

MINUTES – AGENCY MEETING - February 21, 2012

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

Board Present: H. Stuart (Acting Chair), A. Burr, R. Gerbracht, S. Moore

Also Present: J. Seil (Executive Director), E. Liberti, M. Townsend, Esq.

Acting Chair Stuart called the meeting to order. A. Burr led the Pledge of Allegiance.

Acting Chair Stuart opened the Public Forum. Richard Lipsitz of the International Brotherhood of Teamsters offered comments requesting that COMIDA terminate its PILOT agreement with VWR/Wards Natural Science. Paula Hansen, President of Metro Justice, Allison Duwe of the Coalition for Economic Justice, Robert Albin of Occupy Buffalo, John Washington of Occupy Buffalo and Samantha Colon of Occupy Buffalo all offered comments regarding VWR/Wards and IDA reform. There being no further speakers, the Public Forum was closed.

Jim Loewke of Loewke & Brill Consulting presented the Monitoring Report for the period of January 1, 2012 – January 31, 2012. During that time, 73 monthly visits were conducted. Of the 614 workers that were identified, one was noncompliant on the initial visit. As of January 31, 2012 all monitored sites were compliant. Loewke & Brill delivered signs to 3 new projects. .

J. Seil presented the following applications for agency consideration:

Greece Towne Mall, L.P. Lease/Leaseback with Custom PILOT

The company was represented by Kevin Wilmot. Greece Towne Mall, L.P. (GTM) is proposing the second phase of their redevelopment plan for Greece Ridge Center. The first phase, approved by COMIDA in 2008, consisted of \$6 million in tenant and mall improvements. The second phase will involve the acquisition and redevelopment of the 145,000 square foot Bon Ton site. GTM is planning to build 27,000 square feet of restaurants and small shops, which will be similar to the 2003 expansion at Eastview Mall. The \$11.4 million project is projected to create 136 new FTEs. The applicant seeks approval of a custom property tax abatement. A Public Hearing was held in the Town of Greece on February 21, 2012. Upon inquiry by the Chair, the applicant representative confirmed that they are aware of the Local Labor requirements. After a brief discussion and on a motion made by A. Burr and seconded by R. Gerbracht, a resolution was adopted approving SEQR for the subject property. All Aye. On a motion made by S. Moore and seconded by A. Burr, an inducement and final resolution was adopted approving subject project. All Aye.

846 LPR, LLC **Lease/Leaseback with JobsPlus**
Bryant & Stratton College **Sales Tax Exemptions Only**

The company was represented by Ann Loria of Bryant and Stratton College. 846 LPR, LLC is proposing to construct a new 33,000 square foot facility on 9.67 acres at 846 Long Pond Road in the Town of Greece. The building will be leased to Bryant & Stratton College (BSC). BSC is anticipating a 70% increase in students over the next five to ten years, and the new campus will provide adequate space for the increased enrollment. The \$7.5 million project is projected to create 8 new FTEs. 846 LPR seeks approval of JobsPlus property tax abatement. BSC is seeking approval of sales tax exemptions on \$1,087,000 which will be used to furnish and equip the new facility. A Public Hearing was held in the Town of Greece on February 21, 2012. Upon inquiry by the Chair, the applicant representative confirmed that they are aware of the Local Labor requirements. After a brief discussion and on a motion made by R. Gerbracht and seconded by S. Moore, a resolution was adopted approving SEQR for the subject property. All Aye. On a motion made by S. Moore and seconded by A. Burr, an inducement and final resolution was adopted approving subject project. All Aye.

180 Kenneth Drive, LLC **Lease/Leaseback with JobsPlus**

The company was represented by Jeff Fasoldt of Toshiba. 180 Kenneth Drive, LLC is proposing to construct a 6,500 square foot expansion to its existing 51,248 square foot building located at 180 Kenneth Drive in the Town of Henrietta. Toshiba Business Solutions, (USA) Inc. (TBS) will be leasing approximately 20,000 square feet of space in the newly expanded facility. TBS has outgrown its combined space at their current facilities on Atlantic Avenue and at Metro Park. The \$1.2 million project is projected to result in the creation of 6 new FTEs in three years. The applicant seeks approval of JobsPlus property tax abatement. A Public Hearing was held in the Town of Henrietta on February 21, 2012. Upon inquiry by the Chair, the applicant representative confirmed that they are aware of the Local Labor requirements. After a brief discussion and on a motion made by R. Gerbracht and seconded by A. Burr, a resolution was adopted approving SEQR for the subject property. All Aye. On a motion made by S. Moore and seconded by A. Burr, an inducement and final resolution was adopted approving subject project. All Aye.

3750 Monroe Avenue Associates, LLC **Sales & Mortgage Tax Exemptions Only**
Maximus Inc. **Sales Tax Exemptions Only**

The company was represented by Rachel Rosen. 3750 Monroe Avenue Associates, LLC (3750) is proposing to renovate approximately 46,500 square feet of office space at 3750 Monroe Avenue in the Town of Pittsford. The renovated space will be leased to Maximus Inc., (Maximus) a publicly traded company headquartered in Reston, Virginia that provides contract based administrative and regulatory services to federal, state and local governments. Maximus will be consolidating existing locations in Fairport, Victor and Amherst into the upgraded space. The \$4.7 million renovation project is expected to accommodate 203 new FTEs to be created over the next three years. 3750 seeks approval of sales and mortgage tax exemptions only. Additionally, Maximus will be investing \$1.5 million for new furniture and equipment, and is requesting sales tax exemption. A Public Hearing was held in the Town of Pittsford on February 21, 2012. Upon inquiry by the Chair, the applicant representatives confirmed that they are aware of the Local Labor requirements. After a brief discussion and on a motion made by R. Gerbracht and seconded by S. Moore, an inducement and final resolution was adopted approving subject project. All Aye.

Qualitrol Company, LLC **Lease/Leaseback with JobsPlus**

Qualitrol Company, LLC is a supplier of controls for monitoring temperature, pressure, liquid levels and other performance parameters on power transformers and related distribution and transmission systems. Qualitrol is proposing to construct a 15,000 square foot expansion to their 53,000 square foot facility located at 1385 Fairport Road in the Town of Perinton. The \$1.7 million project is projected to create 16 new FTE within three years. The applicant seeks approval of JobsPlus property tax abatement. A Public Hearing was held in the Town of Perinton on February 21, 2012. Kevin Hurley of the Empire State Development spoke of their support and participation in the project. After a brief discussion and on a motion made by R. Gerbracht and seconded by A. Burr, 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 and final resolution was adopted approving subject project. All Aye.

The company was represented by Kevin Morgan. 550 East Ave LLC proposes to renovate the Strathallan Hotel located at 546 East Ave, in the city of Rochester. Upon completion of this \$10,590,000 project the Strathallan Hotel will become the Strathallan Hotel, a DoubleTree by Hilton Hotel. The project is projected to create 4 new FTE jobs over the next three years. The applicant seeks approval of the JobsPlus. Executive Director Seil read a letter of support for the project, written by Carlos Carballada of the City of Rochester. A Public Hearing was held in the City of Rochester on February 21, 2012. Upon inquiry by the Chair, the applicant representatives confirmed that they are aware of the Local Labor requirements. After a brief discussion and on a motion made by R. Gerbracht and seconded by A. Burr, an inducement and final resolution was adopted approving subject project. All Aye.

On motion made by A. Burr and seconded by S. Moore, minutes for the meeting of January 17, 2012 were reviewed and adopted and approved. All Aye.

Executive Director Seil read the following statement into the record:

Since 1862, Ward's Natural Science has been a leading supplier of quality educational science materials. Ward's operates its main facility out of a 312,000 square foot facility located on 33 acres at 5100 West Henrietta Road in Henrietta NY.

On April 22, 2008, Ward's applied to the County of Monroe Industrial Development Agency (COMIDA) to expand its existing 262,000 square foot facility and add a 52,800 square foot addition. At the time of application, Ward's employed 208 with a Monroe County payroll of \$10.7 million. The cost of the addition was approximately \$2.4 million. A public hearing was held on April 8, 2008 at the Henrietta Town Hall. There were no public comments at the meeting. At the April 22, 2008, the COMIDA Board unanimously approved the application. Ward's contractually agreed to maintain its job base of 208 and create 7 jobs within 3 years of the closing which occurred on December 1, 2008. Ward's must maintain at least 215 jobs for the next 10 years.

The following is the employment levels at Ward's as reported in the COMIDA annual job survey:

12/31/2009	242	Monroe County payroll \$11.0 million
12/31/2010	248	Monroe County payroll \$11.2 million
12/31/2011	257	Monroe County payroll \$11.7 million

Ward's has exceeded its job creation requirements and is in full and complete compliance with the contractual Payment in Lieu of Tax ("PILOT") agreement executed on December 1, 2008. The PILOT has "clawback" provisions so that in the event they close the facility or fail to create and maintain the required job levels, there are penalties imposed to recapture some or all of the benefits. To date, there is no default. The property is generating over \$312,000 in payments to the affected taxing jurisdictions annually.

In October 2011, VWR Education which owns Ward's announced it was consolidating operations and laying off 40 of its 110 workers at a warehouse in Tonawanda, NY. The 2008 COMIDA approval and recent announcement by VWR are not related. It is a business decision on the part of VWR and does not impact the current contractual agreement with Ward's which is in compliance with the requirements of the PILOT.

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

Terminations:

- Lifetime Assistance Inc./Clarkson Day Treatment**
- EJ DelMonte – Fairfield Airport**
- Eldre Corporation**
- Bigfella Enterprises**
- Global Hospitality of Greece LLC**
- Genesee Global (Bond Outstanding/Termination of PILOT Agreement only)**
- Graver Technologies**

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

Miscellaneous:

--Benefit Resource

On a motion made by R. Gerbracht and seconded by S. Moore, a resolution was adopted approving a \$200,000 increase in project costs to \$700,000. All Aye.

-South Pointe Landing/Unity

On a motion made by R. Gerbracht and seconded by S. Moore, a resolution was adopted approving an \$800,000 increase in project costs to \$3,300,000. All Aye.

--Riverview Rochester

On a motion made by S. Moore and seconded by A. Burr, a resolution was adopted approving a mortgage tax exemption on \$2.5 million mortgage. All Aye.

-Riverview Lofts

On a motion made by A. Burr and seconded by R. Gerbracht, a resolution was adopted approving a \$1,056,265 increase in project costs to \$4,286,250. All Aye.

-Deferred Compensation Plan

On a motion made by R. Gerbracht and seconded by S. Moore, a resolution was adopted approving the amended and restated Deferred Compensation Plan. All Aye

There being no further business, the meeting was adjourned.