

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

**MINUTES**

April 15, 2010

Present:       David C. Hartzell                               Paul Leone  
                  Christopher Kempton                     Steven B. Bengart  
                  Clayt Ertel                                     Pam Smith  
                  Mary Powell                                   Cynthia M. Rosel  
                  Scott Bylewski  
                  David Schuster

Guests:       Anthony Delmonte, Jr., Sr. VP, Bank of Akron  
                  Aba Ramesh

Absent:        Michael Buettner, Nathan Neill

Meeting was opened by Chairman Hartzell at 8:00 a.m.

Mr. Hartzell asked Cindi Rosel to call the roll. Present were David Schuster, Scott Bylewski, Christopher Kempton, Mary Powell, Clayt Ertel and Chairman Hartzell. Michael Buettner was absent. Nathan Neill was at a conference.

Mr. Hartzell introduced Anthony Delmonte, Jr., Senior Vice President from the Bank of Akron. Mr. Delmonte is new to the Bank and wanted to come in to meet the Board. He is the new Chief Credit Officer and explained that the bank has a full line of Commercial Real Estate and Term Loan Products available to help area businesses and they have money to lend. He thanked the Board for allowing him to come to introduce himself and asked if there were any questions. He added that he would be available at the Bank in the future if anyone would like to contact him with questions. Mr. Hartzell thanked him for coming in and welcomed him to Clarence.

**5840 Goodrich Road-The Curious Minds Montessori School - Aba Ramesh – Applicant**

Mr. Hartzell introduced Aba Ramesh. Mr. Ramesh and his wife are opening a Montessori pre-school located at 5840 Goodrich Road (the former Cool Town and Ohlson's location). He is here today to explain the project and answer any questions. They have applied to the CIDA for sales tax exemption only. This would be for the construction of renovations to the existing building and the acquisition and installation of machinery, equipment, furnishings and fixtures in connection with the opening of the school. The application was e-mailed to the CIDA Board before today's meeting. The project was approved for a change in use at the Town Board meeting last evening. Mr. Bylewski added that it was very helpful to have the application before the Town Board meeting last evening as it helped to answer some basic questions. Mr. Leone also had a copy of a brochure for everyone. Mr. Leone asked if anyone had any questions. Mr. Hartzell thanked Mr. Ramesh for coming in.

## **Minutes – March 18, 2010 Meeting.**

Mr. Hartzell asked if everyone had a chance to review the minutes and if there were any questions. Motion made by Scott Bylewski with a second by Chris Kempton to approve the minutes of the March 18, 2010 meeting. There was nothing on the question.

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

## **Treasurer's Report**

Chris Kempton passed out the report as of April 15, 2010. Mr. Kempton explained that all funds are now in the Money Market where it is getting a better rate. The CD rates are lower than the money market rate. CD rates will continue to be monitored by Pam Smith as she does it for the Town. Mr. Kempton also said that there have been expenses and no income. Mr. Leone added that Mr. Parisi mailed his check but it has not been received as of today. Mr. Bengart added that the AAA project will close next week. Ms. Rosel added that they have made payment in full in 2009. Mr. Kempton called attention to the detail sheet and the budget sheet. Administrative costs are almost at 100% for the year. The expenses included the SBA luncheon and the plaques. Mr. Kempton also added that we paid the State the tax imposed on the CIDA and he read that there was a stay granted on those payments. Payment was made before the stay was granted. He wanted to know if we should pursue that. Mr. Bengart added that we should just wait for now. Mr. Kempton also added that special attention needs to be given to the funds expended and the budget.

There was a motion made by Clayt Ertel with a second by Scott Bylewski to approve the Treasurer's Report as of April 15, 2010. There was nothing further on the question.

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

## **Correspondence:**

None.

## **Committee Reports.**

It was decided by the Audit Committee that they will meet at the end of the May meeting to set the committee meeting schedule.

## **New Business:**

Paul Leone asked for approval of the 5840 Goodrich Road-Curios Minds Montessori School Project for sales tax only for \$100,000 on construction materials and equipment. The application was e-mailed to everyone earlier for review and the applicant made his presentation earlier today. They have ten children pre-registered with the school not even being opened and plan to

create 6 to 9 jobs. A motion was made by Clayt Ertel with a second by Chris Kempton to adopt the resolution as presented. On the question Mr. Bylewski added that the Town Board approved the project. He added that it is a good project and that it will be good to have a tenant at the location that has been vacant for quite some time.

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

### **9645 Wehrle Drive - Inlighten Proposed Project**

Mr. Leone reported that he did speak with the applicants and wanted to discuss the proposed project with the Board. Mr. Bengart said that before we set a public hearing the Board needs to decide if they would like to consider this type of project that would involve a special pilot. Ms. Powell recused herself and left the meeting at this point. Mr. Leone and Mr. Hartzell have met with the applicants on several occasions to discuss the types of benefits the applicant is requesting. They are looking for a special pilot to freeze the assessment. Mr. Hartzell is in favor of the project. He recommends the special pilot to freeze the assessment for a period of ten years. There would be no property tax abatement and the Town would receive taxes on the present assessed value at 100%. Mr. Kempton, to clarify, asked if the only difference in this project compared with others is that the assessment on the property would be frozen at what it is today for a period of ten years and there would be no abatement; they would pay full property taxes. Mr. Leone said that would be correct. The applicant is also asking for the sales tax exemption for a period of 5 years. There is a 30 day notice requirement, by law, to inform the taxing jurisdictions of the public hearing because of the special pilot. It is a deviation of the CIDA policy. Mr. Bengart added that it is an adaptive re-use of a building that is vacant with a business moving from Lancaster to Clarence. The factors to be considered are the same as if it was a new business relocating to the Town. Mr. Bengart added that the question is if the board wants to go forward with the public hearing to consider the request of the applicant for the special pilot and sales tax. The board was in favor of setting the public hearing for the May meeting.

Mr. Leone has a request from Benchmark for an extension on the sales tax exemption for the sales tax for Clarence Mall for another 6 months because they are bringing in new tenants. Ms. Powell re-entered the meeting. There was a motion made Chris Kempton to approve the 6-month extension for Sales tax exemption to Benchmark for the Clarence Mall with a second by Clayt Ertel. There was nothing further on the question.

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

Mr. Leone also had a request from Dr. Waldron, Optometrist that wants to open Clarence Eye Care Center on Main Street just past Harris Hill. He did not have the exact address. They are asking for sales tax only. This is in an enhancement zone. Mr. Leone wanted to bring it to the Board first and then report back to Dr. Waldron. Mr. Leone still has to meet with him to get

more particulars and have him fill out an application. The Board agreed to look at the application.

Mr. Leone also said that he has been involved with conference calls with other IDA's throughout the state regarding the tax that is being imposed on them by the State. Twenty seven IDA's have not paid thirty seven have. They are going to court to repeal this bill. If the bill is repealed they the State will refund the money to those who did pay.

Mr. Leone and Mr. Hartzell met with Mr. DelMonte who runs the beauty shop at the corner of Clarence Center and Goodrich Road behind the Clarence Coffee House. It is in the enhancement zone. He purchased the house next door and wants to put in parking. They still have to go through the Town process.

Mr. Piccone has contacted Mr. Leone for 10995 Main Street in the Enhancement Zone. Mr. Ertel will have to recuse himself. This is currently a retail space and would be converted into office space. Mr. Leone will report back on this later.

### **Pilot Payments**

Ms. Fusco reported that all Pilot payments have been paid to the Town including Mr. Castilone. He still owes the County Pilot and the extra charges on the County. He will pay the special districts in May. There are a couple of 2008 extra charges still outstanding on the County.

### **LDC (Local Development Corporation formation):**

It is coming along and there is an upcoming project that could make use of the LDC. He will go into more detail as the issues are being resolved. He is diligently working on it and it will be done soon.

Mr. Hartzell said that he was approached by Clover Management is interested in putting senior housing in the spot that Wegman's was looking at. He just wanted to let the Board know that there has been some interest in that area.

### **Old Business.**

At 8:30 am upon the request of Counsel the Board went into Attorney/Client to discuss a certain issue. The meeting was called back to order at 8:45 a.m.

Clayt Ertel spoke regarding Carl Calabrese and his group approached all the IDA's about doing some lobbying in Albany. We have talked about this before. They have now put a package together. Mr. Leone said that Amherst signed on and Lancaster did approve it but only for three months. They only want to pay when the legislature is in session. Mr. Calabrese would like to come in to present the program to the CIDA. It was decided that Mr. Ertel will ask Mr. Calabrese to come in to present their program at around 8:30 a.m.

Mr. Hartzell spoke regarding improving and updating the mailing list. He researched Info USA and wants to know if the Board still wants to pursue this. Mary Powell and Mr. Ertel both work with companies that do not charge for mailing lists. We already use a company in Orchard Park that takes care of the bulk mailings. This would be upgrading the mailing list. The Board was in favor of purchasing an updated list. This would include everyone in the Town of Clarence that has an income of \$100,000 plus. It would include all the zip codes. It was agreed that the mailing list would be updated. Pam Smith noted that the Info USA did not have all the zip codes. Mr. Hartzell asked Pam to check with them to see what the cost would be for the other zip codes.

### **Request for Funds.**

Mr. Hartzell recused himself and left the room along with Mr. Geiger as they are both involved with the Clarence Chamber of Commerce.

Mr. Ertel welcomed Judy Sirianni, Executive Director of the Clarence Chamber of Commerce to the meeting. Ms. Sirianni passed out a packet she prepared for the meeting. Ms. Sirianni's presentation included an outline that identified the Chamber's accomplishments over the last year. The outline also included a report on how the Chamber utilized the 2009 CIDA Donation of Funds. The funds were used to create a new Membership Brochure, Membership Directory and to purchase two new PC's for Chamber staff. They have come to the CIDA again this year and have revised the original request from \$40,000 to \$25,000. The request is now to design and produce effective collateral material for presentation of a "Relocation and Start Your Own Business packages"; and to relocate the Chamber offices. The Chamber has outgrown the present location. They need more space for the office staff, more parking, a conference room for meetings and eventually would like to develop a Job Training Center at the Chamber. They would like to stay between Shimerville and the High School and ideally, would like to be on the same campus as the Town Hall. Mr. Ertel asked if there were any questions. Mr. Kempton asked if the funds they are looking for would be for rent, and if it is they would need every year. Ms. Sirianni said that it would be. The main thing is to relocate. Mr. Ertel thanked Ms. Sirianni for her presentation and that they will contact her with the Board's decision.

Mr. Kempton said that the budget for donations is \$16,000 this year. His thoughts were to give a donation towards the collateral materials and for the relocation of the Chamber offices. To be specific he is looking at making donations in the amount of \$2,500 towards the "How to Start a Business in Clarence Packet" and \$10,000 toward the relocation of the Chamber Office and so moved. There was a second by Mr. Bylewski with the provision that the funds are earmarked for those specific items as per Mr. Kempton's motion. On the question Ms. Powell wanted to require that there be a report back on how the funds are being used. Mr. Ertel added that more specifically, that we will expect to see a report. Mr. Kempton said that we should ask for Ms. Sirianni to report back when the letter is sent. Mr. Bylewski added that Ms. Sirianni would have to show that the funds are being used on the relocation of the Chamber offices and the status on the progress on the collateral materials. There was further discussion on the relocation matter and what would happen with the funds until new space is found. The Board concluded that the total amount be donated with the provision that the funds be earmarked as in noted by Mr.

Bylewski in his second to Mr. Kempton's motion. Mr. Ertel added that the additional funds could be raised by other means by the Chamber. This donation gives them the incentive to go forward to relocate. There was nothing further on the question.

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

Motion made by Ertel to adjourn with a second by Mr. Schuster.

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

Meeting adjourned at 9:26 am.

Next Meeting – May 20, 2010

Respectfully submitted,

Cynthia M. Rosel