

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

**MINUTES**

January 24, 2008

Present:	David C. Hartzell	Paul Leone
	Michael Buettner	Pam Smith
	Scott Bylewski	Steven Bengart
	Clayt Ertel	Nathan Neill, Esq.
	Christopher Kempton	Cindi Rosel
	Mary Powell	

Meeting called to order at 8:01 a.m.

Mr. Hartzell opened the meeting with discussion on the Hunt Real Estate project. Mr. Leone passed out the project log. Hunt is asking for sales tax benefits only and this is not a public hearing. Mr. Neill explained Gold Seal has an application before the Board and will be asking for tax abatement and sales tax on the construction at the February 21<sup>st</sup> meeting. A public hearing is scheduled on that date for 8780 Sheridan Drive – Gold Seal Equity Partnership Project to consider the construction of a 12,000+/- square foot building. Hunt will be a tenant in the building. Gold Seal will be leasing and then sub-lease to Hunt. Paul Leone has the project log prepared for 8780 Sheridan Drive-Gold Seal project available also and will pass out to the members. Clayt Ertel will recuse from discussing or voting on this project. There was further discussion about recusal. The sales tax inducement was presented at the December meeting and a vote was taken. The vote was three in favor of the project, one opposed, one recusal and two members were absent. The motion failed. It was decided that the resolution would be tabled to this meeting.

The applicant is represented at the meeting today by Michael Baron of Hunt who is available to answer any questions. Chris Kempton asked who the principles of Gold Seal Equity are. Mr. Neill answered that it is Tim Kulbacki of Kulback's Construction. Mr. Ertel said it was Tim, Brian and Dave who are Clarence residents and partners. Mr. Leone added that in the first year there would be approximately 9 employees. There was a brief discussion regarding the criteria that must be met for each project presented to CIDA. Mr. Hartzell asked if there was anything further on the project and called for a vote on the resolution. There was a motion made by Chris Kempton to approve the resolution for sales tax only on the Hunt Real Estate Project with a second by Mary Powell. There was nothing further on the question.

Vote: Ayes: Bylewski, Kempton, Powell. Opposed: Buettner, Hartzell Recuse: Ertel.  
Motion failed.

## **MINUTES:**

Mr. Hartzell asked if everyone had a chance to review the minutes of the December 20, 2007 regular meeting and the December 6, 2007 and January 10, 2008. Michael Buettner noted that the vote taken on December 20, 2007 meeting was not recorded in minutes. Mr. Buettner made a motion to approve the minutes of the December 20, 2007 meeting with the one correction to add the vote on the Hunt Real Estate resolution and to approve the minutes on the Strategic planning sessions of December 6, 2007 and January 10, 2008. Motion was seconded by Clayt Ertel. There was nothing on the question.

Vote: Ayes: All. Opposed: None.

### **Note: Correction to the Minutes of the December 20, 2008 to add:**

**A motion was made by Kathleen Hallock second by Chris Kempton to approve the resolution for sales tax only on the Hunt Real Estate Project. There was no discussion on the question.**

**Vote: Ayes: Hallock, Kempton, Powell. Opposed: Hartzell Recuse: Ertel  
Absent: DiCostanzo, Buettner. Motion failed.**

## **TREASURER'S REPORT:**

Chris Kempton handed out two reports. One was for year end to December 31, 2007 and the other was from January 1-24, 2008. The certificate of deposit is at a locked rate of 4.9% but the rates have dropped on the money market account. There was discussion on some of the items on the reports. Mr. Hartzell asked for a motion to approve the Treasurer's Report. Motion by Michael Buettner to approve the Treasurer's Report of December 31, 2007 and January 24, 2008. There was nothing on the question.

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

## **NEW BUSINESS:**

a. Paul Leone:

Paul Leone discussed new projects for consideration by the Board. Paul was contacted by Jim Collins of Milherst Construction, Inc. regarding a project for Lakeside Sod Industrial Park. The applicant is asking for sale tax benefits only at this time for road construction. There will be future construction on the 20+/- acres of vacant located on County Road which will include industrial and commercial development. There was some discussion regarding the future development. There being nothing further, Mr. Hartzell asked for a motion. Motion by Chris Kempton second by Chairman Hartzell to approve sales tax only benefits to Milherst Construction, Inc. and Lakeside Sod Supply Co., Inc. On the question it was asked if this had been through the Town Board. Mr. Neill answered that it has been approved by the Town Board and has Planning Board recommendation. Mr. Hartzell called for a vote.

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

Paul Leone also discussed the 8175 Sheridan Drive – Rockledge Professional Park Project. The applicant is requesting assistance from the agency for the construction Commercial office facility to be located at 8175 Sheridan Drive. Mr. Leone is requesting that the Board set a public hearing to consider the project. Mr. Neill said that because of the time required for publication of the Notice of Public Hearing, the hearing would to be scheduled for the March meeting. The public hearing will be held on March 20, 2008. Mr. Neill will prepare the notice.

Mr. Leone also met with Joe Frey regarding a project for 9992 Main Street. Mr. Frey is planning to expand the existing space. He will be submitting an application.

Mr. Leone also discussed the 9505 Main Street – Hi-Low LLC project which would be in former Coby building. He expects to receive the application before the next Board meeting.

There was also discussion regarding Buffalo Filter and Paul Leone gave a brief status on the proposed project.

b. Appointments to the CIDA:

9:13 a.m. - Motion by Scott Bylewski to enter into Executive Session pursuant to Open Meetings Law §105[1] (f) to discuss the appointment and/or employment of a particular person or persons. Motion to adjourn the Executive Session and to resume the regular meeting at 9:18 a.m.

Motion by Scott Bylewski with a second by Chris Kempton to make the following appointments:

David Hartzell, CIDA Chairman  
Clayt Ertel, CIDA Vice Chairman  
Christopher Kempton, Treasurer  
Michael Buettner, Secretary

Steven B. Bengart, Counsel/Assistant Secretary  
Nathan S. Neill, Bond Counsel  
Drescher and Malecki, CPA/Auditor  
Paul Leone, CEO  
Pamela Smith, CFO  
Cynthia Rosel, Secretary

With there being nothing further on the question Mr. Hartzell called for a vote:

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

**OLD BUSINESS:**

A. Policy Manual.

Mr. Neill distributed the policy manual he prepared. There was some discussion on the contents. It was decided that the Board members review the manual and table further discussion at this time.

**Other Business:**

Clayt Ertel discussed the New York State Economic Development Council and how it would benefit the CIDA to become a member of this organization. He has a brochure that will be copied and handed out to the members. The organization has been in existence for over 30 years and has extensive experience and expertise in working with state and local economic development programs. We can join the organization for as little as \$300 as an Associate Member and receive the information on educational seminars, conferences, services they offer and receive the newsletter that will keep us informed on what is going on in the State regarding economic development that would be pertinent to the CIDA. Paul Leone asked if Brian McMahon is part of the Organization. Mr Ertel answered yes he is. Paul Leone said that it would be a great idea to become a member of the NYSEDC. Mr. Kempton and Mr. Buettner also agreed, The rest of the members were in agreement Mr. Hartzell asked if Clayt would like to be the CIDA associate and Mr. Ertel said that he would. Mr. Hartzell made a motion to become an Associate Member of the New York State Economic Development Council for an amount not to exceed \$300 and the motion second by Chris Kempton. There was nothing on the question.

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

Mr. Bylewski requested to see a copy of the last audit of the CIDA.

Mr. Leone announced that there will be a seminar on March 12, 2008 at the UB Center for Tomorrow from 6:00-9:30 p.m. titled Growth Opportunities for Small Business.

Mr. Hartzell suggested that the CIDA produce a similar brochure to be mailed to all local businesses via direct mail to advertise and promote the CIDA. The flyer would list Paul Leone as the contact person for information about the CIDA. The Board members agreed. There was a motion made by Scott Bylewski second by Michael Buettner to do a direct mailing of the brochure to all local businesses in Clarence at a cost not to exceed \$2,500. There was nothing on the question.

Vote: Ayes: All Opposed: None Motion carried.

Mr. Hartzell also thanked Mr. Leone for all of his efforts in bringing new business to the Town of Clarence and assisting existing businesses with CIDA benefits.

The meeting was adjourned at 9:22 a.m.

The Board continued to meet to consult with Counsel under Attorney Client Privilege.

Respectfully submitted,  
Cynthia Rosel