

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

MINUTES

MEETING OF MAY 21, 2009

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

Absent: Michael Buettner

Guests: Mark Tufillaro
 Pat Ball, HSBC

Chairman Hartzell called the meeting to order at 8:00 a.m.

Chairman Hartzell asked Cindi Rosel to take a roll call. Present were Scott Bylewski, Christopher Kempton, Clayt Ertel and Chairman Hartzell. Mr. Buettner was absent. Mary Powell arrived at 8:07 a.m.

Public Hearing

A Public Hearing was held on the 10120 County Road – Four M’s Development LLC Project. The applicant Mark Tufillaro was present. The amount of the project is \$1,800,000 for the construction of approximately six building of approximately 6,000 sq. ft. each on a 3.7+/- acre parcel of land. The buildings will be leased to multiple tenants for commercial, warehouse and office space. The benefits will include sales tax and a ten year tax abatement Pilot because they are spec buildings Mark Tufillaro is present to answer any questions. Mr. Neil asked if the buildings will be phased in over time Mr. Tufillaro said they were looking at three and three. Mr. Ertel asked if Mr. Tufferlo has any tenants now. Mr. Tufillaro answered no. Scott Bylewski asked the applicant what would happen with the project if he did not receive the IDA inducements and benefits. Mr. Tufillaro said that he would not be able to go forward with the project. Mr. Bylewski also wanted to note for the record that because there are no tenants, the employment numbers are tentative. The public hearing was closed.

Minutes – April 16, 2009

Chairman Hartzell asked if everyone had a chance to review the minutes of tha April 16, 2009 meeting that were e-mailed. There was a motion made by Scott Bylewski with a second by Clayt Ertel to accept the minutes of the April 16, 2009 meeting. There was nothing on the question.

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

Treasurer's Report

Chris Kempton reviewed the Treasurer's report for May 21, 2009. He went over the Balance Sheet, the Profit and Loss Statements and added that all the details are attached. Mr. Bylewski said that there was extended conversation at the last meeting on the CD's. Mr. Kempton did read the minutes and was aware of the discussion held at the last meeting regarding the CD's. Mr. Kempton did pull of some the rates as of April 17, 2009. He will get it updated. He also noted that he saw that there was some discussion at the last meeting regarding laddering the CD's for two years and he is confident that the State does not allow us to go out more than 12 months. He added that we can ladder 3, 6, 9 and 12 months. The rates are still low. There has to be a certain balance kept in the current account or the interest rate will drop significantly. Mr. Kempton also wanted to be sure that he has the discretion to put the funds into a CD if the rates go up and it would be to our advantage to do so. He was advised that he does. Mr. Hartzell added that there will be an additional charge for the reprint of the Business First ad. Mr. Kempton wanted to know if the checks for the monies awarded to the organizations went out. He will check with Pam to see who signed. Being no further discussion, Scott Bylewski moved to approve the Treasurer's Report with a second by Clayt Ertel. There was nothing on the question.

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

Correspondence

Ms. Rosel reported that we received the Clarence Chamber sent a thank you note for the fund award they received from the CIDA and passed it around to everyone. She reminded everyone that she e-mailed some public hearing notices to all the members from the ECIDA and one from the Town of Amherst. There was no further discussion.

Paul Leone introduced Patrick Ball, Vice President of HSBC for the Commercial Relationship Management Commercial lending end. Mr. Leone invited him to the meeting to sit in on a meeting. Mr. Hartzell added that Mr. Ball should be invited to some the seminars at UB. Mr. Leone said that he will be in contact with Mr. Ball on a regular basis.

New Business:

Inducement Resolution

10120 Main Street Project – Four M's Development LLC

Mr. Leone went over the project log and reviewed the particulars with members. Mr. Kempton wanted to know what the School and Town/County taxes are now. The point he was trying to make is that the tax revenues actually increase for the municipalities on these projects. He said that this is missed and wondered if there was some way to publicize that revenues to up. Mr. Leone said could be done. Mr. Ertel agreed that Chris had a good idea. There was further discussion about putting some information together and create an ad that would show the value of these projects to the Town and the School District. Getting back to the inducement resolution, Mr. Bylewski moved to adopt the Neg Dec as written resolution. There was a second by Chris Kempton.

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

Mr. Bylewski moved to adopt the inducement resolution as written for the 10121 County Road Project and there was a second by Clayt Ertel. There was nothing further on the questions.

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

The applicant wanted to know if he could use the incentive as an advertising tool for the project and he was advised that he could. He thanked the Board for their approval

8129 Main Street - BHWL, LLC. Project

Mr. Leone wanted to give the Board advanced notice on the 8129 Main Street - BHWL, LLC. Project (West Herr Toyota of Williamsville) for which there will be a public hearing on June 18, 2009. Mr. Bylewski added that each brand that is sold, a dealership is required to have a separate location for each brand. Mr. Leone said that he has all the site plans and other documents.

Nathan Neill has a resolution modifying the Pilot for the 8421 Sheridan Drive Project. The project is not completed and this resolution will amend the Pilot. It needs to be revised and delay the abatement for one year and extend the term of the lease for year. The applicant has asked that if the CIDA could back up the start of the Pilot. Mr. Neill passed out the original and the amended Pilot for this project to explain what is being revised. Based on the discussion and explanation by Mr. Neill, Mr. Bylewski moved to adopt the resolution as set forth to modify the Pilot for 8421 Sheridan Drive with a second by Chris Kempton. There was nothing further on the question.

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

Paul Leone reported on the May 11, 2009 ECIDA meeting and read some of the type of projects that they are approving which include a Family Dollar Tree, Western New York Lodging, which is a Hotel and a medical facility in Cheektowaga.

Mr. Leone attended a seminar “No More Business as Usual” presented by Niagara Organizing Alliance for Hope and asked if anyone wanted a copy of the handout.

Mr. Kempton asked if there is any other activity for new projects. He asked about Buffalo Filter Project. Mr. Bylewski said that there has been no more development in Clarence.

Main Street Photography Project

Mary Powell reported on the property photography project being done by Don Festaiuti. She spoke to Mr. Festaiuti and understands that he is only taking the pictures for the website but he is including the location. There was further discussion regarding the contract and the additional

fees for additional properties. There was some confusion as to the proposal. This needs to be cleared up. Mary Powell thought that someone was doing the research on the properties. Mr. Hartzell said that no one from the CIDA was doing that. Ms. Powell added that there should be someone getting the contact information. There was discussion on the additional areas to cover for the photography project. Mr. Kempton added that there are three issues being spelled out. First, the contract terms have to be confirmed. Mr. Hartzell said he would take care of that. Second is the contact information on the properties. Mr. Kempton said that it seems like that information changes and was wondering if someone from the Chamber could get the contact information. Mr. Harzell asked if the Board wanted him to approach the Chamber as he will be there this afternoon. It could be handled the same way as with Mr. Festaiuti. There was discussion on how to handle the vacant land properties. Mr. Leone said he would love to have information when he speaks with potential applicants. Mr. Hartzell will talk to the Mr. Geiger at the Chamber on gathering the information.

Fund Policy Amendments – discussion (DH)

Mr. Hartzell asked Ms. Rosel if this was something we needed to clear up on the policy. Ms. Rosel said that it was and that it was supposed be a time line developed for the application procedure. There was discussion regarding dates. Mr. Bengart asked about the budget time line and if that would affect the procedure. Mr. Kempton added that it was decided that the amount set aside would be not to exceed 2% of the balance of the Capital Fund as of December 31st of the prior fiscal year. There were suggestions made by Mr. Kempton, Mr. Hartzell, Mr. Bylewski and Mr. Bengart. Mr. Bengart was going to draw up the policy and how it would be worded, for example, requests would be accepted up to December 31st (end of the year) with decisions made somewhere between the end of February but no later than the April meeting of the following year. Mr. Bengart also added that they may want to leave some wiggle room in the policy in the event that something comes up that the Board really may want to donate to they would be able to.

There was discussion regarding the adopted policies. The policies that were not with the package today will be distributed at the next meeting.

Mr. Hartzell asked if everyone had a chance to see the Planning and Zoning training sessions flyer.

Mr. Hartzell had an idea on what project that IDA could report on as to the property tax benefits are to the Town. He suggested the Roy Jordan project. Paul Leone said that he believes that the project is almost at 100% tenancy. The Board was in agreement. Mr. Ertel said we could do more than one project on one page. Mr. Hartzell made a motion to run an ad in the Buffalo News in an amount not to exceed \$10,000 to run an ad in the Buffalo New and the Clarence Bee subject to a contribution by Mr. Jordan. Second was made by Ertel. On the question, Mr. Bylewski and Mr. Kempton looked at the budget and there is enough on the line to cover the ad. Mr. Ertel said maybe to keep costs down we could consider doing a half page. Mr. Hartzell said that a half page costs almost as much as a full page. There was nothing further.

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

A motion made Scott Bylewski at 9:-00 a.m. to go into executive session pursuant to §105[1] (f) of the Open Meetings Law, Employment History of a particular person. On the question, Mr. Bylewski had a clarification on the motion to be the employment history of particular persons and added that before we vote on going into executive session, Mr. Ertel had an issue he wanted to bring up.

He wanted to know what the status was on what the other IDA's are doing. Mr. Hartzell said let's finish the Executive Session first and we can go back to that topic afterward. Mr. Hartzell called the vote.

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

The Board exited the executive session at 9:05 a.m. resuming the regular meeting.

There was brief discussion regarding the proposal relative to a County Planning Board proposal.

There was motion by Mr. Hartzell and second by Mr. Kempton to adjourn the meeting at 9:14 a.m

Next meeting is June 18, 2009.

Respectfully submitted:

Cynthia M. Rosel