

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

MINUTES

March 26, 2009

Meeting

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

Excused: Nathan Neill

Guest(s): Joseph Floss, President Floss Agency, Inc.
 Christine Fusco, Assessor

Chairman Hartzell called the meeting to order at 8:05 a.m.

Roll call taken by Cindi Rosel. Present were Michael Buettner, Christopher Kempton, Clayt Ertel, and Chairman Hartzell. Scott Bylewski and Mary Powell arrived at 8:08 a.m.

Minutes – (February 26, 2009)

Chairman Hartzell asked if everyone had a chance to review the minutes of the February 26, 2009 meeting and if there were any comments or questions. There being none, a motion was made by Chris Kempton with a second by Clayt Ertel to approve the minutes of February 26, 2009. There was nothing further on the question.

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

Treasurer's Report

Mr. Kempton passed out the Final Version of the 2008 Audited Financial Statements Report prepared by Wayne Drescher, CIDA Accountant. Mr. Drescher presented the draft report at the February meeting. It was reviewed, accepted and approved by the Board. Mr. Kempton continued with the Treasurer's Report reviewing the Balance Sheet as of March 26, 2009 and the Profit & Loss Sheet from January 1 through March 26, 2009. Beginning with this month's reports, there will be a Profit & Loss Budget vs. Actual report included. This report will allow the members to monitor and compare the actual budgeted amount to expended amounts for each budget line throughout the year. It will also show the actual revenues received to date (Administrative fees and Interest earnings) compared to the 2009 Budget's estimated revenues.

There was no further discussion. A motion was made by Clayt Ertel with a second by Michael Buettner to approve the Treasurer's report as submitted. There was nothing on the question.

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

There was a brief discussion regarding a future project across from the BMW dealership on Main Street. (Mary Powell and Scott Bylewski arrived at 8:08 a.m.) Paul Leone has been in contact with a representative and he is working on it. This would be Phase II and Paul expects to hear from something more on this in May.

Correspondence

David Hartzell asked Cindi Rosel to report on any correspondence. There was an invitation from Business First regarding the "2009 SBL Matchmaker Awards Luncheon and Expo" to be held on Wednesday, May 6, 2009 at 12:30 p.m. to 2:00 p.m. at the Buffalo Convention, 153 Franklin Street, Buffalo, NY. It was decided that the CIDA would reserve a table. Mr. Leone left the room to get the brochure to see how much the tickets are and this subject will be taken up later in the meeting.

Joseph Floss, President – Floss Agency, Inc.

Joseph Floss was present at the request of the Board to review the insurance coverage that the CIDA has in place at the present time. Mr. Floss passed out a report that outlined the CIDA policies and proceeded to review the EPLI (Employment Practices Liability Insurance), the D & O (Directors and Officers Policy), the Crime Shield Policy (Employee Theft) and the limits. for each. He also quoted the premium amounts for additional coverage if the CIDA would like to increase the coverage for any the policies. There was further discussion regarding deductibles, defense coverage, and what and who is actually covered. Mr. Ertel asked Mr. Floss if he thought that the present coverage is adequate. Mr. Hartzell asked if Mr. Floss he had any recommendations regarding increasing or adding to any of the policies. There was further discussion and comment by Steve Bengart and Mr. Floss regarding the amount of coverage carried at present. Mr. Bengart and Mr. Floss agreed that the coverage at this time is adequate. Mr. Bengart, however, suggested that the CIDA Board discuss increasing the amount of coverage for the Crime Policy because of the increase in assets. Mr. Floss said that the premium would be \$838, an increase of about \$300, to raise the limit from \$500,000 to \$1,000,000. A brief discussion followed. and the Board agreed to increase the Crime Policy to \$1,000,000. Mr. Floss added that, first, application must be made and then approved by the insurance company for the increase. The Board decided to apply for the increase in coverage. There was brief discussion regarding pollution and cyber coverage. The Board decided not to go forward with either of those of types of coverage at this time. There was a motion made by Scott Bylewski to pursue making application for an increase in the Crime Bond Policy with Hartford from \$500,000 to \$1,000,000 of coverage. There was a second by Chris Kempton. On the question Mr. Bylewski asked if the motion be specific to Hartford? Mr. Bengart suggested that we leave it open ended in the event Mr. Floss needs to go elsewhere. Mr. Bylewski amended his motion

that the CIDA shall apply for the increase from \$500,000 to \$1,000,000 for the Crime Policy and Mr. Kempton amended his second. There was nothing further on the question.

Vote: Ayes: Buettner, Bylewski, Ertel, Hartzell, Kempton, Powell. Noes: None
Excused: None. Recuse: None. Motion carried.

Mr. Floss added that there is an Employment Practices Help Line available to the CIDA if there are any questions or concerns regarding Employee/Employer Practices. .

Mary Powell had some questions regarding the SEQR process and wanted to know that if there would be any environmental issues on approved projects, what coverage would the CIDA have. There was a brief discussion.

Mr. Hartzell thanked Mr. Floss for coming and that he would be looking for the application for the increase in the Crime Policy. Mr. Floss said that he will forward the material for review and thanked the Board for having him here to review the policies. He added that if there are any further questions, please do not to hesitate to contact him.

Before going on to New Business, Mr. Hartzell had Chris Fusco present her update regarding the Audit on the Pilot Payments that she has been working on. Ms. Fusco spoke had a meeting with Joseph Maciejewski, Erie County Deputy Commissioner - Real Property and they would not have a problem with the Town doing the manual Pilot billing for them. She, also, explained that there are three separate bills that actually go out to the properties for the Town/County Tax Bill. One is for the County portion, one for the Town portion and one is issued from the Town Clerk for the Special Districts charges. The County and the Town bills are manually generated and the Town Clerk's is computerized. The School Districts are a separate billing. Ms. Fusco would send all the bills out in one envelope. Mary Powell added that it is a confusing process. She does not know if it is a matter of sending all the billings in one envelope and if that would help. One of the problems may be because the bills were not correct. Mr. Ertel added that he thought it would simply matters if the bills were in one mailing. A simple form letter could be included with the bills explaining the procedure. Ms. Fusco said it is confusing because when these are set up, it isn't always made clear that when the pilot goes into effect, there would be separate bills from each taxing jurisdiction. There would have to be either two or threes checks needed for payment. The Town Clerk has to have a separate check according to law. This procedure can be decided on later. Chris is still working on the audit to determine if any monies are still owed prior to 2008 to the County. Mr. Bylewski asked if she could give a quick time line for the process, informal grievances, official Board of Assessment Review, and SCAR Hearings. Chris Fusco gave the dates as - March 1st is taxable status; May 1st for tentative roll; and board of review is now the fourth Tuesday of May. There being nothing further, Mr. Hartzell asked Chris to let Cindi know when she is ready with the results on the audit and she will be put on the agenda. Mr. Hartzell thanked her for coming in.

Discussion resumed regarding the 2009 SBA Awards Luncheon and Expo. The cost would be \$400 for a table of ten. All of the members are interested in attending as well as counsel and Paul Leone. A motion was made by Clayt Ertel with a second by Michael Buettner to reserve a table of ten at an amount not to exceed \$400 for the CIDA to attend the "2009 SBL Matchmaker

Awards Luncheon and Expo” to be held on Wednesday, May 6, 2009 at 12:30 p.m. There was nothing further on the question.

Vote: Ayes: Buettner, Bylewski, Ertel, Hartzell, Kempton, Powell. Noes: None
Excused: None. Recuse: None. Motion carried.

Mr. Hartzell had some business regarding the Business First Ad. A motion is needed to approve the expenditure for the ad at a cost not to exceed \$3,402.00. There was a motion by Ertel and a second by Kempton to approve the expenditure and to pay the cost of the ad in Business First not to exceed \$3,402.00

Vote: Ayes: Buettner, Bylewski, Ertel, Hartzell, Kempton, Powell. Noes: None
Excused: None. Recuse: None. Motion carried.

There was also a discussion on the mailer that went out to advertise the “Strive & Thrive: Building Your Business in the challenging Economy” on March 11th at UB Center For Tomorrow. Mr. Hartzell and Mr. Leone said the it was well attended and was a great seminar.

New business:

MCI Ventures LLC on County Road.

Mr. Leone passed out a project log for MCI Ventures LLC on County Road. There will be a public hearing on April 16, 2009. The applicant has been asked to be present at that time. MCI Ventures, LLC is the real estate holding company established by Milherst Construction, Inc. Milherst Construction will occupy the facility. Milherst is a full service site and utility contractor specializing in water, sewer and storm line, earth moving, asphalt paving and road construction. The total project amount is \$1,835,350. Mr. Leone asked if there were any questions. Mr. Ertel asked if it was a commercial industrial park. Mr. Leone answered that this is for an 18,000 sq. ft. single story office/shop facility, not an industrial park.

10120 County Road – Four M’s Development, LLC

Paul Leone received the application from Four M’s Development, LLC for the Construction of a six (6) structure Commercial Industrial Park located at 10120 County Road. There will be a public hearing on May 21, 2009. The SEQR has been done by the Town and a Neg Dec has been issued. There was discussion regarding the type buildings that will be constructed. They will be spec buildings. Mr. Leone asked if there were any other question and there were none.

Buffalo Filter, Inc.

Paul Leone reported that there is nothing new on this project. Mr. Bengart informed the Board when they went for the waterline, the County decided that they have to start the SEQR process all over again and when they did that , they asked for coordinated review. The State asked for land scraping for Archeological purposes for artifacts. This may take about six (6) months. There was further discussion regarding the future of this project. Paul will monitor the progress on the future of this project.

Prosthetics Home Services

Paul Leone reported that he is trying to work with the owner of this business, Mark Zuchlewski. It is located at 10654 Main Street. He is looking at different types of improvements to the building and property. It would be small project. Paul is working with him to see if there is anything the CIDA can do to help the owner. Paul will keep everyone updated.

Paul also discussed the Hoyt Bill. Mr. Leone said that the IDA's have gotten together to see what they can do. The Marketing idea is not longer an option. They are thinking about hiring a lobbyist. They would be asking for contributions. Paul said that there needs to be more thought put into this as to focus and what a plan.

Main Street Photography Project

Mary Powell reported that she and Clayt Ertel need to talk regarding how the contact information can be put on the Website. Clayt Ertel said that would be fine. Mr. Hartzell also added that Don Festaiuti has agreed to go into the other areas that Clayt suggested for \$50 per property. This can be discussed at the next meeting after Mary Powell and Clayt Ertel have had a chance to speak about a practical way to list contact information on the website. A vote can be taken at the next meeting.

CIDA Funds Requests

Mr. Hartzell tabled this until the next meeting so that the Board can allow more time to the topic. Mr. Hartzell added that the CIDA needs to consider what amount of funds should be set aside, who does the CIDA pay the funds to, and how should they break it out. Mary Powell asked for a summary be prepared and e-mailed so that everyone can be ready to discuss this at the next meeting and know exactly what the CIDA would be deciding on. Mr. Kempton said he thinks we need more time to talk about these requests. He suggests that we consider funding one item on the requestors' budget. Most of the requests have been for funding the entire project. We have \$14,000 and not more targeted for 2009. Mr. Kempton also suggested that we accept requests up to, perhaps, April 1st and then make the awards in May. Mr. Kempton also suggested that CIDA fund specific projects. Mr. Leone also suggested that the CIDA might want to consider having the applicant complete the project first and then come to the CIDA for funding. This will be discussed at the next meeting and be the first agenda item after the Treasurer's report. Mr. Hartzell also said that Mr. Kempton's suggestion regarding accepting applications for requests for funds up to April 1 and that the funds will be awarded in May. This can be voted on at the next meeting and made part of the Funding Policy.

There is still a vacancy on the CIDA Board.

Respectfully submitted: Cynthia M. Rosel

Meeting was adjourned at 9:40 a.m. The next meeting is April 16, 2009.