



COUNTY OF MONROE INDUSTRIAL DEVELOPMENT AGENCY

MINUTES – AGENCY MEETING – May 17, 2016

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,

Board Excused: M. Siwiec, M. Worboys-Turner

Also Present: R. Baranello Endress, Esq.

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

A report on the Requests for Verified Exemptions was presented by Brian LaFountain of The Bonadio Group. During the last month, The Bonadio Group has received six requests for exemption from the local labor requirements. The Hive@155 project – specialty construction, Riverview Equity LLC – specialty construction, Riverview Equity – price differential, Charlotte Square Apartments – no local labor available, Indus Panorama – warranty and Tower 195 – cost differential. Mr. LaFountain reported that upon review, the Bonadio Group found the waiver requests valid.

Kevin Loewke of Loewke Brill Consulting Group, Inc. presented the Monitoring Report for the period of April 1, 2015 – April 30, 2016. During that time, 68 monthly and 4 follow up visits were conducted. Of the 576 workers that were identified, 17 were noncompliant on the initial visit. As of April 30, 2016 all monitored sites were compliant. Loewke & Brill delivered signs to 3 new projects.

R. Endress presented the following applications for agency consideration:

Hosmer Development II LLC/Dunn Tire LLC

Lease/Leaseback with JobsPlus

The company was represented by David Simons. Hosmer Development II LLC, a local real estate holding company, is proposing the acquisition of a portion of an approximately 13 acre vacant parcel in the Town of Henrietta, and the construction of a 75,000 square foot distribution facility to be leased to Dunn Tire LLC (DT). DT distributes to nine retail stores in Monroe, Genesee and Ontario Counties and to a network of automobile distributorships and repair & maintenance facilities throughout New York State and parts of Pennsylvania. DT has outgrown their existing 50,000 square foot building in the Town of Henrietta, and also considered locations in Genesee, Livingston, Wayne and Ontario counties. The \$5,996,000 project will impact 40 FTEs and is projected to create 6 new FTEs over the next three years. The applicant is seeking approval of the JobsPlus property tax abatement. The job creation requirement is 4 FTEs. Dunn Tire is seeking approval of sales tax exemptions on materials, equipment, furniture & fixtures. The project has a Benefit/Incentive ratio is 2.3:1. A Public Hearing was held in the Town of Henrietta on May 16, 2016. 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 C. Campbell and seconded by A. Burr, a resolution was adopted approving SEQR for the subject property. All Aye. On a motion made by C. Campbell and seconded by J. Popli, an inducement resolution was adopted approving subject project. All Aye.

10 Gold Street Properties LLC**Lease/Leaseback with JobsPlus**

The company was represented by Duncan Frame. 10 Gold Street Properties LLC, a local real estate development company, is proposing to demolish an existing vacant 6,768 square foot commercial building and a residence, and to develop a two building, mixed use development in the City of Rochester. The \$6,912,974 project will provide 40 units of student housing, retail and office space and is projected to create 3 new FTEs over the next three years. The applicant is seeking approval of JobsPlus property tax abatement. The job creation requirement is 1 FTE. The Benefit/Incentive ratio is 2.5:1. A Public Hearing was held in the City of Rochester on December 15, 2015. 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 J. Popli, a resolution was adopted approving SEQR for the subject property. All Aye. On a motion made by J. Popli and seconded by A. Burr, an inducement resolution was adopted approving subject project. All Aye.

2016 Gateway H2 LLC**Lease/Leaseback with JobsPlus**

The company was represented by Jerry Goldman. 2016 Gateway H2 LLC, a Morgan real estate development company, is proposing the construction of a 60,000 square foot, four story Home2Suites Hotel on approximately 3.9 acres in the Town of Greece. The hotel will include 119 rooms and related parking, utilities, grading and landscaping. The \$18,700,000 project is projected to create 25 FTEs. The applicant seeks approval of JobsPlus property tax abatement. The tenant is seeking sales tax exemptions on \$1,400,000 in furniture and fixtures. The JobsPlus job creation requirement is 1 FTE. The Benefit/Incentive ratio is 2:1. A Public Hearing was held in the Town of Greece on May 16, 2016. 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 E. Caccamise and seconded by J. Popli, a resolution was adopted approving SEQR for the subject property. All Aye. On a motion made by C. Campbell and seconded by J. Popli, an inducement resolution was adopted approving subject project. All Aye.

17 High Properties LLC**Lease/Leaseback with JobsPlus**

The company was represented by Steve Hogarth. 17 High Properties LLC, a local real estate holding company, is proposing to acquire an existing 4,400 square foot building on approximately 1 acre in the Village of Honeoye Falls. The building will be expanded by 9,600 square foot to a total of 14,000 square feet, and leased to a related entity, K & H Precision Products Inc. (K&H). K&H, founded in 1985, provides full service tool design, pattern shop, aluminum castings, CNC machining and finishing. The expanded location will provide space for the growing company with improved safety and additional room for equipment and employees. The \$1,233,000 project will impact 39 FTEs and is projected to create 4 new FTEs over the next three years. The applicant is seeking approval of the JobsPlus property tax abatement. The tenant is seeking sales tax exemption on furniture, fixtures and equipment. The Benefit/Incentive ratio is 3.6:1. A Public Hearing was held in the Village of Honeoye Falls on May 16, 2016. 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 C. Campbell and seconded by J. Popli, a resolution was adopted approving SEQR for the subject property. All Aye. On a motion made by C. Campbell and seconded by A. Burr, an inducement resolution was adopted approving subject project. All Aye.

Sibley Commercial LLC**Sales & Mortgage Tax Exemptions**

The company was represented by Gerry DiMarco. In 2012, at the request of the City of Rochester, COMIDA approved a custom Payment-in-Lieu-of-Taxes agreement for the redevelopment of the one million square foot, former Sibley's department store in the City of Rochester. Sibley Commercial LLC (SC), a Winn Development company, is now proposing to renovate approximately 72,912 square feet to include 39,000 square feet of high tech office space suitable for companies involved in the High Tech Rochester incubator and the StartUp NY program. Mortgage tax exemptions were approved by written consent of the Board. SC is requesting approval of sales tax exemptions. The Benefit/Incentive ratio is 1:1. A Public Hearing was held in the City of Rochester on May 17, 2016. 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 J. Popli and seconded by E. Caccamise, an inducement resolution was adopted approving subject project. All Aye.

Sibley Mixed Use LLC**Sales & Mortgage Tax Exemptions**

The company was represented by Gerry DiMarco. In 2012, at the request of the City of Rochester, COMIDA approved a custom Payment-in-Lieu-of-Taxes agreement for the redevelopment of the one million square foot, former Sibley's department store in the City of Rochester. Sibley Mixed Use LLC (SMU), a Winn Development company, is now proposing to create and lease approximately 22,000 square feet of retail space on the first floor of which approximately 12,000 square feet will be dedicated to an urban market featuring fresh goods and services. Additionally, ninety six units of mixed income housing will be built on floors nine through twelve, with amenity spaces on the second floor. Mortgage tax exemptions were approved by written consent of the Board. SMU is requesting approval of sales tax exemptions. The Benefit/Incentive ratio is 0.9:1. A Public Hearing was held in the City of Rochester on May 17, 2016. 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 J. Popli and seconded by E. Caccamise, an inducement resolution was adopted approving subject project. All Aye.

iCardiac Technologies Inc.**Sales Tax Exemptions Only**

The company was represented by Jay Baker. iCardiac Technologies, Inc. (iCardiac) provides drug development companies worldwide with core-lab services for cardiac safety studies. iCardiac is proposing to invest \$465,220 to upgrade their IT equipment. iCardiac currently employs 76 FTEs and expects to create 4 new full-time positions. iCardiac 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 5.7:1. iCardiac was first approved for a GreatRebate in 2006 when it employed 2 FTEs. After a brief discussion and on a motion made by J. Popli and seconded by A. Burr, an inducement resolution was adopted approving subject project. All Aye.

On motion made by A. Burr and seconded by J. Popli, minutes for the meeting of April 19, 2016 were reviewed and adopted and approved. All Aye.

R. Endress, Board Counsel, presented the following items for Agency Action:

Miscellaneous:**--50 Chestnut Ventures LLC**

Motion tabled – lack of quorum due to abstention.

-Morgan U-Ave LLC

Motion for final approval by J. Popli. Chair Mazzullo invited Robert Koegel of the Eastman Museum to offer comments regarding the project. Mr. Koegel spoke in opposition to the project. The motion for final approval was tabled – lack of quorum due to abstention.

-Winthrop & Pitkin LLC

On a motion made by J. Popli and seconded by A. Burr, a resolution was adopted approving three new tenants. All Aye.

R Endress reviewed the recent request for Declaratory Judgement in the matter of Bersin Properties PILOT and the Town of Irondequoit and East Irondequoit Central School District.

Chair Mazzullo opened the Public Forum. Joanne Sasse offered comments referencing former State Senator Ted O'Brien, New York City Mayor Bill de Blasio, Navitech, I-Square, Dean Skelos and Sheldon Silver, DHD Venture projects and their relations with their tenants, Winn/Sibley project increases, and encouraged E. Caccamise as Ethics officer to investigate vetting of DHD projects, the Constantino's project, Navitech, Paetec, I-Square and other matters.

Wendy Nolan of I-Square offered comments regarding recent news reports regarding COMIDA board member actions regarding the investigation of I-Square, and read a suggested Press Release for the board, copies of which were provided to the Board. Mike Nolan of I-Square offered comments regarding a recent telephone conversation with Chair Mazzullo, a March 28, 2016 press release regarding I-Square and a letter of April 28, 2016, and news reports regarding COMIDA board member actions regarding the investigation of I-Square.

There being no further speakers, the Public Forum was closed.

Chair Mazzullo read the letter of April 28, 2016 addressed to Mr. Nolan from Acting Executive Director Johnson with respect to an update on the review of the PILOT agreement, noting that "The School District has indicated that it finds you in compliance with your PILOT Agreement, including milestone compliance. The Town attorney has indicated that the Town takes no position with respect to milestone compliance. Therefore, we defer to the School District and the Town and stipulate that the construction of the recycling building is the "second building" as referenced in your PILOT Agreement. Based on the foregoing, it will be my recommendation, as Acting Executive Director, that the PILOT Compliance Review Committee find no default in connection with the milestone compliance to date."

After a brief discussion, and there being no further business, on a motion made by J. Popli and seconded by E. Caccamise, the meeting was adjourned.