



COUNTY OF MONROE INDUSTRIAL DEVELOPMENT AGENCY

MINUTES – AGENCY MEETING – January 16, 2007

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

Board Present: T. Mazzullo (Chair), A. Burr, D. Conte, R. Hurlbut, S. Moore,
H. Stuart

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

Chair Mazzullo called the meeting to order. D. Conte led the Pledge of Allegiance.

Chair Mazzullo invited Acting Executive Director Seil to provide an update on local labor issues. J. Seil advised that subsequent to the December 2006 COMIDA meeting, the Henrietta Lodging project benefits were cancelled as a result of local labor violations. These benefits, totaling approximately \$100,000 include sales tax exemption and real property tax abatements. Additionally, the local labor waiver procedure has been revised. J. Seil asked D. Conte to review this policy in further detail. D. Conte read the revised policy (see addendum to minutes for the full text) noting that requests for waivers to the local labor requirements will be reviewed by a committee consisting of the Executive Director, a board member representative and the COMIDA attorney. J. Seil invited Bob Enright of The Bonadio Group to provide an update to the local labor monitoring. B. Enright reviewed that for the period of December 1, 2006 – January 14, 2007, The Bonadio Group made 73 site visits to 27 COMIDA projects. On these initial visits, four percent of the project workers were found to be non-local laborers. All of the projects corrected this on the subsequent visits.

The Public Forum was opened by Chair Mazzullo. There being no speakers, the Public Forum was closed.

J. Seil presented the following applications for agency consideration:

LeFrois Development LLC (Lease/leaseback with JobsPlus)

The company was represented by Eric Jones and Mike Baron. LeFrois Development will be constructing a 50,000 square foot building in the town of Henrietta to house 5Linx Enterprises (5Linx). 5Linx was founded in 2001 and sells communication services including digital phone service, wireless phones and accessories, satellite television, and Internet connection. The company is experiencing significant growth in the Voice Over Internet Protocol (VOIP) market. This building project will accommodate future growth. This \$6,865,000 project will impact 47 existing employees and is expected to create 133 new employees within the next 5 years. After a brief discussion and on a motion made by D. Conte and seconded by H. Stuart, a resolution was adopted approving SEQR for the subject property. All Aye. On a motion made by R. Hurlbutt and seconded by A. Burr, a final inducement resolution was adopted approving subject project. All Aye.

Holt Road Investors, LLC (Lease/leaseback with JobsPlus)

The company was represented by Angelika Sternowski. The applicant is proposing to construct a 9,300 square foot child care center on 1.5 acres on the west side of North Ponds Park. The center will be operated by the Knowledge Learning Corporation (KLC) as a KinderCare Learning Center. KLC is the third largest for-profit education company in the world and the largest for-profit provider of early childhood education in the United States with over 2,000 locations in 38 states, including 31 in New York. The center will include 12 classrooms and have a maximum occupancy of 141 children. The total investment in the project is over \$2.1 million and will result in the creation of 33 FTE. After a brief discussion and on a motion made by H. Stuart and seconded by D. Conte, a resolution was adopted approving SEQR for the subject property. All Aye. On a motion made by A. Burr and seconded by S. Moore, an inducement resolution up to \$100,000 was adopted approving subject project. All Aye.

Rochester Lodging Associates, LLC (Lease/leaseback with JobsPlus)

The company was represented by Minesh Patel. The applicant is proposing to renovate the 43,000 sq. ft., 98-room, Best Western Rochester. The hotel was recently purchased and is in need of renovations including new exterior finish, guest room and hallway updating, carpeting and elevator refurbishing. The \$750,000 project will impact an existing employee base of 9 FTE and is projected to create 5 new FTE. After a brief discussion and on a motion made by R. Hurlbutt and seconded by D. Conte, an inducement resolution up to \$100,000 was adopted approving subject project. All Aye.

North Forest Properties #3, LLC (Lease/leaseback with JobsPlus)

The company was represented by Marshall Cook. North Forest Properties is proposing to construct a 13,764 square foot single story office building located at 105 Canal Landings in the Town of Greece. The building will be leased by Unity Geriatric Associates and Kanoodle.com. Unity Geriatric Associates is a member of the Unity Health System, and specializes in serving the needs of mature adults. Kanoodle.com is a provider of internet marketing services in the area of search-targeted sponsored links. The total investment in the project is \$1.5 million and will result in the creation of 7 FTE. After a brief discussion and on a motion made by H. Stuart and seconded by S. Moore, a resolution was adopted approving SEQR for the subject property. All Aye. On a motion made by D. Conte and seconded by H. Stuart, an inducement resolution up to \$100,000 was adopted approving subject project. All Aye.

The Bennett Group, Inc. (EquiPlus)

The company was represented by Mary Ann Bennett. The Bennett Group, Inc. (TBG) is a consulting and training firm, which specializes in the development and delivery of educational products and services for the mailing industry. The Bennett Group is purchasing \$112,621 in mailing equipment (ink jet addresser, tabber, inserter) which will be used in its state-of-the-art training facility. TBG has two employees and will be creating one new FTE. The company is requesting EquiPlus on the equipment purchases and has been approved for a GreatRebate on the purchases through the Monroe County Industrial Development Corporation. After a brief discussion and on a motion made by A. Burr and seconded by R. Hurlbutt, an inducement resolution was adopted approving subject project. All Aye.

On motion made by R. Hurlbutt and seconded by S. Moore, minutes for the meeting of December 19, 2006 were reviewed and adopted and approved. All Aye.

Acting Executive Director Seil presented the Final 2007 COMIDA Budget. This budget has been presented to the County Executive and the Clerk of the Legislature with no comments received. After a brief discussion, on a motion made by H. Stuart and seconded by A. Burr, the budget was adopted as presented. All Aye.

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

Terminations:

Micro Instruments and Reeder Properties/Ferronics Inc.

On a motion made by R. Hurlbutt and seconded by S. Moore, a resolution was adopted approving termination of subject projects. All Aye.

Approval Over \$100,000/Final:

-**Klein Steel Service, Inc.** – Public Hearing held 1/16/07 Ebenezer Watts Bldg., 12:00 noon

-**DelMar Brighton, Inc.** – Public Hearing held 1/10/07, Town of Brighton

-**Gallina Development (500 Mile Crossing)** – Public Hearing 1/11/07, Town of Gates

On a motion made by S. Moore and seconded by A. Burr a final resolution was adopted approving subject projects. All Aye.

Miscellaneous:

-**RCC Webster, LLC**

On a motion made by H. Stuart and seconded by R. Hurlbutt a resolution was adopted approving an increase in the amount of project by \$222,282 for equipment purchases. All Aye.

-**Bersin Properties**

On a motion made by R. Hurlbutt and seconded by A. Burr, a resolution was adopted approving the refinancing of the subject project. All Aye.

M. Townsend, Board Counsel, advised the board that three public hearings were held regarding proposed changes to the COMIDA Uniform Tax Exemption Policy (UTEP) which will accommodate affordable and student housing projects. At the three hearings, there were only a total of 4 people in attendance, with no public comment offered. Therefore he will present an amended UTEP for adoption at the February meeting.

The Public Forum was reopened by Chair Mazzullo. There being no comments, the Public Forum was closed. There being no further business, on a motion made by R. Hurlbutt and seconded by S. Moore, the meeting was adjourned.



COUNTY OF MONROE INDUSTRIAL DEVELOPMENT AGENCY

Local Labor Waiver Policy

The County of Monroe Industrial Development Agency (COMIDA) adopted the requirement of 100% local labor on all COMIDA projects in March 2004. The local labor market is defined as laborers residing in the following counties in New York State: Monroe, Genesee, Livingston, Orleans, Ontario and Wayne.

All COMIDA project are subject to local monitoring by a COMIDA appointed entity. Reports will be generated by the monitoring group which details the number of workers on the job and the counties in which the laborers reside. The monitoring group shall notify the Executive Director if the laborers on the job do not reside in the approved 6 county area. The Executive Director will share information with Board of Directors via email.

The Executive Director will notify the applicant (as listed on the COMIDA approved application) of the violation and give the applicant a warning regarding the local labor violation. The monitoring group shall follow up with another visit to the site. Should there be a subsequent violation, the Executive Director will take action to revoke benefits and inform the COMIDA Board of Directors at the next meeting.

In some instances, use of 100% local labor may not be possible for any of following reasons:

- Warranty issues related to installation of specialized equipment whereby the manufacturer requires installation by only approved installers;
- Specialized construction in which a local contractor is not available;
- Significant cost differentials in bids whereby use of local labor significantly increases the cost of the project. A cost differential of 25% is deemed significant.
- No local labor available for the project

The request to secure a waiver for use of non local labor must be received in writing from the applicant. The request will be reviewed by a committee which includes the Executive Director, the Labor representative on the COMIDA Board, and COMIDA counsel who will determine if the request for a waiver is warranted. A letter will be written to the applicant with the determination of the request for the waiver.