

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

MINUTES

MEETING OF OCTOBER 15, 2009

Present: David C. Hartzell Paul Leone
 Clayt Ertel Nathan S. Neill
 Christopher Kempton Steven Bengart
 Michael Buettner Pamela Smith
 Scott Bylewski Cynthia Rosel

Guests: Fred Back, Benchmark
 Adam Michaels, Seal and Design

Absent: Mary Powell

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

Chairman Hartzell asked Cindi Rosel to take roll call. Present were Scott Bylewski, Michael Buettner, Chris Kempton, Clayt Ertel, and Chairman Hartzell. Mary Powell was absent. Also present were Steven Bengart, Paul Leone, Nathan Neill, Pam Smith and Cynthia Rosel.

Public Hearing: Benchmark Main Transit Associates LLC Project

Chairman Hartzell opened the Public Hearing at 8:01 a.m. Paul Leone explained that Benchmark Main Transit Associates, LLC is affiliated with the Benchmark Group and is the developer of the retail shopping center. The proposed project is located at 8120 Main Street in the Town of Clarence and in the Clarence Central School District. The project entails the construction of a 10,212 sq. ft. facility to be leased to AAA of Western & Central New York for an automobile repair service business. The project amount is \$1,700,000. There would be a 10 year pilot because of the single tenant. Mr. Bylewski added that the Clarence Town Board approved a Special Exception Use Permit to Benchmark for the AAA project at the meeting last evening (October 14, 2009). There was a question from Mr. Ertel regarding the size of the parcel. Mr. Leone said it was about three quarters of an acre. Mr. Bylewski asked if Benchmark did not receive this inducement, what would likely happen with the project. Mr. Back answered that they would not be able to get Triple A; the project could not go forward until they could find a replacement tenant. There was motion by Scott Bylewski with a second by Clayt Ertel to close the public hearing. Mr. Kempton added that he would be recusing himself because his company has works with both Benchmark and Triple A.

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

New Business:

Inducement: Benchmark Main Transit Associates LLC Project

Mr. Neill said that the SEQR motion should be done before the Inducement resolution. There was motion by Clayt Ertel with a second by Michael Buettner to adopt the SEQR resolution as prepared by Nathan Neill. There was nothing on the question.

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

Mr. Leone recommended that the Board approve the project. He went over the project log as presented at the public hearing and asked if anyone had any questions. Mr. Bylewski noted for the record that the Regional Economic Impact Analysis that was prepared on this project shows that the benefit to the community is almost \$1.9M as compared to the benefit of \$104,177 to the applicant. Mr. Bylewski moved to approve as per the submitted resolution the project with a second by Clayt Ertel. There was nothing further on the question.

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

Seal and Design Inc. Inducement

Mr. Leone presented the new Seal and Design project. Seal & Design Inc. is located at 4015 Casilio Parkway in the Town of Clarence and is in the Clarence Central School District. The Company manufactures and distributes gaskets, seals and o-rings used in the industrial pumps, automotive, aerospace, medical and electrical industries. The proposed project entails the purchase and installation of equipment to upgrade internal systems within the company's facility. The project amount is \$120,000. This is for sales tax only. Mr. Leone said that this is the third project for Seal and Design. Motion by Chris Kempton with a second by Michael Buettner to adopt the installment sale agreement for Seal and Design, Inc. as submitted. There was nothing on the question.

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

Minutes – September 17, 2009.

Mr. Hartzell asked if everyone had a chance to review the minutes of the September meeting. He asked if anyone had any comments. Motion made by Scott Bylewski with a second by Chris Kempton to approve the minutes of September 17, 2009. There was nothing on the question.

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

Treasurer's Report.

Mr. Kempton went over the Balance Sheet and Profit and Loss Statement as of October 15, 2009. There was some discussion about the Certificates of Deposits. Mr. Hartzell asked about the guidelines and the time frames for investing, how long can they be for. Mr. Kempton answered that the CIDA cannot go beyond 12 months. Mr. Bylewski also added that it is because of the collateralization. Mr. Kempton said that once rates go up, we can ladder the investments in CD's and that is what Pam Smith will be working on, checking the rates. Mr. Leone reported that we received a fee \$6,840 on the AAA of Western New York project. There was a motion by Clayt Ertel with a second by Scott Bylewski to approve the Treasurer's Report. There was nothing on the question.

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

Correspondence.

Mr. Hartzell asked if there was any correspondence. Ms. Rosel reported that there was a public hearing notification from the Town of Hamburg for the Billy Lee, LLC project. The project would be the restarting the manufacture of fire truck. It will be held on November 6, 2009. There was nothing further.

New Business continued:

Chaffee Ward - Inducement

Mr. Leone reported that he has been working with the applicant, Mr. Chaffee, who was not present, on the possibility of approving a sales tax exemption for this project. This item was put on the Agenda for discussion but if it be the pleasure of the Board, they could adopt the Sales Tax Resolution today. It is a very small project but the CIDA may want to give him the sales tax only. There was discussion relative to the applicant applying for and receiving necessary Town approvals and zoning of the property. There was a motion by Scott Bylewski to approve the resolution for sales tax benefits only subject to proof that Chaffee Ward has obtained an acceptable building permit and submit a copy of the permit to Town Attorney, Steven Bengart. There was a second by Clayt Ertel. Mr. Buettner questioned why this should be approved without clarification that the property approvals have been given by the Town. Mr. Bengart answered that it was his understating that the company wanted to get the project underway this year. Mr. Bylewski added that with the next meeting being a month away and the stipulation in the motion is worded so the project could not go forward until Mr. Bengart received proof that there is an acceptable permit for the project and it would become a non-issue at that point. There was nothing further.

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

Mr. Bylewski had one additional item under New Business. The Town Board is in the tentative budget process for 2010 and reviewing budget requests. There is a slot in the tentative Budget for the CIDA to receive \$2,500. Based on the financial condition of the economy, and the CIDA being a little more financially secure, the Clarence Town Board would like to provide the \$2,500 as a grant to the Clarence Chamber of Commerce. He wanted to make the CIDA aware of that. Everyone agreed.

Joseph Floss, Floss Agency – CIDA Insurance

Joseph Floss of the Floss Agency passed out the coverage summary to each member. Mr. Floss went over the Employment Practices Liability, the Directors and Officers coverage and the Crime Policy. There is one policy with two separate limits. Mr. Floss looked at other well known DNO markets coverage and the carrier that he will be renewing with presently has remained stable on the premium. Mr. Buettner asked how the CIDA compares with the coverage other IDA's may have. There was further discussion and the Board would like Mr. Floss to look into what types of coverage other Towns have and report back to the Town. Mr. Leone said that he would be at the Town of Amherst and get that information to Mr. Floss. Mr. Bengart said that we may not have some coverage that we should have. Mr. Floss thanked Mr. Leone. Mr. Hartzell thanked Mr. Floss for coming in.

Mr. Bylewski asked if everyone received a copy of the application for the vacancy on the CIDA. Not everyone did and Mr. Bylewski will make sure that everyone gets a copy for consideration. He would like to act on it sooner than later.

Mr. Hartzell and Mr. Leone discussed the upcoming Growth Opportunities for Small Business event that will be held on Wednesday, October 21, 2009 at the UB Center of Tomorrow. There was discussion about the mailing that went out for the upcoming seminar. They were mailed to every business in Clarence and the Chamber sent them out to every Chamber member. Mr. Leone said that this would be well worth attending. Mr. Hartzell said that there was a great turn out from Clarence at the last seminar with at least a dozen businesses from Clarence in attendance.

Mr. Leone will be giving a presentation at the 14th Annual Straight Talk Seminar on January 23, 2010. Mr. Leone will host the "Show Me the Money" seminar. The SBA will also be there.

Mr. Leone also met with Larry LaDuca of Alternative Collection Solutions who are interested in purchasing the building at 8310 Wehrle Drive. Mr. Leone said that the construction of the building is completed so they would only be eligible for sales tax only for equipment. Mr. Leon had a handout.

The Leadership Council will be meeting on October 22, 2009 at noon the Amherst IDA.

The ECIDA sent Mr. Leone information on its advertising campaign. Brian McMahon Chairman of the State Economic Development Council at 4:00 on Monday, October 19 at 4 p.m. at the Saturn Club if anyone is interested.

Mr. Bengart asked if Mr. Bylewski was looking for a recommendation from the CIDA Board on the applicant for the open position on the CIDA. Bylewski said that there if there is no objection, he would just proceed with the appointment. Mr. Buettner thought that it would be a good idea to interview or meet with the applicant before a decision is made. It was decided that some members of CIDA would meet with the applicant for an informal interview and report back to the Board.

Mr. Leone also added that West-Herr is having a Grand Opening on October 22, 2009. A copy of the invitation will be handed to each Board member.

Strategic Plan

Mr. Hartzell said that when this Strategic Plan was developed, the CIDA was going to have an EDO who would implement the Plan. Mr. Hartzell said the Plan is only looked at about once a year. It was decided that the Board would take about 15 minutes at each meeting to go over the Plan. Mr. Kempton suggested that one part should be reviewed at a time. The Board agreed. Mr. Hartzell began with number 1. Increase the awareness of the CIDA by the community and businesses. Mr. Hartzell said that CIDA should also advertise adaptable use. Look at the Hayes Fish project. There are several old buildings that would fit. Mr. Kempton asked if we should commit to running two ads in 2010. Mr. Hartzell thought we should do two. Mr. Bylewski added that the one ad could focus on the type of benefit that the projects receive, such as sales tax. Mr. Ertel thought it would be a good idea to include the types of benefits in one ad, sales tax and tax abatement. Mr. Kempton asked if the ad would go in all three papers. Mr. Hartzell said that it would more beneficial to go with the News because the ads are larger and more colorful. Mr. Kempton asked if we should do one ad showing re-adaptive, one on sales tax. Mr. Ertel said that he thought we could do two separate subjects that are receiving different types of benefits in the same ad, do one of each. Mr. Bylewski also suggested that it would be a good idea to market to the marketers. Mr. Hartzell said it would be a good idea to send them the brochures. Mr. Kempton asked who would quarter-back this. And asked if Mr. Hartzell would. Mr. Hartzell said that he would be happy to. Mr. Hartzell thought it was important to talk to the Public Relations Society. Mr. Bylewski also brought up the Linked In or Face Book type of internet connections to include information about the CIDA. Put something in that the CIDA approved a project and use the IMPLAN report to compare the benefits to the applicant to the Town.

Ms. Rosel suggested that Mr. Geiger speak about what he has been working on for the website. Mr. Geiger has been working with Mr. Festaiuti to update the available properties with buildings and vacant land for commercial purposes. Mr. Geiger said that he hopes to have it updated by the next meeting. Mr. Bylewski said with the social network, it could also be advertised that particular space is available.

Getting back to Linked-In, Mr. Hartzell asked if the Town has access. Mr. Bylewski could show Cindi Rosel how to do this. Mr. Hartzell said that the big thing is consistency, sending a blurb out after each meeting. Mr. Bylewski said that it would important to show the benefit to community versus the applicant.

Mr. Kempton asked if we have ever done a promotion to the residents of the Town. There was further discussion about the cost and benefit. Mr. Ertel asked how many households are in the Town. Mr. Bylewski said that would be about 9,000. Mr. Buettner asked if it would make sense to send a smaller postcard to everyone in the Town. There was further discussion about the demographics and the PR value to advertise to the residents. Mr. Ertel said that we would be targeting those residents who have businesses elsewhere that might be interested in moving to the Town. Mr. Buettner said it was important to let the taxpayers in the Town know how the CIDA benefits the community.

Mr. Hartzell said that Part 2 of the Strategic Plan will be discussed at the November 19, 2009 meeting.

Mr. Hartzell thanked everyone for their time as they are all volunteers and also thanked the guest for attending.

Meeting adjourned at 9:27 a.m.

The next meeting is November 19, 2009

Respectfully submitted by:

Cynthia M. Rosel