

**MINUTES – AGENCY MEETING – March 17, 2015**

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

Board Present: T. Mazzullo (Chair), A. Burr, E. Caccamise, C. Campbell,  
J. Popli, M. Siwec, M. Worboys-Turner

Board Excused: None

Also Present: J. Seil (Executive Director),  
E. Liberti, M. Townsend, Esq.

Chair Mazzullo called the meeting to order. A. Burr led the Pledge of Allegiance.

Chair Mazzullo opened the Public Forum. Joanne Sasse offered comments including the Monroe County credit rating downgrade and budget deficits, tax revenues, COMIDA projects and LLCS. There being no further speakers, the Public Forum was closed.

Executive Director Judy Seil presented the 2014 Annual Board Report. Director Seil began by thanking the COMIDA Chair, volunteer Board and staff for their support and dedication to the mission of COMIDA during 2014. During 2014, COMIDA approved 31 new projects, with a total investment in excess of \$197 Million and projected new jobs of 425, highlighting the Morgan Hard Road, Clinton Court and Pictometry projects. Director Seil noted that nearly 40% of 2014 projects are located within the City of Rochester, and that COMIDA and the City of Rochester have an excellent working relationship. Over the past 10 year, COMIDA projects have a 4 to 1 Benefit to Incentive ratio, generating benefits to the community in excess of \$921 Million. These benefits are in the form of increased real property tax revenues, investment in real property and new jobs. Director Seil also reviewed several COMIDA projects including American Filtration, Orafol, Unither, Precision Grinding, Retrotech, Hart's Local Grocers, The Alexandrian and the Button Lofts. Director Seil thanked the owners/developers of these projects for their commitment to our community. Director Seil and Chair Mazzullo also thanked Economic Development partners including the City of Rochester, the Greater Rochester Enterprise, Empire State Development, Rochester Gas & Electric, High Tech of Rochester and the Procurement Technical Assistance Center.

Yvonne Lowrey of Loewke Brill Consulting Group, Inc. presented the Monitoring Report for the period of February 1, 2015 – February 27, 2015. During that time, 50 monthly and 3 follow up visits were conducted. Of the 402 workers that were identified, five were noncompliant on the initial visit. As of February 27, 2015 all monitored sites were compliant. Signs were delivered to 5 new project sites.

J. Seil presented the following applications for agency consideration:

**Atlantic Avenue Capital Partners LLC**  
**Three Heads Brewing Inc.**

**Lease/Leaseback with JobsPlus Abatement**  
**Sales Tax Exemptions Only**

The company was represented by Frank Imburgia and Dan Nothnagle. Atlantic Avenue Capital Partners LLC (AACP), a local real estate development company, is proposing the construction of a 20,000 square foot micro-brewery on 2 acres in the City of Rochester. The brewery will be leased to Three Heads Brewing Inc., a local craft

brewer founded in 2011. The building will have facilities for craft brewing, bottling beer, shipping and receiving and a tasting room. The \$3,050,000 project will impact 4 FTEs and is projected to create 14 new FTEs over the next three years. The applicant is seeking approval of JobsPlus property tax abatement. The job creation requirement is 1 FTE. Tenant is seeking approval of sales tax exemptions on \$50,000 of furniture and fixtures. The Benefit/Incentive ratio is 8.1:1. A Public Hearing was held in the City of Rochester on March 17, 2015. Director Seil noted that there was one speaker who was opposed to the project. Upon inquiry by the Chair, the applicant representative confirmed that they are aware of the Local Labor requirements. After a brief discussion and on a motion made by A. Burr and seconded by M. Siwec, an inducement resolution was adopted approving subject project. All Aye. On a motion made by C. Campbell and seconded by E. Caccamise, an inducement resolution was adopted approving subject project. All Aye.

**Isaac Heating and Air Conditioning Inc. Sales Tax Exemptions Only**

The company was represented by Lee Spencer. Isaac Heating and Air Conditioning Inc. (IHC), founded in 1945, is one of the area's largest HVAC companies. Due to continued growth, in 2014 IHC relocated to the recently renovated 70,108 square foot former Mercury Print facility on 4.4 acres in the City of Rochester. IHC is now proposing the purchase of twelve new service vans. IHC currently employs 198 FTEs and expects to create 18 new full-time positions. IHC has been approved for the GreatRate program through Monroe County Industrial Development Corporation and is seeking approval of the EquiPlus program. The Benefit/Incentive ratio is 6.5:1. After a brief discussion and on a motion made by E. Caccamise and seconded by. Worboys-Turner, a resolution was adopted an inducement resolution was adopted approving subject project. All Aye.

On motion made by A. Burr and seconded by J. Popli, the minutes for the meeting of February 17, 2015 were approved. All Aye.

Executive Director Seil reviewed the Mission Statement and Performance Measurement Report.

On motion made by J. Popli and seconded by E. Caccamise, a resolution was adopted approving the following officer nominations: Theresa Mazzullo – Chair, Ann Burr – Vice Chair & Treasurer, Jay Popli – Secretary, Clint Campbell – Assistant Treasurer. All Aye.

On a motion made by M. Siwec and seconded by E. Caccamise, a resolution was adopted approving the re-adoption of the Governance, Audit and Finance committee charters and the PILOT Compliance Policy, Governance Committee Members: Jay Popli – Chair, Clint Campbell and Theresa Mazzullo, Audit Committee Members: Ann Burr – Chair, E. Caccamise and M. Siwec, PILOT Review Committee Members: Theresa Mazzullo – Chair, Jay Popli and Eugene Caccamise and Finance Committee Members: C. Campbell – Chair, Ann Burr and M. Worboys-Turner.

Governance Committee Chair Jay Popli reported on the Governance Committee meeting of February 17, 2015, noting that the policies, charters and bylaws were reviewed with only one change to the Purchasing Policy which will bring it in line with County policy. J. Popli noted that the Board Evaluation was conducted confidentially and that the board was unanimously in agreement with regard to governance and independence.

A. Burr reported that the Audit Committee met with The Bonadio Group to review the COMIDA audit, noting that it was a clean audit, with no new accounting policies adopted during the year, there were no particularly sensitive estimates or disclosures in the current year and no financial difficulties encountered in performing the audit or disagreements with management. A. Burr thanked Judy Seil and Elaine Liberti for their handling of the COMIDA financial affairs. A. Burr then turned the review of the audit over to Randy Shepard of The Bonadio Group. After a brief discussion, on a motion made by A. Burr and seconded by M. Siwec, the 2014 Audit was accepted. All Aye.

On a motion made by M. Siwec and seconded by E. Caccamise, a resolution was adopted approving the following policies and appointments: Mission Statement and Performance Measures, Bylaws, Code of Ethics, Ethics Officer – Eugene Caccamise, Compensation, Reimbursement and Attendance, Defense and Indemnification, Policy for tracking Inventory and Disposal of Assets, Contracting Officer – Judy Seil, Extension of Credit, Internal Controls and Financial Accountability, Internal Control Officer – Ann Burr, Investment and Deposit, Purchasing, Travel, Whistleblower Policies, Public Comment Rules of Procedure, Freedom of Information Law, Uniform Tax Exemption Policy, Record Retention and Duties & Responsibilities. All Ayes.

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

**Terminations:**

- Brinkman Precision Inc./BPI Realty LLC
- CTLA LLC
- RW 501
- Calkins Corporate Park LLC – Pluta Cancer Center – (end of Pilot term)

After a brief discussion regarding job creation defaults for the first three projects noted above, and on a motion made by E. Caccamise and seconded by J. Popli, a resolution was adopted approving termination of the above projects. All Aye.

**Miscellaneous:**

**--Morgan Depot Plaza**

On a motion made by J. Popli and seconded by E. Caccamise, a resolution was adopted approving a \$1,182,000 increase in project costs to \$15,182,000. Original approval February 2013. All Aye.

**-Fee Brothers**

On a motion made by C. Campbell and seconded by E. Caccamise, a resolution was adopted approving a \$78,700 increase in project costs to \$647,106. Original approval September 2013. All Aye.

**-384 East Avenue Inn of Rochester LLC**

On a motion made by M. Siwec and seconded by E. Caccamise, a resolution was adopted approving a \$626,000 increase in project costs to \$4,626,000. Original approval May 2011. All Aye.

**--Morgan Hard Road**

On a motion made by C. Campbell and seconded by A. Burr, a resolution was adopted approving an increase in the mortgage amount from \$18 Million to \$20.8 Million. All Aye.

**-DiMarco Family Empire LLC**

On a motion made by A. Burr and seconded by J. Popli, a resolution for final approval was adopted. Public Hearing was held on March 9, 2015 in the Town of Penfield. All Aye.

**- Elmwood Property at Collegetown LLC**

On a motion made by E. Caccamise and seconded by C. Campbell, a resolution was adopted approving a transfer of the project to CT Hotel LLC. All Aye.

**-Calkins Corporate Park**

On a motion made by M. Siwec and seconded by E. Caccamise, a resolution was approved for assumption of the project by DOC-CCPP MOBs, LLC. All Aye.

Mr. Townsend noted that he, Executive Director Seil and staff will be meeting on Thursday, March 19, 2015 to review recently issued NYS Authority Budget Office Policy guidance. Chair Mazzullo asked Mr. Townsend to report to the board at the next meeting regarding COMIDA's performance with regard to these matters.

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