



COUNTY OF MONROE
COMIDA

INDUSTRIAL DEVELOPMENT AGENCY

DRAFT
BOARD MEETING MINUTES
August 16, 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, B. Lafountain, J. Loewke, J. Visca

Chair Burr called the meeting to order at 12:03 p.m. and R. King led the board in the Pledge of Allegiance.

On motion by J. Popli, second by R. King, all aye, minutes of the July 19, 2022 meeting were approved.

J. Loewke presented the local labor monitoring report for July 2022. T. Milne had a question regarding a hotel project and two waiver requests.

B. Lafountain presented the labor exemption report for July 2022. The report outlined 4 local labor exemptions.

The Pike Conductor DEV 1 LLC was granted an exemption based on the “No local labor available” criteria related to the provision of Iron Workers/Crane Operator(s) at the project site in Rochester, NY. Local 33 is at full employment and required an out of area worker, Local 33/Contour Steel, to supplement the work force.

The Li-Cycle North America Hub, Inc. project was granted an exemption based on the “No local labor available/Specialized construction” criteria related to the provision and installation of the truck scales at the project site in Rochester, NY. The exempted contractor is Brady Systems.

The Li-Cycle North America Hub, Inc. project granted an exemption based on the “No local labor available” criteria related to the excavation and concrete foundation work for Building 510 at the project site in Rochester, NY. The exempted contractor is MasTec Industrial Inc.

The Fairview at Town Center III project was granted an exemption based on the “No local labor available” criteria related to the installation of the siding to the six buildings at the project site in Henrietta, NY. The exempted contractor is Henry Isaacs Quality Home Remodeling.

After discussing the bidding process, J. Popli recommended that the Governance Committee meet to discuss and review the local labor policy.

The financial report for July 2022 was discussed and reviewed with no questions.

R. Finnerty presented the following project for consideration:

Victory Express Inc.

Victory Express Inc., a trucking company specializing in moving large freight across multiple states, is constructing a new 20,000 sq. ft. facility in the Town of Chili. This new facility will allow for improved operating efficiency as the existing facility does not meet the current needs. New maintenance garage doors will be included so vehicles can be serviced onsite. Victory Express plans to create 1 new FTE in addition to its existing 8 FTEs. The \$4.8 million project is seeking a real property tax abatement, mortgage recording tax and sales tax exemptions. The cost benefit ratio is 7:1.

The applicant was represented by Steven Vintonyak. 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 August 11, 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 AUGUST 11, 2022, WITH RESPECT TO A CERTAIN PROJECT (THE "PROJECT") BEING UNDERTAKEN BY VICTORY EXPRESS INC. (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. Alloco, second by L. Bolzner for inducement and final resolution approving a real property tax abatement, mortgage recording tax and 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	Yea
T. Milne	Yea	A. Burr	Yea

Executive Director Liss presented the following project modifications for consideration:

Middle Road Properties LLC/MMRE Acquisitions LLC – Assumption

Middle Road Properties, LLC, a local real estate development company constructed a 32,500 sq. ft. medical campus in the Town of Henrietta and is leased to Rochester General Hospital. In July 2016, the project was approved for a LeasePlus property tax abatement. The applicant is requesting approval to assume the LeasePlus property tax abatement.

The board considered the following resolution: RESOLUTION OF THE COUNTY OF MONROE INDUSTRIAL DEVELOPMENT AGENCY (THE "AGENCY") AUTHORIZING THE ASSIGNMENT

BY MIDDLE ROAD PROPERTIES, LLC OF CERTAIN FINANCIAL ASSISTANCE AND DOCUMENTS IN CONNECTION WITH A CERTAIN PROJECT LOCATED AT 50 MIDDLE ROAD IN THE TOWN OF HENRIETTA, NEW YORK, TO MMRE ACQUISITIONS, LLC, OR A RELATED ENTITY FORMED OR TO BE FORMED; AND THE EXECUTION OF RELATED DOCUMENTS.

On motion by J. Popli, second by R. King, 4 ayes, with one nay by J. Alloco and one abstention by L. Bolzner, motion carried to approve the assignment of the real property tax abatement.

Unither Manufacturing, LLC – Increase and Extension

Unither Manufacturing, LLC is a pharmaceutical contract manufacturer headquartered in France with 6 manufacturing facilities throughout the world. The Monroe County facility is the Company's only U.S. manufacturing site. Unither produces sterile premeasured single use dosage products at the Town of Henrietta facility. The Company is undertaking a phased expansion over 5 years. In June 2019, the applicant was approved for the Enhanced JobsPlus PILOT program, sales tax and mortgage recording tax exemptions. In December 2020, the applicant was approved for an extension of the sales tax exemption through December 31, 2021. The applicant is now requesting an additional increase in project costs of \$3,345,000 and an extension of the sales tax exemption through June 30, 2023 due to changes from the original construction plans, facility design and future footprint strategy requiring incremental project spending. The total project cost is now \$26,286,273 and the new sales tax exemption benefit amount is not to exceed \$431,284.

The applicant was represented by Connie Sellman.

The board considered the following resolution: RESOLUTION OF THE COUNTY OF MONROE INDUSTRIAL DEVELOPMENT AGENCY (THE "AGENCY") AUTHORIZING (i) ADDITIONAL FINANCIAL ASSISTANCE TO UNITHER MANUFACTURING 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. Alloco, second by R. King, all aye, with one abstention by L. Bolzner, motion carried to approve an increase in project costs and an extension of the sales tax exemption through June 30, 2023.

Li-Cycle North America Hub, Inc. – Mortgage Recording Tax Exemption

Li-Cycle North America Hub, Inc. is constructing a new manufacturing operation in the Town of Greece to process the black mass concentrate, which is an intermediate product generated from the recycling of Lithium-ion batteries. In December 2021, the applicant was approved for a sales tax exemption and in January 2022 the applicant was approved for a custom 15-year PILOT agreement that includes a fixed project value not to exceed \$250 million and an increase to the sales tax exemption. The applicant is now requesting a mortgage recording tax exemption that was not previously considered. The new Benefit/Incentive ratio is 8:1.

The applicant was represented by Kevin McAuliffe. Ms. Baranello stated there were no comments at the public hearing which was held on August 11, 2022.

The board considered the following resolution: RESOLUTION OF THE COUNTY OF MONROE INDUSTRIAL DEVELOPMENT AGENCY (THE "AGENCY") (i) ACKNOWLEDGING THE PUBLIC HEARING HELD BY THE AGENCY ON AUGUST 11, 2022, WITH RESPECT TO A CERTAIN PROJECT BEING UNDERTAKEN BY LI-CYCLE NORTH AMERICA HUB, INC., OR A

RELATED ENTITY FORMED OR TO BE FORMED (THE "COMPANY"); (ii) AUTHORIZING ADDITIONAL FINANCIAL ASSISTANCE TO THE COMPANY IN AMOUNTS EXCEEDING THE AMOUNTS APPROVED BY THE AGENCY IN ITS RESOLUTION ADOPTED ON JANUARY 18, 2022; AND (ii) AUTHORIZING THE EXECUTION OF RELATED DOCUMENTS.

On motion by R. King, second by A. Burr, 4 ayes, with 2 nays by J. Popli and T. Milne, motion carried to approve a mortgage recording tax exemption.

SPS Medical Supply Corp. - Extension

SPS Medical Supply Corp. (SPS) is a manufacturer of biological indicators, chemical indicators and other products used to monitor sterilization of medical equipment. The company is constructing a 100,000 SF addition to their 38,000 SF facility in the Town of Henrietta. The project was approved by the board in November 2018 for the Enhanced JobsPlus property tax abatement as well as sales tax exemption on construction materials and furnishings. In June 2020 and July 2021 the project was approved for an extension of the sales tax exemption. The applicant is now seeking an extension of the sales tax exemption through June 30, 2023 as the project has experienced delays due to COVID.

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 SPS MEDICAL SUPPLY CORP. (THE "COMPANY") THROUGH JUNE 30, 2023; AND THE EXECUTION OF RELATED DOCUMENTS.

On motion by J. Alloco, second by R. King, all aye, with one abstention by L. Bolzner, motion carried to approve an extension of the sales tax exemption through June 30, 2023.

Chair Burr gave the Compliance Committee Report. The Compliance committee met on Tuesday, August 16, 2022 to discuss compliance matters with respect to certain COMIDA projects.

Following the first demand letter, the committee reviewed the projects that have failed to respond and make the required payments under their PILOT Agreements. A second demand letter with the updated amount has been sent out requiring payment within 30 days of the letter. Staff will continue to monitor and report to the committee/board prior to assessing penalties and/or pursuing termination.

The committee reviewed the job compliance report listing the remaining projects seeking a waiver from the job creation requirements contained in the PILOT Agreements. The requested waiver for project code 2602 16 067A is still on hold pending further discussion with the municipality. On motion by T. Milne, second by L. Bolzner, all aye, motion carried to grant a waiver to the following projects, as identified by project code:

2602 10 010A
2602 18 062M

Executive Director Liss presented a request for the MAPP (Multi-Craft Apprenticeship Preparation Program). A. Liss introduced Kereem Berry and Gerard Hunt and shared an email from the District Manager and President to the Rochester Building and Trades Council. Kereem and Gerard gave a presentation about the program and addressed questions from the Board. Upon motion by J. Alloco, second by R. King, 5 ayes and 1 nay by T. Milne, motion carried to approve the execution and delivery of a contract in an amount not to exceed \$400,000 for 1 year.

The Board reviewed the Rochester Fringe Festival program request. On motion by R. King, second by L. Bolzner, all aye, motion carried to approve the execution and delivery of a contract in an amount not to exceed \$30,000 for 1 year.

The Board resolved to go into Executive Session under Section 105(d) of the NYS Public Officers Law for the purpose of discussing current litigation. On motion by R. King, second by L. Bolzner, all aye, the motion was approved. On motion by J. Popli, second by R. King, all aye, motion carried to end the Executive Session and resume the regular meeting. On motion by J. Popli, second by R. King, all aye, motion carried to approve the execution and delivery of the settlement agreement.

There being no further business to discuss, on motion by R. King, second by J. Popli, all aye, the regular meeting of the Board was adjourned at 1:47 p.m.