

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

MINUTES

September 20, 2007

Present: David Hartzell Paul Leone
 Michael Buettner Steven B. Bengart, Esq.
 Peter DiCostanzo Nathan Neill, Esq.
 Clayt Ertel Michelle Mazzone
 Kathleen E. Hallock Pam Smith
 Christopher Kempton Cynthia Rosel
 Mary Powell

Absent: Wayne Drescher

Chairman Hartzell called the meeting to order at 8:03 a.m.

Public Hearings:

8:03 a.m. Public hearing was held on the OMFS Properties - Northtowns Oral & Maxillofacial Surgery, PLLC 6465 Transit Road project. The project is in the amount of \$1,205,000. The project log was read by Paul Leone. Mr. Hartzell asked if there were any comments or questions on this project. There were no comments or questions by the public and the public hearing was closed.

8:05 a.m. Public hearing was held on the David J. Altman, MD, PC - 8421 Sheridan Drive Project. The project is in the amount of \$934,918. The project log was read by Paul Leone. Chairman Hartzell asked if there were any comments or questions on this project. There were no comments or questions by the public and the hearing was closed.

8:10 a.m. Public hearing was held on the KELKO LLC Project – 10060 County Road Project. The amount of the project is \$900,000. The project log was read by Paul Leone. Chairman Hartzell asked if there were any comments or questions on this project. There being none, the public hearing was closed.

Chairman Hartzell called the regular meeting to order at 8:14 a.m.

Minutes:

Mr. Hartzell asked if everyone had received a copy of and reviewed the minutes from the August 16, 2007 meeting. Mr. Hartzell asked if there were any corrections or additions. There being none, Chairman Hartzell asked for a motion to approve the minutes. Motion by Clayt Ertel with a second by Peter DiCostanzo to approve the minutes of August 16, 2007 meeting.

Vote: Ayes: Buettner; Ertel; DiCostanzo; Hartzell; Kempton; Powell. Opposed: None
Abstain: Hallock. Motion approved unanimously.

Treasurer's Report:

Mr. Hartzell called on Mr. Kempton to present the Treasurer's Report. Chris Kempton passed out the current report and a corrected copy of the August 16, 2007 report. He stated that the error in posting on the balance sheet on the August 16, 2007 report has been corrected. Mr. Kempton went over the current financial report. There was an increase in revenues. Mr. Kempton will drop the balance in the checking account and transfer funds to the HSBC account. Expenses included first payment for the EDO. There was discussion regarding the interest rates and where to put the funds to get the best return. Chris will contact the bank to check into this. There being no further questions or comments on the Treasurer's report, Mr. Hartzell asked for a motion to approve the September 20, 2007 Report. Peter DiCostanzo made a motion, second by Michael Buettner to approve the Treasurer's report.

Vote: Ayes: All. Opposed: None. Motion carried unanimously

Inducement Resolutions:

Mr. Hartzell introduced and welcomed the newly appointed Economic Development Officer Michelle Mazzone to the meeting and introduced her to those present who have not as yet had the chance to meet her.

Mr. Hartzell called on Mr. Leone and Nathan Neill to present the inducement resolutions to the CIDA Board for consideration and approval. The inducement resolutions will be for those projects for which the public hearings were held at the beginning of this meeting with the exception of the KELKO LLC project. Mr. Neill explained that the KELKO LLC Project inducement resolution cannot be presented at this meeting because the SEQR is still being done by the Town. The inducement will be done at the meeting in October.

Mr. Neill reminded the Board that the Neg Dec and sales tax resolutions for OMFS Properties-Northtowns Oral & Maxillofacial Surgery, PLLC – 6465 Transit Road Project and the David J. Altman, MD, PC – 8421 Sheridan Drive Project were approved at the August 16, 2007 meeting.

OMFS Properties-Northtowns Oral & Maxillofacial Surgery, PLLC – 6465 Transit Road

Mr. Neill presented the inducement resolution for the OMFS Properties-Northtowns Oral & Maxillofacial Surgery, PLLC – 6465 Transit Road Project. Mr. Leone added that this project is being presented for the Board's approval in the amount of \$1,205,000 for tax abatement and sales tax extension. Mr. Buettner asked what is different about this project from another oral surgical business in the Town. Mr. Leone said Northtowns Oral & Maxillofacial Surgery LLC is doing research and development which is all new and will be working with UB and it is also in an Enhancement Zone. Motion made by Clayt Ertel and second by Kempton to adopt the resolution for the OMFS Properties-Northtowns Oral & Maxillofacial Surgery, PLLC – 6465 Transit Road Project. On the question Mr. Bengart added that the Board incorporates all the discussion from the public hearing in their decision making.

Vote: Ayes: All. Opposed: None. Motion carried unanimously.

David J. Altman, MD, PC – 8421 Sheridan Drive Project

Mr. Neill passed out the inducement resolution to the Board for the David J. Altman, MD, PC – 8421 Sheridan Drive Project. Mr. Leone added that this project is in an Enhancement Zone and they will be demolishing a burned out structure. Mr. Leone asked that the Board approve this project. Mr. Neill said we should bring up the point of what is different about this project from the other businesses of this type in Clarence. Mr. Leone and Mr. Bengart added that the business includes research and development and that is the clinical part of the project. It is in an Enhancement Zone. Mr. Buettner asked if because the project falls within an Enhancement Zone, it doesn't matter anyway? Mr. Bengart answered no. Mr. Leone added that it has to be looked at and determined that it isn't going to be doing what another business is doing in Clarence. If it was not in an Enhancement Zone, it would be looked at as removal of slums and blight because of the burned out structure that will be demolished. Mrs. Hallock added that there is an error on the Project Log that should be corrected. A motion was made by Mr. Kempton with a second by David Hartzell to adopt the resolution for the David J. Altman, MD, PC – 8421 Sheridan Drive Project. On the question Mr. Bengart added that the Board incorporates all the minutes from the public hearing in their decision making.

Vote: Ayes: Buettner; Ertel; DiCostanzo; Hallock.; Hartzell; Kempton. Opposed: None
Recuse: Powell. Motion carried unanimously.

Mr. Leone noted that the KELKO LLC Project resolutions will be presented for approval at the October meeting.

Old Business:

The 2008 Budget was next on the agenda. Mr. Kempton passed out the 2008 Budget Proposal. Mr. Hartzell asked if everyone had a chance to review the preliminary budget that was sent to everyone via e-mails. The Chairman asked if there were any changes or questions. Mr. Di Costanzo said that there are still some boxes on the preliminary budget that need to be filled in. There are still some projects that will close before the end 2007. Mr. DiCostanzo suggested that there be a line added for Marketing and Promotion in the budget. There was a discussion by the members relative to the effectiveness of advertising, marketing and promoting the CIDA. It was agreed that the residents need to be aware of what the CIDA is doing for the Town of Clarence. One of the legislators did speak to Mrs. Hallock and commented positively on the ads for the CIDA and what it is doing for the Town. Everyone agreed that there should be some advertising especially to target the businesses in WNY and the Town of Clarence. There was some discussion on the other IDA's and what they are doing comparatively to the CIDA. Some IDA's put the revenues into community projects. Everyone agreed that the advertising was to market what the CIDA is doing. Mr. DiCostanzo said that there should be a certain amount budgeted for advertising. Clayt suggested that we put the advertising in the Marketing and Promotion Line and then decide where those fund should apply if we need to do more Advertising. It was suggested that news articles should be used more often to make the public aware of what the CIDA is doing. Mrs. Hallock asked when the budget needed to be finalized. Mr. Kempton said that there is a due date and he thinks it is November 1st. There may be a need for another meeting in October. Mr. Bengart suggested that we focus on the Budget at the October meeting. Mary Powell again suggested that we may need a facilitator and that we need a 3 to 5 year strategic plan. There should be another meeting scheduled for this. There may have to be some sessions held in the early or late afternoons. There was further discussion regarding setting up a date or

dates to meet on finalizing the budget. Peter has enough information to go on to complete a proposed budget. Mr. Buettner suggested that everyone pull out and review the previous Strategic Plan that was prepared in 1999. The members agreed that the EDO should attend the meetings for her input and suggestions. Mr. Hartzell asked if Mary would look into the facilitator this and report back at the October meeting. Ms. Powell reminded the Board that this would also have to be budgeted for as it will cost a few thousand dollars.

New Business:

Paul Leone reported on the progress of the Buffalo Filter project and the meetings that have taken place regarding same. Mr. Bengart was also present at the meetings. The proposed project is for a 100,000 square foot facility on ten acres of land. At the Buffalo Filter present location there are 60+ employees and that would increase to 200+ at the planned new facility. The Town has approved the concept plan and issued a Neg Dec. There will be third meeting to discuss this project. Mr. Bengart added that this is a major project and the CIDA will be only approving sales tax only. The County and Health Department attended the meetings where sewers were also discussed. There was further discussion related to Roll Road development. There are other proposed projects in the works for this area. Mr. Buettner asked if there is anything else CIDA can do to make this project go forward.

CIDA Policies:

Pam Smith handed out sample policies that the CIDA needs to have in place as per the Public Authorities Law of the State of New York. The only policy that has been adopted thus far is the Investment Policy. The members will review and make and corrections or additions ready for the next meeting. It was thought that the CIDA adopted the Ethics policy. Cindi Rosel will review the minutes of previous meetings to see if it was adopted.

Mr DiCostanzo informed the Board of events being held by the Buffalo Niagara Partnership Movers and Shaker 2007 Series to be held on October 10, 2007 and November 14, 2007 that might be of interest to the CIDA members. This is a members only meeting. It was discussed if the CIDA should become a member of the Buffalo Niagara Partnership. Mr. Bengart suggested that the CIDA authorize membership to the Partnership. There was further discussion by the members. The Board decided to authorize up to up to \$500 for membership in Buffalo Niagara Partnership. There was a motion by Clayt Ertel and seconded by Chris Kempton to authorize an amount of up to \$500 for annual membership fee for the CIDA to join the Buffalo Niagara Partnership. Michelle Mazzone will look into what the criteria is in order to become a member and report back before joining.

Vote: Ayes: All Opposed: None Unanimous. Motion carried.

Paul Leone also informed the Board that the Grand Opening for the Waterford Village Bank is this evening.

Cindi Rosel announced that the CIDA is invited to the Preview Party for the new Barnes and Noble which will be held on Tuesday, October 23, 2007 from 6 to 9 p.m.

Peter DiCostanzo also passed around some information regarding the Canisius High School ECIDA project for the Athletic Field in West Seneca. There was discussion by the membership

relative to this project and the ECIDA. The project was in the works for some time and just being completed. Mr. Leone explained that this is a tax exempt bond. West Seneca does not have an IDA so that is why this is going through the ECIDA.

Mr. Leone informed the Board that there is an open house for the Amherst IDA on September 27, 2007 from 4-7 p.m. You do not need to make a reservation.

Mr. Hartzell called to adjourn the meeting. Motion by Kathleen Hallock, second by Chris Kempton to adjourn the meeting.

Vote: Ayes: All Opposed: None Motion carried.

Meeting adjourned at 9:22 a.m.

Next Meeting: October 18, 2007