



COUNTY OF MONROE
COMIDA
INDUSTRIAL DEVELOPMENT AGENCY

BOARD MEETING MINUTES
September 26, 2023

Time & Place: 12:00 p.m. at City Place

Board Present: A. Burr, T. Milne, N. Jones, J. Alloco, J. Popli, L. Bolzner

Board Absent: R. King

Also Present: A. Liss, R. Finnerty, A. Clark, K. Loewke, R. Baranello, Esq., B. Lafountain, G. Genovese

Chair Burr called the meeting to order at 12:01 p.m. and L. Bolzner led the board in the Pledge of Allegiance.

On motion by N. Jones, second by J. Alloco, all aye, minutes of the August 15, 2023 meeting were approved.

K. Loewke presented the local labor monitoring report for August 2023.

B. Lafountain presented the following verified exemptions for August 2023:

Home Leasing LLC

One exemption related to the provision of Union Members of Local #435 (Construction) that do not reside within the COMIDA Local Labor area to supplement the workforce at the project site in Rochester. This is in relation to the instillation/application of Gyp-Crete flooring product to floors of building at site in Rochester. Truax & Hovey out of Syracuse, NY was utilized to complete the work. The exemption was based on the “No local labor available...” criteria.

G. Genovese presented the financial report for August 2023.

Executive Director Liss presented the following projects for consideration:

Boyatzies, Inc.

Boyatzies, Inc. dba Interstate Battery System of Rochester is upgrading their fleet vehicles used in daily deliveries and is also making improvements to their headquarters in the Town of Henrietta. Interstate Battery is a wholesale battery distribution business. The \$115,200 project is projected to create 2 new FTEs. Boyatzies has applied for a Great Rate/Great Rebate on the equipment purchase through the Monroe County Industrial Development Corporation and is seeking approval of the sales tax exemption through COMIDA. The applicant is seeking approval of sales tax exemptions only. The Benefit/Incentive ratio is 270:1.

The applicant was represented by Bernadette Boyatzies and Jim Boyatzies, President/Owner. 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

BOYATZIES, INC. D/B/A INTERSTATE BATTERY SYSTEM OF ROCHESTER 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. Popli, second by T. Milne for inducement and final resolution approving sales tax exemptions, a roll call vote resulted as follows and the motion carried:

J. Popli	Yea	J. Alloco	Yea
L. Bolzner	Abstain	R. King	Absent
T. Milne	Yea	A. Burr	Yea
N. Jones	Yea		

Rochester Historic Properties LLC/ Excite ROC LLC

Rochester Historic Properties LLC is proposing the renovation of the existing Inn on Broadway in the City of Rochester. The Inn on Broadway, built in 1909, is in need of upgrades in order to operate at full capacity. The building is located in a distressed census tract (23.3% unemployment rate and 42% at or below poverty level), and therefore qualifies. The applicant plans to create 4 new FTEs over three years, in addition to the 45 existing FTEs. The \$900,000 project is seeking a sales tax exemption only. The tenant, Excite Roc LLC, is seeking a sales tax exemption as well. The cost benefit ratio is 31:1

The applicant was represented by Ed Brilliant, President, Dylan Lidestri, and Amy Van Dusen. 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 APPOINT (i) ROCHESTER HISTORIC PROPERTIES LLC OR A RELATED ENTITY FORMED OR TO BE FORMED (COLLECTIVELY, THE "COMPANY") AND EXCITE ROC LLC OR A RELATED ENTITY FORMED OR TO BE FORMED (COLLECTIVELY, THE "TENANT") AS ITS AGENTS TO UNDERTAKE A CERTAIN PROJECT; (ii) PROVIDE FINANCIAL ASSISTANCE TO THE COMPANY AND THE TENANT IN THE FORM OF A SALES AND USE TAX EXEMPTIONS FOR PURCHASES AND RENTALS RELATED TO THE UNDERTAKING OF THE PROJECT; (iii) AUTHORIZE THE EXECUTION AND DELIVERY OF PROJECT AGREEMENTS AND RELATED DOCUMENTS; AND (iv) MAKE A DETERMINATION WITH RESPECT TO THE PROJECT PURSUANT TO SEQRA.

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

J. Popli	Yea	J. Alloco	Yea
L. Bolzner	Yea	R. King	Absent
T. Milne	Yea	A. Burr	Yea
N. Jones	Yea		

PFISTERER North America, Inc

PFISTERER North America, Inc. is proposing to renovate 50,000 sq. ft. of a building in the Rochester Tech Park in the town of Gates. PFISTERER is a manufacturer of medium and high voltage connectors and jumper cables for wind generation equipment. This expansion will allow them to install state-of-the-art CNC milling equipment as well as create a training center for customers who use their products. The \$4 million project is projected to create 27 new FTEs over the next three years. The applicant is seeking approval of sales tax exemptions only. The Benefit/Incentive ratio is 119:1.

The applicant was represented by Marcus Horn, President. 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 September 21, 2023.

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 SEPTEMBER 21, 2023, WITH RESPECT TO A CERTAIN PROJECT BEING UNDERTAKEN BY PFISTERER NORTH AMERICA, INC., OR A RELATED ENTITY FORMED OR TO BE FORMED (COLLECTIVELY, 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 SALES AND USE TAX EXEMPTIONS FOR PURCHASES AND RENTALS RELATED TO THE UNDERTAKING OF THE PROJECT; AND (iv) AUTHORIZING THE EXECUTION AND DELIVERY OF A PROJECT AGREEMENT AND RELATED DOCUMENTS.

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

J. Popli	Yea	J. Alloco	Yea
L. Bolzner	Yea	R. King	Absent
T. Milne	Yea	A. Burr	Yea
N. Jones	Yea		

Horseshoe Solar Energy LLC

Horseshoe Solar Energy LLC is proposing the development of a 180 megawatt solar photovoltaic electric generation facility throughout Monroe and Livingston counties. Approximately 8.4 MW of the facility will be in Monroe County. Horseshoe Solar Energy's parent company, Invenergy LLC is North America's largest, independent, privately held renewable energy provider. This project will be subject to prevailing wage due to 224-d of the New York State Labor Law. The Town of Rush, the Rush-Henrietta School District and Monroe County have asked the IDA to provide the PILOT agreement. The applicant is seeking approval of a real property tax abatement, sales and mortgage recording tax exemptions on the \$33,417,283 Monroe County portion of the project. The entire project cost is \$422,526,066. The cost benefit ratio is 10:1.

The applicant was represented by Brandon Cottrell (Hodgson Russ LLP), Kate Millar (Invenergy). 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 comments both in favor and against the project at the public hearing which was held on September 21,

2023. All written comments and a link to the comments made at the recorded public hearing were distributed to the board.

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 SEPTEMBER 21, 2023, WITH RESPECT TO A CERTAIN PROJECT BEING UNDERTAKEN BY HORSESHOE SOLAR ENERGY LLC, OR A RELATED ENTITY FORMED OR TO BE FORMED (COLLECTIVELY, 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 FOR FINANCING RELATED TO THE PROJECT, 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 J. Alloco, second by J. Popli for inducement and final resolution approving sales tax, mortgage recording tax exemptions and a real property tax abatement, a roll call vote resulted as follows and the motion carried:

J. Popli	Yea	J. Alloco	Yea
L. Bolzner	Yea	R. King	Absent
T. Milne	Yea	A. Burr	Yea
N. Jones	Yea		

Executive Director Liss presented the following modifications for considerations:

120 Marina Drive LLC - Increase

120 Marina Drive, LLC, a real estate holding company, is constructing a new 22,000 sq. ft. building for DiPasquale Construction, Inc and other related entities in the Town of Greece. The project was approved by the board in June 2022 for mortgage recording tax exemption, sales tax exemption as well as a real property tax abatement. The applicant is requesting an increase in project costs of \$1,200,000 due to the increases in material and labor costs. The new sales tax exemption is not to exceed \$268,000. The total project cost is now \$6,100,000.

The applicant was represented by Jason Colline, Vice President.

The board considered the following resolution: RESOLUTION OF THE COUNTY OF MONROE INDUSTRIAL DEVELOPMENT AGENCY (THE "AGENCY") AUTHORIZING ADDITIONAL FINANCIAL ASSISTANCE TO 120 MARINA DRIVE LLC (THE "COMPANY") IN AMOUNTS EXCEEDING THE AMOUNTS PREVIOUSLY APPROVED BY THE AGENCY; AND THE EXECUTION OF RELATED DOCUMENTS.

On motion by J. Popli, second by N. Jones, nay by T. Milne, the remaining all aye, motion carried to approve an increase in project costs.

36 West Main St., LLC - Extension

36 West Main St, LLC is renovating the Executive Building (formerly known as the Power Hotel) in the City of Rochester. The \$41.9 million project is projected to retain 187 FTEs and create 24 new FTEs. In July 2021, the applicant was approved for sales tax exemption and mortgage recording tax exemption. The applicant is requesting an extension of the sales tax exemption through December 31, 2026 due to construction delays.

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 36 WEST MAIN ST., LLC (THE "COMPANY") THROUGH DECEMBER 31, 2026, AND THE EXECUTION OF RELATED DOCUMENTS.

On motion by J. Alloco, second by L. Bolzner, all aye, motion carried to approve an extension of the sales tax exemption through December 31, 2026.

The Marketplace – PILOT Modification

The Marketplace has requested that the Agency amend the PILOT Agreement payment schedule with respect to 2024 Town of Henrietta and Monroe County tax year and the 2023-2024 Rush-Henrietta Central School District tax year for the remaining parcels that comprise the Mall. 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, motion carried to amend and modify the terms of the PILOT Agreement.

The Compliance Committee Report was given by Chair Burr. The Compliance Committee met on September 6, 2023 to discuss compliance matters with respect to certain COMIDA projects. The committee received an update on the status of companies that have failed to make the required payments under their respective PILOT Agreements. The committee is recommending termination of the WBS Capital Inc. PILOT agreement. 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. The committee is recommending job waivers be granted for year 2022 for 15 projects. The committee asked for additional information on the remaining 4 projects and will meet again next month to continue the discussion.

On motion by J. Popli, second by L. Bolzner, all aye, motion carried to terminate the PILOT agreement with WBS Capital Inc.

On motion by L. Bolzner, second by J. Popli, all aye motion carried to grant a waiver to the following projects, as identified by project code:
2602 12 022A, 2602 13 006A, 2602 13 045A, 2602 13 068A, 2602 15 079A, 2602 16 005A, 2602 16

COMIDA Board Meeting Minutes

August 15, 2023

Page 6

031A, 2602 16 055A, 2602 17 004A, 2602 17 006A, 2602 17 010A, 2602 17 019A, 2602 17 042M, 2602 18 028M, 2602 21 050A.

Executive Director Liss introduced Matt Hurlbutt, President/CEO of Greater Rochester Enterprise. Mr. Hurlbutt presented a request for funding support for the Economic Gardening Program. On motion by N. Jones, second by T. Milne, all aye, motion carried to approve the execution and delivery of a contract with Greater Rochester Enterprise for the Economic Gardening program in Monroe County in an amount not to exceed \$50,000 for one year.

Executive Director Liss introduced James McCauley, representing Camp Good Days & Special Times who presented a request for funding support for the Courage Bowl Event. On motion by J. Alloco, second by L. Bolzner, all aye, motion carried to approve the execution and delivery of a contract with Camp Good Days and Special Times for the 2023 Courage Bowl for \$10,000 for one year.

Executive Director Liss asked the board for continued support of the Genesee Country Village & Museum Agricultural Fair. On motion by T. Milne, second by J. Alloco, motion carried to authorize a contribution of \$5,000 on to the Genesee Country Village & Museum for the 2023 Agricultural Fair.

Executive Director Liss discussed the FAST NY Grant Authorization. COMIDA is the recipient of a FAST NY Grant for \$20 million for RG&E to provide infrastructure improvements at the Tebor Road site in the Town of Webster. The initial beneficiary of the improvements will be the planned fairlife, LLC dairy manufacturing facility, however the first improvements will benefit the entire area and create shovel ready sites. On motion by J. Alloco, second by N. Jones, all aye, motion carried to accept the first tranche of the \$20 million FAST NY Grant for the Tebor Road site in the amount of \$7.3 million pursuant to the terms of a grant disbursement agreement with Empire State Development and disburse the same to RG&E pursuant to the terms of a cost reimbursement agreement.

Executive Director Liss presented the dashboard.

A motion was asked to enter Executive Session under Section 105(d) to discuss current litigation. On motion by J. Popli, second by N. Jones, all aye, the motion was unanimously approved. The board went into executive session at 1:19 p.m.

On motion by N. Jones, second by J. Alloco, all aye, motion carried to come out of Executive Session and continue the regular meeting. The board exited Executive Session and continued the regular meeting at 2:03 p.m.

On motion by J. Alloco, second by L. Bolzner, all aye, motion carried to adjourn the regular meeting of the Board, adjourned at 2:03 p.m.