

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

MINUTES

August 16, 2007

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

Chairman Hartzell called the meeting to order at 8:04 a.m.

**Bob Gosch Golf Project – 8500 Roll Road**

Mr. Hartzell introduced Bob Gosch, noted trainer, former body builder, PGA Professional and developer of this golf project. There were some questions regarding this project and Mr. Gosch came in to answer them. Mr Leone asked if Mr. Gosch had a copy of his website. Mr. Gosch had a copy and passed it around for everyone to see.

Mr. Bengart opened the discussion explaining that as an IDA one of our obligations is to make sure that we are doing projects, even in an enhancement zone, that bring something new and different to the Town. Mr. Neill added that the basic standard is that we find goods and services that otherwise are not immediately accessible to the residents, so by providing services that no one else has, obviously, you will meet that standard. Mr. Bengart asked Mr. Gosch to please explain how his project would be unique and different.

Mr. Gosch explained that his project is very different in that it will be combine personal training services with professional golf instruction, offer personal training and exercise training with cardiovascular equipment, such as treadmills and stationery bikes, resistance training equipment and flexibility training all under one roof in a very unique environment.. There will be golf instruction, golf practice, golf play, two unique indoor golf simulators with large spacious bays, most sophisticated ball reading equipment available today, golf lessons or play in sets of two or sets of four players for nine to eighteen holes, indoor putting greens as well as club fitting and repair available. There will be a sports physiologist available for mental coaching in a Bio-feedback room that will benefit members not only with their golf but in any area of their personal lives as well. Mr. Hartzell asked Mr. Gosch if there was any place in Town combining these services under one roof. Mr. Gosch said that there was not. Mr. Neill asked if there was anyplace like this in WNY. Mr. Gosch said that there is no facility at this time offering all of the services under one roof as his project in the immediate area or in WNY. The facility is designed to be a very relaxing environment to its members while offering high tech, life fitness equipment. Mr. Gosch is asking for sales tax benefits. Mr. Buettner asked where the project was located.

Mr. Gosch said it was on Roll Road. There being no further questions, the members thanked Mr. Gosch for coming in to explain his project.

### **Minutes**

Mr. Hartzell asked if everyone had a chance to review the minutes of the previous meetings from July 19, 2007, Special Meeting on July 23, 2007 and the Special Meeting of August 2, 2007. There being no discussions on the minutes of the previous meetings Mr. Hartzell asked if there were any questions on the minutes. There being none, Mr. Hartzell asked for a motion to approve the minutes.

Motion made to approve the minutes of July 19, 2007, July 23, 2007 and August 2, 2007 by Ertel; second by Hartzell. Vote called by Mr. Hartzell.

Vote: Ayes: All Opposed: None Absent: Hallock. Motion approved unanimously.

### **Treasurer's Report**

Chris Kempton gave the Treasurer's report. He went over the Profit and Loss Statement. Mr. Kempton asked if there is any more advertising planned for the rest of the year. There are two ads that will be placed. Mr. Kempton said there would need to be an increase in the budget for advertising if there is. The budget was approved for \$25,000. Mr. Ertel reminded everyone that there was a prior discussion regarding the advertising budget which addressed the possibility to place an ad in either the News or the Bee and not both if we were getting close to depleting the advertising budget. Clayt suggested that that possibility be considered. Mr. Kempton said we should have a motion to approve an additional amount. Mr. Hartzell agreed and asked if anyone had anything else to add regarding advertising, if there were any other ads that they would like run. Mr. Hartzell called for a motion and close out the advertising for the year.

Motion made Chris Kempton to approve the treasurer's report and to increase the advertising budget an additional \$15,000 for the calendar year of 2007; second by Clay Ertel.

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

There was a typo on the report. Motion by Michael Buettner, second by Peter DiCostanzo to have the treasurer review and amend the treasurer's report dated August 16, 2007 to correct a typo. Vote called by Mr. Hartzell.

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

### **New Business:**

Paul Leone reported that there will be three public hearing held on September 20, 2007 - OMS Properties, LLC – Northtowns Oral & Maxillofacial Surgery, PLLC Project, David J. Altman, MD, PC Project and KELKO LLC Project.

Mr. Leone presented three projects that are asking for sales tax exemption.

**Bob Gosch, 8500 Roll Road**

Mr. Leone presented the request for sales tax only for the Bob Gosch project and wanted to know if there were any further questions. Mr. DiCostanzo wanted to be sure that this project would be different from any golf related businesses that already exist in the Town. Mr. Leone replied that the business description for this project is – Golf and fitness instruction and related supplies and services. This request is for sales tax only for the purchase of equipment and asked if there were any further questions. There was no further discussion.

Motion made by David Hartzell to approve the resolution for sales tax only for Bob Gosch’s Discover Golf Center to be located at 8500 Roll Road; second by Buettner.

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

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

This resolution is for sales tax only. This is a research and development company. There will be two resolutions, SEQR and sales tax. The first resolution is a resolution of the Clarence, Erie County Industrial Development Agency confirming the negative declaration adopted by the Town of Clarence in connection with the application for project financing by OMFS, LLC. Mr. Hartzell called for a motion.

Motion made by Clayt Ertel; second by David Hartzell to approve the SEQR resolution. On the question, Mary Powell asked about the chance of someone going forward on a project and then not being approved for the tax abatement. Neill said that it is their risk. Powell said that the applicant should be made aware of that. The motion today is for sales tax only at this time. Vote called by Mr. Hartzell.

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

Mr. Di Costanzo pointed out a typo on the resolution that will be corrected regarding the square footage of the project.

Motion made by Mary Powell to approve the resolution for sales tax only on this project; second by Hartzell. Vote called by Mr. Hartzell.

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

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

There will be two resolutions, SEQR and sales tax only for machinery and equipment. This is a unique business which will be located at Sheridan and Transit. The project is a Dermatology and comprehensive GCP facility to be located in a new 4,900 square foot building. The old, burned out structure will be demolished. Dr. Altman does clinical research for the FDA. The first resolution is for SEQR.

Motion by Chris Kempton to approve the SEQR resolution; second by Michael Buettner. Vote called by Mr. Hartzell.

Vote: Ayes: Hartzell, Kempton, Ertel, DiCostanzo Opposed: None Recuse: Powell  
Absent: Hallock. Motion carried.

Motion made by Ertel to approve the resolution for sales only on this project; second by Chris Kempton. Vote called by Mr. Hartzell.

Vote: Ayes: Hartzell, Kempton, Ertel, DiCostanzo Opposed: None Recuse: Powell  
Absent: Hallock. Motion carried.

### **Waterford Village Bank**

Paul Leone has a request from Waterford Village Bank for an extension on the sales tax exemption from September 1, 2007 to December 1, 2007 to allow for the completion of the the building project and on material to be settled. Mr. Hartzell called for a motion. Mary Powell made a motion to extend the sales tax exemption for the Waterford Village Bank to December 1, 2007; second by Ertel. Mr. Hartzell called for a vote:

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

Mr. Leone explained that we are not doing anything today on the KELKO project. There will be a public hearing on the 20<sup>th</sup> of September. Mr. Ertel asked what the company does. Mr. Leone replied that they build spec buildings. This project is located on County Road

Mr. Leone also met with Mr. Frey regarding an expansion to his building on Main Street and a new warehouse facility for which there is acreage available.

Mr. Ertel will also get in touch with Mr. Read regarding his project. Mr. Leone asked Mr. Bengart about the Fuerst project as we have not heard anything on that project. Mr. Leone had nothing further.

### **Old Business:**

#### **EDO**

Mr. Hartzell asked Ms. Powell about the newly hired EDO. Ms. Powell reported that she spoke with Ms. Mazzone and a September 3, 2007 start date was agreed upon.

### **Budget**

The Budget process was discussed. Mr. Kempton and Mr. DiCostanzo will work on the Budget for 2008. Mr. Kempton also said there newly acquired expenses for CEO, CFO and the secretary. Mr. Kempton, Mr. DiCostanzo and Pam Smith will work on the spread sheet and circulate to everyone via e-mail.

Mr. Kempton talked about the seminar he attended and the policies that the CIDA must have. Mr. Neill said that we should adopt those policies that are required. Mr. Bengart said that we could have Wayne look into. We have adopted the Investment Policy that Wayne Drescher prepared. Mr. Hartzell asked Pam Smith to check on all the other policies and procedures required for IDA's. Pam said she would look into. The Town has some of the same policies.

Mr. Bengart reminded everyone must take the required Public Authorities course and have a certificate. Please submit to Cindi Rosel so that we have on file.

Mr. Ertel reminded the Chairman that we were going to discuss the future planning for the CIDA. Mary suggested a strategic plan. Perhaps have a facilitator. Mr. Hartzell asked that she look into that. Mr. DiCostanzo suggested that we discuss having a three to five year plan. Mr. Kempton said that a strategic plan will flow into the budget so it all comes together. It should be discussed at the next meeting as part of the budgeting process. This will be put on the agenda for next month.

There being nothing further, Mr. Hartzell called for a motion to adjourn the meeting. Motion made by Clayt Ertel; second by Chris Kempton.

Meeting adjourned at 9:25 a.m.