



COUNTY OF MONROE  
**COMIDA**  
INDUSTRIAL DEVELOPMENT AGENCY

**BOARD MEETING MINUTES**  
**April 19, 2022**

Time & Place: 12:00 p.m. at Watts Conference Center

Board Present: A. Burr, J. Alloco, R. King, T. Milne

Board Absent: L. Bolzner, J. Popli

Also Present: A. Liss, R. Baranello, Esq., R. Finnerty, R. Caico, A. Clark, L. Birr, B. LaFountain

Chair Burr called the meeting to order at 12:00 p.m. and led the in board the Pledge of Allegiance.

On motion by J. Alloco, second by T. Milne, all aye, minutes of the March 29, 2022 meeting were approved.

B. Lafountain presented the labor exemption report for March 2022. The report outlined 2 local labor exemptions. First, the A50EB, LLC project was granted an exemption based on the “specialized construction/no local labor is available” criteria related to the application/installation of the specialized underlayment. The exempted contractor is Henderson Johnson, Inc. of Syracuse, NY. Second, the USRE Rochester, LLC project was granted an exemption based on the “warranty issues related to installation of specialized equipment” criteria related to the installation of the security systems. The exempted contractor is ADT Commercial/Stellar Technologies of Buffalo, NY.

The local labor monitoring report for March 2022 was reviewed with no questions.

The financial report for March 2022 was reviewed with no questions.

Executive Director Liss presented the following projects for consideration:

**TOPTICA Photonics, Inc.**

TOPTICA Photonics, Inc. has been developing and manufacturing high-end laser systems for more than 20 years. TOPTICA is renowned for providing the widest wavelength coverage of lasers. The company is proposing to relocate to the Town of Pittsford to allow for growth and expansion. Many options were explored including a move to Colorado before selecting Monroe County. Renovations to the facility will include offices, laboratories, clear room facilities and warehousing. The \$2.1 million project is projected to create 18 new FTEs over the next three years in addition to the 35 existing FTEs. The applicant is seeking approval of sales tax exemptions only. The Benefit/Incentive ratio is 49:1.

The applicant was represented by Mark Tolbert. The applicant confirmed awareness of the local labor policy and that exemptions must be requested 45 days in advance, and does not anticipate any local labor exemptions at this time.

The board considered the following resolution: RESOLUTION OF THE COUNTY OF MONROE INDUSTRIAL DEVELOPMENT AGENCY TAKING OFFICIAL ACTION TO (i) APPOINT TOPTICA PHOTONICS, INC. OR A RELATED ENTITY FORMED OR TO BE FORMED (COLLECTIVELY, THE "COMPANY") AS ITS AGENT TO UNDERTAKE A CERTAIN PROJECT;

(ii) PROVIDE FINANCIAL ASSISTANCE TO THE COMPANY IN THE FORM OF A SALES AND USE TAX EXEMPTION FOR PURCHASES AND RENTALS RELATED TO THE UNDERTAKING OF THE PROJECT; (iii) AUTHORIZE THE EXECUTION AND DELIVERY OF A PROJECT AGREEMENT AND RELATED DOCUMENTS; AND (iv) MAKE A DETERMINATION WITH RESPECT TO THE PROJECT PURSUANT TO SEQRA.

On motion by J. Alloco, second by T. Milne for inducement and final resolution approving a sales tax exemption, a roll call vote resulted as follows and the motion carried:

|            |        |           |     |
|------------|--------|-----------|-----|
| J. Popli   | Absent | J. Alloco | Yea |
| L. Bolzner | Absent | R. King   | Yea |
| T. Milne   | Yea    | A. Burr   | Yea |

**Micropen Technologies Corp.**

Micropen Technologies Corp is constructing an approximately 9,200 sq. ft. addition to its existing 40,000 sq. ft. facility in the Village of Honeoye Falls, Town of Mendon. Micropen technologies is engaged in the printed electronics sector. The company utilizes a proprietary printing system to design, develop, manufacture and sell electrical devices and components. Targeted industries include medical, industrial, defense and aerospace markets. This expansion will include clean room space and office space. Micropen plans to create 10 new FTE's in addition to its existing 97 FTE's. The \$3.8 million project is seeking a real property tax abatement and sales tax exemption. The cost benefit ratio is 17:1.

The applicant was represented by Ed Petrazzolo. The applicant confirmed awareness of the local labor policy and that exemptions must be requested 45 days in advance, and does not anticipate any local labor exemptions at this time. Ms. Baranello stated there were no comments at the public hearing which was held on April 14, 2022.

The board considered the following resolution: RESOLUTION OF THE COUNTY OF MONROE INDUSTRIAL DEVELOPMENT AGENCY (i) ACKNOWLEDGING THE PUBLIC HEARING HELD BY THE AGENCY ON APRIL 14, 2022, WITH RESPECT TO A CERTAIN PROJECT BEING UNDERTAKEN BY MICROPEN TECHNOLOGIES CORPORATION, OR A RELATED ENTITY FORMED OR TO BE FORMED (THE "COMPANY"); (ii) MAKING A DETERMINATION WITH RESPECT TO THE PROJECT PURSUANT TO SEQRA; (iii) APPOINTING THE COMPANY AS AGENT OF THE AGENCY; (iv) AUTHORIZING FINANCIAL ASSISTANCE TO THE COMPANY IN THE FORM OF (A) A SALES AND USE TAX EXEMPTION FOR PURCHASES AND RENTALS RELATED TO THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF THE PROJECT AND (B) A REAL PROPERTY TAX ABATEMENT STRUCTURED THROUGH A PAYMENT-IN-LIEU-OF-TAX AGREEMENT ("PILOT AGREEMENT"); AND (v) AUTHORIZING THE NEGOTIATION, EXECUTION AND DELIVERY OF A PROJECT AGREEMENT, LEASE AGREEMENT, LEASEBACK AGREEMENT, PILOT AGREEMENT AND RELATED DOCUMENTS WITH RESPECT TO THE PROJECT.

On motion by J. Alloco, second by R. King for inducement and final resolution approving a real property tax abatement and sales tax exemption, a roll call vote resulted as follows and the motion carried:

|            |        |           |     |
|------------|--------|-----------|-----|
| J. Popli   | Absent | J. Alloco | Yea |
| T. Milne   | Absent | R. King   | Yea |
| L. Bolzner | Yea    | A. Burr   | Yea |

**JD & Sons, Inc.**

JD & Sons, Inc., a wholesale seafood processing company, is constructing a new 28,000 sq. ft. building in the Town of Chili. JD & Sons, Inc. is seeking approval again as there have been issues with the two prior locations which forced JD & Sons to look elsewhere within Monroe County. This expansion will allow for future growth while keeping the existing facility open. JD & Sons plans to create 13 new FTE's in addition to its existing 60 FTE's in Monroe County. The \$5.7 million project is seeking a real property tax abatement, mortgage recording tax exemption and sales tax exemption. The cost benefit ratio is 9:1.

The applicant was represented by Ilias Diakomihalis and David Damelio. The applicant confirmed awareness of the local labor policy and that exemptions must be requested 45 days in advance, and does not anticipate any local labor exemptions at this time. Ms. Baranello stated there were no comments at the public hearing which was held on April 14, 2022.

The board considered the following resolution: RESOLUTION OF THE COUNTY OF MONROE INDUSTRIAL DEVELOPMENT AGENCY (i) ACKNOWLEDGING THE PUBLIC HEARING HELD BY THE AGENCY ON APRIL 14, 2022, WITH RESPECT TO A CERTAIN PROJECT BEING UNDERTAKEN BY JD & SONS, INC. (THE "COMPANY"); (ii) MAKING A DETERMINATION WITH RESPECT TO THE PROJECT PURSUANT TO SEQRA; (iii) APPOINTING THE COMPANY AS AGENT OF THE AGENCY; (iv) AUTHORIZING FINANCIAL ASSISTANCE TO THE COMPANY IN THE FORM OF (A) A SALES AND USE TAX EXEMPTION FOR PURCHASES AND RENTALS RELATED TO THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF THE PROJECT, (B) A PARTIAL MORTGAGE RECORDING TAX EXEMPTION AND (C) A REAL PROPERTY TAX ABATEMENT STRUCTURED THROUGH A PAYMENT-IN-LIEU-OF-TAX AGREEMENT ("PILOT AGREEMENT"); AND (v) AUTHORIZING THE NEGOTIATION, EXECUTION AND DELIVERY OF A PROJECT AGREEMENT, LEASE AGREEMENT, LEASEBACK AGREEMENT, PILOT AGREEMENT AND RELATED DOCUMENTS WITH RESPECT TO THE PROJECT.

On motion by R. King, second by T. Milne for inducement and final resolution approving a real property tax abatement, mortgage recording tax exemption and sales tax exemption, a roll call vote resulted as follows and the motion carried:

|            |        |           |     |
|------------|--------|-----------|-----|
| J. Popli   | Absent | J. Alloco | Yea |
| L. Bolzner | Absent | R. King   | Yea |
| T. Milne   | Yea    | A. Burr   | Yea |

Executive Director Liss presented the following project modifications for consideration:

**Home Leasing, Inc. – PILOT Modification**

Home Leasing, LLC, is proposing to acquire and redevelop an existing commercial building into a mixed-use, mixed-income community in the City of Rochester. The project will consist of 134 affordable apartments for low income older adults and will provide 77,000 sq. ft. of manufacturing space for Hickey Freeman. The applicant was approved for a Shelter Rent real property tax abatement, mortgage recording tax and sales tax exemptions. The application is now requesting to extend the terms of the Shelter Rent real property tax abatement an additional five years from 30 to 35 years.

The applicant was represented by Bret Garwood. T. Milne raised two concerns. First, why is it necessary for the shelter rent to increase from 30 to 35 years. Second, why is the project not subject to prevailing

wage. Mr. Garwood responded that the change from 30 to 35 years is a result of a change from NYSHFA, specifically, the term of the mortgage changed for 30 to 35 years. Ms. Baranello provided an explanation of the cost benefit analysis and the prevailing wage legislation.

The board considered the following resolution: RESOLUTION OF THE COUNTY OF MONROE INDUSTRIAL DEVELOPMENT AGENCY (THE "AGENCY") TAKING OFFICIAL ACTION TO EXTEND THE TERM OF A CERTAIN PAYMENT-IN-LIEU-OF-TAX AGREEMENT BY AND BETWEEN THE AGENCY AND HOME LEASING, LLC (THE "COMPANY"); AND APPROVE THE EXECUTION OF RELATED DOCUMENTS.

On motion by R. King to approve the resolution, second by J. Alloco, all aye, with a nay by T. Milne, the motion did not carry.

#### **Erie Station 241 LLC – Increase**

Erie Station 241 LLC, a real estate holding company, is renovating and equipping two vacant facilities for its tenant CooperVision, Inc. in the Town of Henrietta. CooperVision Inc. is a world-leading manufacturer of contact lenses. The renovated and expanded facility will be used for packaging and distribution of contact lenses. In January 2022, the applicant was approved for a real property tax abatement, mortgage recording tax and sales tax exemptions. The applicant is requesting an increase in project costs of \$7,324,207. The total project cost is now \$27,260,822. The new sales tax exemption amount is not to exceed \$937,243 and the mortgage recording tax exemption amount is not to exceed \$199,708.

The applicant was represented by Gary Izzo.

The board considered the following resolution: RESOLUTION OF THE COUNTY OF MONROE INDUSTRIAL DEVELOPMENT AGENCY (THE "AGENCY") AUTHORIZING (i) ADDITIONAL FINANCIAL ASSISTANCE TO ERIE STATION 241 LLC (THE "COMPANY") IN AMOUNTS EXCEEDING THE AMOUNTS APPROVED BY THE AGENCY IN ITS RESOLUTION ADOPTED ON JANUARY 18, 2022 AND (ii) THE EXECUTION OF RELATED DOCUMENTS.

On motion by R. King to approve the resolution, second by J. Alloco, all aye, the motion carried.

#### **587 LLC – Increase**

587 LLC, a real estate holding company, is proposing to redevelop a vacant building in the City of Rochester into an apartment complex. The new building will consist of 16 market rate apartments ranging in size from 453 square feet to 841 square feet. Two of the 16 units will be affordable units for households earning equal or less than 60% AMI. In October 2021, the applicant was approved for a real property tax abatement, mortgage recording tax exemption and sales tax exemption. The applicant is requesting an increase in project costs of \$516,718 due to an increase in construction costs. The total project cost is now \$1,792,718 and the new sales tax exemption benefit amount is not to exceed \$49,207.

The board considered the following resolution: RESOLUTION OF THE COUNTY OF MONROE INDUSTRIAL DEVELOPMENT AGENCY (THE "AGENCY") AUTHORIZING (i) ADDITIONAL FINANCIAL ASSISTANCE TO 587 LLC (THE "COMPANY") IN AMOUNTS EXCEEDING THE AMOUNTS APPROVED BY THE AGENCY IN ITS RESOLUTION ADOPTED ON OCTOBER 19, 2021; AND (ii) THE EXECUTION OF RELATED DOCUMENTS.

On motion by T. Milne to approve the resolution, second by R. King, all aye, the motion carried.

**Top Capital of New York Brockport, LLC – Assignment/Assumption**

Top Capital of New York Brockport, LLC, a real estate development company, constructed a 90 unit independent and assisted senior living residence in the Town of Sweden. The project was approved for a JobsPlus property tax abatement in October 2015. The applicant is requesting approval to assume the real property tax abatement.

The board considered the following resolution: RESOLUTION OF THE COUNTY OF MONROE INDUSTRIAL DEVELOPMENT AGENCY (THE "AGENCY") AUTHORIZING THE ASSIGNMENT BY TOP CAPITAL OF NEW YORK BROCKPORT, LLC OF CERTAIN FINANCIAL ASSISTANCE AND DOCUMENTS IN CONNECTION WITH A CERTAIN PROJECT LOCATED AT 100 ISLA WAY IN THE TOWN OF SWEDEN, NEW YORK, TO A LIMITED LIABILITY COMPANY OWNED BY TONY CILINO, OR A RELATED ENTITY FORMED OR TO BE FORMED; AND THE EXECUTION OF RELATED DOCUMENTS.

On motion by R. King to approve the resolution, second by T. Milne, all aye, the motion carried.

**FiveTwentyFive East Broad LLC – New Tenant**

FiveTwentyFive East Broad LLC constructed 4 buildings in the City of Rochester's Neighborhood of Play. The project was originally approved in August 2019 for a custom real property tax abatement. The applicant is seeking approval for a new tenant, Fattley Beer Company, a bottle shop, tap room and a craft community experience. The company currently has five locations in Buffalo and Ellicottville, NY. They will occupy approximately 1,800 SF in Building D.

The board considered the following resolution: RESOLUTION OF THE COUNTY OF MONROE INDUSTRIAL DEVELOPMENT AGENCY (THE "AGENCY") AUTHORIZING THE SUBLEASE BY FIVETWENTYFIVE EAST BROAD LLC (THE "COMPANY") OF A PORTION OF THE FACILITY, TO FATTEY BEER COMPANY; AND THE EXECUTION OF RELATED DOCUMENTS.

On motion by J. Alloco to approve the resolution, second by T. Milne, all aye, the motion carried.

**Seneca Building Partners LLC – New Tenant**

Seneca Building Partners, LLC constructed an addition to the Seneca building at Midtown Plaza in the City of Rochester for the Democrat & Chronicle. The project was originally approved in September 2014 for a custom real property tax abatement. The applicant is seeking approval for a new tenant, The City of Rochester for the Police Accountability Board office, who will be subleasing 20,000 sq. ft. on the first floor.

The board considered the following resolution: RESOLUTION OF THE COUNTY OF MONROE INDUSTRIAL DEVELOPMENT AGENCY (THE "AGENCY") AUTHORIZING THE SUBLEASE BY SENECA BUILDING OF MONROE COUNTY LLC (THE "COMPANY") OF A PORTION OF THE FACILITY, TO THE CITY OF ROCHESTER'S POLICE ACCOUNTABILITY BOARD; AND THE EXECUTION OF RELATED DOCUMENTS.

On motion by T. Milne to approve the resolution, second by J. Alloco, all aye, the motion carried.

Executive Director Liss stated that the PARIS report that was due March 31, 2022 has not been submitted yet. Based on Correspondence with the NYS Comptroller's Office during the 2020 report, the report should not be certified until all information is complete. There are a handful of projects that still have not returned the annual report to staff to verify the number of employees. Staff will continue to gather the required information and will report back at the next meeting.

Executive Director Liss presented a request for the Workforce Development Fund – YAMTEP, Inc. Tyrone Reaves and Chris Rapp discussed and reviewed the proposal. On motion by J. Alloco, second by T. Milne, all aye, motion carried to authorize a contract with YAMTEP, Inc. to provide a workforce development manufacturing training program in Monroe County for \$400,000 for one year.

Executive Director Liss presented the Dashboard Report for March 2022.

There being no further business to discuss, on motion by J. Alloco, second by T. Milne, all aye, the regular meeting of the Board was adjourned at 1:32 p.m.