



**MINUTES – AGENCY MEETING – August 21, 2007**

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

Board Present: T. Mazzullo (Chair), A. Burr, D. Conte, L. Doyle,  
S. Moore, H. Stuart

Also Present: J. Seil (Acting Executive Director), W. Zyra (President Monroe County Legislature),  
M. Townsend, Esq., R. Enright (The Bonadio Group)

Chair Mazzullo called the meeting to order. A. Burr led the Pledge of Allegiance. J. Seil presented the following applications for agency consideration:

**Riverview Equity-1, LLC (RE) (Lease/leaseback with Shelter Rents Pilot)**

The company was represented by John Yurtchuk. Riverview Equity-1, LLC (RE) proposes to develop a five building, 120 unit, apartment complex on a six acre parcel located in the City of Rochester. The project, adjacent to the Brooks Landing project, will be leased to the University of Rochester for student housing to address the growing demand for off-campus housing. The developer has worked closely with the City of Rochester and other community groups to obtain the properties and required zoning approvals. The \$30 Million privately funded project is projected to create 2 new FTEs. The applicant seeks approval of a Shelter Rents PILOT agreement. After a brief discussion and 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 L. Doyle and seconded by S. Moore, an inducement resolution was adopted approving subject project. All Aye.

**Casey Properties LLC/Leo's Elite Bakery LLC (Lease/leaseback w/ JobsPlus)**

The company was represented by Pat Bernunzio. Leo's Elite Bakery LLC (Leo's) is a full service commercial bakery that is located at 101 Despatch Drive in the Town of East Rochester. Leo's is known for their home-style pies, cakes and pastries which are distributed to restaurants and grocers throughout New York. Leo's has recently experienced increased demand for their frozen pies and is proposing an expansion to its 11,500 square foot facility to accommodate for the growth. The 7,000 square foot warehouse will include a 1,800 square foot freezer and a 1,100 square foot loading dock. The cost of the project is \$625,000 and will impact 26 existing FTE and result in the creation of 6 FTE within 3 years. The company seeks approval of the JobsPlus tax incentive based on the manufacturing use. The JobsPlus job creation requirement is 3 FTE. After a brief discussion and on a motion made by H. Stuart and seconded by S. Moore, a resolution was adopted approving SEQR for the subject property. All Aye. On a motion made by D. Conte and seconded by A. Burr, an inducement resolution was adopted approving subject project. All Aye.

**Dehco, Inc.****(Lease/leaseback w/ JobsPlus)**

The company was represented by David Lapp. Dehco, Inc. is a real estate holding company which owns a 50,000 square foot facility in the Town of Gates at 21 Marway Circle which house Samuel, Son & Co., Inc. (SS). SS is a processor and distributor of ferrous and non-ferrous metals and is one of the top ten processors in North America. Due to the continuing growth of SS, the building will be expanded by 15,000 square feet with a new warehouse. The total project cost is \$2.2 million with \$935,000 for equipment to be used by SS. The project will impact 38 existing employees and will create 4 new jobs within 3 years. The company seeks approval of the JobsPlus tax incentive based on the manufacturing use. The JobsPlus job creation requirement is 4 FTE. After a brief discussion and on a motion made by H. Stuart and seconded by S. Moore, a resolution was adopted approving SEQR for the subject property. All Aye. On a motion made by D. Conte and seconded by H. Stuart, an inducement resolution was adopted approving subject project up to \$100,000. All Aye.

**Asia Food Market, Inc.****(EquiPlus)**

The company was represented by Rockey Ren. Asia Food Market, Inc (AFM) is a new wholesale Asian food supplier. AFM intends to purchase two new Mitsubishi refrigerated trucks for a combined cost of \$117,000. The company will be creating five new full time positions. AFM has been approved for a GreatRate through 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, an inducement resolution was adopted approving subject project. All Aye.

**Blue Heron Consulting Corp****(EquiPlus)**

The company was represented by Carol Utter. Blue Heron Consulting (BHC) is a consulting firm providing businesses with services relating to integration, strategic evaluation and selection of technology systems as well as data warehousing and storage. BHC has a nationwide client base primarily centered in utilities, healthcare, government and higher education. BHC is purchasing computer equipment, software and furniture. The combined cost of the equipment is \$120,000. BHC employs 11 FTE and will be creating 1 new full time position. BHC has been approved for a GreatRate through Monroe County Industrial Development Corporation and is seeking approval of the EquiPlus. After a brief discussion and on a motion made by H. Stuart and seconded by S. Moore, an inducement resolution was adopted approving subject project. All Aye.

**Mercury Print Productions, Inc. (EquiPlus)**

The company was represented by Trudy Starr. Mercury Print Productions, Inc. (MP) is a full service commercial printer located in the City of Rochester. MP has recently started a print book division located in a 70,000 square foot leased facility at 515 Lee Road. The print book division prints and binds on demand textbooks used in educational institutions. MP will be purchasing \$264,294 in new computer equipment, racking, and printers for the book division. MP has 168 employees with 60 working in the book division. MP will be creating 4 new jobs. MP has been approved for a GreatRebate through Monroe County Industrial Development Corporation and is seeking approval of the EquiPlus. MP has also utilized the GreatRate program. After a brief discussion and on a motion made by L. Doyle and seconded by H. Stuart, an inducement resolution was adopted approving subject project. All Aye.

On motion made by H. Stuart and seconded by S. Moore, minutes for the meeting of July 17, 2007 were reviewed and adopted and approved. All Aye.

Chair Mazzullo reviewed the Local Labor Compliance report through August 13, 2007. Since 2004, when the 100% Local Labor requirement was adopted, 150 construction projects, generating 5,652 construction jobs, have been approved by the Board. Of these, 23 projects requested and received a waiver to the Local Labor policy for 112 construction jobs, yielding 98% compliance. These waivers were approved by a committee consisting of D. Conte, J. Seil and M. Townsend.

Acting Executive Director J. Seil reviewed the Job Creation Compliance status. Of the 500+ companies that were surveyed for the Annual Report, 173 companies were under a Payment in Lieu of Tax agreement which called for the maintenance of the number of jobs at the time of the application, as well as contractual job creation requirements.

Of the 173 companies, two of the companies did not maintain their required number of jobs. SOH Distribution Company, Inc., which had signed their PILOT in 2004, had converted their employees to contractors, and as such

was in violation of their jobs maintenance agreement. The Job Creation Compliance committee (T. Mazzullo, H. Stuart, R. Hurlbut) recommended to the Board that this project be terminated (See Terminations Below). Advent Tool & Mold, Inc. was approved for a waiver based on an unforeseen loss of contracts and business, and a demonstrated course of action to increase employment including additional equipment investments and approval of a training grant from RochesterWorks.

Robert Enright of The Bonadio Group presented the Monitoring Report for the period of 7/16-8/19/07. During that time, 47 monitoring visits were made to 23 sites. Of the 344 workers that were identified, 3 were from outside the local labor area. These workers were not present on the follow up visit which was conducted within 24 hours. In the thirteen visits made to the WilJeff Collegetown project since June 29, 2007, the project has been 100% compliant with the Local Labor policy.

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

**Miscellaneous:**

-Tech Park Owners LLC – M. Townsend advised the Board that the new owners have executed a new 20 year payment in lieu of taxes agreement, rather than assuming the existing PILOT.

**Terminations:**

-SOH Real Estate Investment LLC

-Gerald & Donna Locurcio

-William P. Stein Co., Inc.

On a motion made by D. Conte and seconded by H. Stuart, a resolution was adopted approving the termination of the above projects. All Aye.

The Public Forum was opened. Gene Caccamise, Bricklayers Local 3, asked the Board if they had read and considered the Cornell study regarding misclassification of workers. Chair Mazzullo indicated that she had read the report. M. Townsend stated that the Attorney General of the State of New York has taken responsibility for enforcement regarding the issues raised in the report. Tom Stephans, Local 832, asked if the Riverview project had been advised of the Local Labor requirements. Acting Executive Director Seil responded affirmatively and stated that each application includes a Local Labor requirements appendix that must be signed by the applicant, acknowledging the requirements and agreeing to them. As a follow up to last month's meeting, Ray Tierney indicated that he has not completed his written questions for the Board, but they should be forthcoming. The Public Forum was closed. There being no further business, the meeting was adjourned to Executive Session to discuss matters of litigation.