

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

MINUTES

July 17, 2008

Present: David Hartzell Paul Leone
 Michael Buettner Steven B. Bengart, Esq.
 Clayt Ertel Nathan Neill, Esq.
 Christopher Kempton Pam Smith
 Mary Powell Cynthia Rosel
 Jack Willert

Excused: Scott Bylewski

David Hartzell called the meeting to order at 8:01 a.m.

Minutes

Mr. Hartzell asked if everyone received the minutes of the June meeting and if there were any comments. There being none, a motion was made by Clayt Ertel and a second by Jack Willert to approve the minutes of the June meeting. There was nothing on the question.

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

Treasurer's Report

Chris Kempton presented the Treasurer's Report and began with balance sheet items. Mr. Kempton reported that the CD's were renewed. One in the amount of \$400,000 for six months at 2.95% and the other in the amount of \$200,000 for three months at a rate of 2.7%. Mr. Kempton said that we will wait for three months with the thought that interest rates will go upward and we can begin the process of laddering the CD's with a block coming due every three months. Mr. Ertel asked if it was possible to negotiate with the banks regarding the interest rates. Mr. Bengart and Mr. Kempton said that we have done that. There was further discussion regarding this and Mr. Kempton will look investigate this for the next CD renewal in three months. There was some discussion regarding looking at some other banks rates when the CD matures in three months'. Kempton continued with his reporting the current assets, expenses, and income for the last month.

Mr. Hartzell asked if there were any questions or comments. Motion made by Ertel with a second Buettner to approve the Treasurer's report. There was nothing further on the question.

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

Mr. Kempton had two more items to discuss. There needs to be approval by the board to pay an unexpected expense incurred by a member while attending a meeting on CIDA business with the County Executive, Chris Collin. He received a received a parking ticket because the meeting beyond the time expected. There was a motion by Mr. Kempton with a second by Mr. Ertel to approve payment for the parking ticket. There was nothing on the question.

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

Mr. Kempton continued his discussion regarding the 2009 Budget. The Budget must reported and posted per PARIS by November 1, 2008. The Board will need to discuss the budget and set a preliminary budget. The Budget does not have to be approved today. Mr. Kempton suggested that the Board review the Budget items and make comments to Cindi via e-mail. Cindi can forward those comments to the rest of the Board for review and we can discuss at the August meeting. Mr. Kempton continued his discussion regarding the budget items and said that a preliminary budget can be adopted at the next meeting and submit to the Town Board for the twenty day comment period. The final budget can then be adopted in September.

Mary Powell arrived at 8:15 a.m.

New Business

Buffalo Filter

Paul Leone said that he has two items on the agenda for today. Buffalo Filter is asking for sales tax only. There will be a public hearing on this project in August for the inducement. It is a \$3.1 million dollar project. Mr. Neill reported on sufficient notice requirements by the State for public hearings on IDA projects. The previous legislation requiring a 30 day notice prior to a public hearing expired in January. It was thought that the legislation would be re-enacted but that did not happen.

Motion was made by with Clayt Ertel a second by Chris Kempton to approve the sales tax resolution for Buffalo Filter only at this time. There was nothing further on the question.

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

Phoenix Construction Management

They are located out of Richmond Hill Ontario. They are asking for sales tax only at this time so they can start the renovations. The property is in an enhancement zone. This would be located in front of Wal-Mart at 4125 Transit Road. The project will be between \$800,000-850,000 dollars. There will be a public hearing in August. This has been to the Town Board at the work session and Mr. Bengart believes it will be on the regular Town Board session at the next meeting. This project would also qualify for benefits under removal of slums and blight if it were not in the Enhancement Zone. This would be a great improvement. There was a motion made by Chris Kempton with a second by Mike Buettner to approve the sales tax only resolution for the property located at 4125 Transit Road. There was nothing further on the question.

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

Mr. Leone also reported he arranged for a meeting with company from China that is investing in businesses in New York State and around the company. Mr. Bengart asked what they are doing and if it had to do with new buildings. Mr. Leone had some information if the Board would like to review it. Mr. Hartzell said that the Chinese government is investing a great deal of dollars in the U.S. to introduce American business to China.

There was discussion relative to Paul Leone being able to extend a project for a short period of time without Board action for projects that are not quite finished. The Board would have to approve this by a resolution. Mr. Neill will prepare a resolution for the next meeting to authorize Paul Leone to do this. The resolution would include that Mr. Leone would report these extensions at the meeting following his granting the extension.

Mr. Leone also reported on the new legislation regarding prevailing wage for IDA projects. It has been put on hold Sam Hoyt bill did not make it to the Senate and there was no sponsor in the Senate at that time. It was approved in the Assembly and supposedly there is a Senate sponsor at this time.

Mr. Hartzell received two bids on the Photography project. One was for \$7,600 and one was for \$700. This would be only for the properties available on Main Street at this time to get the project started. This would also be part of updating the website. We need to update the site to help with making businesses aware of what is available in the Town and how the CIDA can assist them with locating or relocating to the Town. He does not have any proposals on the upgrade of the website at this time. He hopes to have someone come in at the next meeting.

Mary Powell has an article that she would like to copy each member of the CIDA.

Strategic Planning

Mary Powell reported on the meeting of June 30, 2008. There was discussion on the policy drafted by Wayne Drescher. Ms. Powell went over some of the suggested changes and explained that there was a great deal of time taken in trying to develop the secondary donation policy. The Board discussed whether or not secondary donations are something that the CIDA wants to get into. Mr. Hartzell said that he is not in favor of doing this. Mr. Willert had e-mailed that he is not interested in doing this type of donation as it does not fit the criteria of IDA's. Mr. Ertel said that this does not fall into the powers given to IDA's by the State. Mr. Bengart asked about considering low interest loans. This was discussed at the meeting and Ms. Powell said that it was not an option that Board wants to consider. Mary Powell said that we still need to have a policy in place. Mary went over the redlined proposed policy and said that it needs to say that the CIDA does not give secondary donations. Mary will put something together to present at the next meeting.

There was some discussion relative to the EDO position and whether or not the Board would like to pursue this issue.

There was a motion by Mary Powell with a second by Clayt Ertel to go into executive section to discuss the employment of a particular individual according to section OML §105(1)(f).

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

Motion made by Mary Powell seconded by Clayt Ertel to move out of Executive Session and resume the regular meeting.

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

Meeting adjourned at 9:18 a.m.

Next meeting is August 21, 2008.

Respectfully submitted by:

Cynthia M. Rosel