



COUNTY OF MONROE INDUSTRIAL DEVELOPMENT AGENCY

MINUTES – AGENCY MEETING – October 16, 2007

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

Board Present: R. Hurlbut (Chair), D. Conte, S. Moore, H. Stuart

Also Present: J. Seil (Acting Executive Director), W. Zyra (President Monroe County Legislature),
E. Liberti, M. Townsend, Esq.

Chair Hurlbut called the meeting to order. D. Conte led the Pledge of Allegiance.

Robert Enright of The Bonadio Group presented the Monitoring Report for the period of 9/21/07-10/14/07. During that time, 44 monitoring visits were made to 20 sites. Of the 364 workers that were identified, 9 were from outside the local labor area. These workers were not present on the follow up visit which was conducted within 24 hours. Year to date 2007, 419 visits have been made, with a 98.2% average compliance on the initial visit; 100% compliant within 24 hours.

J. Seil presented the following applications for agency consideration:

Morgan Spencerport, LLC (Lease/Leaseback with Custom PILOT)

The company was represented by R. Morgan. In April 2005, Morgan Spencerport, LLC acquired the 9.43 acre shopping center in the Village of Spencerport. The IGA Supermarket, which occupied 40% of the property, closed 9 months later. Morgan is proposing to redevelop the facility with an initial investment of \$1 million in the supermarket facility, and expects to invest a total of \$10 million into the shopping center over the next five years. The supermarket project will result in the creation of 22 full time and 90 part time positions over the next three years. Town of Ogden Supervisor Gay Lenhard spoke briefly in support of the project and COMIDA assistance, noting over 150 letters of support from the local community. On a motion made by D. Conte and seconded by S. Moore, an inducement resolution was adopted approving subject project. All Aye.

Nazareth College of Rochester (Tax-Exempt Civic Facility Bond)

The company was represented by M. Ferber. Nazareth College of Rochester, founded in 1924, is a co-educational, independent liberal arts college offering nearly 40 major undergraduate programs of study and 16 masters' degrees to 1963 undergraduate and 1400 part-time and graduate students. Nazareth is planning for the construction of a new residence hall to house approximately 150 students. This \$10.5 million project will include related site improvements and parking lot expansion. 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 S. Moore and seconded by H. Stuart, an inducement resolution was adopted approving subject project. All Aye.

Apollo Development Company, LLC (Lease/leaseback with JobsPlus)

The company was represented by M. Razak. Apollo Development Company, LLC proposes to construct a new 13,000 square foot building in the Town of Penfield. The project cost is \$1.7 million. Approximately 6,500 square feet of the new building will be occupied by University Sports Medicine (USM). USM is a collaborative program between the University of Rochester Medical Center's Department of Orthopedics and Strong Memorial Hospital. The new location is expected to create 6 new FTEs over the next three years. The remaining space will be occupied by Razak Associates Architects. The applicant seeks approval of JobsPlus based on the use of 100% local labor and suppliers to construct the project. The Jobs Plus job creation requirement is 4 FTE. JobsPlus will only apply to the portion of the building occupied by USM. After a brief discussion and on a motion made by H. Stuart and seconded by D. Conte, a resolution was adopted approving SEQR for the subject property. All Aye. On a motion made by D. Conte and seconded by S. Moore, an inducement resolution was adopted approving subject project. All Aye.

250 South Development, LLC (Lease/leaseback – sales & mortgage tax only)

The company was represented by M. Pandolf. 250 South Development, LLC (250 South) is a real estate development company that has acquired and is proposing to rehabilitate 250 South Avenue in the Washington Square District of downtown Rochester. 250 South intends to invest \$2 million to renovate and improve a 7,500 square foot building in order to develop a viable mixed-use facility of office and residential units. Renovations are expected to include a new enclosed stairwell, elevator, exterior decking, parking and a 2,500 square foot roof top addition. PLAN Architectural Studio, PC and 250 South Development will occupy the first floor commercial office space. The project expects to create 2 new FTE over the next year to manage the facility. 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 S. Moore and seconded by D. Conte, an inducement resolution was adopted approving subject project. All Aye.

Hahn Automotive Warehouse, Inc. (Sales Tax Only)

The company was represented by D. McDonald. Hahn Automotive Warehouse, Inc., headquartered in Rochester, is a leading regional warehouse distributor of predominately nationally branded automotive after-market products as well as maintenance items, accessories and private label products for vehicles. Hahn was started in 1958 and employs 136. Hahn recently completed the purchase of Prime Automotive Parts in the NYC are and will be expanding its operations in Rochester by adding 15 new employees in administrative positions. As a result of the acquisition Hahn will be purchasing new vehicles and computer equipment in the amount of \$1 Million. After a brief discussion and on a motion made by D. Conte and seconded by S. Moore, an inducement resolution was adopted approving subject project. All Aye.

PAETEC Communications, Inc. (EquiPlus)

The company was represented by K. Thorp. PAETEC Communications, Inc. was started in 1998 providing integrated communication services in voice, data, and security services as well as providing expertise on related equipment and software. PAETEC will be purchasing equipment related to expansion of their operations, including computers, servers, routers, telephones, and printers. The cost of the equipment is \$999,468. PAETEC employs 656 in Monroe County and expects to create 4 new jobs as a result of its expansion plans. Paretic chose Monroe County for its expansion over an existing facility in North Carolina, due in large part to the incentives provided by COMIDA. The company has been approved for a GreatRebate on the purchase through the Monroe County Industrial Development. 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.

Generations Child Care, Inc. (EquiPlus)

The company was represented by B. Shumway. Generations Child Care, Inc. (Generations) currently operates 5 child centers in the Rochester area. Three of the centers are located in the City of Rochester. Founded in 1993, Generations is licensed and accredited for the care of children ages 6 weeks to 12 years and provides a variety of programs including Universal Pre-K, Community Pre-School, wraparound, before and after school care as well as vacation/holiday club. Generations is purchasing two buses for transportation of children within Monroe County. The cost of the buses is \$56,000. Generations employs 80 FTE and 35 PTE and will be creating two new full time positions. The EquiPlus job creation requirement is 2 FTE. Generations has been approved for a GreatRate through Monroe County Industrial Development Corporation. After a brief discussion and on a motion made by D. Conte and seconded by S. Moore, an inducement resolution was adopted approving subject project. All Aye.

Okar Equipment Co., Inc. (EquiPlus)

The company was represented by C. Andrews. Okar Equipment Co., Inc. (Okar) provides equipment sales, installation and service to the local petroleum industry. Products include service station equipment, underground storage tanks and hydraulic vehicle lifts. Okar will be purchasing three new Mack tank trucks for a combined cost of \$260,800. Okar employs 38 in Monroe County and expects to create 3 new full time positions. The company has been approved for a GreatRate on the purchase through the Monroe County Industrial Development Corporation. 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.

Maven Technologies, LLC (EquiPlus)

The company was represented by T. Wheaton. Maven Technologies, LLC (Maven) was founded in 1998 as a recycler of computer and technology equipment for businesses. Maven will be purchasing two new trucks for equipment transportation. The combined cost of the trucks is \$115,000. Maven employs 27 in Monroe County and expects to create 3 new full time positions. The company has been approved for a GreatRate on the purchase through the Monroe County Industrial Development Corporation. After a brief discussion and on a motion made by D. Conte and seconded by S. Moore, 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 September 18, 2007 were reviewed and adopted and approved. All Aye.

On a motion made by D. Conte and seconded by S. Moore, a resolution adopting the Rules of Conduct and Decorum were approved. The rules will in place beginning with the November 20, 2007 meeting.

Acting Executive Director Seil reviewed two COMIDA projects that were the subject of comments at the September 18, 2007 meeting. At that meeting, these projects were criticized as vacant buildings receiving COMIDA benefits. J. Seil pointed out that the buildings were still under construction last month. One building has subsequently been occupied by the approved tenant, 5Linx, and the second building will be occupied at the end of October by the approved tenant, Tyco Electronics

J. Seil reviewed a proposal from Loewke Brill as the new Project monitor. The Bonadio Group will now focus their efforts on sales and mortgage tax exemption compliance. J. Seil complimented the Bonadio Group and Bob Enright for their excellent work to date. On a motion made by H. Stuart and seconded by S. Moore a resolution was adopted approving the Loewke Brill contract.

J. Seil reported on the Local Labor Waiver report. The 155 construction projects approved since January 2004 have created 5900 construction jobs and waivers were issued for only 85 jobs or 1.4%. Since 2004, there has been an 8.6% increase in local labor.

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

Final Resolution –

-Dehco, Inc.

On a motion made by H. Stuart and seconded by D. Conte, a final inducement resolution was adopted for the above project. All Aye. A Public Hearing was held in the Town of Gates on October 9, 2007.

Terminations:

-Brighton Lodging

On a motion made by D. Conte and seconded by S. Moore, a resolution was adopted approving termination of the above named project. All Aye.

-Eber Bros.

On a motion made by H. Stuart and seconded by D. Conte, a resolution was adopted approving

termination of the above named project. All Aye.

M. Townsend noted that he had prepared a response to questions submitted to the Board by R. Tierney regarding incomplete COMIDA applications. M. Townsend indicated that of the 6 applications cited, 5 were New York State Board of Real Property Services forms, not COMIDA applications. These forms were provided to Mr. Tierney by the Town of Brighton Assessor's Office. Mr. Tierney took issue with two questions on these forms that he did not think were properly answered. M. Townsend noted that attached statements are permissible pursuant to the form, surmising that Mr. Tierney was not given the total package by the Town assessor. M. Townsend noted that on all five forms, there is a required section to be completed by the Town Assessor and that on all 5 forms, that section was not complete.

The Public Forum was opened. There being no speakers, the Public Forum was closed. There being no further business, the meeting was adjourned.