



MINUTES – AGENCY MEETING – April 16, 2009

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

Board Present: H. Stuart (Acting Chair), A. Burr, E. Caccamise,
S. Moore,

Also Present: J. Seil (Executive Director), W. Zyra (President, Monroe County Legislature),
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. Ray Tierney offered comments in support of the Brighton project to be considered by the board. He also referenced the IDA image campaign. There being no further speakers, the Public Forum was closed.

Dick Usselman of Loewke & Brill Consulting presented the Monitoring Report for the period of March 2, 2009 – April 3, 2009. During that time, 20 monthly visits were made and 4 follow up visits were conducted. Of the 185 workers that were identified, 7 were noncompliant on the initial visit. On the follow up visit which was conducted within 24 hours and all were now compliant. Mr. Usselman reported that no projects were started and none were completed. At the request of E. Caccamise, Mr. Usselman agreed to disclose in his board report, the nature of the non-compliance. Mr. Usselman clarified that the 7 workers above were initially classified as non-compliant, as they did not have proper identification, however all were from within the approved Local Labor area.

A report on the Requests for Verified Exemptions was presented by Ken Pink of The Bonadio Group. During the last month, The Bonadio Group has received one request for exemption from the local labor requirements for the Castle Office Group/Strong Memorial Hospital project, specifically operating room flooring, under the criteria “warranty requirement”. Mr. Pink reported that upon review, the Bonadio Group found the request valid.

J. Seil presented the following applications for agency consideration:

Apollo Development Co., LLC (Lease/leaseback)

The company was represented by Mohamed Razak. Apollo Development Company, LLC (Apollo) proposes to construct a new 25,000 square foot building in the Town of Penfield. The new building will be primarily occupied by Razak Architects and University Sports Medicine (USM). USM is a collaborative program between the University of Rochester Medical Center’s Department of Orthopedics and Strong Memorial Hospital. USM is comprised of Sports Rehabilitation and the Division of Sports Medicine. Sports Rehabilitation has locations in Brighton and Greece and is proposing to open a third location on the east side of Monroe County. The new location is expected to create 4 new FTE and 1 PT over the next three years. The applicant seeks approval of LeasePlus based on the use of 100% local labor and suppliers to construct the project. The LeasePlus job creation requirement is 2 FTE. A Public Hearing was held in the Town of Penfield on April 15, 2009 with no comments offered by the public. After a brief discussion and on a motion made by H. Stuart and seconded by E. Caccamise, a resolution was adopted approving SEQR for the subject property. All Aye. On a motion made by S. Moore and seconded by A. Burr, a

final resolution was adopted approving subject project. All Aye.

Gallina Cambridge, LLC (Lease/leaseback)

The company was represented by Kurt Sertl. Gallina Cambridge, LLC proposes to build out an existing 18,000 square foot building in the Cambridge Place Business Center in the Town of Brighton. Approximately 13,198 square feet will be leased to Medaille College. Medaille College is a four year college, headquartered in Buffalo, NY, offering undergraduate, graduate and accelerated learning programs. The \$400,000 project is expected to impact 17 FTE and create 2 FTE within three years. The applicant seeks approval of LeasePlus property tax abatement for University related facilities for the portion of the building to be occupied by Medaille College. The job creation requirement is 2 FTE. A Public Hearing was held on the Town of Brighton on April 15, 2009, with no comments from the public. After a brief discussion and on a motion made by A. Burr and seconded by S. Moore, a resolution was adopted rescinding the September 16, 2008 approval for this property with the Genesee Regional Bank as tenant. All Aye. After a brief discussion, on a motion made by H. Stuart and seconded by A. Burr, a resolution was adopted approving SEQR for the subject property. All Aye. On a motion made by E. Caccamise and seconded by S. Moore, a final resolution was adopted approving subject project. All Aye.

Choice One Development – Unity, LLC (Lease/leaseback)

The company was represented by Bill Valle. Choice One Development - Unity, LLC is constructing a 21,000 square foot, single-story medical office building near the intersection of North Union Street and Big Ridge Road in the Town of Ogden. The primary tenant will be Unity Hospital of Rochester which will sublet space to Unity-Spencerport Renal Center and Unity Family Medicine-Spencerport. Unity-Spencerport Renal Center will be establishing a new 17 station dialysis center in the building to serve end-stage renal disease patients. Unity Family Medicine-Spencerport will be relocating its family medicine practice into the state-of-the-art facility which offers additional examination rooms and space for a new care-giver. The \$4.7MM project impacts 27 FTE and projects to create 10 new FTE within three years. The applicant seeks approval of LeasePlus property tax abatement based on the local labor and supplier rule. The LeasePlus job creation requirement is 3 FTE. A Public Hearing was held on the Town of Ogden on April 14, 2009. Representatives from the Town of Ogden, Village of Spencerport, Spencerport Central school district and Spencerport Electric spoke in favor of the project. After a brief discussion and on a motion made by S. Moore and seconded by E. Caccamise, a resolution was adopted approving SEQR for the subject property. All Aye. On a motion made by E. Caccamise and seconded by A. Burr, a final resolution was adopted approving subject project. All Aye.

Central Roadways, Inc. (EquiPlus)

The company was represented by Jay Pilato. Central Roadways, Inc. has been providing asphalt paving and snowplowing services to businesses and municipalities in Monroe County for over 40 years. Central Roadways is proposing to purchase two New Holland LW loaders and a Ford 550 dump truck for a combined cost of \$181,000. Central Roadways employs 3 in Monroe County and expects to create 1 new FTE position. The company has been approved for a GreatRate on the equipment 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 E. Caccamise and seconded by S. Moore, a resolution was adopted approving subject project. All Aye.

Executive Director Seil thanked staff members, Ryan Snyder, Lydia Birr and Sharon Keefe for their work on delivering the Monroe County Economic Development programs.

Labella Associates, P.C. (EquiPlus)

The company was represented by Rob Pepe. Labella Associates, P.C. (Labella) is an architectural, engineering and environmental planning firm located in the City of Rochester. Labella will be purchasing new surveying equipment, computer hardware and software totaling \$167,216. Labella employs 132 in Monroe County and expects to create 4 new FTE positions. The company has been approved for a GreatRate on the equipment 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 E. Caccamise and seconded by A. Burr, a resolution was adopted approving subject project. All Aye.

Barrett Distribution Centers, Inc. (EquiPlus)

The company was represented by Arthur Barrett. Barrett Distribution Centers, Inc. (Barrett) is a provider of third party logistics services, which include contract warehousing, fulfillment services, public warehousing, and transportation services. Barrett is headquartered in Boston and will be expanding into New York State to occupy 45,000 square feet of distribution space at 1680 Lyell Road in the City of Rochester. Barrett is proposing to invest \$254,000 in pallet racking, shelving, and material handling equipment. Barrett expects to create 8 new FTE positions. The company, which was referred by the City of Rochester, has been approved for a GreatRate and GreatRebate on the equipment 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 A. Burr and seconded by S. Moore, a resolution was adopted approving subject project. All Aye.

Genesee Scrap & Tin Baling Inc. (EquiPlus)

The company was represented by Dean Rudy. Genesee Scrap & Tin Baling, Inc (Genesee Scrap) is a recycler of steel and metal products located in the City of Rochester. Genesee Scrap will be purchasing a truck in the amount of \$87,500. Genesee Scrap employs 46 in Monroe County and expects to create 3 new FTE positions. The company has been approved for a GreatRate on the vehicle 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 E. Caccamise and seconded by A. Burr, a resolution was adopted approving subject project. All Aye.

On motion made by A. Burr and seconded by S. Moore, minutes for the meeting of March 17, 2009 were reviewed and adopted and approved. All Aye.

Executive Director Seil noted that this was the Annual Meeting of the Board of the County of Monroe Industrial Development Agency. 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.

On motion made by A. Burr and seconded by E. Caccamise, 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 A. Burr and seconded by E. Caccamise, 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 R. Hurlbut and seconded by H. Stuart, 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 A. Burr 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.

Randy Shepherd of The Bonadio Group presented the 2008 Audited Financial Statements, which had been reviewed with the Audit Committee. Elaine Liberti was thanked by Mr. Shepherd, Ms. Burr and Executive Director Seil for her work on 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 S. Moore, a resolution was adopted accepting the 2008 Audit.

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

Miscellaneous:

Medvest Management, Ltd

On motion made by A. Burr and seconded by S. Moore, a resolution was adopted approving consent to assignment of Lease Agreement to 1895 Management, Ltd., a wholly owned subsidiary of Medvest Management Ltd. All Aye.

Clinton Asset Holding Associates LP

On a motion made by H. Stuart and seconded by S. Moore, a resolution was adopted approving a resolution to modify existing PILOT and lease to contemplate the Nixon Peabody PILOT. All Aye.

Executive Director Seil thanked Martha Malone for her work on the annual New York State Comptrollers report. There being no further business, on a motion made by A. Burr and seconded by E. Caccamise, the meeting was adjourned.