



COUNTY OF MONROE INDUSTRIAL DEVELOPMENT AGENCY

MINUTES – ANNUAL AGENCY MEETING – March 16, 2010

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, L. Doyle,
S. Moore, H. Stuart

Also Present: J. Seil (Executive Director), A. Daniele (Monroe County Legislature),
M. Townsend, Esq.

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

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

Executive Director Judy Seil presented the 2009 Annual Board Report. This included a brief overview of 2009 versus 2008, along with the myths and realities of Industrial Development Agencies. Director Seil reviewed 2009 activities. During 2009, COMIDA approved 34 new projects, with a total investment in excess of \$146 Million and projected new jobs of 638. These projects have a 3 to 1 Benefit to Incentive ratio, with these projects generating benefits estimated at \$35 Million, vs. incentives of \$13 Million. Director Seil also reviewed several COMIDA projects including the Bach Properties renovation, the Morgan Development redevelopment project in the Village of Spencerport, Getinge and Polyshot.

COMIDA partnerships with The Entrepreneur's Network, the Greater Rochester Enterprise and the Procurement Technical Assistance Center were reviewed, along with the County Executive Brooks' initiative, "Monroe Manufactures Jobs" program. The County Executive's commitment to 100% Local Labor was reviewed. Since 2004, the 250 construction projects approved by COMIDA generated 8,651 construction jobs.

Director Seil recapped other Economic Development efforts including Executive Outreach calls by County Executive, Maggie Brooks, over 190 client meetings conducted by staff, 57 presentations to business groups and a quarterly newsletter sent to over 2,550 local businesses people. Director Seil thanked all of the staff for their efforts over the past year.

A report on the Requests for Verified Exemptions was presented by Brian LaFountain of The Bonadio Group. During the last month, The Bonadio Group confirmed as valid one request for exemption from the local labor requirements for the Seton Properties project, specifically the installation of a crane, under the criteria "warranty requirement".

Randy Shepherd of The Bonadio Group presented the 2009 Audited Financial Statements, which had been reviewed with the Audit Committee. Mr. Shepherd thanked Elaine Liberti, Ms. Burr and Executive Director Seil for their assistance and cooperation with the audit. After a brief discussion and comments provided by the Audit Committee Chair A. Burr, on a motion made by A. Burr and seconded by E. Caccamise, a resolution was adopted accepting the 2009 Audit.

Jim Loewke of Loewke & Brill Consulting presented the Monitoring Report for the period of February 1, 2010 –

February 28, 2010. During that time, 60 monthly visits and 10 follow-up visits were conducted. Of the 237 workers that were identified, 18 were noncompliant on the initial visit. As of March 1, 2010, all monitored sites were compliant.

J. Seil presented the following applications for agency consideration:

2064 Nine Mile Point Associates, LLC/University Sports Medicine (Lease/Leaseback w/LeasePlus)

The company was represented by Fred Rainaldi Jr. 2064 Nine Mile Point Associates, LLC proposes to construct a 10,197 square foot building on 3.1 acres in the Town of Penfield. The facility will be leased to University Sports Medicine (USM), a collaborative program between the University of Rochester Medical Center's Department of Orthopedics and Strong Memorial Hospital. USM provides medical and surgical care to prevent, evaluate, treat, and rehabilitate injuries for both recreational and competitive athletes. The space will be used as a sports medicine, sports rehabilitation, spine rehabilitation, hand rehabilitation, urgent and non-urgent care, general orthopedics and office facility. The \$2.8 million project is projected to create 11 new FTE within three years. The applicant seeks approval of LeasePlus property tax abatement. The LeasePlus job creation requirement is 1 FTE. A Public Hearing was held in the Town of Penfield on March 16, 2010, with no comments from the public. 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 L. Doyle and seconded by A. Burr, an inducement and final resolution was adopted approving subject project. All Aye.

Asset One, LLC/Callfinity (Sales Tax Only)

The company was represented by John August of Asset One and Jeff Valentine of Callfinity LLC. Asset One, LLC proposes to build out 10,000 square feet of office space in the former Rochester Button Factory for Callfinity, Inc. Callfinity provides innovative telecommunication systems to contact centers, service providers and enterprises. Callfinity was founded in Boston in 1999 and relocated to Rochester in 2005. Callfinity has outgrown their current leased space in Pittsford and considered alternative locations outside Monroe County before deciding to relocate into the City of Rochester. The \$300,000 project will impact 34 existing employees and is projected to create 52 new FTE within three years. Asset One, LLC is requesting a sales tax exemption only. After a brief discussion and on a motion made by A. Burr and seconded by H. Stuart, an inducement resolution was adopted approving subject project. All Aye.

Temple Building, LLC (Sales Tax Only)

The company was represented by Andrew Costanza. Temple Building, LLC was previously approved by COMIDA to renovate the 145,000 square foot, 13-story Temple Building located at 14 Franklin Street in the City of Rochester. The \$2.1 million project consisted of the construction of 40 loft style apartments and a 55 car underground parking garage. Temple Building, LLC is now proposing Phase II of the renovation which will convert the second and third floors into 10 studio/one bedroom lofts. The \$400,000 project will impact 7 existing employees. Temple Building, LLC is requesting a sales tax exemption only. After a brief discussion and on a motion made by E. Caccamise and seconded by H. Stuart, an inducement resolution was adopted approving subject project. All Aye.

ACM Medical Laboratory, Inc. (EquiPlus)

The company was represented by Steve Carges. ACM Medical Laboratory (ACM), a division of Unity Health Systems, is a full service clinical and pathology laboratory. ACM is proposing to upgrade their laboratory and billing systems and will be purchasing \$1 million in hardware and software. ACM employs 345 in Monroe County and expects to create 4 new FTE positions over the next three years. ACM has been approved for the GreatRebate program through Monroe County Industrial Development Corporation and is seeking approval of the EquiPlus. After a brief discussion and on a motion made by A. Burr and seconded by S. Moore, an inducement resolution was adopted approving subject project. All Aye.

On motion made by H. Stuart and seconded by L. Doyle, minutes for the meeting of February 16, 2010 were reviewed and adopted and approved. All Aye.

Executive Director Seil noted that she had received a copy of the Monroe County Legislature resolution appointing Anthony Daniele as the Legislature's liaison to COMIDA effective March 9, 2010.

At this Annual Meeting of the Board of the County of Monroe Industrial Development Agency, on motion made by A. Burr and seconded by L. Doyle, a resolution was adopted approving the following policies and appointments: Code of Ethics, Duties & Responsibilities, Compensation, Reimbursement and Attendance, Defense and Indemnification, Disposition of Real Property Guidelines, Contracting Officer – Judy Seil, Extension of Credit, Internal Control, Internal Control Officer – Steve Moore, Investment, Procurement, Travel and Whistleblower Policies. All Aye.

On motion made by L. Doyle and seconded by T. Mazzullo, a resolution to readopt the Governance Committee Charter and appoint the committee and Chair (Committee-Hank Stuart – Chair, Robert Hurlbut, Theresa Mazzullo) was approved. All Aye.

On motion made by H. Stuart and seconded by T. Mazzullo, a resolution to readopt the Audit Committee Charter and appoint the committee and Chair (Committee-Ann Burr – Chair, Lauren Doyle, Stephen Moore) was approved. All Aye.

On motion made by T. Mazzullo and seconded by S. Moore, a resolution to readopt the PILOT Review policy and appoint the Committee and Chair (Robert Hurlbut – Chair, Theresa Mazzullo, Hank Stuart) was approved. All Aye.

On motion made by H. Stuart and seconded by E. Caccamise, a resolution to adopt the Finance Committee Charter and appoint the committee and Chair (Committee- Stephen Moore – Chair, Lauren Doyle, Ann Burr) was approved. All Aye.

On motion made by E. Caccamise and seconded by S. Moore, a resolution was adopted approving the following officer nominations: Theresa Mazzullo – Chair, Robert Hurlbut – Vice Chair, Hank Stuart – Secretary, Ann Burr – Treasurer, Lauren Doyle – Asst. Secretary. All Aye.

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

Miscellaneous:

-Eagles Landing Project

On motion made by L. Doyle and seconded by H. Stuart, a resolution was adopted approving consent to substitution of tenant, Kanga Play Center. All Aye.

-DelMar Brighton, Inc.

On a motion made by H. Stuart and seconded by E. Caccamise, a resolution was adopted approving extension of sales tax exemption period for this previously approved project. All Aye.

-Navitech Services Corporation

This project was approved at the February 16, 2010 meeting for up to \$100,000 in benefits. A Public Hearing was held in the city of Rochester on March 16, 2010. M. Townsend noted comments from Hon. Paul Haney, Monroe County Legislator, regarding clarification of the relationship between Navitech Services Corporation (NSC), Monroe Security & Safety Systems Local Development Corporation (M3SLDC) and Upstate Telecommunications Corporation (UTC); more specifically that the County Legislature approved contracts with UTC and M3SLDC which will provide communications and information technology support. M. Townsend concurred and clarified that UTC and M3SLDC, in turn have a management contract with NSC, and will be appointing Navitech as its agent in making the requisite purchases required by the underlying contracts. M. Townsend noted that New York State Tax department process for obtaining the sales tax exemption can be laborious, time-consuming and provides many opportunities for errors in complying with the arcane paperwork requirements. Therefore, NSC applied to the County of Monroe Industrial Development Agency for a sales tax exemption which is less cumbersome to utilize. In response to a question from the board, M. Townsend indicated that this project would be subject to a sales tax review by the COMIDA auditing firm, The Bonadio Group. After a brief discussion, on a motion made by E. Caccamise and seconded by S. Moore, a final resolution was adopted approving subject project. H. Stuart, President of Upstate Telecommunications Corporation and Monroe Security & Safety Systems Local Development Corporation abstained. All others Aye.

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