

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

**MEETING MINUTES
OF
MARCH 20, 2008**

| | | |
|----------|---------------------|--------------------|
| Present: | David C. Hartzell | Paul Leone |
| | Michael Buettner | Pam Smith |
| | Clayt Ertel | Nathan Neill, Esq. |
| | Scott Bylewski | Steven Bengart |
| | Christopher Kempton | |
| | Jack Willert | |
| | Wayne Drescher, CPA | |

| | | | |
|---------|-------------|---------|--------------------------------|
| Absent: | Mary Powell | Guests: | Joseph Floss. Tanya Hollederer |
|---------|-------------|---------|--------------------------------|

8:00 a.m. - Public Hearing – Rockledge Professional Park LLC Project

A Public Hearing was held to consider financial assistance requested of the Agency on the proposed Rockledge Professional Park LLC Project which is located at 8175 Sheridan Drive in the Clarence Central School District. Paul Leone reported that the company is involved in commercial property development and management. The project amount is \$500,000 for the land and the construction of a 2200+/- square foot incubator building. The public hearing was opened to questions. Mr. Ertel asked who the principles are. Mr. Leone answered that it is Steve Keiffer. Mr. Buettner asked if the CIDA did a project for them before. Mr. Leone said that they did not to the best of his knowledge. Mr. Bylewski asked what would happen if the project did not go forward...what would the applicant end up doing? Mr. Leone said the company would probably not go forward with the project. There were no further questions or discussion on the project. Nathan Neill explained that the SEQR has not been completed by the Town of Clarence as of this date and therefore, there can be no action taken on the project today.

Motion was made by Scott Bylewski to close the public hearing with a second made by Clay Ertel. There was nothing on the question. Chairman Hartzell called the vote.

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

Introduction of new CIDA Board Member.

Mr. Hartzell introduced and welcomed the newly appointed member of the CIDA, Jack Willert. Mr. Willert gave a brief synopsis of his business experience and background. Mr. Willert added that he was pleased to learn that he had been appointed is eager to serve on the CIDA.

Mr. Hartzell called the meeting to order at 8:30 a.m.

Insurance Discussion – Joseph Floss, President – Floss Agency, Inc.

Mr. Hartzell welcomed Joseph Floss, President of the Floss Agency, Inc. to the meeting. Mr. Floss handed out an insurance summary of the current CIDA coverage. Tanya Holleder, an underwriter from Russell Bond, who specializes in D/O, Privacy and Security related insurance, accompanied Mr. Floss. Mr. Floss reviewed the policies in the summary and there was discussion of the different types of coverage that would be available and may be necessary as additional coverage for the CIDA. Mr. Floss will obtain quotes on the additional coverage discussed and get back to the Board. Mr. Hartzell thanked Mr. Floss for his presentation and for coming.

Minutes

February 21, 2008

Mr. Hartzell asked if everyone had a chance to review the minutes of the February 21, 2008. There were no comments. Motion made by Scott Bylewski and seconded by Clayt Ertel to approve the minutes.

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

Special Meeting on March 7, 2008

Approval of the minutes from the special meeting held on March 7, 2008 was tabled until the next meeting.

Treasurer's Report

The treasurer's report was given by Chris Kempton. There was a brief discussion on the projects will be closing this year. Mr. Leone added that there are some fees outstanding that have not been paid and Paul Leone will contact the applicant regarding payment. Ms. Smith asked if there are plans to do the same amount of full page ads run this year. Mr. Hartzell answered that there may be an ad in June. There was no further discussion. Mr. Hartzell called for a motion. Motion by Clayt Ertel and seconded by Michael Buettner to approve the Treasurer's Report..

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

New Business

Paul Leone reported that he received an e-mail from the ECIDA regarding the working committee assignments. Mary Powell, Nathan Neill and Paul are on that committee. There are still opening and they looking for volunteers for the committees. Clayt Ertel asked how often the meetings will be held. Paul will find out. Mr. Leone gave an update on the Buffalo Filter Project.

The Board moved to enter into executive session under attorney client privilege at 8.45 a.m. meeting. At 8:58 a.m., the regular meeting resumed.

Paul Leone continued with some announcements. The SBA Business Matchmaker Award Luncheon is on May 14, 2008. The CIDA had a table last year. David Hartzell asked if the board wanted to get a table this year. Tables of ten are \$400. It will be discussed at the next meeting.

Paul has had received requests for sales tax exemption extensions from two companies. Seal and Design is asking for a six month extension on their sales tax exemption. The company has some major projects that will be coming up on the next few months and they are asking for an extension. Natale Builders is also asking for 6 month extension as they have interior renovations that still need to be done to the building.

Motion made by Christopher Kempton to approve a six month extension on the sales tax exemption to Seal and Design and Natale Builders and it was seconded by Scott Bylewski. On the question, there was some discussion on the Natale project. There has been a delay due to Mr. Natale acquiring tenants for the property. Mr. Natale has been working with some potential tenants and hopes to lease the space soon.

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

Mr. Hartzell asked if there was any other new business. Mr. Buettner proposed that the CIDA consider a donation or allocation in the amount of \$20,000/25,000 for the renovations to the Town Park Clubhouse. The town is celebrating its 200th Anniversary and this is one of the projects. Mr. Buettner will have more details for the next meeting. Hartzell agreed that we discuss and perhaps vote on this at the next meeting pending the additional information.

Mr. Bylewski spoke about the Town Board pursuing the historical character of the Town by encouraging commercial business when they come into the Town to continue on with the theme of erected stone walls at the entrances of the businesses. Mr. Bylewski asked that the CIDA keep that in mind as a suggestion for possible further improvements to the applicants. Mr. Hartzell also asked about the stonewall project for the Arboretum. There was further discussion and Mr. Hartzell suggested that we continue with this discussion at the next meeting and the possibility of the CIDA contributing to that project.

Wayne Drescher, CPA, Independent Auditor

Chairman Hartzell welcomed Wayne Drescher, CPA, who presented the Board with draft copies of the Annual Financial Report for 2007/2006 for the CIDA. Mr. Drescher reviewed the draft and briefly spoke on the new reporting requirements of PARIS (Public Authorities Reporting Information System) that have been put into effect. The Report will be put into PDF form so that it can be put on the CIDA website in compliance with PARIS. All of the reporting has to be done by the 30th of March. Mr. Drescher also went over some of the policies that are required must be posted on the website. There was continued discussion and Mr. Drescher said that there does need to be prior approval by the CIDA to accept the report before he can submit it to the State Comptroller. The report was accepted by the Board and Mr. Drescher can go forward with his final review and finalize the documents.

Old Business.

A. Policy Manual By-Laws.

The Board continued with its review of the procedures and policies manual. Nathan Neill went over the proposed changes in Article II, sections 1, 5 and 8 and in Article IV section 6 of the CIDA By-Laws. There was some discussion and the Board agreed with the amendments. The members will vote to adopt the amended By-Laws at the April meeting pursuant to the 30 day review requirement in the By-Laws.

B. Salaries

The Board went into executive session pursuant to section 105(2) of the Open Meetings Law at 9:30 a.m.

Regular session of the meeting resumed at 9:35 a.m.

Mr. Hartzell asked for a motion to approve and increase in the contractual amount paid to Paul Leone in the amount of \$250 that would bring his monthly rate to \$1,000 effective April of 2008 and subject to the review and execution of the contract. The motions was made by Clayt Ertel and seconded by Michael Buettner to approve the increase in the contractual amount.

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

Mr. Hartzell asked for a motion to approve the salaries for 2008 for the CEO, CFO and Secretary. Scott Bylewski made the motion to approve the salaries for the CEO, CFO and Secretary for CIDA as listed in the Agenda; CEO, Paul Leone - \$1000; CFO, Pamela Smith - \$2,000; Secretary, Cynthia Rosel - \$3,000. There was a second by Michael Buettner. There was nothing further on the question. Mr. Hartzell called for the vote.

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

Mr. Bylewski discussed the rebate check that was sent to the CIDA for the salary of the prior EDO from the Chamber of Commerce. The refund should have been divided equally between the CIDA and the Town of Clarence. Pam Smith was directed to issue a check to the Town of Clarence in the amount of \$1,250 for its portion of the money refunded for the EDO salary.

Mr. Hartzell made a motion to appoint Paul Leone and the CIDA Consultant per the terms of the agreement and with a second by Scott Bylewski. There was nothing on the question and the vote was called for.

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

Mr. Ertel suggested a meeting with the Jack Willert and Stephen Stark as a sort of tutorial on the CIDA with Paul Leone, Clayt Ertel and Steven Bengart. Mr. Bengart informed Mr. Willert that he, along with Scott Bylewski, must take a Public Authorities Act Training Session within a year of appointment to the CIDA. This is required by law. Mr. Stark, although not required to, should take the training. A certificate must be on file for all member of the CIDA Board.

The meeting was adjourned at 9:45 a.m.

The next meeting will be held on April 17, 2008.