



COMPLIANCE REVIEW COMMITTEE MEETING MINUTES

Date & Place: July 15, 2021, 50 W. Main Street, Suite 1150, Rochester, NY 14614
Present: A Burr, T. Milne, L. Bolzner, J. Alloco
Absent: N/A
Also Present: R. Baranello, Esq., A. Liss, R. Finnerty, A. Clark, R. King (via telephone)

The meeting of the Compliance Review Committee was called to order by A. Burr Chair at 12:00 PM.

The draft minutes from the March 10, 2020 meeting were reviewed. Upon motion by L. Bolzner, second by T. Milne all aye, the minutes were approved.

The committee reviewed the sales tax recapture report, which provided information on all companies that exceeded the authorized amount of sales tax savings. In 2020, 6 companies exceeded the authorized amount of sales tax savings and all 6 companies have repaid the amount exceeded to the State.

The committee reviewed all companies that have failed to make the requirement payments under their PILOT Agreements. In 2020, several companies failed to make the required payments, however, only 2 companies have not paid to date. Upon motion by T. Milne, second by L. Bolzner, aye all, the committee authorized staff to send demand letters requiring payment within 30 days of the letter. If the company fails to pay, the project may be subject to a penalty and/or termination.

The committee reviewed all companies that have failed to complete their required annual report. Upon motion by L. Bolzner, second by J. Alloco, all aye, the committee authorized staff to send demand letters requiring completion of the annual report within 30 days of the letter. If the company fails to complete the annual report, the project may be subject to a penalty and/or termination.

Andy Whitmore from the Rush Henrietta Central School District, Joe Shields from Ferrara Fiorenza PC representing the School District, and Rob Galbraith from Davidson Fink LLC representing Delphi Automotive Systems LLC all spoke about the Delphi Recapture matter.

The Committee resolved to go into Executive Session under Section 105(f) of the NYS Public Officers Law to discuss matters leading to the appointment of a particular corporation on motion by J. Alloco, second by T. Milne, all aye, the motion was approved. On motion by J. Alloco, second by T. Milne, all aye, the Committee ended Executive Session and continued the regular meeting.

The committee reviewed the job compliance report which provides information regarding companies seeking a waiver from the job creation requirements contained in the PILOT Agreements. Companies cited a variety of impediments to job creation, however, the most common reasons were COVID-19 and the inability to find qualified candidates. Upon motion by T. Milne, second by J. Alloco all aye, with an abstention by L. Bolzner for the project identified as project code 2602 13 068A the committee recommends the full board grant waivers to the following projects, as identified by project code:

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2602 09 037A
2602 10 001A
2602 10 042A
2602 12 014B
2602 12 015A
2602 13 006A
2602 13 068A
2602 15 065A
2602 15 079A
2602 16 002B
2602 16 005A
2602 17 042M
2602 18 062M
2602 17 043M

The committee reviewed the Delphi Recapture matter, including correspondence and exhibits submitted by both Delphi and the Rush Henrietta Central School District. In response to the Delphi's sale and closure of the Facility, the School District and the Town, have requested that the Agency authorize the Affected Tax Jurisdictions to enforce the recapture provisions contained in the PILOT Agreement. Upon motion by J. Alloco, second by T. Milne, all aye with one abstention from L. Bolzner, the committee recommends that the full board adopt a resolution authorizing the affected tax jurisdictions to enforce the recapture provisions of the PILOT Agreement, executive by Delphi, COMIDA, the Town of Henrietta, the Rush-Henrietta Central School District and the County of Monroe.

There being no other business to discuss, the meeting was adjourned at 2:15 PM.

Minutes Submitted by: Robin Finnerty