

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

**MINUTES**

**January 21, 2010**

**Organizational Meeting**

Present: David C. Hartzell Paul Leone  
Clayt Ertel Steven B. Bengart  
Christopher Kempton Nathan Neill  
Mary Powell Pamela Smith  
Michael Buettner Cynthia Rosel  
Scott Bylewski  
David Schuster

Guests: Robert Geiger

Mr. Hartzell called the meeting to order at 8:06 a.m.

Mr. Hartzell began with thanking Scott Bylewski and the Town Board for appointing him and the rest of the member to the CIDA for 2010. Mr. Hartzell added that he thinks that the appointees are a good board that have accomplished a great deal together. He welcomed the new member David Schuster.

Mr. Hartzell asked Cindi Rosel to take the roll call. Present were David Schuster, Scott Bylewski, Michael Buettner, Chris Kempton, Mary Powell, Clayt Ertel, and Chairman, David Hartzell. Also present were Nathan Neill, Steven Bengart, Paul Leone, Pam Smith, Cindi Rosel and Robert Geiger.

**CIDA discussion and election of Officers for 2010:**

There was brief discussion regarding nominations for the officers of the CIDA. Mr. Ertel asked Mr. Hartzell if he would like to re-assume the position as Chairman. Mr. Hartzell said that enjoys Chairing the CIDA and added that maybe someone else should be appointed Chairman. Mr. Buettner added that Mr. Hartzell has done a good job serving as Chairman for the last couple of years. The continuity, knowledge and experience Mr. Hartzell brings to the table is beneficial to the organization and he nominated Mr. Hartzell as Chairman. Mr. Hartzell thanked Mr. Buettner and added that he would be glad to serve as Chairman for 2010. Motion by Michael Buettner to nominate David Hartzell as CIDA Chairman for 2010 with a second by Clayt Ertel. There was nothing on the question. Election results:

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

Clayt Ertel was nominated to the position of Vice Chairman. Mr. Ertel enjoys the position and would be happy to serve. Motion by Chairman Hartzell to nominate Clayt Ertel as Vice Chairman of the CIDA for 2010 with a second by Mary Powell. There was nothing on the question. Election results:

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

Mr. Kempton was nominated as Treasurer for 2010. Mr. Kempton enjoys being CIDA Treasurer and would be happy to serve as Treasurer for 2010. There was a motion by Chairman Hartzell with a second by Scott Bylewski to nominate Chris Kempton as CIDA Treasurer for 2010. There was nothing on the question. Election results were:

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

Mary Powell was nominated to the position of Secretary. Ms. Powell added that she would be happy to serve as CIDA Secretary for 2010. Motion by Chairman Hartzell with a second by Scott Bylewski to nominate Mary Powell to the position of CIDA Secretary for 2010. There was nothing on the question. Election results:

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

Chairman thanked the newly elected officers and the appointed members of the CIDA for volunteering. It is appreciated.

Motion by Chairman Hartzell with a second by Clayt Ertel to enter into Executive Session pursuant to section 105[1] (f) of the Open Meetings Law – matters leading to the appointment and employment of particular persons.

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

Entered into Executive Session at 8:10 a.m.

Motion made by Scott Bylewski with a second by Chris Kempton to adjourn the Executive Session and resume the regular CIDA meeting at 8:25 a.m.

There was a motion made by Chairman Hartzell to appoint Steven Bengart as CIDA Counsel and Assistant Secretary; appoint Nathan Neill as CIDA Bond Counsel; Bob Geiger as CIDA Business Consultant; Drescher and Malecki as CIDA CPA; Paul Leone as CIDA CEO; Pam Smith as CIDA CFO and Cindi Rosel as CIDA secretary and Christine Fusco/Town of Clarence for Pilot Billings. Bob Geiger as website Real Estate co-coordinator for available commercial properties available in the Town of Clarence and Don Festaiuti as the photographer to take and provide the photographs for the Real Estate section of the CIDA website. Mr. Bylewski inquired that for Business Consultant, is that Paul Leone? Mr. Leone said that Mr. Hartzell said Bob Geiger. Mr. Hartzell corrected the motion that the Business Consultant is Paul Leone. Mr.

Bylewski seconded the slate with the correction that it is Paul Leone as Business Consultant. made by Mr. Hartzell relative to the appointment as the Business consultant. On the question, Mr. Bylewski wanted to put on the record that the CIDA needs to firm up the Audit Committee. Mr. Hartzell added, so noted. There was nothing further on the question.

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

Mr. Bylewski added that the rates of pay for the CEO, CFO, Secretary, Pilot Billings, Bob Geiger and Don Festaiuti shall be at the 2010 budgeted rate of pay. Mr. Geiger and Mr. Festaiuti will be paid quarterly.

### **Minutes of December 17, 2009 and January 15, 2010 Special Meeting.**

Mr. Hartzell asked if everyone had a chance to review the minutes of December 17, 2009 and the January 15, 2010 special meeting. Mr. Hartzell thanked everyone for attending the Special Meeting on a Friday evening. It was well attended. There was a motion made by Scott Bylewski with a second by Chairman Hartzell to approve the December 17, 2009 minutes. There was nothing on the question.

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

Everyone having the chance to review the minutes of the January 15, 2010 meeting, Mr. Bylewski moved to approve the minutes. There was a second by Clayt Ertel. There was nothing on the question.

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

Mr. Hartzell thanked everyone for making the special meeting. All the members were able to make the meeting.

### **Treasurer's Report**

Mr. Kempton had two statements for review. One closes the balances for the calendar year ending December 31, 2009. Mr. Kempton went over the balance sheet going over the current assets and expenses. He noted that the CD will mature in March and at that point he will begin to restructure these investable assets. The details were also included for both reports. The audit on the financial statements will begin on January 22, 2010. Mr. Hartzell said that there is a duplicate subscription listed for him. There should be only one. The 2009 budget page will be included with the report next month along with the 2010 budget page. Mr. Kempton continued with the January 2010 treasurer report. There have been no fees received for any projects for 2010 to date but there were expenses. Motion made by Scott Bylewski and a second by Mary Powell to approve the December 2009 and January 2010 Treasurer reports. There was nothing further on the question.

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

Paul Leone reported that January 23 at 8:00 a.m. is the Straight Talk 2010 Seminar at the Convention Center. Paul runs the “Show Me the Money” portion.

He has also been in touch with National Grid regarding the Energy Assistance Program for small businesses. He is going to try to have them come in to give a presentation to the CIDA to explain the program

Paul has also been communicating with the people who may be leasing the old Cool Town/Ohlson’s building on Goodrich Road for a Montessori School.

Mr. Leone also received a call from the Enlighten Company. They are looking for a location in Clarence. The company is looking for a 20 or 25 year pilot. Mr. Ertel has to recuse himself because he is working with the company. Mary Powell has to also recuse from any discussion regarding this company. Mr. Buettner said that we should consider. Mr. Bengart added that Paul Leone should let them know that we would take this under consideration with more information. Mr. Kempton added that as a Board we have programs in place for pilot and suggested that the company submit an application for consideration. Everyone was in agreement that they would not consider a special 25 year pilot and more information is needed before the CIDA Board can answer the company on any other special pilot term.

Mr. Leone received the proposal from Anastasia Trucking and Paving on the Lakeside Industrial Park for the infrastructure at \$477,400. Lakeside is willing to commit to 50%. They would like to know if the CIDA would consider a 50% grant or loan to assist them with the infrastructure. Mr. Ertel has to recuse himself on this discussion. There was discussion regarding different options before considering a grant or loan to this or any other applicant. The CIDA members agreed that this needs to be discussed in more detail and a special meeting was scheduled for Thursday, January 28, 2010, to continue the discussion and how it fits with the Strategic Plan. Mr. Bylewski suggested that Jim Callahan be invited and to bring the file on this particular project with him to the meeting. Everyone was in agreement.

Mr. Hartzell suggested that Mr. Leone e-mail the other members when he has a meeting with a potential applicant as some of the other members would like to attend. Mr. Ertel added that it would make more sense to let everyone know when there is a definite meeting and not for the initial, screening meetings. The members should keep in mind that if there is a quorum present at a meeting, the open meetings law requirements need to be followed and that would include notice the meetings. It was decided that Mr. Leone will let Cindi Rosel know when the actual meetings will take place and she will forward dates and times to the members. Mr. Hartzell will be made aware of all of the meetings.

Mr. Ertel had to leave the meeting.

Request for Funds –

There has been one request received from the Chamber of Commerce. It was suggested that there be something put on the website regarding the request for funds. There was discussion on

how they should put it on the website. It was decided that something should be put on the website that the CIDA will consider requests for funds.

Mr. Hartzell asked for a motion regarding the Business Consultant Agreement with Paul Leone for 2010. There was a motion by Scott Bylewski to approve the contract between the CIDA and Paul Leone as submitted by final revisions by the CIDA attorney. There was a second by Chairman Hartzell. There was nothing further on the question.

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

Mr. Leone reminded everyone that the Grand Opening of Doodle Bugs is on Friday, January 22 between 3-3:30 p.m. If you have not already done so, please RSVP.

Mr. Bylewski spoke to the Board about the Town branding effort and he shared some information to the CIDA. He presented a conceptual draft of a pocket folder that would have different information that would be inter-changeable. Mr. Bylewski is requesting to have this put on the agenda for the next meeting for the CIDA to consider, as part of the advertising, to participate in this project.

Nathan Neill addressed the Board regarding adopting the amended Fee Policy. This needs to be looked at annually. Mr. Neill said that it is basically the same. There was a motion by Chairman Hartzell to adopt the Amended Fee Policy as presented by Nathan Neill with a second by Chris Kempton. There was nothing further on the question.

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

Mary Powell had to leave the meeting.

### **Adaptive Re-Use Policy**

Mr. Leone spoke briefly regarding the City of Buffalo and the ECIDA and what they are doing regarding re-use of buildings, commercial with apartments. He suggested that the CIDA have an adaptive re-use policy and wanted to know if they would consider doing something like this. Mr. Hartzell suggested that Mr. Neill draft an Adaptive Re-Use Policy for consideration by the Board.

Mr. Hartzell will purchase a new updated mailing list.

Meeting adjourned at 9:29 a.m.

Respectfully submitted,  
Cynthia M. Rosel

Next meeting is on February 18, 2010

**Executive Session – January 21, 2010 - No action taken.**