

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

**MEETING MINUTES  
OF**

**JUNE 12, 2008**

Present:	David C. Hartzell	Paul Leone
	Clayt Ertel	Nathan Neill,
	Mary Powell	Steven Bengart
	Chris Kempton	Pam Smith
	Michael Buettner	Stephen Stark
	Scott Bylewski	
	Jack Willert	

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

**Minutes**

Mr. Hartzell asked if everyone had a chance to review the minutes of the May 15, 2008 meeting and if there were any comments. There being none, Mr. Hartzell asked for a motion to approve. Motion made by Chris Kempton with a second by Clary Ertel to approve the minutes of the May 15, 2008 meeting. There was nothing on the question. Mr. Hartzell called for a vote.

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

Scott Bylewski arrived at 8:03 a.m.

**Treasurer's Report**

Mr. Kempton presented went over the balance sheet and the Profit and Loss Statement as of June 12, 2006. The CD is due June 23<sup>rd</sup> and Mr. Kempton has been getting new rates from various banks for 3, 6, 9 and 12 month periods. There was discussion regarding putting funds from the money market account into a CD as the rates on that money market are down to .75 %. Pam Smith will also check with First Niagara on there rates and report to Chris on the rates they are offering at this time. Mr. Kempton asked if anyone had any question on the report. Motion was made by Scott Bylewski with a second by Clayt Ertel to approve the Treasurer's report. There being nothing further on the question, Mr. Hartzell called for a vote. (Mary Powell arrived at 8:06 a.m.)

**Vote:** Ayes: All    Opposed: None    Recuse: None    Absent: None

## **New Business**

**Buffalo Filter** - Paul Leone reported that Buffalo Filter has submitted an application to the CIDA for the Roll-Newhouse Development-Buffalo Filter Project located at Harris Hill and Roll Roads. The project cost is \$3,000,000 for the new construction of a 40,000+/- square foot facility. The facility would create an additional 50 new jobs. There was some question as to the square footage being 50,000 square feet. There would have to be a public hearing set for the inducement. They are also asking for sales tax. The CIDA will consider a special pilot for this project and additional extensions for sales tax benefits. Mr. Leon also reported that the applicant is asking for additional funds from the CIDA. Mr. Buettner asked if this is different from what they were asking for before. Mr. Leone said no, it is the same. Mr. Kempton suggested that the applicant submit a letter with the request for the additional funding. Mr. Leone will ask Mr. Palmerton to submit his request in writing to the CIDA for consideration. Mr. Neill will work on the public hearing notice for this project and get back to the board.

**8574 Sheridan Drive-Doodle Bugs Project** – Mr. Leone received a letter from Anthony Insinna, President of Doodle Bugs Children’s Centers in answer to his request for some additional information on the project. Mr. Bylewski had asked Mr. Leone to have them come up with an explanation as to how they arrived with the numbers they previously presented to the CIDA. Mr. Bylewski did review the information. The Town did a Neg Dec on this project on April 23, 2008 and approved a Special Exception Use Permit on June 11, 2008. While saying that he would not necessarily vote to approve the CIDA benefit, Mr. Bylewski stated that as the Town Supervisor, he would certify to the findings if the CIDA approved this project for benefits. Mr. Bylewski also stated that Doodle Project would include stone walls along the entrance way. Mr. Leone will ask Mr. Insinna to submit an application to the CIDA for consideration.

**8421 Sheridan Drive Project (Dr. Altman)** – Mr. Leone received a letter from Dr. Altman requesting an extension of the sales tax benefit due to delays in construction. They are asking for a one year extension. Mr. Hartzell said that he would be in favor of giving them a six month extension and made a motion to extend for six months. The motion was seconded by Scott Bylewski. Mr. Hartzell called the vote. Mary Powell abstained from all discussion and voting on this project. There was nothing on the question.

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

**Benchmark Project** – Mr. Leone also received a request from Benchmark to extend the sales tax benefit for this project until May 18, 2009. There was no discussion. Mr. Hartzell asked for a motion to approve the sales tax extension to Benchmark to May 18, 2009. Motion by Mr. Ertel with a second by Mr. Hartzell to approve the extension. There was nothing further on the question.

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

**Proposed Hotel Project at Sheridan and Main** - The CIDA do not want to take any action on the project as it is already underway. The building has already been torn down. In the future, because it is in the enhancement zone, the CIDA may consider an application for another project.

**8207 Main Street Project** – Mr. Neil has an amended resolution for the 8207 Main Street Project. The amount of the project has been increased from \$1,200,000 to \$1,685,000. Therefore, the CIDA needs to adopt the new resolution. Mr. Buettner asked where this project was located. Mr. Neill said that is the Roy Jordon project. Mr. Buettner said he will recuse himself from any discussion or voting on the resolution. Motion made by Mr. Kempton and seconded by Mr. Hartzell to adopt the amended resolution for the 8207 Main Street Project as written. There was nothing on the question.

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

Mr. Hartzell gave an update on the Downtown IDA meeting with County Executive Chris Collins. The meeting was very positive and Mr. Collins. Mr. Collins is in favor of the individual IDA's.

Mr. Leone gave a report on some of the seminars he gave. The UB Planning Seminar will be held on Wednesday, September 24, 2008 at 6:30 p.m.

**Old Business:**

8175 Sheridan Drive-Rockledge Professional Park LLC Project - Mr. Neill presented the SEQR resolution to the Board. The public hearing was held at the March CIDA meeting. There was a delay in the inducement because the TEQR meetings take place after the CIDA meetings. The SEQR has now been done and a resolution was passed by the Town. Mary Powell questioned why the CIDA does its own SEQR and the CIDA has to do a Neg Dec also because of the financing. Mr. Neill answered that the Town does the SEQR and we rely on their findings. There was no further discussion. Motion by Mr. Bylewski with second by Mr. Kempton to approve the SEQR Resolution for the Rockledge Project located at 8175 Sheridan Drive. There was nothing on the question.

**Vote:** Ayes All    Opposed: None    Recuse: None    Absent: None

Mr. Neill presented the inducement resolution for the 8175 Sheridan Drive-Rockledge Office Professional Park Project and once again explained that this was delayed because the CIDA was waiting for the Neg Dec from the Town of Clarence. The public hearing was held at the March CIDA meeting. There was no further discussion and Mr. Hartzell asked for a motion to approve the inducement resolution as written. Motion made by Mr. Bylewski with a second by Mr. Hartzell to approve the inducement resolution as written. There was nothing on the question.

**Vote:** Ayes: All    Opposed: None    Recusal: None    Absent: None

Main Street Photograph Project - Mr. Hartzell reported that he has not received a proposal from Chuck Eckert on the Main Street Photograph Project. Mr. Hartzell said that the project was

expensive so he has contacted three other companies and will present the proposals at the next meeting.

Strategic Planning – Mary Powell reported to the Board that it is important to get all of the voting members of the CIDA to the Strategic Planning meeting to discuss the CIDA funds. The Board decided to meet on Monday, June 30<sup>th</sup> at 4:30 to about 6:30 p.m. The place of the meeting had not been determined and Mary Powell will make those arrangements and Cindi will advise everyone.

### **EDO Report**

Stephen Stark addressed the Board to let them know that he would not be giving a formal report today and would be, regrettably, tendering his resignation. There was some general discussion regarding the resignation. Mary Powell asked Mr. Stark if the benefit issue was the only reason for his decision. Mr. Stark said that was a part of the reason and that there were some other issues. Mr. Bengart suggested that this matter be discussed in Executive Session.

### **Other Business not on the Agenda**

Cindi Rosel reported that included in the CIDA package for today's meeting was the Fee Policy. Mr. Neill suggested that the Board review the policy which was adopted in 2007. Mr. Neill recommended that the policy be looked at annually.

Mr. Hartzell discussed the Dash's Market project. The reaction and comments he has heard have been very positive. Mr. Bylewski stated that, at first, there were some concerns from the residents of Roxbury Drive relative to the drive-thru and parking. Since the completion and the opening, Mr. Bylewski has also heard very positive comments from the surrounding residents as well as the community as a whole. Mr. Hartzell said that he would like to run an ad on the Dash's Project. This is a very successful project and everyone was in agreement. Mr. Hartzell also asked the Board if they would like to run an ad on the Goesch Project. The board decided against running an ad.

Mr. Neill asked the board if they would like to consider have Mr. Leone give extensions for sales tax benefits to projects for short term periods. Mr. Buettner said that he would like to have the board vote on any extensions. The Board decided to discuss this at the next meeting.

Cindi Rosel also informed the Board that 2009 Budget discussion must begin in order to meet the requirements of PARIS reporting. The budget must be submitted to the State before November 1, 2008. There is a handout today's packet with the 2008 Budget and the time line for the 2009 budget. Mr. Hartzell stated that Chris Kempton could work on the budget.

There was nothing further on the regular agenda and the Board went into Executive Session.

### **Executive Session**

9:15 a.m. Motion made by Scott Bylewski seconded by Jack Willert to enter into Executive Session pursuant to OML §105(1)(f) to discuss the employment history of a particular person.

9:25 a.m. Motion by Scott Bylewski and seconded by Michael Buettner to move out of Executive Session and resume the regular meeting. There was no action taken in Executive Session.

Mr. Hartzell asked for a motion from the Board to accept the resignation of Stephen Stark as the EDO. There was a motion by Mr. Bylewski and a second by Michael Buettner to accept the resignation of Mr. Stark, with regret, effective immediately. There was nothing further on the question.

**Vote:** Ayes: All    Opposed: None    Recuse: None    Absent: None

There being no further business, Mr. Hartzell made a motion to adjourn the meeting.

Adjourned at 9:30 a.m.

Next meeting – July 17, 2008