

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

MINUTES

July 15, 2010

Present: David C. Hartzell Paul Leone
 Mary Powell Nathan Neill
 Christopher Kempton Pam Smith
 Michael Buettner Cynthia M. Rosel
 Scott Bylewski
 David Schuster

Absent: Clayt Ertel
 Steven Bengart

Guests: Anthony Picone
 Robert Geiger

Meeting was called to order by Chairman Hartzell at 8:00 a.m.

Public Hearing: 10995 Main Street-Picone Project

The public hearing was called to order by Chairman Hartzell at 8:01 am. Paul Leone introduced the applicant/developer, Anthony Picone, who is requesting Agency assistance in an amount not to exceed \$1,000,000 to acquire an existing 12,000+/- square foot building on 4.56+/- acre parcel of land located at 10995 Main Street Project. The applicant plans to renovate the existing building, convert it to office space and to construct an addition consisting of a 16,000 +/- square foot warehouse building. The applicant will also be acquiring and installing machinery, equipment, furnishings and fixtures that are required in connection with the office and warehouse facility for a construction company and a commercial facility. The applicant's present facility is no longer adequate for its needs to continue to grow in the Town of Clarence. They will retain the existing 36 employees and anticipate adding an additional 9 positions at completion of the project. Mr. Picone would be occupying the existing 12,000 sq. ft. building for offices. They also expect to lease space to future tenants. Mr. Leone added that the benefits would include a Pilot, Sales tax exemption and mortgage recording tax exemption. Mr. Leone asked if anyone had any questions for the applicant or himself. Mr. Bylewski asked the applicant if this was for only one building. Mr. Picone answered that it was to buy the existing building and plus add another accessory building. Mr. Leone added that the accessory building would be the 16,000 sq. ft. addition. Mr. Bylewski added that during the Town planning discussions including the Zoning Board of Appeals, there were multiple buildings that were talked about, but right now you are looking at just the one addition. Mr. Picone said that was correct, the one building and the one addition. Mr. Bylewski also asked what would happen to the project if the applicant did not receive the CIDA benefits. Mr. Picone answered that the project would be unaffordable without the assistance of the Agency. The company has outgrown the present facility and there is no room for expansion. They have ability to take on more work, but no room

for more people. Mr. Buettner asked what type of business this would be. Mr. Leone said it is general contractor business. There being no further questions the public hearing was closed.

Present at the meeting were David Schuster, Scott Bylewski, Michael Buettner Christopher Kempton, Mary Powell and Chairman Hartzell. Clay Ertel and Steven Bengart were absent as they were out of Town.

Minutes – June 17, 2010

Chairman Hartzell asked if everyone had a chance to read the minutes of the June 17, 2010 meeting. Everyone answered yes. There was a motion by Scott Bylewski with a second by David Schuster to approve the minutes of the June 17, 2010 meeting. There was nothing on the question.

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

Treasurer's Report

Mr. Kempton passed out the Treasurer's Report through July 15, 2010. He began with reviewing the Balance Sheet. The Profit and Loss Statement summary showed that total fees received were less than expenditures. If enough revenues are not received, a transfer may be needed to be made to the checking account from the money market. Mr. Bylewski added that interest rates are still low. Mr. Kempton said that until there is some positive movement in the rates, the funds will be kept in the money market account which is yielding a higher rate than CD's. Mr. Kempton asked if there were any questions. We are in good shape in staying in line with the budget. There was a motion to approve the Treasurer's Report as presented by Scott Bylewski with a second by Michael Buettner. There was nothing further on the question.

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

Correspondence:

A Notice of Public Hearing was received from the Amherst IDA for two projects to be held on July 16 and was the notice was e-mailed to the Board members and appointees.

New Business:

1. 10995 Main Street-Picone Project – Mr. Leone is asking for the Board's approval for the Project for which the Public Hearing was held this morning. The project is an amount not to exceed \$1,000,000. Included will be a Pilot, Sales Tax Exemption and Mortgage Recording Tax Abatement. Mr. Neill added that there are two resolutions - the SEQRA and the Inducement resolution. There was also a copy of the Part 1 and Part 2 of the EAF in the packet. Mr. Bylewski asked if anything has changed since the resolution was e-mailed to him. Mr. Neill answered no. Mr. Bylewski moved to approve the Negative Declaration as prepared by Mr. Neill. There was a second by Mary Powell. There was nothing on the question.

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

There was a motion made by Scott Bylewski to approve the Resolution as written to allow for the Inducement for the 10995 Main Street-Picone Project. There was a second by David Schuster. There was nothing further on the question.

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

Mr. Leone thanked Mr. Picone for coming in and that he will sending him the fee agreement and the ST-60 form. Mr. Picone thanked the Board for their consideration and approval of the project.

6051 Transit Road – Voelkl, Inc. (address will be 6035 Transit Road).

There was discussion regarding the 6051 Transit Road – Voelkl, Inc. proposed project. The project will consist of the construction of a 6,500+/- sq. ft. commercial facility on 9 acres of vacant land and the acquisition and installation of machinery and equipment required for a small pharmacy focusing on home healthcare, durable medical equipment, infusioned injection and compounding therapies. Buffalo Pharmacies, Inc. will be the sublessee. There is an application and a Neg Dec in the package. Mr. Leone said that there have been meetings with the company and the project amount would be approximately \$2.5 million. Mr. Neill informed the Board that the applicant is looking to close quickly on the property but the problem is there has not been a public hearing yet. Mr. Neill said that if the Board is agreeable, and based upon the application, a resolution can be approved for the Mortgage Recording Tax Abatement and approve the project for that purpose and for the sales tax exemption of up to only \$100,000 total. The total project cannot be approved until there is a public hearing. Mr. Leone added that the public hearing would be held August 19, 2010. Mr. Bylewski added that the Town Board has approved the project. Mr. Bylewski made a motion to approve the sales tax exemption for up to \$100,000 and for the Mortgage Recording Tax Abatement for the 6051 (6035) Transit Road. Mary Powell recused herself from the discussion and vote. Mr. Buettner asked if this is a spec building. Mr. Leone said it is not. Mr. Buettner asked if this was another drug store. Mr. Leone said it was not they are a distributor of pharmaceutical products. Mr. Kempton added that it is for home health care, going to the home, it is not retail. Mr. Leone added that it is in an enhancement zone. Mr. Buettner asked the location. Mr. Bylewski said that it is across from Transit Valley Country Club. Mr. Bylewski added that he made a motion but that there was no second. Mr. Kempton seconded the motion made by Mr. Bylewski. There was nothing further on the question.

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

Mr. Leone got a letter from Curtis Mohr, President of Airtite Wholesale Materials located at 8645 Roll Road. The company is expanding its operations into direct contractor sales and wholesale manufacturing. Mr. Mohr is looking for a sales tax exemption only benefit from the agency for under \$100,000. Mr. Leone is asking for approval. The project falls under the guidelines. There was a motion made by Chris Kempton to approve the 8645 Roll Road-Airtite

Wholesale Materials Project for sales tax only with a second by David Schuster. There was nothing on the question.

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

Mr. Leone informed the Board that he will be meeting with Seal and Design today regarding a new project. They are putting on a 12,000+/- square foot addition to the existing building. Mr. Leone added that there will be public hearing at the August meeting if we get the application in time. Mr. Bylewski said that this project is proposed to be on the Town Board schedule as it was discussed at the last work session. They were going to get some state funding but the State has pulled back on that due to the budget deficit. As soon as Mr. Leone gets the application it will be distributed to the members.

Marck K. Zografos of Italian Marble contacted Paul Leone regarding his sales tax exemption. Mr. Zografos tried to get some state funding to purchase a \$300,000 piece of equipment for his business but was not able to do so. He would like an extension on his sales tax letter for this purchase if the Board would agree to it. Mr. Leone is asking for the Board's approval for an extension till the end of September. Chris Kempton made a motion to approve an extension on the sales tax exemption for Italian Marble relative to the purchase of the equipment with a second by Scott Bylewski. On the question, Mr. Bylewski added that Italian Marble has been very generous in how they have treated a number of non-for-profits in the Town of Clarence. They have done work for the Presbyterian Church on Main Street as well as some work they are doing for the Clubhouse. There was nothing further on the question.

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

Mr. Leone has also been approached by a toy company from a Lockport Toy Company that is looking at the Ulrich Funeral Home in Clarence Center for a toy shop.

Mr. Leone also said they need to do something with the Montessori School project for a ribbon cutting and opening. Mr. Hartzell suggested Paul Leone let them know that they should contact the Chamber to arrange for that.

Rotterdam Industrial Development Agency

Mr. Hartzell asked if everyone had a chance to review the News release from the NY State Comptroller regarding the Rotterdam Industrial Development Agency. Mr. Hartzell wanted to know if anyone has any ideas to make sure that the CIDA never falls into an issue like this. Mr. Bylewski said that we already do a lot of the items outlined in the criteria recommended by Mr. DiNapoli. Mr. Kempton agreed and added that this is covered by the Audit that is required to be filed with PARIS and has to be made available on the website. Mr. Bylewski added that the number of full time employee jobs creation in the Town of Clarence has increased.

There was some discussion about projects closing between now and the end of the year. Mr. Neill said there are some projects out there that will be closing.

Old Business.

Mr. Bylewski had the printed branding folder with him to show to the Board members. The CIDA will have a sheet to be inserted in the folder. Mr. Bylewski is meeting with Jeff Feinen today regarding distribution of the folders and establish a roll out of same. This is not the kind of piece that is just a handout but will be given out more selectively. Mr. Leone would have some to handout for the special programs presented at UB. Mr. Bylewski also mentioned the "Our Town" one-hour special that will air in September on WNED. There is an agreement with WNED to use the footage and video for our own purposes to promote the Town. Mr. Bylewski and Mr. Feinen are proposing to narrow it down to a ten/fifteen minute video on a "slice of life" in the Town of Clarence and include a DVD to be inserted in the folders. Mr. Bylewski also suggested considering having the seminars in the auditorium here at the Town Hall once it has been remodeled.

Mr. Leone also suggested that the CIDA may want to consider doing a combined project like the Lancaster IDA did. They did six projects all at the same time, dropped the agency fees and legal fees to help the business area look good again through some renovation.

Mr. Hartzell spoke about the postcard John Arnold designed in conjunction with the "House that Jack Built" ad and thanked everyone for their suggested changes and input. Seven hundred will go out at the end of the week. Mr. Bylewski said that he did hear the radio ad. Cindi Rosel also heard it. Mr. Hartzell said that a motion is needed to approve payment for the mailing of seven hundred postcards that will be mailed out by post card mania. There was a motion by Chris Kempton to pay the bill from Post Card Mania (Rocket Print and Mal) in the amount of \$679 dollars for the post card flyers using the House that Jack Built with a second by David Schuster. There was nothing further on the question.

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

There was discussion regarding voting electronically. Voting must be done at a physical meeting. Mr. Bylewski added that there has to be proper notification to the public that there will be a meeting so they can attend. The CIDA must abide by the Open Meetings Law requirements. Mr. Neill said that there has to be a physical meeting but there are ways to have video conferencing. Mr. Neill added that we could change the By-laws to allow video conferencing but it all must be done in advance. If one of our members were on vacation, we would have to know in advance and the meeting would have to be advertised that it would be here and, for example, in Florida. There was also discussion regarding having documents for meetings available electronically on the internet. Cindi Rosel said she would discuss with Karen Jurek if something could be set up to put something online with password for the CIDA members. There are several items available on the website now.

Mr. Hartzell said that the House that Jack Built ad will run in the next issue of the Bee for Seal and Design. He wanted to know what the next ad they would like to run. Mr. Neill thought the idea was that the radio spots would run first and then we would decide when another ad would run. Projects for future ads were discussed. It was decided that the projects to consider for the next ad would be Greatbatch, Mary asked if we have to pay the set up fee every time the featured project changes. Mr. Hartzell said that it is \$1200 for a new ad and \$750 to drop the copy for a

new project into the ad. Mr. Kempton said that we have that budgeted. Mr. Bylewski added that Italian Marble should be included. InLighten will be considered once they move into the Town. Mr. Leone suggested Stick-n-Ball at the Mall. It is a tourist attraction that brings in people from other areas including Canada to use the facility. Mr. Schuster said that it is a totally different type of project. It was decided that Stick-n-Ball would be highlighted in the next ad. There was a motion by David Hartzell to run an ad in the Clarence Bee featuring Stick-n-Ball at the Mall, if they agree to do it, the cost of which shall not exceed \$900. The ad will run sometime in early August. Mr. Bylewski seconded the motion. On the question Mary Powell asked if there was a back up. Mr. Hartzell said that Greatbatch and Italian Marble would be the backup.

Vote: Ayes: Schuster, Bylewski, Buettner, Kempton, Powell, and Hartzell.

Noes: None Absent: Ertel Recuse: None. Motion carried.

There was a friendly motion to adjourn by Chairman Hartzell and he thanked everyone for volunteering their time and attending.

Meeting adjourned at 9:05.

Next meeting August 19, 2010.

Respectfully submitted,
Cynthia M. Rosel