

MINUTES – AGENCY MEETING – February 19, 2013

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

Board Present: T. Mazzullo (Chair), A. Burr, E. Caccamise,
C. Campbell, S. Moore

Also Present: J. Seil (Executive Director), R. Yolevich (Monroe County Legislature),
E. Liberti, M. Townsend, Esq.

Chair Mazzullo called the meeting to order. E. Caccamise led the Pledge of Allegiance.

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

A report on the Requests for Verified Exemptions was presented by Brian LaFountain of The Bonadio Group. During the last month, The Bonadio Group has received four requests for exemption from the local labor requirements for the Rochester Joint Schools Construction Board project; two under the criteria “no local labor available” and two under the “warranty requirement” category. Bonadio also received a request for exemption for the Jefferson Hotel/Home2Suites project under the “significant cost differential” category. Mr. LaFountain reported that upon review and consultation with Board Member E. Caccamise, the Bonadio Group found the requests valid.

Jim Loewke of Loewke Brill Consulting Group, Inc. presented the Monitoring Report for the period of January 1, 2013 – January 31, 2013. During that time, 70 monthly visits were conducted. Of the 471 workers that were identified, none were noncompliant on the initial visit. As of January 31, 2013 all monitored sites were compliant. Loewke & Brill delivered signs to 3 new projects.

J. Seil presented the following applications for agency consideration:

College Town Rochester LLC Lease/Leaseback with custom abatement

The company was represented by Randy Ruttenberg. College Town Rochester LLC (CTR) is proposing a mixed-use development adjacent to the University of Rochester, in the City of Rochester. CTR, in partnership with the City of Rochester, will redevelop the 14 acre site to include the demolition of all existing structures and construction of a new, mixed use development, including retail, office, residential, hotel and parking facilities. The redevelopment plan seeks to strengthen surrounding neighborhoods, increase tax revenues and create jobs while establishing a vibrant mixed-use environment that will become a regional magnet for those that live, work, shop, visit and study nearby. Anchor tenants will include Barnes & Noble and the University of Rochester. The \$60.8 million project, which will also include a supermarket and hotel, is projected to create 180 new FTEs over the next three years. The City of Rochester has requested that COMIDA provide a custom abatement for the project. A Public Hearing was held in the City of Rochester on February 19, 2013, with public comments regarding Prevailing Wage requirements. Counsel Townsend noted that because the project financing will include HUD funding, at least some component(s) of the project will require prevailing wage.

On motion made by E. Caccamise and seconded by A. Burr, minutes for the meeting of January 15, 2013 were reviewed and adopted and approved. All Aye.

Executive Director reported on the Governance Committee meeting held February 5, 2013. The Committee reviewed the bylaws and policies of the Agency as well as the Compliance Risk Assessment Report prepared by an outside accounting firm, wherein COMIDA received the best possible rating in all categories. Executive Director Seil thanked the Board for their diligence and commitment to Good Governance practices.

Executive Director Seil noted that Governor Cuomo's 2013-2014 Budget as proposed includes a significant change affecting industrial development agencies (IDAs) and their projects throughout the state. Under the governor's proposal, an IDA will not be able to grant the state portion of sales and use tax exemption benefits for any project or to any agent or project operator unless the agent or project operator has been certified as eligible to participate in the Excelsior Jobs Program. Additionally, before an IDA could award state sales and use tax benefits to an IDA project, the Commissioner of Economic Development would need to determine, in consultation with the Regional Economic Development Council, that the benefit plan for that project is consistent with regional economic development strategies. Executive Director Seil noted that none of the projects presented today, and many of the City of Rochester projects recently approved would not be considered eligible under the new legislation. Executive Director Seil noted that March 19, 2013 will be the annual Meeting.

S. Moore excused himself from the meeting.

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

Terminations:

- Genesee Global Group/975 John Street
- CS Stroyer/80 Bluff Drive
- Cantisano/LiDestri/815 Whitney Road
- Clinton Asset/75 S. Clinton
- Genesee Valley/691 St. Paul Street
- E.J. DeMonte/Penfield/1005 Linden Park
- Medvest Management/1895 Mt. Hope Ave.

On a motion made by A. Burr and seconded by E. Caccamise, a resolution was adopted approving the termination of the above named projects. All Aye.

Miscellaneous:

-550 East Avenue/Increase project amount from \$10,590,000 to \$17,600,000.

-Temple Bldg./Amending application to include \$5 Million HUD mortgage. Requesting mortgage tax exemption.

-Gallina Development/550 Mile Crossing/approve new tenant/Agrium Advanced Technologies.

-Seamans/approval of \$50,000 increase to \$105,000 for EquiPlus approved November 2012.

-Wright Wisner/approval increase to \$2,864,000

On a motion made by C. Campbell and seconded by E. Caccamise, a resolution was adopted approving the above. All Aye.

There being no further business, on a motion made by A. Burr and seconded by E. Caccamise, the meeting was adjourned.