

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

MINUTES

February 21, 2008

Present:	David C. Hartzell	Paul Leone
	Michael Buettner	Pam Smith
	Clayt Ertel	Nathan Neill, Esq.
	Scott Bylewski	Cynthia Rosel
	Mary Powell	

Absent: Christopher Kempton
Steven Bengart

Public Hearing: 8:00 a.m. – 8780 Sheridan Drive-Gold Seal Equity Partnership Project

A public hearing was held to consider a request by the applicant for financial assistance from the Agency on the 8780 Sheridan Drive-Gold Seal Equity Partnership Project. Paul Leone discussed project amount is in an amount not to exceed \$1,745,000 for the construction of a facility of approximately 12,000 sq ft. The public hearing was open to comment and/or questions. Jeff Palumbo, of Damon and Morey, introduced himself as counsel for the applicant and explained that the company would be relocating the facility to the Town of Clarence. This is a tenant situation and the applicant's lease has expired at its present location in the Town of Amherst. All of the employees would be moving into the Clarence location. Mr. Palumbo added that he or the applicant, who is present, would be happy to explain the project further or answer any questions that the Board may have. Mr. Bylewski asked if the project does not receive CIDA approval, would they still be looking to build in Clarence or would they be looking elsewhere. Mr. Palumbo said he cannot say for sure, but they may have to go back to the drawing board and look at other locations. The applicant has been looking for sometime to relocate and the Clarence location was the most appropriate. Mr. Leone asked if there were any more questions and if not, would the Board like to close the public hearing. Mr. Neill said that he spoke to Steven Bengart, CIDA counsel, who suggested that the public hearing be kept open until the next meeting on March 20. Mr. Palumbo said that the applicant would like to have a decision today, either way, due to time frame and the lease expiring. Mr. Hartzell suggested that the public hearing be closed and vote on the project today. Mr. Buettner made a motion to close the public hearing which was seconded by Ms. Powell Powell. Mr. Hartzell called for a vote. There was nothing on the question.

(Mr.Ertel will recuse himself from voting or taking part in the discussion in the public hearing on this project. There was a brief discussion regarding his recusal)

Vote: Ayes: Hartzell, Buettner, Bylewski, Powell Opposed: None. Recuse: Ertel
Absent: Kempton

Minutes

The meeting was called to order at 8:07 a.m. Mr. Hartzell asked if everyone had a chance to review the minutes of the last meeting and if there were any questions or comments. Mr. Bylewski answered that he reviewed the minutes and made a motion to approve the minutes of the January 24,

2008 meeting. There was a second by Ms. Powell. Mr. Hartzell called the vote. There was nothing on the question.

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

Treasurer's Report

Pam Smith gave the report in Chris Kempton's absence. The interest on the money market account has dropped to 2.3%. There were a few expenses. Mr. Hartzell asked if there were any questions on the Treasurer's report. There being none, a motion was made by Clayt Ertel with a second by Michael Buettner to approve the report as read. Mr. Hartzell called for a vote. There was nothing on the question.

Vote: Ayes: Hartzell, Ertel, Buettner, Powell, Bylewski. Opposed: None Absent: Kempton

New Business

Mr. Hartzell called on Mr. Leone for his report. Mr. Leone presented the 8480 Sheridan-Drive Gold Seal Equity Project. Nathan Neill handed out the SEQR resolution on the project. The site was reviewed by the Town and approved. The size of the building has been reduced. Mr. Leone asked for the Board's approval of the SEQR resolution. A motion was made by Scott Bylewski to approve the resolution Negative Declaration resolution as written with a second by Ms. Powell Powell. Chairman Hartzell added that we have a motion and second and called for a vote. There was nothing on the question.

Vote: Ayes: Hartzell, Buettner, Powell, Bylewski. Opposed: None
Recuse: Ertel Absent: Kempton

The inducement resolution on the 8780 Sheridan Drive-Gold Seal Equity Partnership project was presented to the Board. Mr. Leone explained the project to the members. Mr. Neill handed out the resolution. Discussion followed regarding job creation and the type of business that would be going into the building. This resolution is for the building only. There was further discussion on the impact this would have on the area. There being nothing further, Mr. Bylewski made a motion to approve the resolution as written to provide for the incentive for the 8780 Sheridan Drive – Gold Seal Equity Partnership Project with a second by Ms. Powell Powell. On the question, Ms. Powell asked if the Board was considering sales tax. Mr. Neill said that this resolution includes the sales tax for the building. Ms. Powell was inquiring about the sales tax for tenant. Mr. Neill said. This is not on the tenant. Mr. Hartzell noted that we have a motion and a second and called for a vote.

Vote: Ayes: Powell, Bylewski. Opposed: Hartzell, Buettner
Recuse: Ertel Absent: Kempton. Motion failed.

Mr. Palumbo asked if there were any reasons for the denial. Mr. Hartzell answered no, not at this time.

Mr. Leone requested approval for a public hearing set for the 9505 Main Street-Hi-Low LLC Project for April 17, 2008. This is the old Colby building, Mr. Bylewski asked if a SEQR determination has been made on this project. Mr. Neill answered that it would a Type II action. It is the renovation of the existing building. The Board can make their own Type II. Mr. Bylewski just wanted to make

sure the SEQR was done if it was necessary to do so. Mr. Hartzell asked if there were any more comments or questions on this project. There being none the public hearing was set.

The public hearing for the 8175 Sheridan Drive-Rockledge Professional Park Project has been set for March 20, 2008. The sales tax only resolution for the Lakeside constructions project was passed at the last meeting.

The next project was for a one year extension 8755 Sheridan Drive-Sheridan Real Estate Project. Powell left the meeting. They have asked for a one year extension on the project. Nathan Neill advised that it would be best to do a six-month extension at this time and if they need another six months that could be asked for at a later date. There is a fee involved for each extension. Mr. Bylewski moved to approve a six month extension to the applicant contingent upon the payment of the appropriate fees. Mr. Leone has forwarded the fee agreement to the applicant. There was a second by Mr. Ertel. There was nothing on the question. Mr. Hartzell called the vote.

(Ms. Powell Powell is recusing from taking part in any discussion or voting on this project and left the room)

Ayes: Hartzell, Buettner, Bylewski, Ertel. Opposed: None Recuse: Powell
Absent: Kempton. Motion carried.

Ms. Powell re-joined the meeting.

There was some discussion regarding Lynn Marinelli's correspondence regarding merging IDA's. Mr. Leone also discussed the meeting with the Leadership Council. They are asking for volunteers to serve on two new committees. One is to review the Eligibility Requirements, Determine Final Categories and Weighing System on the Multi-Tier Incentive Structure, who qualifies for IDA benefits and the other is to Review the Three-tier Pilot. Mr. Leone and Ms. Powell have signed on to the first committee. If anyone is interested they should contact John Cappelino. There was discussion regarding the pilot structure and the graduated structure we have in place now. Mr. Bylewski said he met with County Executive Collins, Paul Leone, Jim Callahan, Steve Bengart, and four or five representatives from the County relative to the Framework. They also discussed the Buffalo Filter Project and getting sewers to the Harris Hill area and regional implications.

Policies and Procedures

It was decided that everyone look at the manual and we will continue reviewing the sections that we have not adopted. The By-Law will be looked at next week. Mr. Hartzell suggested that the By-Laws be looked at by Steve Bengart for changes. The CIDA will continue to look at one section of the policy manual at a time.

Scott reminded the CIDA Board that the salaries for the CEO, CFO and secretary need to be approved for 2008. This will be done at the March meeting.

Ms. Powell reported that we have not received any new resumes or applications for the EDO position. The committee did interview one applicant from the Town of Clarence. The Committee suggested placing another ad for EDO. Ms. Powell will e-mail the interview committee relative to this applicant. Secondly, Ms. Powell reported on the draft of the Strategic Plan. Ms. Powell will meet with him at her office on March 6 to go over some loose ends.

There was no further business.

Motion made by Mr. Hartzell to adjourn the meeting at 9:21 a.m.

The next meeting will be held on March 20, 2008.