



COUNTY OF MONROE INDUSTRIAL DEVELOPMENT AGENCY

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## MINUTES – AGENCY MEETING – February 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, S. Moore, H. Stuart

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

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

Chair Mazzullo opened the Public Forum. Spencerport Mayor Joyce Lobene, Spencerport business owner Virginia Swarhout, Spencerport Chamber of Commerce President David Haines and Town of Ogden Supervisor Gay Lenhard spoke in favor of the Tops application. Harold Smith of Oyagen made comments regarding their EquiPlus application. Tom Stevens, Operating Engineers Union, asked if the terminations to be considered at this meeting were the result of defaults. Counsel Townsend indicated that all had reached the end of their PILOT agreements. There being no further 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 two requests for exemption from the local labor requirements. The Alexander Monroe project, requested an exemption under the criteria “specialty construction; no local labor available”. Mr. LaFountain reported that upon review, the Bonadio Group found the request valid. The Studco project also requested an exemption, under the criteria of warranty requirement. Mr. LaFountain indicated that this request is still under review. Mr. LaFountain recapped 2009, reporting 15 requests involving 72 jobs, of which 22 were denied, thus preserving jobs for local labor.

Jim Loewke of Loewke & Brill Consulting presented the Monitoring Report for the period of January 2, 2010 – February 3, 2010. During that time, 53 monthly visits and 11 follow-up visits were conducted. Of the 1,148 workers that were identified, 22 were noncompliant on the initial visit. As of February 3, 2010 all monitored sites were compliant. Mr. Loewke recapped 2009, reporting 222 site visits, 1,501 workers identified, of which 21 were out of compliance, representing a 98% compliance rate on initial visits.

J. Seil presented the following applications for agency consideration:

**Tops Markets, LLC** (Sales Tax Only)

The company was represented by Paul Leone. Tops Markets, LLC (Tops) is an Amherst-based grocery store chain that was founded in the 1920's. Tops intends to renovate 37,000 square feet of space in the Village Plaza in the Village of Spencerport to house a full-service grocery store. The Village of Spencerport has been without a grocery store since 2006. The \$3.5 million project will include the addition of a new loading dock and the installation of a fueling station in the parking lot. Tops expects to create 66 new FTEs within 3 years and is requesting a sales tax exemption only. Public Hearings were held February 16, 2010 in the Town of Ogden and the Village of Spencerport. Executive Director Seil noted that at these hearings, there were no comments in opposition to the project. After a brief discussion and on a motion made by A. Burr and seconded by S. Moore, an inducement and final resolution was adopted approving subject project. H. Stuart abstained, citing his employer's (Morgan Stanley) ownership of the Tops company. All others Aye.

**Carestream Health Inc.** (Sales Tax Only)

The company was represented by Mike Howard. Carestream Health Inc. (Carestream) provides medical and dental imaging systems and information technology solutions; molecular imaging systems; and non-destructive testing products to a broad base of customers in 150 countries. Carestream, which employs approximately 7300 worldwide, is headquartered in Rochester NY. This \$8 million project will include \$6 Million headquarter facilities renovation and \$2 million global data center electrical utility upgrade. Carestream is seeking sales tax exemption only for this project. A Public Hearing was held February 16, 2010 in the City of Rochester. Executive Director Seil noted that at this hearing, there were no comments in opposition to the project. After a brief discussion and on a motion made by H. Stuart and seconded by S. Moore, an inducement and final resolution was adopted approving subject project. All Aye.

**D4 LLC** (Lease/Leaseback with JobsPlus)

The company was represented by John Holland. D4 LLC (D4) is a leading national discovery management, computer forensics and litigation support organization. Founded in 1997, D4 operates two data centers locally and has offices nationwide. D4's state-of-the-art technology allows corporations and other organizations to solve time sensitive e-Discovery and document production obligations. D4 is currently located in East Rochester with two smaller locations for servers and equipment. In order to better serve their clients and employees, they are proposing to purchase and renovate an 11,000 square foot building located at 222 Andrews Street in the City of Rochester. The new facility will serve as D4's national headquarters and have a state-of-the-art, Tier 1 Data Center for data hosting, processing and web review services. The \$831,933 project will impact 25 existing employees and is projected to create 18 new FTEs within three years. The applicant seeks approval of JobsPlus property tax abatement. The Jobs Plus job creation requirement is 3 FTE. Executive Director Seil noted that the City of Rochester asked COMIDA to consider this application. After a brief discussion and on a motion made by S. Moore and seconded by A. Burr, an inducement and final resolution was adopted approving subject project. All Aye.

**Navitech Services Corporation** (Sales Tax Only)

Navitech Services Corporation (NSC) provides project technology management services to two local development corporations established on behalf of Monroe County (Upstate Telecommunications Corporation and Monroe Security & Safety Systems Local Development Corporation) facilitating the installation of modern technology equipment for the County and public safety facilities. Upstate Telecommunications provides technological supports for the County's hard/software systems. Monroe Security & Safety Systems provides modern communications and information technology support to public safety services in the County. This \$23,644,914 project encompasses the purchase of equipment which will be leased to Monroe County. Designation as a tax exempt organization is pending approval; therefore, NSC is seeking sales tax exemption through COMIDA. Without this exemption, the cost of the sales tax would be passed along to the County and tax payers. Counsel Townsend offered additional comments regarding the use of LDCs as financing tools. A Public Hearing will be held in the City of Rochester on March 16, 2010. After a brief discussion and on a motion made by S. Moore and seconded by A. Burr, an inducement resolution was adopted approving subject project up to \$100,000. H. Stuart abstained, noting that he is President of both LDCs. All others Aye.

**Maximus Hill LLC (Sales & Mortgage Tax Only)**

The company was represented by Richard Ferguson. In 2005, Maximus Hill LLC (Maximus) was approved for a \$2.4 Million renovation of the Davie Building located in the St. Paul Quarter of the City of Rochester. Since completion, the Davie project has experienced a 90%+ occupancy rate for its loft apartments. Based on the success of that project, Maximus is now proposing to renovate the former One Beacon Insurance building, adjacent to the Davie project. This \$762,000 project will convert the 27,000 square foot commercial office property into 11 market rate work/live rental lofts, an indoor courtyard and tenant fitness center. The project is projected to create two new FTEs within three years. Maximus is seeking sales & mortgage tax exemption only. Property tax abatement is to be provided by the City of Rochester through its Queue program. After a brief discussion and on a motion made by H. Stuart and seconded by S. Moore, an inducement and final resolution was adopted approving subject project. All Aye.

**Oyagen Inc.**

The company was represented by Howard Smith. Oyagen Inc. is a bio pharmaceutical company engaged in drug discovery. Current work includes identifying chemistry for drug development on a novel drug for HIV therapeutics. Oyagen is purchasing \$434,000 in new equipment. Oyagen is seeking approval of the EquiPlus sales tax exemption. Oyagen has 4 employees and expects to create 10 new jobs over the next three years. Oyagen has been approved for the GreatRebate program through Monroe County Industrial Development Corporation. After a brief discussion and on a motion made by A. Burr and seconded by S. Moore, an inducement and final resolution was adopted approving subject project. All Aye.

On motion made by S. Moore and seconded by H. Stuart, minutes for the meeting of January 21, 2010 were reviewed and adopted and approved. All Aye.

Chair Mazzullo noted that the next regularly scheduled meeting, on March 16, 2010, will be the Annual Meeting.

Executive Director Seil discussed the recent Cost Recovery Tax imposed on IDAs and efforts to repeal the tax legislatively. Executive Director Seil reviewed the Request for Qualifications process for Lobbying services that was recently conducted. The Governance Committee met on February 8, 2010 to review applications. One application was received, and the Governance Committee recommends approval of the contract. On a motion made by H. Stuart and seconded by S. Moore, a resolution was adopted approving with Bruce Fennie & Associates to provide consulting and Federal/State lobbying services to COMIDA to assist in securing federal monies for economic development and renewable energy projects and assist in handling problems, legislative or otherwise.

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

**Terminations:**

- Thales/Optem/Amarel Precision Instruments**
- 2883 Associates LLC/Natapow Management/PULSAFEEDER Bond**
- Monroe Youth Hockey/Scottsville Ice Arena Inc.**
- Linden Properties**
- REDCO/Melles Griot/CVI Laser.**

On a motion made by A. Burr and seconded by S. Moore, a resolution was adopted approving termination of the above projects. All Aye.

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