

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

MINUTES

July 21, 2011

Present:	David C. Hartzell	Paul Leone
	Clayt Ertel	Steven B. Bengart
	Chris Kempton	Nathan Neill
	Mary Powell	Pam Smith
	Michael Buettner	Cynthia M. Rosel
	Scott Bylewski	Robert Geiger
	David Schuster	

Guests: Laura Wade

Meeting was opened by Chairman Hartzell at 8:00 a.m.

Mr. Hartzell asked Ms. Rosel to take the roll. Present were David Schuster, Scott Bylewski, Michael Buettner, Chris Kempton, Clayt Ertel and Chairman Hartzell. Mary Powell arrived at around 8:15 a.m. Also in attendance were Nathan Neill, Paul Leone, Steven Bengart, Pam Smith, Cynthia Rosel and Robert Geiger. Laura Wade who is the applicant for a new proposed CIDA project was also present.

Minutes. June 16, 2011 (DH)

Mr. Hartzell asked if everyone had a chance to review the June 16, 2011 minutes and if there were any questions. Mr. Bylewski said that he has questions and would like to double check the minutes and asked if they could hold off until a little bit later on the agenda. Mr. Hartzell was okay with that and moved on to the next agenda item.

Treasurer's Report.

Chris Kempton passed out the Treasurer's Report as of July 21, 2011. Mr. Kempton went over the balance sheet and profit and loss statement. He reported on the balances in the accounts. Fees collected were still less than the expenses to date. The budget was also attached. Mr. Kempton also passed out a copy of a preliminary Budget for 2012 for review. He asked everyone to take home to review and it will be discussed at the August meeting. It needs to be adopted at the September meeting. Mr. Buettner had a question on the date of the copy of the 2011 Budget attached to the financial report. Mr. Kempton explained that it is current with the July 21, 2011 report. Mr. Buettner asked if a line is at 47%, would that mean that is what was expended in 7 months. Mr. Kempton said that was correct. Mr. Ertel asked about anticipated income. Mr. Kempton said that at the last meeting it was mentioned that there were 3 or 4 projects in the works that could close this year. Mr. Leone said we do not know the dollar

amount for those projects as of yet. There was some discussion about the Clarence Pizza Company project. West Herr may be closing next week. Mr. Kempton added that this is not unusual. Last year there were some proposed projects in the pipeline. There was a motion by Scott Bylewski with a second by Clayt Ertel to accept the Treasurer's Report through July 21, 2011.

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

Correspondence. (CR)

Cindi Rosel reminded the Board members that the correspondence on upcoming public hearings from the Amherst IDA and the Hamburg IDA were e-mailed previously. There was also a thank you letter from Ginger Lindner for the donation made to the Clarence American Legion Post No. 838 e-mailed.

Paul Leone spoke about the one public hearing at the Amherst IDA on adaptive reuse. There is some controversy regarding changing the policy regarding adaptive reuse polices. He is just mentioning this because there are some issues with the adaptive reuse policy with the ECIDA.

Mr. Buettner brought in an article from the July 20th Buffalo News. The article addressed industrial development agencies. He was concerned about some of the content. There was brief discussion regarding the article as being one sided. Mr. Ertel added that Industrial Development Agencies should really be called Business Development Agencies.

Mr. Hartzell introduced Laura Wade. A public hearing will be held at the August meeting on this proposed project. Ms. Wade is a veterinarian who will be opening a practice at 10882 Main Street. The application was submitted and was e-mailed to all the Board members for review for the public hearing. The business is primarily devoted to birds and exotic pets, which means non-cat and dog pets, but rabbits, birds, and snakes and other exotic pets. She subleases the location they are in now and have pretty much maxed out the space available there. They need more examining rooms to serve their clients more effectively. They have two full time and three part time staff members and just hired two more part time employees. The building they are looking at would be an adaptive re-use project. They do have approval for more parking from the Planning Board. She will be here on Thursday, August 18, 2011 for the public hearing.

Paul Leone spoke regarding some new projects that may be coming up. The owner/operator of the WNY School of Bartending, located on Main Street, has contacted Paul regarding the possibility of sales tax benefits. Schools do fit in the policy. It was agreed that Paul would meet with him to discuss the project.

Paul asked about the Clarence Properties proposed project on Goodrich Road. Mr. Bengart said that the project is on hold for right now.

Mr. Leone received a letter from Steve Keiffer requesting an extension for the Rockledge Professional Park project located at 8175 Sheridan Drive. The project was approved in 2008.

Mr. Ertel added that he believes the applicant had to put the project on hold because of the economy. Mr. Leone wanted to know if they had to submit a new application and start the process over. Mr. Neill asked if anything has changed. If nothing has changed, the extension could be approved. They now have the financing to go forward. Mr. Neill said the Board should make a motion to approve an extension for six months. The Board has granted other projects six month extensions before in similar situations. Mr. Kempton moved to approve an extension for the 8175 Sheridan Drive project for six months with a second by David Schuster. On the question, for the record Mr. Kempton knows the applicant but he does not have business dealings with him. There was nothing further on the question.

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

Mr. Schuster met with some of the Clarence Chamber Board members after the mixer on Tuesday night and mentioned the CIDA giving a presentation at the October 13, 2011 Chamber mixer to be held at Auction Direct. Mr. Bengart asked how many people have been attending the mixers. There were about 25-30 attending. Mr. Hartzell said that there have been 40-50 people attending in the past. Attendance picks up in the fall. Mr. Leone and Mr. Schuster will do the presentation at 6:00 p.m. The CIDA members are encouraged to attend.

Paul Leone wanted to know if there was any site with 70,000 to 80,000 sq. ft. space for light manufacturing. Mr. Ertel said that the Frey's furniture site. Mr. Hartzell asked if that was on the website. Cindi Rosel reported that Bob Geiger did update the list. Mr. Festaiuti brought in some of the pictures. He will bring in the rest of the pictures and the website will be updated.

Minutes: June 16, 2011 Meeting. (DH)

Mr. Hartzell asked Mr. Bylewski if he was ready to discuss the questions he had on the minutes. On page two the spelling of Claw Harbor should be "Clough" and he was not sure about the spelling of Harbor. He also spoke about having Jeff Feinen in to discuss the third part of the branding initiative. He would like to make sure that Jeff Feinen is put on the August agenda. Ms. Rosel reminded the Board that Joe Floss will have to be put on the Agenda to discuss the insurance coverage. It was decided that Joe Floss would be on the September agenda. The Budget will be voted on at the September meeting. There was a motion by Chris Kempton with a second by Scott Bylewski to approve the June 16, 2011 minutes as corrected. There was nothing further on the question.

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

Since Jeff Feinen's name came up, Mr. Hartzell wanted to talk about a protest he received from Jeff Feinen regarding Mr. Hartzell's Conservative Party endorsement and petition. He wanted to get the Board's thoughts about it since Mr. Hartzell and Mr. Bylewski are running for Town Supervisor. He wanted to know what the Board should do about this since Mr. Feinen put in the RFP for the marketing. Mr. Hartzell said he called Mr. Ertel to ask him what we should do with this. He said obviously we do not want politics in the IDA but it's been inserted into the IDA.

He circulated it around to the Board. Mr. Bengart said that he honestly does not see that this has any place for discussion today at this meeting. It would be between Mr. Hartzell and Mr. Bylewski. Mr. Ertel explained Mr. Hartzell's concern was that he thought that this could be construed that voting by either gentleman on Mr. Feinen's proposal for the marketing contract for the CIDA could be partisan in some way with Jeff's bringing a petition. It is the impropriety. He thinks that the Ethics Committee should make the determination on what the CIDA should do in a case like this.

Ms. Powell and Mr. Bengart said they understand the issue but do not think that this has anything to do with the CIDA and how it relates to this Board. Mr. Kempton does not know what the issue is. What's Jeff's issue? Mr. Hartzell said that the issue is Jeff protested his Conservative Petition. There was further discussion regarding the objection to Mr. Feinen appearing before the CIDA on the proposal and the Board voting on his proposal. There was discussion regarding the protest petition process. There was also discussion regarding recusal by either Mr. Hartzell or Mr. Bylewski.

Mr. Bengart said that his advice would be that the Board has to govern itself accordingly as to this issue. They have to decide if they should be voting on any issue that comes before them and if there are any issues concerning their vote and whether or not to recuse. If there is a question then the Board member should recuse. Mr. Neill agrees with Mr. Bengart. Mr. Neill does not see what this has to do exactly with the Board that would have any impact on that. Mr. Kempton asked what Mr. Feinen is challenging. Mr. Neill said that a petition has to conform to certain legal requirements and a protest challenging a petition would be that the petition does not conform.

Mr. Hartzell said Mr. Feinen is coming before the CIDA on two different matters...you know what was Jeff's promise...what is between Scott and Jeff. Jeff's done work before for the Town of Clarence. Now he wants to do business with the CIDA. We are also voting on another matter. He is heavily involved with the Town and with Scott. It also begs a larger question on Jeff's part, knowing that he does business with the town and knowing he's before the IDA, to sign a petition, I think, shows just absolute terrible judgment to insert himself into this...this ah...political morass, into the IDA, you know, three months before the election time knowing that there's going to be some sort of backlash. I can't believe he did it. *Mr. Bylewski responded by saying "...Wait, but, knowing that there's going to be some sort of backlash?" Mr. Hartzell answered "Absolutely."* *Mr. Bylewski replied "... Well, I'll just let it sit at that."* Mr. Hartzell said okay.

Mr. Kempton added ...so it's not an issue. 4554 Mr. Ertel wanted to know who should decide about recusing; Ethics Board or the Board member.

Mr. Hartzell would like a second opinion and would like to take this to the Ethics Board and let them decide. Mr. Bengart said the Mr. Hartzell certainly has the right to ask the question of the Ethics Board. Mr. Bylewski added that there is a process and Mr. Hartzell has the right to submit a letter to the Ethics Board for an opinion concerning his issues with Mr. Feinen. He suggested that Mr. Hartzell look at the Ethics Code and the Policy Manual and submit a letter to the Ethics Board accordingly. Mr. Hartzell thought that an easy solution would be for Mr.

Feinen to take himself out of consideration for the Marketing proposal. Mr. Bengart asked what Mr. Hartzell wanted to take to the Ethics Board. Mr. Hartzell wanted to know what Mr. Bylewski thought.

It was decided not to discuss this any further and move on with the agenda.

RFP. (MP)

Ms. Powell passed out the draft RFP for the Marketing proposals. She wanted everyone to look at and discuss what needs to be added or left out. The draft was reviewed paragraph by paragraph. It was reviewed Mr. Kempton thought we should eliminate the word “industrial” in the mission statement third sentence. There was discussion regarding when the Board would want to do this. There were some suggested changes regarding terms of the contract and the minimum requirements. Mr. Kempton wanted thought that it should be conveyed that the CIDA should get two quotes, one to create the marketing plan and also to create and implement the plan. The Board wants to have the quote to create and implement the marketing plan. Ms. Powell would field the questions. It was decided that Ms. Powell would coordinate with Cindi Rosel. The Board members would e-mail their suggestions to Ms. Rosel. The RFP will be posted on the website. There was discussion about budgeting for this. It was suggested about putting the RFP in the Bee. It will be sent to the four agencies that gave presentations.

The Strategic Plan discussion will be held at the next meeting.

Chairman Hartzell made a friendly motion to adjourn the meeting at 9:20 a.m.

Next meeting is on August 18, 2011.