

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

**MEETING MINUTES
OF
APRIL 17, 2008**

Present:	David C. Hartzell	Paul Leone
	Michael Buettner	Nathan Neill, Esq.
	Clayt Ertel	Steven Bengart
	Scott Bylewski	Pam Smith
	Jack Willert	Stephen Stark, EDO
		Wayne Drescher, CPA

Absent:	Christopher Kempton	Guests:	Chuck Eckert
	Mary Powell		

8:00 a.m. - Public Hearing – 9505 Main Street – Hi-Low LLC Project

A Public Hearing was held to consider financial assistance requested of the Agency by the applicant Hi-Low Real Estate, LLC for the project located at 9505 Main Street, Clarence, NY in the Clarence Central School District. Paul Leone reported that Hi-Low is a real estate holding company established to acquire the project site that will be leased to Scheff Investment Group. The amount requested is \$1,288,000 which includes the acquisition, renovation and equipping of the facility for use as office space and the property is in the Main Street Enhancement Area in a vacant building. Mr. Bylewski asked what the project purpose code is; would it be considered services of retail? Mr. Leone said that it is considered services. Mr. Neill explained that the code describes the industry of the project. Certain industries are automatically eligible some are not eligible. This project does qualify. Mr. Bylewski also asked if the project does not receive the CIDA incentive, would the project remain in Clarence. Mr. Leone answered that it would be difficult to predict what the company would do. There being no further discussion, Mr. Hartzell asked for a motion to close the public hearing. Motion made by Clayt Ertel with a second by Mr. Bylewski to close the public hearing. There was nothing further on the question. Mr. Hartzell called the vote.

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

Mr. Hartzell called the regular meeting to order at 8:10 a.m.

Mr. Hartzell called on Paul Leone to present the inducement resolution on the Hi-Low project for consideration by the Board. Mr. Leone referred the members to the Project Log. Mr. Buettner recused himself and left the meeting room. There was a motion made by Clayt Ertel to adopt the resolution of the Town of Clarence, Erie County Industrial Development Agency authorizing the 9505 Main Street-Hi-Low LLC Project as written with a second by Scott Bylewski-Low Real Estate LLC Project with a second by Scott Bylewski. There was nothing further on the question and Mr. Hartzell called for the vote.

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

Mr. Buettner returned to the meeting.

Mr. Hartzell reminded the Board of the pending project for the CIDA website relative to the listing of available, commercial properties in the Town that was to include pictures. Future ads run by the CIDA would list the website at the bottom of the page to provide access for potential businesses that would be interested in locating to Clarence. It is a time consuming project. Mr. Hartzell spoke to Chuck Eckert of Eckert Photography, who was present, to discuss perhaps working with the CIDA on this project. Mr. Eckert would take the photos of the businesses available in the Town of Clarence to make them available to the public on the website. Mr. Leone asked if this could be put on a power point presentation for his seminars. Mr. Eckert said that this could be done and there was further discussion on the services that he could provide and some of commercial work he has done for area businesses. Mr. Willert asked if the purpose of the presentation being made today was for CIDA approval. Mr. Hartzell said that this does not have to be decided on today. Mr. Bengart suggested that Mr. Eckert submit a detailed proposal to the CIDA for consideration. There was further discussion on what Mr. Eckert could provide and he will submit a proposal to the CIDA for consideration.

MINUTES - Mr. Hartzell asked if everyone had a chance to review the minutes of March 20, 2008 and asked if there were any questions. There being none, a motion was made by Mr. Bylewski and seconded by Mr. Buettner to approve the minutes of the March 20, 2008 meeting as written. There was no further discussion on the question and Mr. Hartzell called for the vote.

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

The approval of the minutes from the special meeting held on March 7, 2008 was tabled until the next meeting to be held on May 15, 2008.

Treasurer's Report - In the absence of Chris Kempton, the treasurer's report was given by Pamela Smith. The interest rate in the money market checking account is now down to 1.18%. The CD is at 4.8% where the bulk of the money is. Pam would like to not make a transfer to the checking account from savings at this time. She had talked to Ms. Rosel and there should be a closing of a project in May. The Board agreed. Mr. Hartzell also asked about the possibility of obtaining a credit card or a debit card for business lunches. There was discussion regarding the pros and cons. The CFO would hold the card. Mr. Bengart said you run into signature authorization issues. Mr. Bylewski discussed the possibility of using vouchers. There was further discussion regarding how this could be done in a more efficient way. Mr. Drescher discussed the issues relative to the audit regarding credit cards and accountability. There would have to be a procedure set up. Mr. Drescher said he can send an e-mail to Ms. Smith and this can be discussed further at the next meeting.

Mr. Hartzell asked everyone to look at the April 17, 2008 Treasurer's Report. Ms. Smith reported that the expenses for the Audit were included. Mr. Bylewski made a motion to approve Treasurer's Report dated April 17, 2008 and the verbal report of Pam Smith, with a second by Clayt Ertel. There being nothing on the question, Mr. Hartzell called the vote.

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

New Business:

Chamber/CIDA EDO Insurance – Mr. Hartzell moved to go into Executive Session pursuant to 105-1(f) of the Open Meetings Law appointment of a corporation at 8:50 a.m. with a second by Jack Willert. No discussion on the question.

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

Motion made by Mr. Bylewski with a second by Ertel to adjourn the executive session at 9:00 a.m.

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

Paul Leone - Paul Leone reported that he has the invoice for the SBA Business Matchmaker Award Luncheon on May 14, 2008. The CIDA had reserved a table last year. The CIDA did not nominate a business this year. Mr. Leone asked if the Board would like to do the same this year. The cost is \$400 for a table of ten. Mr. Hartzell asked if anyone would like to attend. Several members expressed interest in attending. Paul needs the names of all of those who will be attending. Motion made by Buettner with a second by Willert to reserve a table at a cost not to exceed \$400 for the SBA Business Matchmaker Award Luncheon. There was nothing further on the question.

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

Mr. Leone presented the invoice for payment to Pam Smith.

Mr. Leone had several proposed new projects. The John D. Roba Company at 9680 County Road, Clarence Center is interested applying for CIDA benefits and will be submitting an application. The company manufactures recreational vehicle replacement parts and is considering a 5,000 square foot addition to the building. Mr. Leone hopes to have the completed application for the May meeting.

Mr. Leone also reported that he and Mr. Hartzell also met with Laux Sporting Goods. They will be moving into a bigger location in the Eastern Hills Mall. This project would be for sales exempt benefits only and if the Board chooses to, could be approved today. Mr. Hartzell asked for a motion to approve sales tax only for this project. Motion was made by Mr. Ertel with a second by Buettner and there was no further discussion on the question. Mr. Hartzell called for a vote.

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

Mr. Leone asked the Board to consider sales tax only for Militello Concrete located at 6465 Transit Road in East Amherst with a shop at 9185 County Road. Mr. Leone believes is in the enhancement zone. They are adding 1800 sq. ft of new office space, 1000 sq. feet of new shop space, paving existing parking areas, adding new parking and refurbishing and restoring the existing exterior

building. Mr. Bengart asked if there are any other concrete businesses in Town. Mr. Hartzell answered that there were not. Mr. Leone asked if the Board would like to approve this today. Mr. Hartzell asked for a motion for sales tax only for E.J Militello Concrete Inc. project at 9185 County Road. Motion was made by David Hartzell with a second made by Mr. Ertel. Mr. Hartzell asked if there is anything on the question. Mr. Buettner wanted to know if there is an application for this project. Mr. Leone had an e-mail from the company and the application will be forthcoming. This would be for sales tax only at this time. Mr. Neill said that the project could be approved for sales tax only at this time. Mr. Hartzell called for a vote.

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

Mr. Leone continued his discussion with the Doodle Bugs application. They are interested in the possible development of a 27,000 square foot business park at 8574 Sheridan Drive in the Town of Clarence. The proposed project would include the development of approximately 5 acres of vacant land into a three (3) building project anchored by Doodle Bugs, If would include a children's center of approximately 11,000 sq. ft. and two (2) professional office buildings approximately 9,700 sq. ft and 6,800 sq ft. The first phase will include the construction of Doodle Bugs. Mr. Bylewski had some concerns on the project and has done some research and comparisons. There was discussion regarding the issues that CIDA would have to consider relative to this project. Mr. Neill added that capacity, waiting lists and location would have to be considered. Mr. Leone requested that the applicant do a market analysis for the proposed project which they did and submitted to the Board previously. Mr. Leone will contact the applicant to see if they want to pursue the CIDA benefits. The Board will consider the application.

Old Business.

A. Policy Manual By-Laws. The By-Laws need to be adopted. The By-Laws were presented at the last meeting and the corrections have been made The corrected, amended By-Laws have been sent via e-mail to everyone. Mr. Hartzell asked if there were any questions. There being none Mr. Hartzell called for a motion to adopt the Amendments to the By-Laws Motion made by Scott Bylewski with a second by Hartzell to adopt the amendments to the By-Laws. On the question, Mr. Buettner asked who reviewed the By-Laws. Mr. Bengart answered that between Mr. Neill and himself, the policies have been put together, and or obtained sample policies and reviewed them before presented to the Board. Mr. Hartzell called the vote.

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

Mr. Neill discussed the Procurement Policy. This is one of the required policies and has to be on the website. Mr. Hartzell asked if everyone had a chance to review the policy. There was no further discussion. Motion made by Mr. Bylewski with a second by to adopt the Procurement Policy with a second by Clayt Ertel. On the question, the attorneys have reviewed the policy. Mr. Hartzell called for a vote and there was nothing further on the question.

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

B. Town Park Clubhouse Renovations - Mr. Hartzell asked Mr. Buettner if he was prepared to discuss the proposal for the CIDA perhaps considering to give a donation to the project. He will have more information available for the Board next month. There are several projects that are in the works to renovate the building including display cases for the Bicentennial Quilts and the Rohlf's Clock. This will be put on the Agenda for the May meeting. Mr. Buettner had to leave.

EDO Report - Mr. Hartzell called on Mr. Stark to give his first report to the Board. Mr. Stark handed out his report and gave a brief synopsis to the Board. He has been meeting with local businesses. There has been interest in some businesses locating to the Town.

Mr. Hartzell discussed the possibility setting some money aside for "Special" projects that will enhance the Town. He suggested that we think about it to discuss at the next meeting.

Mr. Bylewski suggested that the CIDA should probably wait until we receive the Strategic Planning Document for review by the Board.

Mr. Neill said that the Board should keep in mind is that there are certain projects that take priority over other projects that are important for community development.

Wayne Drescher also suggested that since the CIDA was created by state law for a specific purpose, and the projects that are approved should be documented as to how a project fits the mission of the CIDA.

There was further discussion regarding the Buffalo Filter project.

Mr. Hartzell asked if anyone had anything else to add. Mr. Neill said that he expects to close two projects before the end of the month - Dynabrade and Waterford Village Bank. We are waiting for the SEQR review from the Town on the Rockledge Project.

Mr. Hartzell asked for a motion to adjourn. Motion made Mr. Bylewski with a second by Mr. Ertel to adjourn the meeting.

The meeting was adjourned at 9: 36 a.m.

The next meeting will be held on May 15, 2008.