



## PROJECT MODIFICATION REQUEST

If you have any questions or need assistance, please call 585.753.2000.

Applicant: 3453 Union Street, LLC.  
Project Address: 3453 Union Street North Chili, NY 14514  
Contact Name: Michael Erne  
Contact Company: 3453 Union Street, LLC.  
Contact Address: 3457 Union Street North Chili, NY 14514  
Contact Email: merne@cmforwarding.com Contact Phone: 5852951883

Employment in Monroe County: 0 0 6/15/2022  
Full Time Part Time As of Date

**Modification Requested:** Check all that apply. (Attach additional page if necessary). Legal fees apply.

\*\*\*A substantial change in project costs or scope may require a new application. \*\*\*

☐ **Increase in Project Costs:** Must complete page 2. (If there is a significant change in Project Scope, an application will be required.)

**Assistance Requested:** Check all that apply.

☐ Property Tax Abatement

☐ Mortgage Tax Exemption

☐ Sales Tax Exemption

Project Cost Information: \$                      \$                      \$ 0  
Original Project Cost Increase in Project Costs New Project Costs

☒ **Extend or Renew Sales Tax Exemption:** (If exemption date has expired, a \$350 fee applies.)

06/30/2022

12/31/2022

\$533,287.50 ✓

Current Expiration Date

Requested Expiration Date

Amount of Exemptions Taken to Date

**Reason for Extension:**

Material product delays due to supply chain disruptions have caused the project to fall behind approximately 4 months.

☐ **New Tenant:** Include name, business description, and square feet to be occupied.

Applicant hereby represents that (i) it is not in default under any documents executed in connection with the Project being modified; (ii) Applicant will pay all applicable fees of the Agency and its counsel in connection with the modification of the Project.

Signed:  Date: 06/15/2022

Print Name and Title: Michael Erne - EVP

Staff Use Only:

Date Received 6/22/22 Date of Original Approval: 3/23/21 New Code 2602 21016 B <sup>2/20</sup>



COUNTY OF MONROE  
**COMIDA**  
INDUSTRIAL DEVELOPMENT AGENCY

# PROJECT MODIFICATION REQUEST

If you have any questions or need assistance, please call 585.753.2000.

Applicant: C&M Forwarding Co., Inc.  
Project Address: 3453 Union Street North Chili, NY 14514  
Contact Name: Michael Erne  
Contact Company: C&M Forwarding  
Contact Address: 3457 Union St North Chili, NY 14514  
Contact Email: merne@cmforwarding.com Contact Phone: 5852951883

Employment in Monroe County: 72 17 6/1/2022  
Full Time Part Time As of Date

**Modification Requested:** Check all that apply. (Attach additional page if necessary). Legal fees apply.

\*\*\*A substantial change in project costs or scope may require a new application.\*\*\*

☐ **Increase in Project Costs:** Must complete page 2. (If there is a significant change in Project Scope, an application will be required.)

**Assistance Requested:** Check all that apply.

☐ Property Tax Abatement

☐ Mortgage Tax Exemption

☐ Sales Tax Exemption

Project Cost Information: \$                      \$                      \$ 0  
Original Project Cost Increase in Project Costs New Project Costs

☒ **Extend or Renew Sales Tax Exemption:** (If exemption date has expired, a \$350 fee applies.)

06/30/2022

12/31/2022

\$0 ✓

Current Expiration Date

Requested Expiration Date

Amount of Exemptions Taken to Date

**Reason for Extension:**

Material product delays due to supply chain disruptions have caused the project to fall behind approximately 4 months.

☐ **New Tenant:** Include name, business description, and square feet to be occupied.

Applicant hereby represents that (i) it is not in default under any documents executed in connection with the Project being modified; (ii) Applicant will pay all applicable fees of the Agency and its counsel in connection with the modification of the Project.

Signed:  Date: 06/15/2022

Print Name and Title: Michael Erne - EVP

Staff Use Only:

Date Received 6/22/22 Date of Original Approval: 3/23/21 New Code 2602 21017B <sup>2/20</sup>

Motion By:  
Seconded By:

R. King  
L. Bolzner

### RESOLUTION

(3453 Union Street, LLC and C. & M. Forwarding Company, Inc. Project)  
OSC Code 2602-21-016B and OSC Code 2602-21-017B

A regular meeting of the County of Monroe Industrial Development Agency (the "Agency"), was held at the Ebenezer Watts Center, 47 S. Fitzhugh St., Rochester, New York 14614, on July 19, 2022 at 12:00 p.m.

After the meeting had been duly called to order, the Chair announced that among the purposes of the meeting was to consider and take action on certain matters pertaining to a certain Project more particularly described below.

RESOLUTION OF THE COUNTY OF MONROE INDUSTRIAL DEVELOPMENT AGENCY (THE "AGENCY") AUTHORIZING THE EXTENSION OF THE SALES TAX EXEMPTION BENEFITS (AS HEREINAFTER DEFINED) GRANTED TO 3453 UNION STREET, LLC (THE "COMPANY") AND C. & M. FORWARDING COMPANY, INC. (THE "TENANT") THROUGH DECEMBER 31, 2022; AND THE EXECUTION OF RELATED DOCUMENTS.

WHEREAS, by Title I of Article 18-A of the General Municipal Law of the State of New York, as amended and Chapter 55 of the Laws of 1972 of the State of New York (collectively, the "Act"), the Agency was created with the authority and power among other things, to assist with the acquisition of certain industrial development projects as authorized by the Act; and

WHEREAS, by Resolution duly adopted on March 23, 2021 the Agency appointed **3453 Union Street, LLC**, a New York limited liability company, for itself or an entity formed or to be formed (collectively, the "Company"), the true and lawful agent of the Agency to undertake a certain project (the "Project") consisting of: (A) the acquisition or retention of a leasehold interest in a certain parcel of land located at 3453 Union Street in the Town of Chili, New York 14514 (the "Land"); (B) the construction on the Land of an approximately 300,000 square-foot temperature moderated/controlled facility and food-grade warehouse/distribution center (the "Improvements"); and (C) the acquisition and installation therein, thereon or thereabout of certain machinery, equipment and related personal property (the "Equipment" and, together with the Land and the Improvements, the "Facility"), to be used by a related entity to the Company, C. & M. Forwarding Company, Inc. (the "Tenant"); and

WHEREAS, the Agency previously appointed each of the Company and the Tenant as its true and lawful agents to make purchases of goods and services relating to the Project that would otherwise be subject to New York State and local sales and use tax (the "Sales and Use Tax Exemption Benefits") through June 30, 2022; and

WHEREAS, the Company and the Tenant, pursuant to a certain Project Modification Request, dated June 15, 2022, has requested the Agency grant an extension to the Sales and Use Tax Exemption Benefits through December 31, 2022; and

WHEREAS, the Agency desires to adopt a resolution authorizing the extension of Sales and Use Tax Exemption Benefits to the Company and the Tenant and the execution and delivery of any documents necessary and incidental thereto.

NOW, THEREFORE, BE IT RESOLVED by the County of Monroe Industrial Development Agency as follows:

Section 1. Based upon the representation and warranties made by the Company and the Tenant in their respective requests, the Agency hereby authorizes and approves the each of the Company and the Tenant, as its agents, to continue to make purchases of goods and services relating to the Project and that would otherwise be subject to New York State and local sales and use tax through **December 31, 2022**. The Agency agrees to consider any requests by the Company and/or the Tenant for another extension or an increase to the amount of Sales and Use Tax Exemption Benefits authorized by the Agency upon being provided with appropriate documentation detailing the additional purchases of property or services.

Section 2. The Executive Director, Deputy Director, Chairman or Vice Chairman of the Agency are hereby authorized, on behalf of the Agency, to execute and deliver any agreements, documents or certificates necessary and incidental to providing the Company and the Tenant with the Sales and Use Tax Exemption Benefits and necessary to effectuate the above-described changes with respect to the Facility.

Section 3. The Executive Director, Deputy Director, Chairman or Vice Chairman of the Agency are hereby authorized and directed for and in the name and on behalf of the Agency to do all acts and things required and to execute and deliver all such certificates, instruments and documents, to pay all such fees, charges and expenses and to do all such further acts and things as may be necessary or, in the opinion of such Executive Director, Deputy Director, Chairman or Vice Chairman of the Agency acting, desirable and proper to effect the purposes of the foregoing resolutions and to cause compliance by the Agency with all of the terms, covenants and provisions of the documents executed for and on behalf of the Agency.

Section 4. This resolution shall take effect immediately.

*[Remainder of Page Intentionally Left Blank]*

The question of the adoption of the foregoing Resolution was duly put to vote on roll call, which resulted as follows:

	<u><i>Yea</i></u>	<u><i>Nay</i></u>	<u><i>Absent</i></u>	<u><i>Abstain</i></u>
	✓			
Jay Popli	✓			
Troy Milne		✓		
Lisa Bolzner	✓			
Joseph Alloco	✓			
Rhett King	✓			
Ann L. Burr	✓			

The Resolutions were thereupon duly adopted.

STATE OF NEW YORK )  
COUNTY OF MONROE ) ss.:

I, the undersigned Executive Director of the County of Monroe Industrial Development Agency, DO HEREBY CERTIFY:

That I have compared the annexed extract of the minutes of the meeting of the County of Monroe Industrial Development Agency (the "Agency"), including the resolutions contained therein, held on July 19, 2022, with the original thereof on file in my office, and that the same is a true and correct copy of the proceedings of the Agency and of such resolutions set forth therein and of the whole of said original insofar as the same related to the subject matters therein referred to.

I FURTHER CERTIFY that public notice of the time and place of said meeting was duly given to the public and the news media in accordance with Sections 103 and 104 of the New York Public Officers Law (Open Meetings Law) that all members of the Agency had due notice of the meeting and that the meeting was in all respects duly held.

IN WITNESS WHEREOF, I have hereunto set my hand on this 19<sup>th</sup> day of July, 2022.



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Ana J. Liss, Executive Director