# 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.

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 E. Caccamise 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 resolution was adopted approving subject project. All Aye.

Morgan Depot Plaza LLCLease/Leaseback with custom abatementTOPS MarketsSales Tax Exemptions Only

The company was represented by Kevin Morgan and Lou Terragnoli. Morgan Depot Plaza LLC (MDP) is proposing to redevelop the former Kmart plaza on East Ridge Road in the Town of Irondequoit. MDP proposes to demolish a portion of the plaza and to construct a new 52,000 square foot grocery store to be occupied by Tops Markets, which will be relocating from its current location at 1455 Ridge Road East. The new location will include a fueling station. Without the relocation, TOPS, a supermarket chain of 153 stores operating in New York, Pennsylvania and Vermont, would exit the Irondequoit market, as their current business model requires the fueling station which is prohibited at their current location. The \$16 Million project will retain 79 FTEs and is projected to create 18 new FTEs over the next three years. MDP is seeking approval of mortgage tax and sales tax exemption on \$10.7 Million in construction and renovations. TOPS Market is seeking sales tax exemption on \$2 Million in renovations and equipment. The Town of Irondequoit has provided a letter of support for this project. A Public Hearing was held in the Town of Irondequoit on February 19, 2013. 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 A. Burr and seconded by S. Moore, a resolution was adopted approving SEQR for the subject property. All Aye. On a motion made by C. Campbell and seconded by E. Caccamise, an inducement resolution was adopted approving subject project. All Aye.

## Pharma-Smart International Inc. Sales Tax Exemptions Only

The company was represented by Fred Sarkis. Pharma-Smart International Inc., a designer and manufacturer of blood pressure screening equipment, has outgrown its existing location and is proposing to relocate to the Rochester Tech Park in the Town of Gates. Pharma-Smart will be investing \$145,000 to equip the new location which will include fiber optic wiring, wireless network hubs, material handling equipment and a bar code system. Pharma-Smart currently employs 29 FTEs and expects to create 2 new full-time positions. Pharma-Smart has been approved for the GreatRebate program through Monroe County Industrial Development Corporation and is seeking approval of the EquiPlus program. After a brief discussion and on a motion made by S. Moore and seconded by C. Campbell, an inducement resolution was adopted approving subject project. All Aye.

## Merlin International Corp. Sales Tax Exemptions Only

The company was represented by Doug Smith. Merlin International Corp. provides high quality on-demand four color printing and related services. Merlin will be investing \$103,220 to purchase a new Tango Document Production system and to renovate their existing space. Merlin currently employs 17 FTEs and expects to create 2 new full-time positions. Merlin has been approved for the GreatRebate program through Monroe County Industrial Development Corporation and is seeking approval of the EquiPlus program. 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 S. Moore, an inducement resolution was adopted approving subject project. All Aye.

Pontarelli AssociatesLease/Leaseback with JobsPlusPKG Equipment Inc.Sales Tax Exemptions Only

The company was represented by Maria Parker. Pontarelli Associates (Pontarelli) is proposing to expand an existing 33,165 square foot manufacturing building in the Town of Chili which is leased to a related entity, PKG Equipment (PKG). PKG is a manufacturer of wet and dry process equipment. PKG has reached its manufacturing capacity and will utilize the additional 15,000 square feet to accommodate continued growth. The \$712,800 project will impact 40 FTEs and is projected to create 6 new FTEs over the next three years. Pontarelli is seeking approval of the JobsPlus property tax abatement. The job creation requirement is 4 FTEs. PKG is seeking sales tax exemption on \$100,000 of purchasing and job costing software. 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 C. Campbell 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, an inducement resolution was adopted approving subject project. All Aye.

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. DelMonte/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.