

**TOWN OF CLARENCE, ERIE COUNTY  
INDUSTRIAL DEVELOPMENT AGENCY**

**MINUTES**

**June 21, 2012**

Mr. Hartzell called the meeting to order at 8:00 a.m.

Mr. Hartzell thanked Dave Schuster and the other members for attending the Clarence Chamber Mixer on Tuesday, June 19, 2012. David Schuster gave a presentation on the CIDA. Paul Leone and the other members participated also. Mr. Hartzell added that the presentation was very well done. The meeting was well attended and there were several questions from business owners attending regarding what the CIDA can offer businesses, particularly, if they do not own the property.

Roll call was taken and present were Elaine Wolfe, David Schuster, Chris Kempton, Clayt Ertel and Chairman Hartzell. Mary Powell arrived at 8:10 a.m. Mr. Buettner was absent. Also present were Paul Leone, Nathan Neill, Larry Meckler, Steven Bengart, Pamela Smith, and Cynthia Rosel. Guests were Matt Glynn of the Buffalo News, Andria Kimbriel of the Clarence Bee, Kim Johnson and James Rush.

**Minutes of May 10, 2012 and May 17, 2012.**

Mr. Hartzell asked if everyone reviewed the minutes of the May 10, 2012 Special Meeting. There was a motion by Chris Kempton with a second by David Shuster to approve the minutes of the May 10, 2012 Special Meeting. There was nothing on the question.

**Vote:** Ayes: Wolfe, Schuster, Kempton, Ertel, Hartzell. Noes: None  
Absent: Buettner, Powell. Recuse: None. Motion carried.

Mr. Hartzell asked if everyone read the May 17, 2012 meeting minutes. There was a motion by Clayt Ertel with a second by Elaine Wolfe to approve the minutes from the May 17, 2012 meeting. There was nothing on the question.

**Vote:** Ayes: Wolfe, Schuster, Kempton, Ertel, Hartzell. Noes: None  
Absent: Buettner, Powell. Recuse: None. Motion carried.

**Treasurer's Report.**

Mr. Kempton gave the Treasurer's report through June 21, 2012 going over the Balance Sheet and the Profit and Loss Statement. There is a negative net income of \$7,875.24, that is with the interest income. There was also a down payment made in the amount of \$1,750 on the 8175 Sheridan Drive Project. There has not been much activity in expenditures from the Advertising or the Marketing and Promotion lines. HSBC is closing branches and the CIDA account will be switched to Key Bank. Pam Smith has been working on making arrangements to move the

account to First Niagara. Mr. Neill asked if First Niagara was on the list of Authorized Depositories for the CIDA. Mr. Bengart thought they were. They can provide the collateralized services that the CIDA needs. There was a motion by Elaine Wolfe with a second by David Schuster to approve the Treasurer's Report through June 21, 2012. There was nothing further on the question.

**Vote:** Ayes: Wolfe, Schuster, Kempton, Ertel, Hartzell. Noes: None  
Absent: Buettner, Powell. Recuse: None. Motion carried.

### **Correspondence.**

There was a letter from Masiello Martucci Calabrese and Associates requesting the CIDA to extend the contract with them for an additional six months. They also provided a summary of the activities from January to June 2012 that the Coalition for Community Building (CCB) has been involved in for the last 6 months.

There was also a letter from Attorney Ralph Lorigo regarding the 4125 Transit Road Project that Mr. Neill will address.

Copies the letters were provided in today's meeting packet and both items are on the Agenda.

Mr. Hartzell welcomed the guest attending the meeting.

### **Agreement with Masiello Martucci Calabrese and Associates renewal.**

Mr. Hartzell addressed the letter from Masiello Martucci Calabrese and Associates regarding renewing the agreement with them for another six month term. Mr. Hartzell asked if the Board had any comments regarding renewing or not renewing the agreement. Mr. Ertel thinks they have made some progress. Mr. Schuster still had some concerns regarding some of the other groups they represent and conflicts. Mr. Leone said they meet as needed and everyone is invited. Mr. Hartzell would like to have them meet here. There was some discussion regarding the meeting that Mr. Hartzell and other IDA chairs had with the County Executive. Mr. Kempton asked if it would be in the best interest of the CIDA to continue with CCB. Mr. Hartzell answered yes, at least for now. Elaine Wolfe asked if they represent all the different IDA's or just the Clarence IDA. Mr. Kempton said they have been hired by all the IDA's in the Erie County. Mr. Leone said they represent other Counties as well. There was a motion by David Schuster with a second by Chris Kempton to approve the Agreement for an additional 6 months. There was nothing on the question.

**Vote:** Ayes: Wolfe, Schuster, Kempton, Ertel, Hartzell. Noes: None  
Absent: Buettner, Powell. Recuse: None. Motion carried.

## **4125 Transit Road Project.**

Mr. Nell explained that Mr. Lorigo is requesting approval of the transfer of ownership from 4125 Transit Road, LLC to 4125 Transit Road Clarence, LLC that will meet the banks requirements enabling them to receive the financing. All of the fees will be paid at closing of the mortgage. Mr. Neill had a resolution prepared. We approved the mortgage at the May meeting. There was a motion by Clayt Ertel with a second by David Schuster to approve the resolution as presented by Mr. Neill.

**Vote:** Ayes: Wolfe, Schuster, Kempton, Powell, Ertel, Hartzell. Noes: None  
Absent: Buettner. Recuse: None. Motion carried

Mr. Leone just received the application for the Joe David project this morning and has not had a chance to review it. Cindi Rosel received it via e-mail late on Wednesday. This is the Clarence Hollow project that has been discussed recently. Mr. Ertel recused himself and left that meeting as Joe David is his business partner. Joe David is representing Niagara Assets Management, LLC, is a partner and the Chief Operating Officer. The plan is to renovate the two vacant buildings located at 10681 and 10687 Main Street located in the heart of the Hollow in two phases. These buildings have been vacant for several years. The pink building was the first location of Ohlson's Bakery. The other was apartments. Phase I would be completely renovating the two buildings. The project would consist of fifty percent retail space on the lower level and office space on the second floor. They would keep the "Clarence Hollow" look with a new façade on the outside and completely renovating the inside. Mr. David passed out a sample rendering to show the proposed project. Phase I would include the construction of two new additions. To complete "Phase I" as presented, to make it work, they would have to acquire part of the Town owned bike path. In order to do that, as explained by Mr. Bengart, there is procedure that needs to be followed as that is park land. It involves Town Board approval and then would have to go through the legislature. There are issues that need to be worked out before they could go forward as planned. Mr. Meckler asked if that extension of the parcel is a must. Mr. David answered that originally it was, but after discussions with the parties involved, they could make that part of Phase 2 and could add one addition now while going through the process. Mr. Meckler asked if "Phase I" would be contingent on the applicant getting the additional property or would Phase I be an entity unto itself? Mr. David said that it would but there are some backup options if it doesn't work. In order for it to go forward as planned, though, they would need that piece of the bike path. They do have some viable tenants lined up. Mr. Leone added that they are asking for complete benefits. He also added that the tenants could be eligible for benefits also and Mr. Leone would work with them directly. There was some further discussion and this will be put on the agenda for the July meeting for a public hearing.

Mr. Leone also had an application from Niagara County Produce. It would be a \$6,000,000 project. Mr. Hartzell had some questions. Mr. Hartzell questioned if the project would go forward without CIDA benefits. Mr. Ertel asked if they made a declaration in the application. Mr. Leone said they stated that the project would not exist without the inducement. Mr. Leone added that it is in an Enhancement Zone. Ms. Powell asked if they started construction. Mr. Leone said no they have not. There was discussion about inducing retail projects on Transit

Road. Mr. Schuster added that this business is not in a high density area. It is the anchor business in that area. Mr. Ertel added that would draw other businesses to locate to that area. Mr. Kempton added that the Master Plan has this area zoned for commercial development. There would have to a public hearing on this project. The consensus of the Board was that this would be great project and would like go forward. The inducement would be for complete benefits. A public hearing will be scheduled for the July meeting.

### **Strategic Plan.**

Mr. Hartzell handed out a draft EDO description. The Board discussed the various items outlined. It was decided that the EDO would be an independent contractor. Ms. Powell asked how the person would be appointed. Mr. Hartzell said that we would appoint on a yearly basis. The salary would be between \$10,000-\$12,000. Ms. Powell also wanted to know how we would judge the performance. Mr. Ertel asked if they were going to ask for resumes. There was discussion about hiring someone who knows the Clarence area. There was further discussion regarding what to put into the description and the subsequent ad. The position would be part time approximately 25 hours a week. It was decided that an ad would be run in the Bee and also be put on the website. Mr. Hartzell will revise the description and e-mail to the Board for discussion next month.

It was decided to table the Donation Policy to the next meeting.

There was a friendly motion to adjourn the meeting by Chairman Hartzell at 9:14 a.m.

Respectfully submitted,

Cynthia M. Rosel