

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

**MINUTES**

August 18, 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.

**Public Hearing. 10882 Main Street Project – Laura Wade Applicant**

Mr. Hartzell called the public hearing to order at 8:00 a.m. and Mr. Leone introduced the applicant Laura Wade. Ms. Wade explained that she is a veterinarian with a practice in Lancaster. The business will be moving to Clarence and they are building a clinic. They focus on birds and exotics.

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.

Mr. Leone explained that the project is located at 10882 Main Street in the Town of Clarence. The applicants, Laura Wade and Eric Chenevert, are requesting an amount not to exceed \$435,254 to renovate an existing 1,200+/- square foot building, to construct an addition and second story and for the acquisition and installation of machinery, equipment, furnishings and fixtures required in connection with a veterinary clinic with boarding area providing specialized care for avian (birds) and exotic pets. Benefits will include a Pilot, Sales Tax, and Mortgage Recording Tax Abatement. The hearing was opened to questions. Mr. Bylewski asked Dr. Wade if the benefits are not approved, what would happen to the project. Dr. Wade answered that they would still try to go forward and try to secure a bank loan where the funding would come from. Cash flow would be tight. Mr. Bylewski asked if it would be fair to say it would be very tough, if not improbable, to go forward without the CIDA benefits. Dr. Wade answered that it would. They decided to move to Clarence because they live in Clarence. The area was a very good place to build. Mr. Bylewski also asked how they heard about the CIDA. Dr. Wade said they heard about it from the bankers and at the business meeting in June. They also talked to

Paul Leone. Mr. Ertel asked what bank they are working with. Dr. Wade replied that they talked to a few banks and are leaning toward the Bank of Akron. Mr. Bylewski asked if there was any other outreach by the CIDA. She did hear about it at UB but did not understand it at the time. It may have stuck in the back of her mind. It was a series of things including the initial meeting at Asa Ransom House, the subsequent meetings with Mr. Leone and Mr. Hartzell, and the phone conversations with Mr. Leone. Mr. Hartzell thanked Dr. Wade for coming and wished her good luck with the business. She was invited to remain for the rest of the meeting if she would like. Mr. Bylewski made a motion to close the public hearing with a second by David Schuster.

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

### **Minutes. July 21, 2011 (DH)**

Mr. Hartzell asked if everyone had a chance to review the minutes of the July meeting. Mr. Bylewski had a question on the minutes. He said that he did read them but wanted to sit with it a little bit longer. He said that the Board can go ahead and act on approving them today. Mr. Bylewski said he would not be ready to vote on them today. Mr. Hartzell asked if they can be approved at the next meeting. Mr. Bengart said it is up to the Board. Mr. Hartzell said that it will wait till the next meeting for approval.

### **Treasurer's Report.**

Chris Kempton passed out the Treasurer's Report as of August 18, 2011. Mr. Kempton went over the balance sheet and profit and loss statement. He reported on the balances in the accounts. Revenues were \$41,897.94 expenses were \$51,497.99. The details were also available with the packet. There were no major expenses. Mr. Kempton asked if there were any questions on the financial statements.

Mr. Kempton also said that the 2012 budget must be approved by next month. The preliminary Budget for 2012 was passed out at the last meeting.

Mary Powell had a question about the financials. There were three projects that revenues were received on and only two were identified. Pam Smith said the one not identified was for MCI Ventures. She will identify that on the financials. Cindi Rosel added it was the Milherst Construction project.

Mr. Hartzell asked that the Treasurer's report be approved before proceeding. There was a motion by David Schuster with a second by Mary Powell to approve the Treasurer's Report as of August 18, 2011. There was nothing on the question.

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

Mr. Kempton continued his report regarding the proposed budget for 2012. The budget was passed out to the members at the July meeting where Mr. Kempton asked the members to review and e-mail any comments to him. He did not receive any from anyone. He passed out another copy of the Budget and asked if everyone would look at the proposed budget again. Mr. Kempton noted that there was a \$10,000 increase in the advertising line as discussed at the last meeting. Mr. Schuster had a question regarding the Community Relations line being at 0. Ms. Smith said that it is shown at the bottom section of the Budget under Appropriated Fund Balance. Mr. Buettner had a question about the current Community Relations expenses. He questioned how those funds are disbursed. The funds were disbursed to the applicant after approval by the Board. He was not quite sure what they were for. Mr. Ertel added that the request was for the relocation, the move, and for furnishings and office equipment. Mr. Buettner suggested that there should be a commitment and then disburse the funds when they are ready to be used. He did not recall the Chamber relocating. Mary Powell suggested maybe a voucher be used. Mr. Kempton added that the Chamber reported back to the Board when they received the funds before. That is a stipulation when the funds are disbursed. Mr. Ertel said that they did have a possible sight, but that fell through. Mr. Bengart explained that there is a Donation Policy that was adopted by the Board that explains the process for requesting funds. It is part of the CIDA policy manual. Mr. Kempton added that the budget amount for donations is a certain percentage of the Capital Fund. There was further discussion regarding where to put this line item. It was decided that donations would be added to the community relations line. Mr. Bylewski asked if everyone was okay with the numbers on the Budget. Mr. Hartzell was okay with the Budget numbers. It was suggested that the line item should be Community Relations/Donations. Mr. Buettner said it was not in the budget in 2008, 2009 and 2010. Mr. Bengart said it started in 2009. Ms. Smith said it was in the 2009 and 2010 Budget. Mr. Bylewski added that it was budgeted for in 2011. There was a motion by David Schuster to approve the budget as is with a second by Clay Ertel. On the question, Mr. Bengart, added although the motions is “as is”, he assumes that the Board is not having any problems with changing the wording in the line item as discussed as part of the “as is”. Mr. Buettner added as long as the totals stay the same. Mr. Kempton said that’s right. The Board agreed. There was nothing further on the question.

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

### **Correspondence. (CR)**

Cindi Rosel reported that she e-mailed the notices of public hearings from the Towns of Amherst.

### **New Business:**

#### **10882 Main Street Project – Laura Wade**

Mr. Leone presented the 10882 Main Street Project to the Board for their approval. The applicants, Laura Wade and Eric Chenevert, are requesting an amount not to exceed \$435,254 to renovate an existing 1,200+/- square foot building, to construct an addition and second story and

for the acquisition and installation of machinery, equipment, furnishings and fixtures required in connection with a veterinary clinic with boarding area providing specialized care for avian and exotic pets. Benefits will include a Pilot, Sales Tax, and Mortgage Recording Tax Abatement. This was the subject of the Public Hearing held earlier in the meeting. Mr. Leone deferred to Mr. Neill about the length of the Pilot for this project. Mr. Neill said the 7 year pilot would be more advantageous and it is up to the Board as to what pilot they want to approve. Mr. Buettner asked who was given the 7 year Pilot before. Mr. Neill answered that that is the normal pilot. Mr. Leone recommended the 7 year Pilot. Ms. Powell asked if there were more fees associated with 7 year Pilot. Mr. Neill answered no; there was no difference in the fees involved, the benefit is better. This building is going to be like a new building. Mr. Bylewski said it was going to double in size. Mr. Leone recommended the 7 Year Pilot and asked for approval. There was a motion by Chris Kempton to approve the 10882 Main Street Project as written with a second by Scot Bylewski. There was nothing further on the question.

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

Ms. Wade thanked the Board for their time and approval.

Mr. Leone did not have an application yet but wanted to know if anyone knew about the 8040 Roll Road, Senior Housing Project going before the Town Board on August 24<sup>th</sup>: Mr. Bengart said that he believes it is another one of Clover's projects. Mr. Leone answered that it was. Mr. Leone asked if it was the old Wegman's property and Mr. Bengart said it was. The Planning Board has looked at the project up and down and believes it is an appropriate use of the property. It is pretty typical of the type of project that Clover does. He has personal experience with one of the facilities. They are nice units that are clean in modern looking buildings. Mr. Kempton asked if it was on Roll Road and Transit. Mr. Bengart said that it is actually on Transit Road where they were going to put the Wegman's. Mr. Bengart asked if Mr. Bylewski had anything to add. He mentioned that the Master Plan public hearing are coming up. It has the potential to go further to Roll and Transit. The big thing is the change in Zoning for additional restricted business. Overall it could go out to Roll. The address could have been from the original parcel listed as Roll Road.

The other project that Mr. Leone has been working on is the WNY School of Bartending at 8180 Main Street. He said he will be meeting with them very shortly. It was agreed by the Board that this was an eligible project as a school.

### **Niagara County Opportunity Zone Program.**

Mr. Hartzell will bring this up for discussion at the next meeting a there is not enough time to discuss today.

### **Request for Proposal for Marketing and Consulting.**

Mary Powell discussed the form of RFP with the members. Mr. Bengart made some changes. The date for return of the RFP would be September 20, 2011. Mr. Hartzell though we should push of to October. It was decided that two weeks to respond should be a decent amount of time. The RFP's would be sent to directly to the individuals that the CIDA Board wanted to bid on it. Ads will also be put in the Bee and Business First and it will be online on the website. The ads will refer to the website for the complete RFP

details. Mr. Hartzell did contact several agencies and found that the project was too small for the larger firms. The agencies that were interested did come in to give presentations. There was discussion regarding how to handle any questions from respondents. Mr. Bengart added that the County and the Town are working together on updating the appearance of the website. Mr. Ertel added that a decision should be made to and move to wrap this part of the discussion up as to where to place the ads. Mr. Hartzell agreed with Mr. Bylewski that Business First is a good place to place an ad. Mr. Ertel added that the it can be a smaller ad that includes referring to the website to get the entire RFP. He made a motion to wrap this part of the discussion. There was further discussion regarding how to handle any questions. Mr. Kempton answered questions should be submitted via e-mail and delegate a smaller committee of two to look at them to give answers. Mr. Buettner questioned if they really want a three year contract. Mr. Hartzell answered yes. Mr. Ertel added that you really want a long term program to do marketing. It can be reviewed yearly. Mr. Buettner had a question on the term of the contract. He asked if they really want a three year contract. What happens if after evaluating, the CIDA decides that they don't want to continue with the agency. Thought it should be clearer. Mr. Bengart changed the language to read subject to annual review and renewal. It was decided that the papers would be contacted to find out where the ads would be placed in the classifieds. The e-mails with questions will go to [croesel@clarence.ny.us](mailto:croesel@clarence.ny.us). It was decided to reschedule the meeting to September 22, 2011 and that the responses be received no later than September 20, 2011. It was also decided that the proposals would be reviewed by the committee and they can make a recommendation. Mr. Hartzell would like them to come in to speak with them in person before the Board. Mr. Buettner will also be a part of the committee. There was continued education about URL and getting to the CIDA website. Some previous ads would be put on the website. Mr. Hartzell will get the mailers to Cindi to scan also. There were further suggestions on changes to the wording of the RFP. The RFP will also include language "...The proposal must also provide quotations that include both individual and package pricing". There was nothing further. Mr. Hartzell thanked Mary Powell for all the work she has done on this.

Mr. Hartzell had to leave the meeting and turned it over to Clayt Ertel

Mr. Leone wanted to confirm that the meeting is not September 22, 2011. It was confirmed.

### **Strategic Planning**

Mr. Ertel asked Chris Kempton where the discussion left off at the last meeting. Mr. Kempton said that the focus was going to be looking at and targeting a particular project to use funds for. Supporting Some sort of a project to build sewers and buying land to create shovel ready property have been discussed at previous meetings. Mr. Ertel thought that the problem with talking about buying land and developing, we could be way off in left field for what we should be doing. He thought that the CIDA could be much more effective in other ways. Mr. Kempton asked if IDA's purchasing land has been done before. Mr. Leone said that Lancaster has done that. They have not done anything with it yet. Mr. Ertel said purchasing land would be tying up the funds. There are not any large parcels with sewers available. Ms. Powell asked about the LDC (Local Development Corporation). This has been put on hold because the need was not there anymore. There would be franchise fees that would have to be paid. It would only take ten days to process. Most of the work has been done already. The project that it was going to be used for fell through. Someone had inquired from Ms. Powell about a particular project. Mr. Bylewski said he understood that was not for IDA funding. Further discussion included using the funds for low interest loans, make donations towards the cost of a projects that have been discussed before at previous meeting and recorded in the minutes. Mr. Ertel said that the Strategic Plan could say the CIDA has been looking at these types of projects that funds would be allocated for but there have not been any request for these types of projects. Mr. Bylewski added that the strategic plan does not identify any specific areas but it does state "...commit investment in infrastructure to promote business development". The

particular pieces of infrastructure that were talked about are sewer, water, utility and roads. Mr. Kempton added that it is already in the strategic plan. Mr. Ertel wanted to know if it would be appropriate to add some specifics on top of that. Mr. Bengart said it would be appropriate as long as it does not commit to anything particular. Mr. Buettner wanted to know why this money cannot be used to offset the tax base. He would like it in the minutes that he has asked this question at least three times in the last five years. It has never been answered to his satisfaction. He has been told that it could not be used for that purpose. He thought it should be explored. Mr. Ertel said that the purpose of the CIDA is to fund businesses in the community. There was further discussion on targeting a particular area and put it in the plan. Mary Powell would like the Board to agree to have Jim Callahan come in to present to the Board the available land and what the difficulties, the barriers are to development concerning these properties. Mr. Buettner had to leave the meeting. Mr. Kempton added that different options have been looked at for ways to use the funds...create shovel ready property, which he does not think that is going to be done, but it is an option; make loans; support infrastructure projects with grants; these are the tools. Mr. Leone thought the existing businesses could be helped with training grants. There are not any shovel ready projects. Mr. Kempton asked how we can create shovel ready projects. Mr. Ertel said they need to focus on a particular area. Mr. Leone went back to offering grants for training as job creation. It could be a match program. They will discuss this further particular topic at the next meeting. Mr. Bylewski said that it was suggested that Jim Callahan be at the next meeting. Ms. Powell reminded the Board that they will be discussing the RFP's at the next meeting. It was decided that Mr. Callahan come in at the October meeting.

Mr. Ertel asked for a motion to adjourn. Motion made by Mr. Kempton with a second by Mr. Schuster to adjourn the meeting.

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

Meeting adjourned at 9:25 a.m.

Next Meeting has been rescheduled to September 22, 2011.