



## MINUTES – AGENCY MEETING – January 15, 2008

Time & Place: 12:00 Noon, Ebenezer Watts Conference Center,  
49 S. Fitzhugh Street, Rochester, New York

Board Present: T. Mazzullo (Chair), A. Burr, L. Doyle,  
S. Moore, H. Stuart

Also Present: J. Seil (Executive Director), W. Zyra (President Monroe County Legislature),  
E. Liberti, M. Townsend, Esq.

Chair Mazzullo called the meeting to order. H. Stuart led the Pledge of Allegiance.

Dan Conte of Loewke & Brill Consulting presented the Monitoring Report for the period of December 1, 2007 – December 31, 2007. During that time, 20 initial monitoring visits and six follow-up visits were made to 14 sites. Of the 64 workers that were identified, none were from outside the local labor area. Four workers did not have identification on the initial visit, but were in compliance on the follow-up visit which was conducted within 24 hours. Three sites had no workers present.

J. Seil presented the following applications for agency consideration:

### **LeChase Construction Services, LLC (EquiPlus)**

The company was represented by Michele Metzger. LeChase Construction Services, LLC (LeChase) is a full-service construction management and general construction firm. LeChase will be purchasing new computers, servers and software for a combined cost of \$618,935. LeChase employs 171 FTE in Monroe County and expects to create 5 new full time positions; the EquiPlus requirement is 4 jobs. The company has been approved for a GreatRebate on the purchase through the Monroe County Industrial Development Corporation and is seeking approval of the EquiPlus. After a brief discussion and on a motion made by L. Doyle and seconded by S. Moore, an inducement resolution was adopted approving subject project. All Aye.

### **Induction Atmospheres, LLC (EquiPlus)**

The company was represented by Dale Wilcox. Induction Atmospheres, LLC (IAL) is an industrial heating system integrator that was founded in 2002. IAL is purchasing a 37,000 square foot building at 35 Industrial Park Circle in the Town of Gates and is proposing to renovate and equip the facility. The combined cost of the project is \$396,500. IAL employs 15 FTE in Monroe County and expects to create 2 new full time positions. The company has been approved for a GreatRate on the purchase through the Monroe County Industrial Development Corporation and is seeking approval of the EquiPlus. After a brief discussion and on a motion made by H. Stuart and seconded by L. Doyle, an inducement resolution was adopted approving subject project. All Aye.

On motion made by A. Burr and seconded by H. Stuart, minutes for the meeting of December 18, 2007 were reviewed and adopted and approved. All Aye.

Executive Director Judy Seil presented the 2007 Annual Board Report. During 2007, COMIDA approved 77 new

projects, with a total investment in excess of \$405 Million and projected new jobs of 1,352. Significant projects included Carestream Health, Inc. (\$26 Million), Tech Park Owners (\$91 Million), Riverview Equity-1, LLC (\$30 Million) and WilJeff, LLC (\$73 Million). The Benefit to Incentive ratio for 2007 projects, as determined by the model created by the Center for Governmental Research, was 4 to 1, with these projects generating benefits estimated at \$59 Million, vs. incentives of \$16 Million. Director Seil also reviewed other Economic Development efforts including Executive Outreach calls by County Executive, Maggie Brooks, over 190 client meetings conducted by staff, 39 presentations to business groups with over 530 people in attendance and partnerships with Empire State Development and Greater Rochester Enterprise. Total projects approved in 2007, including COMIDA, Monroe County Industrial Development Corporation and the Empire Zone was 165, with an investment in excess of \$471 Million, projecting to create 1,925 new jobs. Director Seil thanked all of the staff for their efforts over the past year. The presentation included projects by municipality (majority of projects in the City of Rochester and Henrietta), COMIDA partnership with The Entrepreneur's Network and the Greater Rochester Enterprise and the results of a survey of 225 COMIDA project beneficiary. Of note, 63% of respondents indicated that without COMIDA benefits, the project would have been scaled back or cancelled. The County Executive's commitment to 100% Local Labor was reviewed. Since 2004, projects approved by COMIDA were projected to create nearly \$719 Million in construction and site work, and to generate 6,217 construction jobs. 2007 accomplishments include expansion of the Tax Abatement programs (Green JobsPlus, City Housing and Shelter Rents) introduction of the new Manufacturing Rewards program, updated marketing materials and successful merger of the Procurement Technical Assistance Center. 2008 goals include continuing ongoing board education and adherence to the Public Authorities Accountability Act, promotion of the new Monroe Manufacturing Rewards Program, continued joint calling efforts with our Economic Development partners and GRE, promotion of local labor and local purchases and updates to the benefit/incentive model.

M. Townsend, Board Counsel, presented the following items for Agency Action:

**Terminations:**

-Advent Tool & Mold, Inc.

- Morrell and Morrell (71 Perinton Parkway)

On a motion made by H. Stuart and seconded by S. Moore, a resolution was adopted for termination of the above projects. All Aye.

**Miscellaneous:**

-Rochester Tech Park Financing

On a motion made by H. Stuart and seconded by S. Moore, a resolution was adopted authorizing the execution of a mortgage and related documents for the above project. All Aye.

Mr. Townsend reviewed his research regarding the Real Property Form 412A. His research included discussion Steve Harrison, Chief Counsel for the State Board of Equalization and Assessment in Albany. Mr. Harrison indicated that the form is discretionary with the Assessor, and is subject to FOIL. Mr. Townsend also stated that he has had confidential settlement discussions with the Town of Brighton attorney regarding recovery of the mortgage tax exemption from a project.

The Public Forum was opened by Chair Mazzullo, referencing the Rules of Conduct and Decorum recently adopted by the Board. Ray Tierney, Town of Brighton, referenced the mortgage tax exemption dispute and asked for clarification on the local labor policy as it applies to renovations. Charlie Richardson, Neighbors Helping Neighbors & Metro Justice, asked for updated information and possible reuse of the property located at 690 St. Paul Street, a 1996 COMIDA project, and the 2000 charter school project. Gary Swanson, Ironworkers Local 33, commended the board on its commitment to economic growth and requested information on the local labor waiver policy. Director Seil and Counsel Townsend indicated that the policy was adopted in January 2007 and there has been no change to the policy. Bill Moehle, Town of Brighton attorney, confirmed that he has been in confidential discussions with COMIDA counsel regarding a settlement. Mr. Moehle, referencing the 412A forms discussed at a prior COMIDA meeting, stated that the use of the 412A form is discretionary, and that to the extent that the assessor does keep those records, they are subject to FOIL. Mr. Moehle made additional comments with regard to the completeness of the forms as it pertains to IDA ownership of the project and whether the project had been previously received benefits.

Mr. Townsend referenced that it has been his practice to submit the 412A, along with additional information, as allowed by the form. This information includes the PILOT, Cover Sheet, Cover Letter and Lease, and that these

documents fully enable the assessor to ascertain whether the IDA has the requisite possession and control through lease, license, deed or otherwise. Francisco Vega, Asbestos Workers Local 12A, discussed that he the union is concerned with safety and security, and that they are available for work. He also requested information on COMIDA programs, and was invited to contact Director Seil. Sandy Frankel, Town of Brighton, requested clarification regarding Local Labor requirements for Civic Facility Bonds. Director Seil and Counsel Townsend confirmed that these projects, including The Harley School project, do fall under the Local Labor Policy including monitoring. Gary Swanson, Ironworkers 33, requested a copy of the Local Labor Waiver procedure.

The Public Forum was closed. There being no further business, on a motion by H. Stuart and seconded by L. Doyle, the meeting was adjourned.