



COUNTY OF MONROE
COMIDA
INDUSTRIAL DEVELOPMENT AGENCY

BOARD MEETING MINUTES
July 19, 2022

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

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

Board Absent: None

Also Present: A. Liss, R. Baranello, Esq., R. Finnerty, A. Clark, R. Mikell Castillo, M. Wilson, C. Martin, B. Lafountain, J. Loewke, G. Genovese, J. Visca

Chair Burr called the meeting to order at 12:04 p.m. and R. King led the board in the Pledge of Allegiance.

On motion by J. Alloco, second by R. King, all aye, minutes of the June 21, 2022 meeting were approved.

J. Loewke presented the local labor monitoring report for June 2022. T. Milne had a question regarding the Amazon site and J. Loewke will follow up with him regarding it.

B. Lafountain presented the labor exemption report for June 2022. The report outlined 2 local labor exemptions. The Li-Cycle North America Hub, Inc. project was granted an exemption based on the “Specialized construction/no local labor available” criteria related to the installation of the field erected welded tanks at the project site in Rochester, NY. The exempted contractor is Gilbert Industries from Sparta, MO. The board discussed the bidding process for LiCycle.

The Plug Power Inc. project was granted an exemption related to the plumbing and pipefitting work at the project site in Henrietta, NY. The Plumbers and Pipefitters Local 13 is at full employment and needs to bring workers that reside outside the COMIDA local labor area or travelers from other Locals in NYS.

G. Genovese presented the financial report for June 2022.

Executive Director Liss presented the following projects for consideration:

Flower City Roll Off LLC

Flower City Roll Off LLC is constructing a 6,000 sq. ft. metal building in the City of Rochester that will serve as an office, mechanical garage and storage for equipment. Flower City Roll Off is a locally owned family business that has been operating for 13 years. This new building will allow staff mechanics the ability to self-service their fleet of trucks. Flower City Roll off plans to create 2 new FTEs in addition to its existing 8 FTEs. The \$568,600 project is seeking a real property tax abatement and sales tax exemption. The cost benefit ratio is 41:1.

The applicant was represented by Jamie Hulse and Jim Hulse. 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 July 14, 2022.

The board considered the following resolution: RESOLUTION OF THE COUNTY OF MONROE INDUSTRIAL DEVELOPMENT AGENCY TAKING OFFICIAL ACTION TO (i) ACKNOWLEDGE THE PUBLIC HEARING HELD BY THE AGENCY ON JULY 14, 2022, WITH RESPECT TO A CERTAIN PROJECT (THE "PROJECT") BEING UNDERTAKEN BY FLOWER CITY ROLL OFF LLC (THE "COMPANY"); (ii) APPOINT THE COMPANY AS ITS AGENT TO UNDERTAKE THE PROJECT; (iii) MAKE A DETERMINATION WITH RESPECT TO THE PROJECT PURSUANT TO SEQRA; (iv) AUTHORIZE FINANCIAL ASSISTANCE TO THE COMPANY IN THE FORM OF (A) A SALES AND USE TAX EXEMPTION FOR PURCHASES AND RENTALS RELATED TO THE UNDERTAKING OF THE PROJECT AND (B) A REAL PROPERTY TAX ABATEMENT STRUCTURED THROUGH A PAYMENT-IN-LIEU-OF-TAX AGREEMENT (THE "PILOT AGREEMENT"); AND (v) AUTHORIZE 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 L. Bolzner, 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	Yea	J. Alloco	Yea
L. Bolzner	Yea	R. King	Yea
T. Milne	Yea	A. Burr	Yea

Whitney Housing I LLC

Whitney Housing I LLC, is proposing to construct a 41 unit expansion in the Town of Perinton on the Legends at Whitney, a market rate-senior apartment project. The proposed expansion consists of 32 one-bedroom and nine two-bedroom units. Units will be marketed to individuals 55 and over with 10% of the new units being income restricted for qualifying households making 60% or less of the county AMI. Whitney Housing plans to create 3 new FTEs in addition to its existing 2.5 FTEs. The \$8 million project is seeking a real property tax abatement, mortgage recording tax and sales tax exemption. The cost benefit ratio is 8:1.

The applicant was represented by Jim Taylor. 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 July 14, 2022.

The board considered the following resolution: RESOLUTION OF THE COUNTY OF MONROE INDUSTRIAL DEVELOPMENT AGENCY TAKING OFFICIAL ACTION TO (i) ACKNOWLEDGE THE PUBLIC HEARING HELD BY THE AGENCY ON JULY 14, 2022, WITH RESPECT TO A CERTAIN PROJECT (THE "PROJECT") BEING UNDERTAKEN BY WHITNEY HOUSING I LLC (THE "COMPANY"); (ii) APPOINT THE COMPANY AS ITS AGENT TO UNDERTAKE THE PROJECT; (iii) MAKE A DETERMINATION WITH RESPECT TO THE PROJECT PURSUANT TO SEQRA; (iv) AUTHORIZE FINANCIAL ASSISTANCE TO THE COMPANY IN THE FORM OF (A) A SALES AND USE TAX EXEMPTION FOR PURCHASES AND RENTALS RELATED TO THE UNDERTAKING 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 (THE "PILOT AGREEMENT"); AND (v) AUTHORIZE 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. Popli, second by R. King 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	Yea	J. Alloco	Yea
L. Bolzner	Yea	R. King	Yea
T. Milne	Yea	A. Burr	Yea

Executive Director Liss presented the following project modifications for consideration:

Wolf Solar LLC/VBE North America, Inc. – Assumption

Wolf Solar LLC, is developing a 3.6 MW (AC), solar energy project on an approximately 43 acre portion of an approximately 96-acre parcel of land in the Town of Sweden. In January 2022, the project was approved for sales and mortgage recording tax exemptions. The applicant is requesting approval to assume the sales and mortgage tax exemptions. This is considered a new project and therefore is subject to the updated Renewable Energy policy approved in March 2022.

The applicant was represented by Carson Weinand (CVE) and Pat Goodale (Saturn Power).

The board considered the following resolution: RESOLUTION OF THE COUNTY OF MONROE INDUSTRIAL DEVELOPMENT AGENCY (THE "AGENCY") AUTHORIZING THE ASSIGNMENT BY WOLF SOLAR LLC OF CERTAIN FINANCIAL ASSISTANCE IN CONNECTION WITH A CERTAIN PROJECT LOCATED ON FOURTH SECTION ROAD IN THE TOWN OF SWEDEN, NEW YORK TO CVE NORTH AMERICA, INC., OR A RELATED ENTITY FORMED OR TO BE FORMED; AND THE EXECUTION OF RELATED DOCUMENTS.

On motion by T. Milne, second by J. Alloco, all aye, motion carried to approve the assignment of the mortgage recording tax exemption and sales tax exemption.

Mantisi Solar LLC/VBE North America, Inc. – Assumption

Mantisi Solar LLC, is developing a 5 MW (AC), solar energy project on an approximately 34 acre portion of an approximately 71-acre parcel of land in the Town of Sweden. In January 2022, the project was approved for sales and mortgage recording tax exemptions. The applicant is requesting approval to assume the sales and mortgage tax exemptions. This is considered a new project and therefore is subject to the updated Renewable Energy policy approved in March 2022.

The applicant was represented by Carson Weinand (CVE) and Pat Goodale (Saturn Power).

The board considered the following resolution: RESOLUTION OF THE COUNTY OF MONROE INDUSTRIAL DEVELOPMENT AGENCY (THE "AGENCY") AUTHORIZING THE ASSIGNMENT BY MANTISI SOLAR LLC OF CERTAIN FINANCIAL ASSISTANCE IN CONNECTION WITH A CERTAIN PROJECT LOCATED AT 7397 FOURTH SECTION ROAD IN THE TOWN OF SWEDEN, NEW YORK TO CVE NORTH AMERICA, INC., OR A RELATED ENTITY FORMED OR TO BE FORMED; AND THE EXECUTION OF RELATED DOCUMENTS.

On motion by L. Bolzner, second by T. Milne, all aye, motion carried to approve the assignment of the mortgage recording tax exemption and sales tax exemption.

FedWhyway LLC/135 Fedex Way LLC - Assumption

135 FedWhy Way LLC, a real estate holding company constructed a 7,300 sq. ft. commercial building on 1.5 acres in the Town of Gates and is leased to Grove Roofing Services, Inc., a union commercial roofing company. In March 2016, the project was approved for a JobsPlus property tax abatement. The applicant is requesting approval to assume the JobsPlus property tax abatement. The applicant currently owns the building across the street and is hoping to expand operations in the future.

The applicant was represented by Steve Capizzi.

The board considered the following resolution: RESOLUTION OF THE COUNTY OF MONROE INDUSTRIAL DEVELOPMENT AGENCY (THE "AGENCY") AUTHORIZING THE ASSIGNMENT BY 135 FEDWHY WAY LLC OF CERTAIN FINANCIAL ASSISTANCE AND DOCUMENTS IN CONNECTION WITH A CERTAIN PROJECT LOCATED AT 135 FEDEX WAY IN THE TOWN OF GATES, NEW YORK, TO 135 FEDEX WAY LLC, OR A RELATED ENTITY FORMED OR TO BE FORMED; AND THE EXECUTION OF RELATED DOCUMENTS.

On motion by J. Alloco, second by R. King, all aye, motion carried to approve the sale of the facility and assignment of the real property tax abatement.

Genesis Vision, Inc. - Extension

Genesis Vision, Inc. dba Rochester Optical Manufacturing Company is renovating an existing building in the City of Rochester for its lens lab division. In December 2021, the project was approved for sales and mortgage recording tax exemptions. The applicant is seeking a sales tax extension through December 31, 2022 due to supply chain and logistic difficulties.

The board considered the following resolution: RESOLUTION OF THE COUNTY OF MONROE INDUSTRIAL DEVELOPMENT AGENCY (THE "AGENCY") AUTHORIZING THE EXTENSION OF THE SALES AND USE TAX EXEMPTION BENEFITS GRANTED TO GENESIS VISION, INC. (THE "COMPANY") THROUGH DECEMBER 31, 2022, AND THE EXECUTION OF RELATED DOCUMENTS.

On motion by J. Alloco, second by R. King, all aye, motion carried to approve an extension of the sales tax exemption through December 31, 2022.

DEL 3750 Monroe Avenue Associates LLC - Extension

DEL 3750 Monroe Avenue Associates, LLC, a real estate holding company, is renovating an existing portion of a building in the Town of Pittsford for a new tenant, Integron, LLC. In June 2021, the applicant received a sales tax exemption on construction materials. In August 2021, the board approved an increase in project costs. In December 2021, the board approved an additional increase in project costs and an extension of the sales tax exemption through June 30, 2022. The applicant is now requesting an extension of the sales tax exemption through December 31, 2022 due to additional space expansion and additions.

The board considered the following resolution: RESOLUTION OF THE COUNTY OF MONROE INDUSTRIAL DEVELOPMENT AGENCY (THE "AGENCY") AUTHORIZING THE EXTENSION OF THE SALES TAX EXEMPTION BENEFIT GRANTED TO DEL 3750 MONROE AVENUE

ASSOCIATES, LLC (THE "COMPANY") THROUGH DECEMBER 31, 2022; AND THE EXECUTION OF RELATED DOCUMENTS.

On motion by R. King, second by L. Bolzner, all aye, motion carried to approve an extension of the sales tax exemption through December 31, 2022.

Riverwood Tech Campus LLC – Extension

Riverwood Tech Campus, LLC is redeveloping the former Kodak Marketing Education Center in the Town of Henrietta. The project received Board approval in October of 2015 for a custom property tax abatement as well as sales and mortgage recording tax exemption. The project was approved for an extension on the sales tax exemption in 2019, 2020 and 2021 as well as \$21.9 million increase in project costs in November 2019. The applicant is seeking an extension of the sales tax exemption through June 30, 2023 as the project is still under construction for new tenants.

The board considered the following resolution: RESOLUTION OF THE COUNTY OF MONROE INDUSTRIAL DEVELOPMENT AGENCY (THE "AGENCY") AUTHORIZING THE EXTENSION OF THE SALES TAX EXEMPTION BENEFIT GRANTED TO RIVERWOOD TECH CAMPUS, LLC (THE "COMPANY") THROUGH JUNE 30, 2023; AND THE EXECUTION OF RELATED DOCUMENTS.

On motion by J. Popli, second by T. Milne, all aye, with an abstention by L. Bolzner, motion carried to approve an extension of the sales tax exemption through June 30, 2023.

Sibley Commercial LLC – Increase and Extension

Sibley Commercial LLC was originally approved for a custom real property tax abatement for the redevelopment of the former Sibley's department store in 2012. In 2016, the project was approved for sales and mortgage recording tax exemptions. In June 2021, the applicant was approved for an extension of the sales tax exemption through June 30, 2022. The applicant is requesting an increase in project costs of \$3,413,633.23 and an extension of the sales tax exemption through June 30, 2023 due to tenant improvement fit-out of the remaining commercial space necessary to fully occupy and stabilize commercial space. The new sales tax exemption is not to exceed \$586,728. New Tenants Include: Smola Consulting (Benefits Consulting), Emerge (Business Consulting), Dunne Goodwin (Marketing), Boundless Connections (Tech) and SDH Capital (Investing). The total project cost is now \$17,861,292.23.

The applicant was represented by Kevin Corcoran and Ken Greene, who provided an update on the project.

The board considered the following resolution: RESOLUTION OF THE COUNTY OF MONROE INDUSTRIAL DEVELOPMENT AGENCY (THE "AGENCY") AUTHORIZING (i) ADDITIONAL FINANCIAL ASSISTANCE TO SIBLEY COMMERCIAL LLC (THE "COMPANY") IN AMOUNTS EXCEEDING THE AMOUNTS PREVIOUSLY APPROVED BY THE AGENCY; (ii) THE EXTENSION OF THE SALES TAX EXEMPTION BENEFIT and (iii) THE EXECUTION OF RELATED DOCUMENTS.

On motion by J. Popli, second by J. Alloco, all aye, motion carried to approve an increase in project costs of \$3,413,634 and an extension of the sales tax exemption through June 30, 2023.

3453 Union Street, LLC and C&M Forwarding Company Inc. – Extensions

3453 Union Street, LLC, Inc., is constructing a building which will be used for the activation of temperature moderated/controlled space, in addition to a food grade warehouse distribution center. This is a new business venture for the tenant C&M Forwarding. Phase 1 was approved by the board in June 2018. In March 2021, the project was approved for a real property tax abatement, mortgage recording tax and sales tax exemption. The applicant and tenant are now seeking an extension of the sales tax exemption through December 31, 2022 due to supply chain disruptions that have caused the project to be delayed for approximately 4 months.

The board considered the following resolution: RESOLUTION OF THE COUNTY OF MONROE INDUSTRIAL DEVELOPMENT AGENCY (THE "AGENCY") AUTHORIZING THE EXTENSION OF THE SALES TAX EXEMPTION BENEFITS 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.

On motion R. King, second by L. Bolzner, five ayes, with one nay by T. Milne, motion carried to approve an extension of the sales tax extensions through December 31, 2022.

The Marketplace – Modification

In furtherance of efforts to transform the Marketplace Mall, the Marketplace has requested that the Agency amend the PILOT Agreement payment schedule with respect to 2023 Town of Henrietta and Monroe County tax year and the 2022-2023 Rush-Henrietta Central School District tax year for the Main Mall Parcel and the Macy's Parcel PILOT payments only. The Town and School District have each granted their respective support for the Agency and the Marketplace to amend and modify the terms of the PILOT Agreement.

The board considered the following resolution: RESOLUTION OF THE COUNTY OF MONROE INDUSTRIAL DEVELOPMENT AGENCY AUTHORIZING THE MODIFICATION OF THE EXISTING PAYMENT-IN-LIEU-OF-TAX AGREEMENT, DATED AS OF FEBRUARY 1, 2014, BY AND BETWEEN THE AGENCY AND THE MARKETPLACE WITH RESPECT TO THE PAYMENT SCHEDULE THEREUNDER AND THE EXECUTION AND DELIVERY OF CERTAIN DOCUMENTS IN CONNECTION THEREWITH.

On motion by T. Milne, second by J. Popli, all aye, with an abstention by L. Bolzner, motion carried to amend and modify the terms of the PILOT Agreement.

Chair Burr gave the Compliance Committee Report. The Compliance committee met on Tuesday, July 19, 2022 to discuss compliance matters with respect to all COMIDA projects.

The committee reviewed the sales tax recapture report, which provided information on all companies that exceeded the authorized amount of sales tax savings. In 2021, 3 companies exceeded the authorized amount of sales tax savings and all 3 companies have repaid the amount exceeded to New York State.

The committee reviewed all companies that have failed to make the requirement payments under their PILOT Agreements. Staff will send a second demand letter requiring payment within 30 days of the letter and reach out to the municipality to discuss a path forward. If the company fails to pay, the project may be subject to a penalty and/or termination.

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The committee reviewed the job compliance report which provides information regarding companies seeking a waiver from the job creation requirements contained in the PILOT Agreements. Companies cited a variety of challenges to job creation, however, the most common reasons were pandemic related issues and the inability to find qualified candidates.

Chair Burr called for a motion, second by Troy, all aye, to grant a waiver to the following projects, as identified by project code:

2602 11 030A

2602 12 022A

2602 13 036A

2602 13 045A

2602 15 067A

2602 16 005A

2602 16 031A

2602 16 055A

2602 17 004A

2602 17 006A

2602 17 019A

2602 17 042M

Executive Director Liss introduced to the Board the Monroe County Economic Development's two new employees. Mark Wilson and Conor Martin are Economic Development Specialists and will be working with Rokele Mikell Castillo and the Economic Development team.

At the request of T. Milne, the Board resolved to go into Executive Session under Section 105(f) of the NYS Public Officers Law. On motion by T. Milne, second by J. Popli, all aye, the motion was approved. On motion by R. King, second by T. Milne, all aye, the Board ended Executive Session and continued the regular meeting.

There being no further business to discuss, on motion by L. Bolzner, second by J. Popli, all aye, the regular meeting of the Board was adjourned at 1:37 p.m.