



COUNTY OF MONROE
COMIDA
INDUSTRIAL DEVELOPMENT AGENCY

BOARD MEETING MINUTES
February 20, 2024

Time & Place: 12:00 p.m. at City Place

Board Present: A. Burr, N. Jones, J. Popli, L. Bolzner, R. King, T. Milne, J. Alloco

Also Present: A. Liss, R. Finnerty, A. Clark, K. Loewke, R. Baranello, Esq.

Chair Burr called the meeting to order at 12:01 p.m. and T. Milne led the board in the Pledge of Allegiance.

On motion by R. King, second by L. Bolzner, all aye, minutes of the January 16, 2024 meeting were approved.

K. Loewke presented the local labor monitoring report for January 2024.

B. Lafountain presented the local labor exemption report for January 2024. Mr. Milne commented that the certification requirement in the local labor policy is at the individual level and not at the company level. He requested that the Governance Committee review the language in the policy.

It was noted that the financial report for January 2024 is in the board packet and will be reviewed at the next meeting.

Executive Director Liss presented the following projects for consideration:

Nick Mancuso, LLC dba Elevate585 Fitness, Inc.

Nick Mancuso Inc., dba Elevate Fitness, is a training and fitness facility located in the City of Rochester. The applicant is relocating and expanding to the N. Goodman St. location to accommodate growth. This project is considered "retail" under Section 862 of the General Municipal Law, however, the project qualifies for benefits under the "highly distressed area" exception (project is located contiguous to a distressed census tract). This finding by the Agency will require confirming approval from the County Executive. The \$580,000 project is projected to create 19 new FTEs over the next three years in addition to the existing 11. The applicant is seeking approval of sales tax exemptions only. The Benefit/Incentive ratio is 103:1.

The applicant was represented by Nick Mancuso, Owner. The applicant confirmed awareness of the local labor policy and that exemptions must be requested 45 days in advance, and does not anticipate any local labor exemptions at this time.

The board considered the following resolution: RESOLUTION OF THE COUNTY OF MONROE INDUSTRIAL DEVELOPMENT AGENCY TAKING OFFICIAL ACTION TO APPOINT (i) NICK MANCUSO LLC D/B/A ELEVATE FITNESS OR A RELATED ENTITY FORMED OR TO BE FORMED (COLLECTIVELY, THE "COMPANY") AS ITS AGENT TO UNDERTAKE A CERTAIN PROJECT AS MORE FULLY DESCRIBED BELOW; (ii) PROVIDE FINANCIAL ASSISTANCE TO THE COMPANY IN THE FORM OF A SALES AND USE TAX EXEMPTION FOR PURCHASES AND RENTALS RELATED TO THE UNDERTAKING OF THE PROJECT; (iii) AUTHORIZE THE EXECUTION AND DELIVERY OF A PROJECT AGREEMENT AND RELATED DOCUMENTS;

AND (iv) MAKE A DETERMINATION WITH RESPECT TO THE PROJECT PURSUANT TO SEQRA.

On motion by R. King, second by T. Milne for inducement and final resolution approving a sales tax exemption, a roll call vote resulted as follows and the motion carried:

J. Popli	Nay	J. Alloco	Yea
L. Bolzner	Yea	R. King	Yea
T. Milne	Yea	A. Burr	Yea
N. Jones	Yea		

Diamond Packaging, Inc.

Diamond Packaging, Inc., a printing and packaging company, is proposing the renovation of their multi-building campus on Commerce Drive in the Town of Henrietta. The three existing buildings will all undergo upgrades and redesigns in order to accommodate growth. Diamond Packaging, Inc. plans to create 90 new FTE's in addition to its existing 236 FTE's. The \$11 million project is seeking a real property tax abatement, mortgage recording tax and sales tax exemption on the building located at 145 Commerce Drive. The applicant is also seeking mortgage recording tax and sales tax exemptions only on the buildings located at 111 and 155 Commerce Drive. The cost benefit ratio is 256:1.

The applicant was represented by Keith Sernick, Esq. and Dan Brady, CFO, Diamond Packaging. The applicant confirmed awareness of the local labor policy and that exemptions must be requested 45 days in advance, and does not anticipate any local labor exemptions on the infrastructure at this time, but possibly for the installation of the new printing press from overseas. Ms. Baranello stated there were no comments at the public hearing which was held on February 15, 2024.

The board considered the following resolution: RESOLUTION OF THE COUNTY OF MONROE INDUSTRIAL DEVELOPMENT AGENCY (i) ACKNOWLEDGING THE PUBLIC HEARING HELD BY THE AGENCY ON FEBRUARY 15, 2024, WITH RESPECT TO A CERTAIN PROJECT) BEING UNDERTAKEN COLLECTIVELY BY DIAMOND PACKAGING INC., 111 COMMERCE DRIVE LLC AND COMMERCE DRIVE VENTURE LLC, OR RELATED ENTITIES FORMED OR TO BE FORMED (COLLECTIVELY, THE "COMPANY"); (ii) MAKING A DETERMINATION WITH RESPECT TO THE PROJECT PURSUANT TO SEQRA; (iii) APPOINTING THE COMPANY AS AGENT OF THE AGENCY; (iv) AUTHORIZING FINANCIAL ASSISTANCE TO THE COMPANY IN THE FORM OF (A) A SALES AND USE TAX EXEMPTION FOR PURCHASES AND RENTALS RELATED TO THE ACQUISITION, RENOVATION AND EQUIPPING OF THE PROJECT, (B) A PARTIAL MORTGAGE RECORDING TAX EXEMPTION AND (C) A REAL PROPERTY TAX ABATEMENT STRUCTURED THROUGH A PAYMENT-IN-LIEU-OF-TAX AGREEMENT ("PILOT AGREEMENT"); AND (v) AUTHORIZING THE NEGOTIATION, EXECUTION AND DELIVERY OF A PROJECT AGREEMENT, LEASE AGREEMENT, LEASEBACK AGREEMENT, PILOT AGREEMENT AND RELATED DOCUMENTS WITH RESPECT TO THE PROJECT.

On motion by L. Bolzner, second by R. King, for inducement and final resolution approving a sales tax exemption, partial mortgage recording tax exemption, and a partial real property tax abatement, a roll call vote resulted as follows and the motion carried:

J. Popli	Yea	J. Alloco	Yea
L. Bolzner	Yea	R. King	Yea
T. Milne	Yea	A. Burr	Yea
N. Jones	Yea		

Executive Director Liss presented the following modifications for considerations:

IDEX Health & Science LLC - Extension

IDEX Health & Science LLC is constructing a new 10,000 sf clean room at its current location in the Town of Henrietta. IDEX was approved for a sales tax exemption in November 2022. IDEX is a photonics manufacturer, providing life science and medical device, semi-conductors, industrial automation and machine vision. The \$9 million project is projected to create 57 new FTEs. The applicant is now seeking an extension of the sales tax exemption through December 31, 2024 as the project is still under construction.

The board considered the following resolution: RESOLUTION OF THE COUNTY OF MONROE INDUSTRIAL DEVELOPMENT AGENCY (THE "AGENCY") AUTHORIZING THE EXTENSION OF THE SALES AND USE TAX EXEMPTION BENEFITS GRANTED TO IDEX HEALTH & SCIENCE LLC (THE "COMPANY") THROUGH DECEMBER 31, 2024, AND THE EXECUTION OF RELATED DOCUMENTS..

On motion by R. King, second by J. Popli, all aye, motion carried to approve an extension of the sales tax exemption through December 31, 2024.

63 N. Plymouth Avenue – PILOT Termination

On motion by J. Alloco, second by R. King, all aye, motion carried to authorize the termination of the PILOT Agreement at 63 N. Plymouth Avenue as requested by the City of Rochester.

Executive Director Liss introduced Aaron Malbone from Buckingham Properties and Peter Vars, from BME Associates, to talk about a project seeking FAST NY assistance for site plan development for electrical infrastructure improvements. After discussion, on motion by L. Bolzner, second by J. Popli, all aye, motion carried to approve the submission of the FAST NY Track B grant application to New York State for a pre-development grant at Winfield Park located on Brighton Henrietta Townline Road and South Clinton Avenue.

Executive Director Liss introduced Dr. Robin Cole, Vice President, Workforce Development, Monroe Community College. Dr. Cole presented the annual report for Mpower. Board members requested additional information on student success and placement rate if available.

Executive Director Liss reviewed the current dashboard.

Mr. Alloco left the room and the Governance Committee Report was given by J. Popli. Following COMIDA's denial of Pittsford Canalside's application for COMIDA benefits, Pittsford Canalside commenced an Article 78 proceeding, arguing that Mr. Alloco had a conflict of interest in reviewing, and voting on, the application, and that Mr. Alloco improperly influenced other COMIDA board members to oppose the application. The Court denied Pittsford Canalside's request to disqualify other board members

based upon purported influence by Mr. Alloco but remanded the matter back to COMIDA “for further consideration of whether Mr. Alloco had a conflict of interest under COMIDA’s Conflict of Interest Policy.” The Court noted that if “the Board, through that process, finds that there is no conflict, its determination stands as it was otherwise adequate, rational and sound.” On other hand, if “the Board finds a conflict of interest, Mr. Alloco precluded from deliberations and voting, and the Board shall hold a new vote on the project”.

The Governance Committee met on February 16th to evaluate Mr. Alloco’s purported conflict of interest. Chair Popli noted that Mr. Alloco is a member of the Governance Committee but recused himself from all discussions regarding and did not attend or participate in the meeting. The Governance Committee reviewed the COMIDA Conflict of Interest Policy and all pleadings and papers filed in connection with the Article 78 proceeding commenced by Pittsford Canalside in Monroe County Supreme Court. Specifically, the Governance Committee has reviewed all factual allegations asserted by Pittsford Canalside. The Governance Committee also observed that in advance of the May 16, 2023 vote, no one perceived any conflict of interest as no one raised the issue and there is evidence that Pittsford Canalside expected Joe Alloco to participate in review of the proposed project. The Governance Committee also sought guidance from counsel to better understand factually analogous conflict of interest authority. The Governance Committee specifically acknowledged that the facts and findings outlined in such authority is non-binding as each conflict of interest is evaluated on a case-by-case basis. The COMIDA Conflict of Interest Policy does **not** require the Governance Committee to seek guidance from New York State Agencies in every conflict of interest determination. Each member of the Governance Committee affirmed that they did not feel the need to seek additional guidance, in addition to the guidance from counsel, from New York State Agencies to assist in the evaluation of the conflict of interest.

Following discussion, the Governance Committee passed a motion recommending that the full COMIDA Board find Joseph Alloco does not have a conflict of interest that would warrant recusal or preclude him from reviewing and voting on Pittsford Canalside’s application for COMIDA benefits.

The Ethics Officer Report was provided by Chair Burr who stated that she is the Ethics Officer and a member of the Governance Committee and she reviewed the COMIDA Conflict of Interest Policy and all pleadings and papers filed in connection with the Article 78 proceeding commenced by Pittsford Canalside in Monroe County Supreme Court. Specifically, all factual allegations asserted by Pittsford Canalside. Chair Burr sought guidance from counsel to better understand factually analogous conflict of interest authority. The COMIDA Conflict of Interest Policy does not require the Ethics Officer to seek guidance from New York State Agencies in every conflict of interest determination. As Ethics Officer Chair Burr did not feel the need to seek additional guidance from New York State Agencies to assist in the evaluation of the conflict of interest. Chair Burr recommended that the full COMIDA Board find that Joseph Alloco does not have a conflict of interest that would warrant recusal or preclude him from reviewing and voting on Pittsford Canalside’s application for COMIDA benefits.

On motion by R. King, second by T. Milne, all aye, the Board found that Joseph Alloco does not have a conflict of interest that would warrant recusal or preclude him from reviewing and voting on Pittsford Canalside’s application for COMIDA benefits and the Board’s May 16, 2023 resolution denying Pittsford Canalside’s application for COMIDA benefits stands as binding. Mr. Alloco returned to the board meeting.

On motion by J. Popli, second by N. Jones, all aye, motion carried to adjourn the regular meeting.