



COUNTY OF MONROE
COMIDA
INDUSTRIAL DEVELOPMENT AGENCY

BOARD MEETING MINUTES

July 20, 2021

DRAFT

Time & Place: 12:00 p.m., 50 West Main Street, Rochester NY, 14614

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

Board Absent: N/A

Also Present: A. Clark, R. Finnerty, A. Liss, R. Baranello, Esq., G. Genovese, B. LaFountain, K. Loewke, F. Pelow, L. Birr

Chair Burr called the meeting to order at 12:00 p.m.

On motion by J. Popli, second by R. King, all aye, minutes of the June 15, 2021 meeting were approved.

K. Loewke presented the local labor monitoring report for June 2021.

B. LaFountain presented the labor exemption report for June 2021.

G. Genovese presented the financial report for June 2021. Executive Director Liss stated the Monroe County Executive has committed to converting the Small Business Emergency loans to grants using CARES Act Funds.

Rob Galbraith and Daniel Brennan of Davidson Fink LLC, representing Delphi, commented on the Delphi recapture matter.

Executive Director Liss presented the following projects for consideration:

One Forty-Five, LLC

One Forty-Five LLC, a real estate holding company, is proposing to demolish an existing 14,000 sq ft. building to construct a new 80,000 sq ft apartment building in the Neighborhood of the Arts in the City of Rochester. The building will consist of 45 market rate apartments as well as 4 – 5 units that are affordable to households earning equal or less than 60% AMI. There will also be 1650 sq ft of commercial space for a potential tenant(s). This project was originally before the board in June 2021 and was not approved. The applicant reapplied adding an affordable component to the project. The project plans to create 1 new FTE. The \$15 million project is seeking a real property tax abatement, mortgage recording tax and sales tax exemption. The cost benefit ratio is 4:1.

The applicant was represented by Allan Stern. 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.

The board considered the following resolution; provided that the project will include a 10% set aside for affordable housing: RESOLUTION OF THE COUNTY OF MONROE INDUSTRIAL DEVELOPMENT AGENCY (i) ACKNOWLEDGING THE PUBLIC HEARING HELD BY THE AGENCY ON JUNE 10, 2021, WITH RESPECT TO A CERTAIN PROJECT (THE "PROJECT") BEING UNDERTAKEN BY ONE FORTY-FIVE LLC (THE "COMPANY"); (ii) MAKING A DETERMINATION WITH RESPECT TO THE PROJECT PURSUANT TO SEQRA; (iii) APPOINTING THE COMPANY AS AN 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 UNDERTAKING OF THE PROJECT, (B) A 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 J. Popli, second by A. Meleo for inducement and final resolution approving a real property tax abatement, mortgage recording tax and sales tax exemption subject to 10% of the living space allocated to affordable housing, a roll call vote resulted as follows and the motion carried:

J. Popli	Yea	J. Alloco	Yea
A. Meleo	Yea	R. King	Yea
L. Bolzner	Yea	A. Burr	Yea
T. Milne	Yea		

Innovation Arts Management LLC

Innovation Arts Management LLC is renovating the theater at Innovation Square (the former Xerox building) in downtown Rochester. The 700 seat auditorium space will be converted to a mid-size performing arts center to serve local and regional arts and cultural organizations. The \$336,955 project is projected to create 5 new FTEs. The applicant is seeking approval of a sales tax exemption only. The Benefit/Incentive ratio is 19:1.

The applicant was represented by Karl Stabnau. 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 INNOVATION ARTS MANAGEMENT LLC OR A RELATED ENTITY FORMED

OR TO BE FORMED (COLLECTIVELY, THE "COMPANY") AS ITS AGENT TO UNDERTAKE A CERTAIN PROJECT BELOW; (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 R. King for inducement and final resolution approving a sales tax exemption, a roll call vote resulted as follows and the motion carried:

J. Popli	Yea	J. Alloco	Yea
A. Meleo	Yea	R. King	Yea
L. Bolzner	Yea	A. Burr	Yea
T. Milne	Yea		

36 West Main LLC

36 West Main St, LLC is proposing to renovate the Executive Building (formerly known as the Power Hotel) downtown in the City of Rochester. Vacant commercial spaces will be converted into a mixed-use facility consisting of 132 apartments 30% of the units affordable to households earning 80% or less than AMI. The project is seeking the CUE (Conversion Urban Exemption) program from the City of Rochester. The anchor commercial tenant is the Monroe County Public Defender's Office, and has committed to remaining in the building. The \$41.9 million project is projected to retain 187 FTEs and create 24 new FTEs. The applicant is seeking approval of a sales tax exemption and mortgage recording tax exemption. The Benefit/Incentive ratio is 13:1.

The applicant was represented by Samuel Savarino and Courtney Samuels-Cox. 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.

There were no comments at the public hearing.

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 JULY 16, 2021, WITH RESPECT TO A CERTAIN PROJECT (THE "PROJECT") BEING UNDERTAKEN BY 36 WEST MAIN ST., 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, RENOVATION AND EQUIPPING OF THE PROJECT AND (B) A MORTGAGE RECORDING TAX EXEMPTION; AND (v) AUTHORIZING THE

NEGOTIATION, EXECUTION AND DELIVERY OF A PROJECT AGREEMENT, LEASE AGREEMENT, LEASEBACK AGREEMENT AND RELATED DOCUMENTS WITH RESPECT TO THE PROJECT.

On motion by T. Milne, second by L. Bolzner to approve the for inducement and final resolution approving mortgage recording tax and sales tax exemptions, a roll call vote resulted as follows and the motion carried:

J. Popli	Yea	J. Alloco	Yea
A. Meleo	Yea	R. King	Yea
L. Bolzner	Yea	A. Burr	Yea
T. Milne	Yea		

Bace Build LLC

Bace Build, LLC is proposing to renovate a vacant building on South Avenue in the City of Rochester. The building will be converted to a mixed-use facility with 2 commercial floors and 1 residential floor consisting of 2 apartments. The project is seeking the CUE (Conversion Urban Exemption) program from the City of Rochester. The \$1 million project is projected to create 2 new FTEs. The applicant is seeking approval of a sales tax exemption and mortgage recording tax exemption. The Benefit/Incentive ratio is 27:1.

The applicant was represented by Joel Barrett and Alex Paulter. 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) MAKE A DETERMINATION WITH RESPECT TO THE PROJECT PURSUANT TO SEQRA; (ii) APPOINT BACE BUILD, LLC OR A RELATED ENTITY FORMED OR TO BE FORMED (COLLECTIVELY, THE "COMPANY") AS ITS AGENT TO UNDERTAKE THE PROJECT; (iii) AUTHORIZE FINANCIAL ASSISTANCE TO THE COMPANY IN THE FORM OF (A) A SALES AND USE TAX EXEMPTION FOR PURCHASES AND RENTALS RELATED TO THE PROJECT AND (B) A MORTGAGE RECORDING TAX EXEMPTION; AND (iv) AUTHORIZE THE NEGOTIATION, EXECUTION AND DELIVERY OF A PROJECT AGREEMENT, LEASE AGREEMENT, LEASEBACK AGREEMENT AND RELATED DOCUMENTS WITH RESPECT TO THE PROJECT.

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

J. Popli	Yea	J. Alloco	Yea
A. Meleo	Yea	R. King	Yea
L. Bolzner	Yea	A. Burr	Yea
T. Milne	Yea		

Executive Director Liss presented the following project modifications:

Mendon Renewables, LLC - Extension

Mendon Renewables, LLC, a real estate holding company, is developing of a 5 MW (AC) ground-mounted solar energy project on an approximately 26-acre portion of land in the Town of Mendon, New York. The applicant was approved for sales and mortgage tax exemptions only in August 2020. They are seeking an extension of sales tax exemptions through December 31, 2021 due to a delay in receipt of construction materials which resulted in 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 MENDON RENEWABLES, LLC (THE "COMPANY") THROUGH DECEMBER 31, 2021, AND THE EXECUTION OF RELATED DOCUMENTS.

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

Clarkson Renewables - Extension

Clarkson Renewables, is developing a 5 MW (AC), ground-mounted solar energy project on an approximately 39-acre portion of land on the west side of Lake Road in the Town of Clarkson, New York. The project will provide a significant benefit to the local community by enabling residents in the area to participate in a share of a local clan energy project and receive a discount on their electricity bills. The applicant was approved for sales and mortgage tax exemptions only in August 2020. The applicant is now seeking an extension of the sales tax exemption due to material and 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 GRANTED TO CLARKSON RENEWABLES, LLC (THE "COMPANY") THROUGH DECEMBER 31, 2021, AND THE EXECUTION OF RELATED DOCUMENTS.

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

SPS Medical Supply Group - 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 \$18 million project is expected to create 100 new full time jobs. In November 2018, the applicant was approved for the Enhanced JobsPlus property abatement as well as sales tax exemption on construction materials and furnishings. The project is now seeking an extension of the sale tax exemptions through June 30, 2022 due to construction delays caused by 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, 2022; AND THE EXECUTION OF RELATED DOCUMENTS.

On motion by A. Meleo to approve the resolution, second by J. Alloco, all aye, the motion carried.

Sibley Commercial - Extension

Sibley Commercial LLC was originally approved for a custom PILOT 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. The applicant is seeking an extension of the sales tax exemptions through June 30, 2022.

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 SIBLEY COMMERCIAL LLC (THE "COMPANY") THROUGH JUNE 30, 2022; AND THE EXECUTION OF RELATED DOCUMENTS.

On motion by L. Bolzner to approve the resolution, second by T. Milne, all aye, the motion carried.

93 March Street LLC - Extension

93 Marsh Street LLC, a real estate holding company, is constructing five new attached single family homes on Marsh Street in the City of Rochester. The \$832,397 project was originally approved in August 2018 and is supported by the City of Rochester as part of their Core Housing Owner Incentive Exemption (CHOICE) Program. The 952 square foot, market rate, townhomes will have two bedrooms and one and a half baths. The project was approved for a JobsPlus property tax abatement, mortgage recording tax and sales tax exemptions. The job requirement is not applicable for CHOICE program projects. The applicant is seeking an extension of the sales tax exemption through December 31, 2021 because of construction delays due to financing and weather.

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 93 MARSH STREET, LLC (THE "COMPANY") THROUGH DECEMBER 31, 2021, AND THE EXECUTION OF RELATED DOCUMENTS.

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

Magna Real Property AcquisitionCo, LLC - Extension

Magna Real Property AcquisitionCo, LLC, a real estate holding company that is expanding its current facility in the City of Rochester from 32,000 sq. ft. to 63,000 sq. ft. for tenant XLI Manufacturing. The tenant is a leader in contract manufacturing, specializing in providing machining precision services. The \$2.5 million dollar project projects to create 25 new FTE's. The applicant was approved for sales tax and mortgage recording tax exemption and the JobsPlus property tax abatement in November 2020 and is now seeking an extension of the sales tax exemptions through December 31, 2021 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 MAGNA REAL PROPERTY ACQUISITIONCO LLC (THE "COMPANY") THROUGH DECEMBER 31, 2021, AND THE EXECUTION OF RELATED DOCUMENTS.

On motion by T. Milne to approve the resolution, second by L. Bolzner, all aye, the motion carried.

Chair Burr gave the Compliance Committee Report of the compliance committee met on Thursday, July 15th 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 2020, 6 companies exceeded the authorized amount of sales tax savings and all 6 companies have repaid the amount exceeded to the State.

The committee reviewed all companies that have failed to make the requirement payments under their PILOT Agreements. In 2020, several companies failed to make the required payments, however, only 2 companies have not paid. The committee authorized staff to send demand letters requiring payment within 30 days of the letter. If the company fails to pay, the project may be subject to a penalty and/or termination.

The committee reviewed all companies that have failed to complete their required annual report. The committee authorized staff to send demand letters requiring completion of the annual report within 30 days of the letter. If the company fails to complete the annual report, the project may be subject to a penalty and/or termination.

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 impediments to job creation, however, the most common reasons were COVID-19 and the inability to find qualified candidates.

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

2602 09 037A
2602 10 001A
2602 10 042A
2602 12 014B
2602 12 015A
2602 13 006A
2602 13 068A
2602 15 065A
2602 15 079A
2602 16 002B
2602 16 005A
2602 17 042M
2602 18 062M
2602 17 043M

Motion was made by T. Milne, with a second by A. Meleo. All aye with an abstention from L. Bolzner with respect to project code 2602 13 068A, the motion carried.

The compliance committee reviewed the Delphi Recapture matter, including correspondence and exhibits submitted by both Delphi and the Rush Henrietta Central School District. The compliance committee also heard comments from both Delphi and the School District. In summary, in response to the Delphi's sale and closure of the Facility, the School District and the Town, have requested that the Agency authorize the Affected Tax Jurisdictions to enforce the recapture provisions contained in the PILOT Agreement.

Chair Burr called for a motion to authorize the recapture of 25% or less of the real property tax abatements provided to the Company under the PILOT Agreement, with such recapture to be undertaken by the Affected Tax Jurisdictions and/or the Agency.

Motion made by J. Popli and seconded by A. Milne. All aye, with an abstention by L. Bolzner, the motion carried.

J. Popli presented the Governance Committee Report. RFP's for Legal Services were reviewed by the committee on July 6, 2021 and on July 20, 2021. A recommendation was made to select Harris Beach PLLC for legal services. J. Popli call for a motion to recommend the Harris Beach PLLC for legal services for 4 years subject to annual board approval. Motion was made by J. Alloco with a second by L. Bolzner. All aye, motion carried.

Executive Director Liss presented the Marl 5G Accelerator Request. Amir Khan, Prakash Goswami, and Aaron Newman presented. A. Burr called for a motion to enter into partnership with Marl 5G Accelerator for \$150,000. Motion was made by L. Bolzner with a second by R. King, all aye, motion carried.

There being no further business, on motion by J. Popli, second by J. Alloco, all aye, the regular meeting of the Board was adjourned at 1:43 p.m.

Lisa Bolzner, Secretary