfully submitted by Cynthia M. Rosel