



APPLICATION FOR ASSISTANCE

Each applicant seeking assistance must complete this application and provide required supplemental forms/documentation.

Please answer all questions. Use "None" or "Not Applicable" where necessary. Information in this application may be subject to public review under New York State Law, except for information that is considered deniable by the Freedom of Information Law. This form is available at www.monroecountybusiness.org/application.

Please send completed application via email to EconomicDevelopment@monroecounty.gov. A **non-refundable** application fee of \$350.00 is required. Please see page 10 for additional information on costs and fees.

I. APPLICANT

A. Applicant Information

Name: 1365 Emerson Street LLC
 Address: 45 Wenham Lane
 City/State/Zip: Pittsford, NY14534
 Tax Id No.: 87-3150120
 Contact Name: David Whitaker
 Title: Partner
 Telephone: 585-770-4979
 E-Mail: Alexw@tritowertelecom.com

B. Applicant's Legal Counsel

Name: Anthony Audiutori
 Firm: Davidson Fink LLP
 Address: 28 E.Main Street
 City/State/Zip: Rochester, NY 14614
 Telephone: 585-546-6448
 Email: DFaccounting@davidsonfink.com

C. Owners of Applicant Company (must total 100%). If an LLC, LP or similar, all members/partners must be listed

Name	%	Corporate Title
<u>David Whitaker</u>	<u>50</u>	<u>Partner</u>
<u>Walt Van Leuven</u>	<u>50</u>	<u>Partner</u>
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II. PROJECT

A. Address of proposed project facility

1365 Emerson Street

Rochester, NY 14606

Tax Map Parcel Number: 105.37-26

City/Town/Village: Rochester

School District: Rochester

Current Legal Owner of Property:

Store Capital Acquisitions

B. Proposed User(s)/Tenant(s) of the Facility

If there are multiple Users/Tenants, please attach additional pages.

Are the user and owner related entities? ☒ Yes ☐ No

Company Name: Tri Tower Telecom Corp.

Address: 70 Vantage Point Dr.

City/State/Zip: Rochester NY 14624

Tax ID No: 27-1399495

Contact Name: Alex Whitaker

Title: Partner

Telephone: 585-770-4979

Email: Alexw@tritowertelecom.com

% of facility to be occupied by user/tenant 100

C. Owners of User/Tenant Company (must total 100%)

If an LLC, LP or similar, all members/partners must be listed

Name	%	Corporate Title
Alex Whitaker	50	Partner
Walt Van Leuven	50	Partner

D. Benefits Requested (Check all that apply)

☒ Sales Tax Exemption

☒ Mortgage Recording Tax Exemption

☐ Real Property Tax Abatement

☐ Industrial Revenue Bond Financing

E. Description of project (check all that apply)

☐ New Construction

☒ Existing Facility

☒ Acquisition

☐ Expansion

☒ Renovation/Modernization

☐ Acquisition of machinery/equipment

☐ Other (specify) _____

DESCRIPTION OF THE PROJECT AND BACKGROUND ON USER(S) OF THE FACILITY

NAICS Code: 517911

Tri Tower is a hardware and services company that supports those who power the internet, data centers and other communication networks. Over the last decade, they have continued to expand our offerings to include Tri Tower Certified network equipment, Asset Recovery Services, Manufacturer Partner Solutions and Product Repairs.

Tri Tower will be acquiring a warehouse facility and relocating to the city of Rochester. The warehouse is necessary in their plans to expand operations as they continue to grow. Their current location does not have the required space to appropriately execute their vision. To make the warehouse fit their needs, they will be converting about 7000 sqft of specialty/warehouse space into a modified office space. This is needed to accommodate their administration and sales staff. In addition, expanding the preexisting test lab square footage to support the growth of Asset Recovery and operational efficiency.

II. PROJECT (cont'd)

F. Are other facilities or related companies located within New York State?

☒ Yes ☐ No

Location:

70 Vantage Point Dr.

Rochester NY 14624

Will the Project result in the removal of an industrial or manufacturing plant of the Project occupant from one area of the state to another area of the state? ☐ Yes ☒ No

Will the Project result in the abandonment of one or more plants or facilities of the Project occupant located within the state?

☒ Yes ☐ No

If Yes to either question, explain how the Agency's Financial Assistance is required to prevent the Project from relocating out of the State, or is reasonably necessary to preserve the Applicant or User's competitive position in its respective industry:

Acquisition of a larger warehouse is need for the company's growth and competitive advantage.

Assistance is needed to compete with Florida/Texas that is corporate friendly and was a possible consideration in relocation.

G. Would the project be undertaken without financial assistance from the Agency?

☐ Yes ☒ No

Please explain why financial assistance is necessary.

Without financial assistance, the company will not have financing necessary to compete a full conversion of specialty/warehouse to modified office space. Nor will they have the funding needed to invest in their growth of Asset Recovery sector.

H. Project Timeline

Proposed Date of Acquisition: 1/24/2022

Proposed Commencement Date of Construction: 2/1/2022

Anticipated Completion Date: 3/21/2022

I. Contractor(s)

J. State Environmental Quality Review (SEQR) Act Compliance

COMIDA, in granting assistance to the Applicant, is required to comply with the New York State Environmental Quality Review Act (SEQR).

Does the proposed project require discretionary permit, license or other type of approval by the state or local municipality?

☒ YES - Include a copy of any SEQR documents related to this Project including Environmental Assessment Form, Final Determination, Local Municipality Negative Declaration, etc.

☐ NO

III. PROPERTY TAX ABATEMENT/PAYMENT IN LIEU OF TAX AGREEMENT (PILOT)

Check One:

☐ **JOBSPLUS**

Requirements:

- Applicant must commit to a 10% increase in full-time equivalent employment, measured on the existing impacted employee base, over a 3 year period. The required number of jobs is _____.

☐ **LEASEPLUS**

Requirements:

- University and/or medical related facilities in which a 501(c)3 entity leases from a for-profit entity.
- Company must commit to a 10% increase in full-time equivalent employment, measured on the existing impacted employee base, over a 3 year period. The required number of jobs is _____.

☐ **ENHANCED JOBSPLUS**

Requirements:

- A minimum \$15 million investment **AND**
- A minimum of 100 new jobs

☐ **GREEN JOBSPLUS**

Requirements:

- LEED® Certification – Project must be rated as Certified, Gold, Silver or Platinum by the United States Green Building Council's Leadership in Energy and Environmental Design (LEED®) Green Building Rating System.
- Company must commit to a 10% increase in full-time equivalent employment, measured on the existing impacted employee base, over a 3 year period. The required number of jobs is _____.

☐ **SHELTER RENT**

For student housing or affordable housing projects.

☐ **Local Tax Jurisdiction Sponsored PILOT**

☒ **NO PROPERTY TAX ABATEMENT IS SOUGHT FOR THIS PROJECT**

IV. APPLICANT PROJECT COSTS

- A. Estimate the costs necessary for the construction, acquisition, rehabilitation, improvement and/or equipment of the project by the APPLICANT.

Building Construction or Renovation

- a. Materials a. \$ 250,000
b. Labor b. \$ 350,000

Site Work

- c. Materials c. \$ _____
d. Labor d. \$ _____
e. Non-Manufacturing Equipment e. \$ _____
f. Manufacturing Equipment f. \$ _____
g. Furniture and Fixtures g. \$ _____
h. Land and/or Building Purchase h. \$ 2,100,000
i. Soft Costs (Legal, Architect, Engineering) i. \$ _____
Other (specify) j. _____ j. \$ _____
k. _____ k. \$ _____
l. _____ l. \$ _____
m. _____ m. \$ _____
Total Project Costs \$ 2,700,000
(must equal Total Sources)

B. Sources of Funds for Project Costs:

- a. Tax-Exempt Industrial Revenue Bond a. \$ \$ 0
b. Taxable Industrial Revenue Bond b. \$ \$ 0
c. Bank Financing d. \$ \$ 2,180,000
d. Public Sources e. \$ _____

Identify each state and federal grant/credit

- e. Equity \$ \$ 520,000
TOTAL SOURCES \$ \$ 2,700,000
(must equal Total Project Costs)

- C. Has the applicant made any arrangements for the financing of this project

☒ Yes ☐ No

If yes, please specify bank, underwriter, etc.

Bank _____

V. COMPLETE FOR EACH USER/TENANT THAT IS SEEKING SALES TAX EXEMPTIONS USER(S)/TENANT(S) PROJECT COSTS

Use additional sheets as necessary

Company Name Tri Tower Telecom Corp.

- A. Estimate the costs necessary for the construction, acquisition, rehabilitation, improvement, and/or equipping of the project by the user(s)/tenant(s) for which a sales tax exemption is requested.

Estimated Costs Eligible for Sales Tax Exemption Benefit

- a. Materials a. \$ _____
b. Labor b. \$ _____
c. Non-Manufacturing Equipment c. \$ \$ 25,000
d. Manufacturing Equipment d. \$ _____
e. Furniture and Fixtures d. \$ \$ 25,000
Other (specify): e. _____ e. \$ _____
f. _____ f. \$ _____
g. _____ g. \$ _____
h. _____ h. \$ _____
Total Project Costs \$ \$ 50,000

VI. Value of Incentives

Project name: 1365 Emerson Street LLC

A. IDA PILOT Benefits:

Current Assessment Current Taxes 0

Dollar Value of New Construction & Renovation Costs

Estimated New Assessed Value Subject to IDA 0

County Tax rate/\$1,000

Local Tax Rate* Tax Rate/\$1,000

School Tax Rate /\$1,000

Total Tax Rate 0.00

PILOT Year	% Abatement	County PILOT Amount	Local PILOT Amount	School PILOT Amount	Total PILOT Amount	Full Tax Payment w/o PILOT	Net Exemption
1	90%	0	0	0	0	0	0
2	80%	0	0	0	0	0	0
3	70%	0	0	0	0	0	0
4	60%	0	0	0	0	0	0
5	50%	0	0	0	0	0	0
6	40%	0	0	0	0	0	0
7	30%	0	0	0	0	0	0
8	20%	0	0	0	0	0	0
9	10%	0	0	0	0	0	0
10	0%	0	0	0	0	0	0
Total		0	0	0	0	0	0

* Local Tax Rate for Town/City/Village

B. Sales Tax Exemption Benefit:

Estimated value of Sales Tax exemption: 24,000 Landlord 20000

Estimated duration of Sales Tax exemption: 6/30/2022 Tenant 4000

24000

C. Mortgage Recording Tax Exemption Benefit:

Estimated Value of Mortgage Recording Tax exemption: \$16,350

D. Industrial Revenue Bond Benefit

IRB inducement amount, if required: \$0

E. Percentage of Project Costs financed from Public Sector sources:

Total Value of Incentives: \$40,350.00 1.47%

Sources of Funds (Section IV.B.) \$2,750,000.00

** All estimates are based on current tax rates.

VII. PROJECTED EMPLOYMENT

Complete for each Applicant or User/Tenant

Company Name: Tri Tower Telecom Corporation

Applicant: ☐ or User/Tenant: ☒

Applicant/Tenant creating jobs must submit most recent NYS-45 or equivalent.

	Current # of jobs at proposed project location or to be relocated to project location	IF FINANCIAL ASSISTANCE IS GRANTED – project the number of FTE and PTE jobs to be RETAINED	IF FINANCIAL ASSISTANCE IS GRANTED – project the number of FTE and PTE jobs to be CREATED upon THREE Years after Project completion	Estimate number of residents of the Labor Market Area in which the Project is located that will fill the FTE and PTE jobs to be created upon THREE Years after Project Completion **
Full time (FTE)	31	31	4	4
Part Time (PTE)				
Total	31.00	31.00	4.00	4.00

** For purposes of this question, please estimate the number of FTE and PTE jobs that will be filled, as indicated in the third column, by residents of the Labor Marker Area, in the fourth column. The Labor Marker Area includes: Monroe County, Orleans County, Genesee County, Wyoming County, Livingston County, Ontario County, Wayne County, Yates County, and Seneca County chosen at the Agency's discretion.

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VIII. LOCAL LABOR

To be completed by all Applicants and Users/Tenants of Projects which include the construction of new, expanded or renovated facilities:

Company Name Tri Tower Telecom Corporation

Applicant: ☒ and/or User/Tenant: ☒

All project employees of the general contractor, subcontractor, or sub to a subcontractor (contractors) working on the project must reside within the following counties in the State of New York: Monroe, Genesee, Livingston, Ontario, Orleans, Seneca, Steuben, Wayne, Wyoming or Yates. The All-Local Labor criterion will be verified based on employment, payroll and related records.

COMIDA understands that at certain times local labor may not be available within the local area. Under this condition, applicants are required to complete a waiver request of the All-Local Labor requirement 45 days in advance of commencing work. Contractors do not have to be local companies as defined herein, but must employ local people to qualify under the All-Local Labor criterion.

The foregoing terms have been read, reviewed and understood by the Applicant or User/Tenant and all appropriate personnel. Furthermore, the undersigned agrees and understands that the information contained herein must be transmitted and conveyed in a timely fashion to all applicable subcontractors, suppliers and materialman. Furthermore, the undersigned agrees to post and maintain a sign, provided by COMIDA, in a prominent, easily accessible location, identifying the project as a recipient of COMIDA assistance and the local labor requirements associated with this assistance.

Furthermore, the undersigned realizes that failure to abide by the terms herein could result in COMIDA revoking all or any portion of benefits it deems reasonable in its sole discretion for any violation hereof.

1365 Emerson Street LLC

(APPLICANT COMPANY)

[Signature] Partner 12/30/2021
Signature , Title Date

Tri Tower Telecom Corporation

(TENANT COMPANY)

[Signature] CEO 12/30/2021
Signature , Title Date

IX. FEES

Transaction Type	Fees
Lease/Leaseback including any/all of the following: 1. PILOT Agreement 2. Sales and Tax Exemption 3. Mortgage Tax Exemption	Application Fee: Non-refundable \$350.00 IDA Fee: 0.75% of the total project cost Legal Fee: 0.33% of the IDA fee. Minimum fee of \$4,000.
Sales Tax Exemption* and/or Mortgage Recording Tax Exemption	Application Fee: Non-refundable \$350.00 IDA Fee: 0.50% of the total project cost Legal Fee: 0.33% of the IDA fee. Minimum fee of \$750
Bond: Taxable or Tax-Exempt with Lease/Leaseback Including any/all of the following: 1. PILOT Agreement 2. Sales Tax Exemption 3. Mortgage Tax Exemption	Application fee: Non-refundable \$350 IDA Fee: 1.25% of the total project cost Legal Fee: 0.33% of IDA fee Designated Bond Counsel fee is based on the complexity and amount of the transaction
Bond: Taxable or Tax-Exempt	Application fee: Non-refundable \$350 IDA Fee: 1.00% of the total project cost Legal fee: 0.33% of the IDA fee Designated Bond Counsel fee is based on the complexity and amount of the transaction.

If the sales tax benefits are required prior to closing, a non-refundable twenty-five percent (25%) of the IDA fee and Legal fees are payable at that time. This amount will be applied towards the IDA fee and Legal fee.

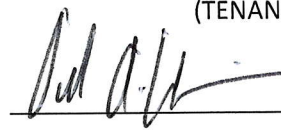
1365 Emerson Street LLC

(APPLICANT COMPANY)

 Partner 12/30/2021
Signature , Title Date

Tri Tower Telecom Corporation

(TENANT COMPANY)

 CEO 12/30/21
Signature , Title Date

X. CERTIFICATION

The undersigned company officer and/or user/tenant officer each hereby certifies, on behalf of the company and/or user/tenant, respectively (each singularly and together, the "Applicant"), as follows:

- A. The information contained in this Application, including employment information, is true and correct. The Applicant is aware that any material misrepresentation made in this Application constitutes an act of fraud, resulting in revocation of COMIDA benefits.
- B. The undersigned, on behalf of the Applicant, hereby certifies that the Applicant, and all parties which have ownership of the Applicant are current and will remain current on all real property, federal, state, sales, income and withholding taxes throughout the term of any agreements made in connection with this Application.
- C. Compliance with N.Y. GML Sec. 862(1): Applicant understands and agrees that the provisions of Section 862(1) of the New York General Municipal Law, as provided below, will not be violated if Financial Assistance is provided for the proposed Project:
- § 862. Restrictions on funds of the agency. (1) No funds of the agency shall be used in respect of any project if the completion thereof would result in the removal of an industrial or manufacturing plant of the project occupant from one area of the state to another area of the state or in the abandonment of one or more plants or facilities of the project occupant located within the state, provided, however, that neither restriction shall apply if the agency shall determine on the basis of the application before it that the project is reasonably necessary to discourage the project occupant from removing such other plant or facility to a location outside the state or is reasonably necessary to preserve the competitive position of the project occupant in its respective industry.
- D. Compliance with Applicable Laws: The Applicant confirms and acknowledges that the owner, occupant, or operator receiving Financial Assistance for the proposed Project is in substantial compliance with applicable local, state and federal tax, worker protection and environmental laws, rules and regulations.
- E. False and Misleading Information: The Applicant confirms and acknowledges that the submission of any knowingly false or knowingly misleading information may lead to the immediate termination of any Financial Assistance and the reimbursement of an amount equal to all or part of any tax exemption claimed by reason of the Agency's involvement the Project.
- F. Recapture: Should the Applicant not expend as projected or hire as presented, the Agency may view such information/status as failing to meet the established standards of economic performance. In such events, some or all of the benefits taken by the Applicant will be subject to recapture.
- G. Pay Equity: The Applicant and/or user/tenant officer certifies on behalf of the company and/or user/tenant (the Applicant) has not been the subject of an adverse finding under the equal pay laws within the previous five years, has disclosed any pending equal pay claims against the company at time of application, and shall disclose to COMIDA any pending claims or adverse findings under the equal pay laws during the term of COMIDA financial assistance agreement.
- H. Applicant hereby releases the COMIDA ("Agency") from, agrees that the Agency shall not be liable for, and agrees to indemnify, defend and hold the Agency harmless from and against any and all liability arising from or expense incurred by (A) the Agency's examination and processing of, and action pursuant to or upon, this Application, regardless of whether or not this Application or the Project described herein or the tax exemptions and other assistance requested herein are favorably acted upon by the Agency; (B) the Agency's acquisition, construction, renovation and/or equipping of the Project described herein; and (C) any further action taken by the Agency with respect to the Project; including, without limiting the generality of the foregoing, all causes of action and attorneys' fees and any other expenses incurred in defending any suits or actions which may arise as a result of any of the foregoing. Applicant hereby understands and agrees, in accordance with Section 875(3) of the New York General Municipal Law, that any New York State and local sales and use tax exemption claimed by the Applicant and approved by the Agency in connection with the Project may be subject to recapture by the Agency under such terms and conditions as will be set forth in the Agent Agreement to be entered into by and between the Agency and the Applicant. The Applicant further represents and warrants that the information contained in this Application, including without limitation, information regarding the amount of New York State and local sales and use tax exemption benefits, is true, accurate and complete.

APPLICANT COMPANY

1365 Emerson Street LLC

[Signature] Partner 12/30/2021
Signature, Title Date

TENANT COMPANY

Tri Tower Telecom Corporation

[Signature] CEO 12/30/2021
Signature, Title Date

Monroe County Industrial Development Agency

MRB Cost Benefit Calculator

Date January 18, 2021
 Project Title 1365 Emerson Street LLC/Tri Tower Telecom Corp.
 Project Location 1365 Emerson Street



Economic Impacts

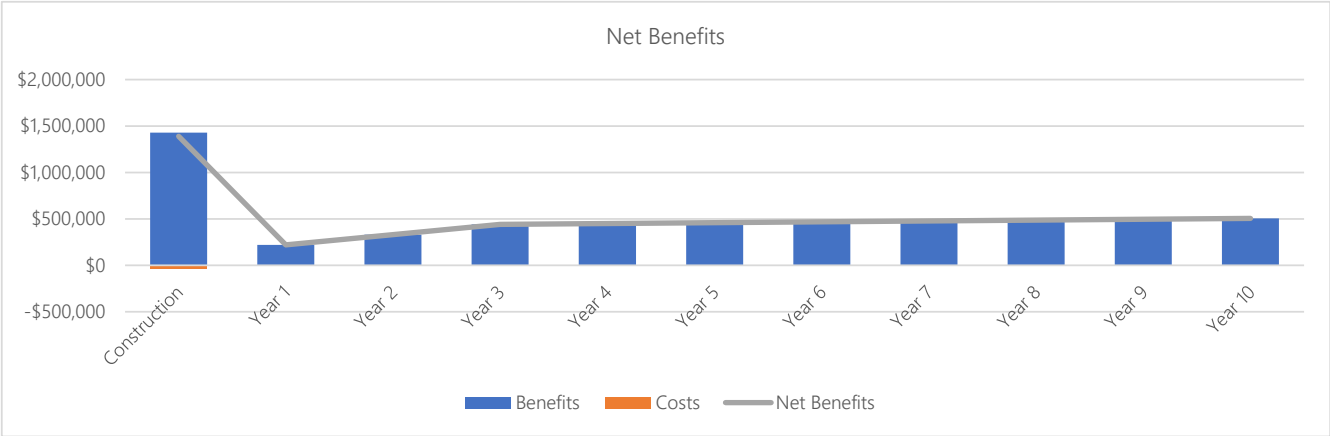
Summary of Economic Impacts over the Life of the PILOT

Project Total Investment
 \$2,750,000

Temporary (Construction)			
	Direct	Indirect	Total
Jobs	11	8	18
Earnings	\$909,781	\$440,171	\$1,349,952
Local Spend	\$2,200,000	\$1,310,607	\$3,510,607

Ongoing (Operations)			
Aggregate over life of the PILOT			
	Direct	Indirect	Total
Jobs	4	8	12
Earnings	\$1,750,268	\$2,339,499	\$4,089,768

Figure 1



Net Benefits chart will always display construction through year 10, irrespective of the length of the PILOT.

Figure 2

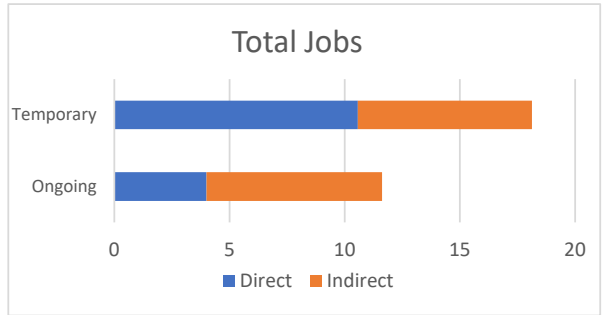
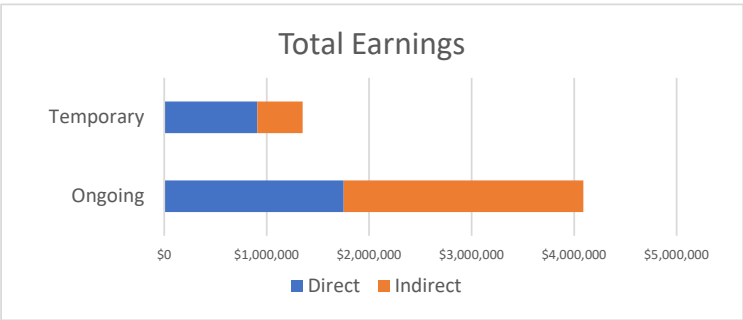


Figure 3



Fiscal Impacts



Cost-Benefit Analysis Tool powered by MRB Group

Estimated Costs of Exemptions

	Nominal Value	Discounted Value*
Property Tax Exemption	\$0	\$0
Sales Tax Exemption	\$24,000	\$24,000
Local Sales Tax Exemption	\$12,000	\$12,000
State Sales Tax Exemption	\$12,000	\$12,000
Mortgage Recording Tax Exemption	\$16,350	\$16,350
Local Mortgage Recording Tax Exemption	\$5,450	\$5,450
State Mortgage Recording Tax Exemption	\$10,900	\$10,900
Total Costs	\$40,350	\$40,350

State and Local Benefits

	Nominal Value	Discounted Value*
Local Benefits	\$5,477,798	\$5,024,066
To Private Individuals	\$5,439,720	\$4,989,142
Temporary Payroll	\$1,349,952	\$1,349,952
Ongoing Payroll	\$4,089,768	\$3,639,190
Other Payments to Private Individuals	\$0	\$0
To the Public	\$38,078	\$34,924
Increase in Property Tax Revenue	\$0	\$0
Temporary Jobs - Sales Tax Revenue	\$9,450	\$9,450
Ongoing Jobs - Sales Tax Revenue	\$28,628	\$25,474
Other Local Municipal Revenue	\$0	\$0
State Benefits	\$282,865	\$259,435
To the Public	\$282,865	\$259,435
Temporary Income Tax Revenue	\$60,748	\$60,748
Ongoing Income Tax Revenue	\$184,040	\$163,764
Temporary Jobs - Sales Tax Revenue	\$9,450	\$9,450
Ongoing Jobs - Sales Tax Revenue	\$28,628	\$25,474
Total Benefits to State & Region	\$5,760,663	\$5,283,502

Benefit to Cost Ratio

	Benefit*	Cost*	Ratio
Local	\$5,024,066	\$17,450	288:1
State	\$259,435	\$22,900	11:1
Grand Total	\$5,283,502	\$40,350	131:1

*Discounted at 2%

Additional Comments from IDA

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Does the IDA believe that the project can be accomplished in a timely fashion? Yes