



MINUTES – AGENCY MEETING – September 18, 2007

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

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

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

Chair Mazzullo 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 8/20/07-9/16/07. During that time, 43 monitoring visits were made to 21 sites. Of the 285 workers that were identified, 2 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, 374 visits have been made, with a 98.3% average compliance on the initial visit; 100% compliant within 24 hours.

J. Seil presented the following applications for agency consideration:

CentriLogic Inc. (Lease/leaseback – Sales Tax Only)

The company was represented by Robert Offely. CentriLogic Inc. provides outsourced datacenter solutions for organizations that conduct business over the internet. The Toronto, Ontario based company has been looking to expand into the US and has identified the former Verio, Inc. facility at 28 Mansfield Street in the City of Rochester as an ideal space for a new datacenter. CentriLogic has agreed to lease the 20,000 square foot, self contained building and intends to invest \$8.5 million in equipment and leasehold improvements. CentriLogic expects to create 48 new employees over the next three years and 78 over five years. The applicant is seeking approval for a sales tax exemption only. After a brief discussion and on a motion made by L. Doyle and seconded by D. Conte, an inducement resolution up to \$100,000 was adopted approving subject project. All Aye.

Lewis Tree Service, Inc. (Lease/leaseback with JobsPlus)

The company was represented by Michael Lewis. In 2004, Lewis Tree Service was approved for a JobsPlus Property tax abatement on its new 20,000 square foot corporate headquarters building in the Town of Henrietta. The company, founded in 1938 as Monroe Tree Surgeons, is employee-owned and provides vegetation management services to major utilities and municipalities throughout the eastern U.S. The company will be adding a 20,000 square foot addition to accommodate company growth. In 2004, the company employed 38 FTE in Monroe County and now employs 56 FTE. Nationally, Lewis Tree employs 2,600. The project, which will cost \$1,805,000, is projected to create 6 FTE within 3 years. The company is seeking approval of JobsPlus based on the all local supplier rule. The JobsPlus job creation requirement is 6 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. All Aye.

Continental Services Group, Inc. dba ConServe (EquiPlus)

Continental Services Group, Inc., dba ConServe, provides collections services for various market segments, specifically education, medical/dental, telecommunication, banking/retail, utilities and commercial debt. ConServe has a nationwide client base and has entered into agreements with the US Department of Education and various universities. ConServe is purchasing network infrastructure, computer equipment, software and furniture. The combined cost of the equipment is \$861,000. ConServe employs 216 FTEs expects to create 30 new full time positions. The EquiPlus job creation requirement is 4 FTE. ConServe 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 L. Doyle and seconded by H. Stuart, an inducement resolution was adopted approving subject project. All Aye.

On motion made by D. Conte and seconded by H. Stuart, minutes for the meeting of August 21, 2007 were reviewed and adopted and approved. All Aye.

Chair Mazzullo presented to the Board proposed Rules of Conduct and Decorum for the Public Forum portion of the meetings. She asked the Board to review the policy as it will be presented for approval at the October 2007 meeting. After the policy is adopted, it will be posted to the COMIDA website.

Acting Executive Director Seil addressed the recently issued Office of the State Comptroller (OSC) report regarding the 2001 Airtran transaction. As directed by NYS, the funds flowed from NYS through COMIDA. She emphasized that the audit was of Monroe County, and not an audit of COMIDA. Acting Executive Director Seil also reviewed COMIDA's compliance with the OSC's Public Authority's requirements for transparency and accountability, including public notice and public hearing requirements, reporting, policies and required website information.

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

**Final Approval/Over \$100,000:
Riverview Equity-1, LLC**

On a motion made by D. Conte and seconded by S. Moore, approval over \$100,000 and a final inducement resolution was adopted for the above project. All Aye. A Public Hearing was held in the City of Rochester on August 21, 2007.

**Terminations:
Eldre Corporation**

On a motion made by D. Conte and seconded by S. Moore, a resolution was adopted approving termination of the PILOT agreement for the above named bond project due to failure to create/maintain the job requirements. All Aye.

**Miscellaneous:
CMI Real Estate, LLC**

On a motion made L. Doyle and seconded by S. Moore, a resolution was adopted for an increase in project amount by \$80,405.68 for the above project. All Aye.

LeFrois Development

On a motion made by H. Stuart and seconded by S. Moore, a resolution was adopted approving a name change for five (5) LeFrois Development projects. All Aye.

Chair Mazzullo invited Dennis Mullen, Chair of the Greater Rochester Enterprise, to make a presentation to the board. Chair Mazzullo noted that COMIDA's \$300,000 contribution to GRE was funded entirely by fees paid by applicants, not by taxpayer dollars, to be used for marketing efforts. Mr. Mullen reviewed the GRE's mission statement and objectives, of GRE's recent marketing efforts and tradeshow activities.

The Public Forum was opened by Chair Mazzullo. Charles Peaslee, Carpenters Union Local 85 and the Rochester Building Trades, applauded the local labor monitoring work performed by The Bonadio Group, and the termination of the Eldre PILOT. Mr. Peasley then spoke on the issue of worker misclassification, and provided Chair Mazzullo with a copy of a Harvard study of the subject. Mr. Peaslee then reviewed several local construction projects and the use of

subcontractors and independent contractors. Chair Mazzullo referenced the termination of the SOH project due to the use of independent contractors at last month's meeting. Tom Mairs, Carpenters Union Local 85, invited the COMIDA board, counsel and The Bonadio Group to an open house on October 12, 2007 which will feature their union's apprenticeship program. Ray Tierney, Town of Brighton, offered comment on COMIDA's policies regarding job creation and the proposed public forum structure, and presented his written report of his review of five COMIDA projects in the Town of Brighton. Chris Hollfelder, Sheet Metal Workers Local 46, offered comments regarding social responsibility regarding temporary construction jobs. Board Member Dan Conte commented that the County of Monroe Industrial Development Agency board was not invited, nor asked to attend, a recent meeting held by the Democratic caucus of Monroe County regarding oversight of industrial development agencies.

The Public Forum was closed. There being no further business, the meeting went to Executive Session. T. Mazzullo, L. Doyle, S. Moore, H. Stuart and A. Burr returned from Executive session to consider a motion to investigate contracting with a new entity to conduct local labor compliance monitoring. All Aye. There being no further business, the meeting was adjourned.