



MINUTES – AGENCY MEETING – March 17, 2009

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

Board Present: T. Mazzullo (Chair), E. Caccamise, L. Doyle,
S. Moore, H. Stuart

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

Chair Mazzullo called the meeting to order. S. Moore led the Pledge of Allegiance.

Chair Mazzullo opened the Public Forum. Ray Tierney offered comments about the proposed Medley Centre project, wishing it well. He then offered comments on the previously approved USAirports project, expressing disappointment regarding the approval of sales tax exemptions for this project. Dan O'Mealia, Local 86 & Brotherhood of Electrical workers, offered comments regarding the Medley Centre project regarding contractor payments and use of labor. Mary Ellen Heyman, Supervisor of the Town of Irondequoit, offered her comments in support of the Medley Centre project, specifically in regard to the proposed PILOT agreement which includes upfront payments, milestones and claw back provisions to protect the taxpayers. Charles Rettig offered comments regarding the Medley Centre project, asking for specifics with regard to the project phases and job creation timelines. There being no further speakers, the Public Forum was closed.

Dick Usselman of Loewke & Brill Consulting presented the Monitoring Report for the period of February 2, 2009 – February 27, 2009. During that time, 21 monthly visits were made and 10 follow up visits were conducted. Of the 178 workers that were identified, none were noncompliant on the initial visit. As of February 27, 2009 all sites were compliant. During this period, there were no projects started and no projects completed.

J. Seil presented the following applications for agency consideration:

Global Hospitality of Greece LLC (Lease/leaseback)

The company was represented by Tarpen Patel. Global Hospitality of Greece LLC is proposing to construct a Homewood Suites hotel located at 400 Center Place Drive in the Town of Greece. Homewood Suites is an extended stay, upscale all-suite brand of residential style hotel within the Hilton family of hotels. This 97,616 square foot hotel is located on 2.9 acres will feature 95 suites. The project cost is \$13,830,626 and will create 30 FTE within 3 years. A public hearing was held in the Town of Greece on March 16, 2009. No members of the public attended. Executive Director Seil noted that although the application indicated that the applicant was seeking the JobsPlus tax abatement, the project is only eligible for the 485b exemption as adopted by the town in which the project is located. After a brief discussion and on a motion made by E. Caccamise and seconded by S. Moore, a resolution was adopted approving SEQR for the subject property. All Aye. On a motion made by L. Doyle and seconded by E. Caccamise, an inducement resolution was adopted approving subject project. All Aye.

Davidson Fink, LLP**(EquiPlus)**

The company was represented by Les Kernan. Davidson Fink, LLP is a full-service law firm that was founded in Rochester in 1968. Davidson Fink is one of the original tenants of the First Federal Plaza, and currently occupies the entire 17th floor and a portion of two other floors. Davidson Fink considered relocating at the end of their lease, before deciding to remain in the City and expand their offices onto the 16th floor of First Federal Plaza. Davidson Fink is purchasing \$64,000 in equipment for the updated space. The City of Rochester is supportive of the project and has requested assistance through COMIDA. Davidson Fink currently employs 54 FTE in Monroe County and expects to create 6 new FTE within three years. The company is seeking approval for a sales tax exemption only. Executive Director Seil read into the record, a letter of support from Carlos Carballada, Commissioner of Economic Development for the City of Rochester. Chair Mazzullo noted that assistance to a personal services firm is an exception to policy, and is being considered, in this case, at the request of the City of Rochester. After a brief discussion and on a motion made by S. Moore and seconded by L. Doyle, an inducement resolution was adopted approving subject project. H. Stuart abstained. All others Aye.

Loftworks 181, LLC (Lease/leaseback – sales & mortgage tax only)

The company was represented by Patrick Dutton. Loftworks 181, LLC is proposing the purchase and renovation of a 100 year old 50,000 square foot mostly vacant mixed use building. Floors 2 – 6 of the building will be used as 36 market rate loft style apartments ranging from 500 square feet to 2300 square feet. The first floor will be offered as a 5 unit commercial-retail mixed use space. This \$2.1 million project will include exposed brick, tin ceilings, updated kitchens and baths, new elevator and new energy-efficient windows and secured entrances. The building currently has 22 private parking spaces and is working to acquire additional tenant space from a neighboring building. The applicant seeks approval of sales and mortgage tax exemption only. Executive Director Seil noted that the project would be receiving real property tax abatement/exemption directly from the City of Rochester's Commercial Urban Exemption (CUE) program which operates under the 485a provision of the real property law. After a brief discussion and on a motion made by E. Caccamise and seconded by S. Moore, an inducement resolution was adopted approving subject project. All Aye.

Bersin Properties LLC**(Lease/leaseback)**

The company was represented by Gregory Lane. Bersin Properties LLC (Bersin) is the property owner of the Medley Centre mall in the Town of Irondequoit, New York. Bersin plans to revitalize the existing 784,000 square foot mall and expand with 546,000 square feet for new retail space. Additionally, Bersin plans to construct 420 hotel rooms, 330 residential apartment units, 195,000 square feet of office space and 158,000 square feet of theater, restaurant and other mixed use space. The project will be constructed in one or more phases and will include demolition of portions of the existing mall. The project is projected to create 600 FTEs jobs within the first three years of completion of the project. Bersin is seeking sales and mortgage tax exemption as well as a Special PILOT. The request for the Special PILOT has been approved by both the Town of Irondequoit and East Irondequoit School Board. A Public Hearing was held in the Town of Irondequoit on March 16, 2009. Executive Director Seil noted that T. Mazzullo, H. Stuart and S. Moore were in attendance at the hearing, along with Executive Director Seil and Counsel M. Townsend. Executive Director Seil noted that an Executive Summary and a Frequently Asked Questions handout regarding the proposed PILOT are available at today's meeting. Executive Director Seil summarized comments as follows: Five speakers. Bruce Grady, Local Carpenters 85, comments concerned use of local labor and payment of living wages and benefits. Sue Allen, Superintendent of East Irondequoit School District – felt the proposed PILOT was fair and equitable and approved unanimously by the East Irondequoit School Board. Mary Ellen Heyman, Supervisor of the Town of Irondequoit, felt the PILOT and milestones protect the taxpayers, and noted that the PILOT was approved unanimously by the Town Board. George Winter, a resident of Webster, is in support of the project and noted that a new exit ramp from Route 104 would be beneficial. Dan Dwyer, a resident of Irondequoit, in support of the project, suggested additional work with regard to the tax analysis. 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 E. Caccamise and seconded by S. Moore, an inducement resolution was adopted approving subject project. All Aye.

On motion made by H. Stuart and seconded by L. Doyle, minutes for the meeting of February 17, 2009 were reviewed and adopted and approved. All Aye.

Executive Director Seil noted that the nine local IDAs have joined together in a marketing campaign in support of the efforts of IDAs and the work that they do in the community. The media campaign has launched and the website is up and running.

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

Miscellaneous:

-Rural Metro Medical Services

On a motion made by L. Doyle and seconded by E. Caccamise a resolution was adopted approving Project increase of \$228,000 from \$1,433,000 to \$1,661,000 to expand the scope of the project to include the purchase of radios. All Aye.

-RCS Development

On a motion made by H. Stuart and seconded by S. Moore a resolution was adopted approving assumption of the existing PILOT by Atlas Automation. All Aye.

-Wards Natural Science

On a motion made by H. Stuart and seconded by S. Moore, a resolution was adopted approving successor entity, VWR Education LLC, to assume all rights and obligations under existing contracts. All Aye.

-Cloverwood Senior Living

On a motion made by E. Caccamise and seconded by L. Doyle, a resolution was adopted approving modification of the installment sale agreement and execution of an intercreditor agreement regarding parity for the Phase II bonds, which will be issued through the East Rochester Housing Authority, subject to Bond Counsel approval. All Aye.

-Clinton Asset Holding Associates LP

On a motion made by H. Stuart and seconded by S. Moore, a resolution was adopted approving a resolution to modify existing PILOT and lease to contemplate the Nixon Peabody PILOT. All Aye.

Chair Mazzullo noted that the next meeting will be held **Thursday, April 16, 2009**. There being no further business, on a motion made by H. Stuart and seconded by E. Caccamise, the meeting was adjourned.