



BOARD MEETING AGENDA

February 20, 2024

12:00 p.m. – CityPlace Building, 50 West Main Street, Rochester, NY 14614

- A. Call Meeting to Order
- B. Pledge of Allegiance
- C. Approval of Minutes – January 16, 2024 (p. 2)
- D. Public Comments
- E. Local Labor Monitoring Report – January 2024 - Kevin Loewke (p. 4)
- F. Local Labor Exemptions Report – January 2024 - Brian Lafountain (p. 5)
- G. Financial Report – January 2024 - Gregg Genovese (p. 6)
- H. Applications for Consideration
 - 1. Nick Mancuso, LLC dba Elevate 585 Fitness, Inc. (p. 7)
 - 2. Diamond Packaging, Inc. (p. 29)
- I. Project Modifications
 - 3. IDEX Health & Science LLC – Extension (p. 53)
 - 4. PILOT Termination – 63 N. Plymouth Ave. (p. 59)
- J. Executive Director – Discussion Items
 - FAST NY Application (p. 61)
 - Mpower Annual Report Dashboard (p. 66)
- K. Pending Litigation
 - Governance Committee Report – J. Popli
 - Report from Ethics Officer – A. Burr
- L. Chair Burr – Discussion Items
- M. Adjourn Meeting

Next meeting: Tuesday, March 26, 2023



BOARD MEETING MINUTES

January 16, 2024

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

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

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

Chair Burr called the meeting to order at 12:02 p.m. and N. Jones led the board in the Pledge of Allegiance.

On motion by R. King, second by J. Alloco, all aye, the minutes of the December 19, 2023 meeting were approved.

Tim Starwald, Business Manager, Local 33, inquired as to whether the required certification is contractor based or individual construction worker based because local workers do have the required certification. The goal is to train local youth. Exemption has not been processed yet, COMIDA will follow up.

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

B. Lafountain presented the local labor exemption report for December 2023.

G. Genovese presented the financial report for December 2023.

Executive Director Liss presented the following modification for consideration:

Unither – Increase and Extension

Unither Manufacturing, LLC is a pharmaceutical contract manufacturer headquartered in France. Unither produces sterile premeasured single use dosage products at the Town of Henrietta facility, the only US facility. In June 2019, the applicant was approved for the Enhanced Jobs Plus PILOT program, sales tax and mortgage recording tax exemptions. In December 2020, the applicant was approved for an extension of the sales tax exemption. In August 2022, the applicant was approved for another extension and increase in project costs. The applicant is now requesting an additional increase in project costs and extension through December 31, 2024 to finish this phase of the project. The total project cost is now \$26,786,273 and the new sales tax exemption benefit amount is not to exceed \$471,284.

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 L. Bolzner, second by J. Alloco, all aye, motion carried to approve an increase in project costs and an extension of the sales tax exemption through December 31, 2024.

COMIDA Board Meeting Minutes
January 16, 2024
Page 2

Executive Director Liss introduced Angelica Perez Delgado, President/CEO and Lucia Colindres, Chief Program Officer, of Ibero-American Action League. Mrs. Delgado and Ms. Colindres provided an update on the 2023 program and talked about program plans for 2024. On motion by R. King, second by N. Jones, all aye, motion carried to approve the second year of a four year contract to support the Ibero Workforce and Entrepreneurial Connections Program in an amount not to exceed \$250,000 for one year.

Executive Director Liss introduced Rebecca Horowitz, Associate Director of Monroe 2 – Orleans BOCES CDL – B Program. Ms. Horowitz talked about the current CDL – B Program and the need for its expansion. Plans call for adding a full-time program coordinator and becoming a certified third party CDL testing facility. On motion by J. Alloco, second by R. King, all aye, motion carried to approve the execution and delivery of a contract with Monroe 2 – Orleans BOCES CDL – B Program expansion for \$219,045 over two years.

Executive Director Liss presented the current dashboard.

The Finance Committee report was given by Chair Burr. The Finance Committee met earlier on January 16, 2023. The committee reviewed the current investment plan and discussed issuing an RFP for investment management services. The committee also discussed the status of the Workforce Development fund and recommends the full board allocate an additional 20% of 2023 fee revenue. On motion by R. King, second by L. Bolzner, all aye, motion approved to allocate an additional 20% of fee revenue received in 2023 to the Workforce Development Fund.

A motion was made to enter into Executive Session under Section 105(d) to discuss current litigation. On motion by J. Alloco, second by N. Jones, all aye, the motion was unanimously approved. The board went into executive session at 12:55 p.m.

On motion by R. King, second by N. Jones, all aye, motion carried to come out of Executive Session and continue the regular meeting at 1:44 p.m.

On motion by R. King, second by J. Popli, all aye, motion carried to adjourn the regular meeting at 1:44 p.m.



January 2024 Monthly C.O.M.I.D.A. Report

February 5th 2024,

1. This report covers our site visits between January 1st, 2024 and January 31st, 2024.
2. During this period Loewke Brill made 62 monthly site visits.
3. During this period Loewke Brill made "4" Follow up visits.
4. Loewke Brill checked for residence with 543 workers.
5. Of those workers, there were "10" non-compliant.
 - a. 10– No proof of residence
 - i. 01/09/24 – Gannett Partners I, LLC – Carey Lakes, 3 no ID. CM Armitage, 2 no ID. Crosby Brownlie, 2 no ID. Taylor, 1 no ID. 5 workers compliant with proper ID on follow up 1/10/24, 3 workers off job site.
 - ii. 01/16/24 – DGNA Real Estate Holdings, LLC – Gyp Systems, 1 no ID. Worker compliant with valid ID on follow up visit 01/17/24
 - iii. 01/23/24 – Gannett Partners I, LLC – Carey Lakes, 1 no ID. Worker compliant with proper ID on follow up 01/24/24
 - b. 0 – Out of Area
 - c. 0 – Invalid ID
6. There were "3" new COMIDA sign(s) delivered
 - a. Sibley Mixed Use, LLC
 - b. Sibley Commercial
 - c. Sibley ReDevelopment

Big firm capability. Small firm personality.

THE BONADIO GROUP

CPAs, Consultants & More

February 2024 Verified Local Labor Exemption Report

Board Meeting – February 2024

The following Verified Local Labor Exemption Requests were processed in January 2024

1. Fairlife, LLC

- a. One exemption related to the installation of the Perimeter Berm Wall at the project site in Webster, NY. The exemption was based on the “Warranty Issues related to installation...” criteria.

COMIDA
Statement of Financial Position

	Year To Date 01/31/2024	Year Ending 12/31/2023
	Actual	Actual
Assets		
Current Assets		
Cash and Cash Equivalents	993,835	5,637,860
Accounts Receivable, Net	92,229	183,135
Prepaid Expenses	109,856	8,379
COMIDA Treasury Investments	16,613,884	12,259,899
Total Current Assets	17,809,804	18,089,273
Long-term Assets		
Property & Equipment	625,000	625,000
Other Long-term Assets	242,304	242,304
Total Long-term Assets	867,304	867,304
Total Assets	18,677,108	18,956,577
Liabilities and Net Assets		
Liabilities		
Short-term Liabilities		
Accounts Payable	174,506	143,283
Accrued Liabilities	332,305	583,763
Deferred Revenue	16,132	-
Other Short-term Liabilities	476	476
Total Short-term Liabilities	523,419	727,522
Long Term Liabilities	202,732	202,732
Total Liabilities	726,151	930,253
Net Assets		
Net Assets	18,026,323	15,098,945
Change In Net Assets	(75,366)	2,927,378
Total Net Assets	17,950,957	18,026,323
Total Liabilities and Net Assets	18,677,108	18,956,577

Summary Statement of Activities - All Funds with Prior Year

	Year To Date 01/31/2024	Year To Date 01/31/2024	Prior Year To Date 01/31/2023
	Actual	Budget	Actual
Revenue			
Fee Income	97,439	208,333	1,200
Interest Income	42,818	29,167	579
Total Revenue	140,257	237,500	1,779
Payroll	29,529	29,833	22,005
Program & Community Development	94,578	243,932	43,811
General & Administrative	91,516	26,458	33,759
Total Expenses	215,623	300,223	99,575
Change In Net Assets	(75,366)	(62,723)	(97,796)



APPLICATION SUMMARY

DATE: February 20, 2024

APPLICANT:

Nick Mancuso Inc. dba Elevate Fitness
110 Halstead Street, Suite 7
Rochester, NY 14610

PROJECT ADDRESS:

342 N. Goodman Street, Suite G
Rochester, NY 14607

PROJECT SUMMARY:

Nick Mancuso Inc., dba Elevate Fitness, is a training and fitness facility located in the City of Rochester. The applicant is relocating and expanding to the N. Goodman St. location to accommodate growth. This project is considered "retail" under Section 862 of the General Municipal Law, however, the project qualifies for benefits under the "highly distressed area" exception (project is located contiguous to a distressed census tract). This finding by the Agency will require confirming approval from the County Executive. The \$580,000 project is projected to create 19 new FTEs over the next three years in addition to the existing 11. The applicant is seeking approval of sales tax exemptions only. The Benefit/Incentive ratio is 103:1.

**PROJECT AMOUNT:
EXEMPTIONS:**

\$581,040 – Sales Tax Exemption Only
\$45,667

**JOBS: EXISTING:
NEW:**

6.5	FTEs
19	FTEs

PUBLIC HEARING DATE:

N/A

BENEFIT TO INCENTIVE RATIO:

103 : 1

SEQR:

TYPE II ACTION UNDER SEQR SECTION 617.5

ELIGIBILITY:

REHABILITATION OF EXISTING COMMERCIAL BUILDING

APPROVED PURPOSE:

JOB CREATION

Monroe County Industrial Development Agency

MRB Cost Benefit Calculator

Date February 20, 2024
 Project Title Nick Mancuso Inc. dba Elevate Fitness
 Project Location 342 N. Goodman Street, Suite G, Rochester, NY 14607



Economic Impacts

Summary of Economic Impacts over the Life of the PILOT

Project Total Investment

\$581,040

Temporary (Construction)

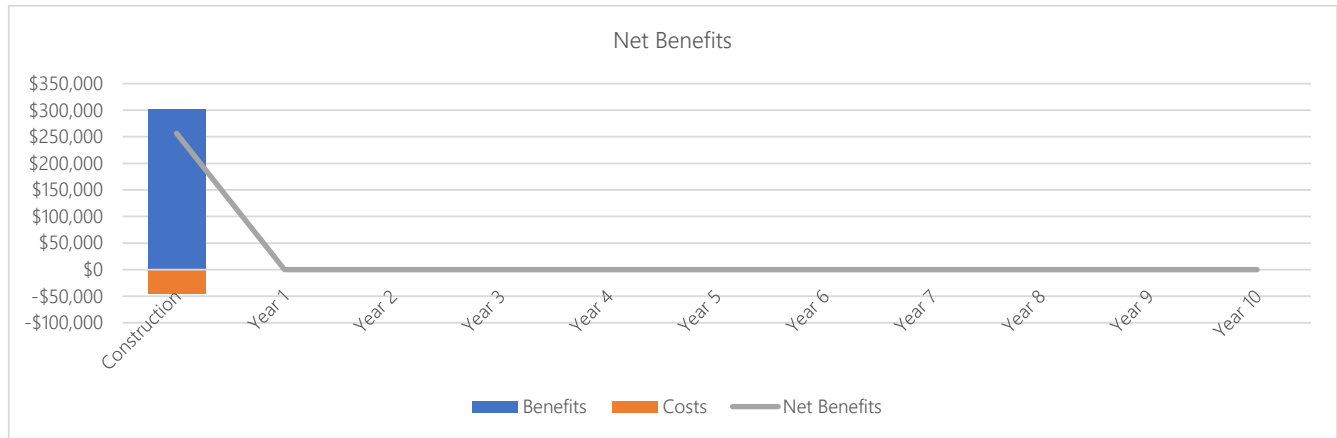
	Direct	Indirect	Total
Jobs	2	2	4
Earnings	\$192,225	\$93,003	\$285,228
Local Spend	\$464,832	\$276,915	\$741,747

Ongoing (Operations)

Aggregate over life of the PILOT

	Direct	Indirect	Total
Jobs	0	0	0
Earnings	\$2,850,000	\$1,449,871	\$4,299,871

Figure 1



Net Benefits chart will always display construction through year 10, irrespective of the length of the PILOT.

Figure 2

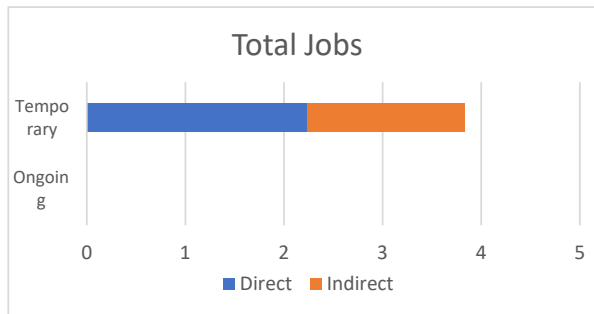
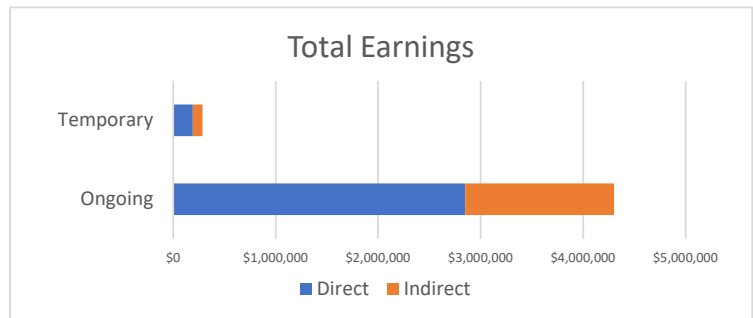


Figure 3



Fiscal Impacts



Cost-Benefit Analysis Tool powered by MRB Group

Estimated Costs of Exemptions

	Nominal Value	Discounted Value*
Property Tax Exemption	\$0	\$0
Sales Tax Exemption	\$45,667	\$45,667
Local Sales Tax Exemption	\$22,834	\$22,834
State Sales Tax Exemption	\$22,834	\$22,834
Mortgage Recording Tax Exemption	\$0	\$0
Local Mortgage Recording Tax Exemption	\$0	\$0
State Mortgage Recording Tax Exemption	\$0	\$0
Total Costs	\$45,667	\$45,667

State and Local Benefits

	Nominal Value	Discounted Value*
Local Benefits	\$4,622,269	\$4,468,232
To Private Individuals	\$4,585,098	\$4,432,423
Temporary Payroll	\$285,228	\$285,228
Ongoing Payroll	\$4,299,871	\$4,147,195
Other Payments to Private Individuals	\$0	\$0
To the Public	\$37,170	\$35,809
Increase in Property Tax Revenue	\$0	\$0
Temporary Jobs - Sales Tax Revenue	\$1,997	\$1,997
Ongoing Jobs - Sales Tax Revenue	\$35,174	\$33,812
Other Local Municipal Revenue	\$0	\$0
State Benefits	\$243,500	\$235,268
To the Public	\$243,500	\$235,268
Temporary Income Tax Revenue	\$12,835	\$12,835
Ongoing Income Tax Revenue	\$193,494	\$186,624
Temporary Jobs - Sales Tax Revenue	\$1,997	\$1,997
Ongoing Jobs - Sales Tax Revenue	\$35,174	\$33,812
Total Benefits to State & Region	\$4,865,768	\$4,703,500

Benefit to Cost Ratio

	Benefit*	Cost*	Ratio
Local	\$4,468,232	\$22,834	196:1
State	\$235,268	\$22,834	10:1
Grand Total	\$4,703,500	\$45,667	103:1

*Discounted at 2%

Additional Comments from IDA

0

Does the IDA believe that the project can be accomplished in a timely fashion? Yes

Motion By: _____
Seconded By: _____

RESOLUTION
 (Nick Mancuso LLC d/b/a Elevate Fitness Project)
 OSC Code 2602-24-003A

A regular meeting of the County of Monroe Industrial Development Agency (the "Agency"), was held at the Agency's offices located at 50 West Main Street, Rochester, New York 14614, on February 20, 2024 at 12:00 p.m.

After the meeting had been duly called to order, the Chair announced that among the purposes of the meeting was to consider and take action on certain matters pertaining to a certain Project more particularly described below.

RESOLUTION OF THE COUNTY OF MONROE INDUSTRIAL DEVELOPMENT AGENCY TAKING OFFICIAL ACTION TO APPOINT (i) NICK MANCUSO LLC D/B/A ELEVATE FITNESS OR A RELATED ENTITY FORMED OR TO BE FORMED (COLLECTIVELY, THE "COMPANY") AS ITS AGENT TO UNDERTAKE A CERTAIN PROJECT AS MORE FULLY DESCRIBED 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 (AS DEFINED BELOW).

WHEREAS, by Title I of Article 18-A of the General Municipal Law of the State of New York, as amended and Chapter 55 of the Laws of 1972 of the State of New York (collectively, the "Act"), the Agency was created with the authority and power among other things, to assist with the acquisition of certain industrial development projects as authorized by the Act; and

WHEREAS, **NICK MANCUSO LLC D/B/A ELEVATE FITNESS**, a New York limited liability company, for itself or an entity formed or to be formed (collectively, the "Company") has requested that the Agency assist with a certain Project (the "Project"), consisting of (a) the renovation of approximately 12,000 square-feet of space located in the improvement located at 342 North Goodman Street in the City of Rochester, New York 14607 (the "Existing Improvements"); (b) the construction therein of an athletic training facility and associated amenities (collectively, the "Improvements"); and (c) the acquisition and installation therein, thereon or thereabout of certain machinery, equipment and related personal property including, but not limited to, exercise equipment, therapy/recovery devices and equipment and audio equipment (collectively, the "Equipment" and, together with the Improvements, the "Facility"); and

WHEREAS, the Act authorizes and empowers the Agency to promote, develop, encourage and assist projects such as the Facility and to advance the job opportunities, health, general prosperity and economic welfare of the people of the State of New York; and

WHEREAS, it is contemplated that the Agency will (i) negotiate a project agreement (the "Project Agreement"), pursuant to which the Agency will appoint the Company as its agent for the purpose of undertaking the Project and (ii) provide financial assistance (the "Financial Assistance") to the Company in the form of sales and use tax exemptions for purchases and rentals related to the renovation and equipping of the Facility; and

WHEREAS, the Project constitutes a "retail" project as defined under Section 862 of the Act and as such requires additional findings; and

WHEREAS, the Company has represented to the Agency that the Project is located contiguous to a "highly distressed area" as defined in Section 862(b)(ii) of the Act; and

WHEREAS, pursuant to the New York State Environmental Quality Review Act, Article 8 of the Environmental Conservation Law and the regulations adopted pursuant thereto at 6 N.Y.C.R.R. Part 617, as amended (collectively referred to as "SEQRA"), the Agency must satisfy the applicable requirements set forth in SEQRA, as necessary, prior to making a final determination whether to undertake the Project.

NOW, THEREFORE, BE IT RESOLVED by the County of Monroe Industrial Development Agency as follows:

Section 1. The Company has presented an application in a form acceptable to the Agency. Based upon the representations made by the Company to the Agency in the Company's application and other correspondence submitted by the Company to the Agency, the Agency hereby finds and determines that:

(a) By virtue of the Act, the Agency has been vested with all powers necessary and convenient to carry out and effectuate the purposes and provisions of the Act and to exercise all powers granted to it under the Act; and

(b) The Project constitutes a "project", as such term is defined in the Act; and

(c) It is desirable and in the public interest for the Agency to appoint the Company as its agent for purpose of undertaking the Project; and

(d) The action to be taken by the Agency will induce the Company to undertake the Project, thereby increasing employment opportunities in Monroe County and otherwise furthering the purposes of the Agency as set forth in the Act; and

(e) The Project will not result in the removal of a civic, commercial, industrial, or manufacturing plant of the Company or any other proposed occupant of the Project from one area of the State of New York (the "State") to another area of the State or result in the abandonment of one or more plants or facilities of the Company or any other proposed occupant of the Project located within the State; and the Agency hereby finds that, based on the Company's application, to the extent occupants are relocating from one plant or facility to another, the Project is reasonably necessary to discourage the Project occupants from removing such other plant or facility to a location outside the State and/or is reasonably necessary to preserve the competitive position of the Project occupants in their respective industries; and

(f) Pursuant to Section 862 of the Act, the Project constitutes a "retail" project. Based on representations made by the Company to the Agency, the Agency hereby finds that the Project is located in a "highly distressed area" as defined in Section 862(b)(ii) of the Act; and

(g) The Project involves a "Type II Action" as said term is defined in SEQRA, and therefore no further action is required to be taken under SEQRA.

Section 2. The Agency hereby approves the cost/benefit report submitted by the Company listing the proposed cost/benefits of the Project.

Section 3. Subject to the Company executing the Project Agreement and the delivery to the Agency of a binder, certificate or other evidence of liability insurance policy for the Project satisfactory to the Agency, the Agency hereby authorizes the Company to proceed with the renovation and equipping of the Facility and hereby appoints the Company as the true and lawful agent of the Agency to renovate and equip the Facility, and such appointment includes the following activities as they relate to the renovation, completion, use, repair and maintenance of the Facility and the purchase, use, lease, placement, installation, repair, maintenance and replacement of the Equipment, whether or not any materials or supplies described below are incorporated into or become an integral part of the Facility or the Equipment: (i) all purchases, leases, rentals and other uses of tools, machinery and equipment in connection with renovating, equipping, repairing and maintaining the Facility, (ii) all purchases, rentals, uses or consumption of supplies, materials and services of every kind and description in connection with renovating, equipping, repairing and maintaining the Facility, and (iii) all purchases, leases, rentals and uses of equipment, machinery, and other tangible personal property (including installation costs with respect thereto), installed or placed in, upon or under the Facility or the Equipment, including all repairs, maintenance and replacement of all such property. Said agents are authorized to make, execute, acknowledge and deliver any contracts, orders, receipts, writings and instructions, as the stated agents for the Agency, and in general to do all things which may be requisite or proper for completing the Facility, all with the same powers and with the same validity as the Agency could do if acting on its own behalf. As agent of the Agency, the Company is authorized to delegate such agency, in whole or in part, to agents, subagents, contractors, subcontractors, contractors and subcontractors of such agents and subagents and to such other parties as the Company chooses; provided, however, the Project Agreement shall expire on **December 31, 2024** (unless extended for good cause by the Executive Director, Deputy Director, Chairman or Vice Chairman of the Agency).

Section 4. Based upon the representation and warranties made by the Company in its application for financial assistance, the Agency hereby authorizes and approves (i) the Company as its agent, to make purchases of goods and services relating to the Project and that would otherwise be subject to New York State and local sales and use tax in an amount up to **\$570,840**, which result in New York State and local sales and use tax exemption benefits ("sales and use tax exemption benefits") not to exceed **\$45,667**. The Agency agrees to consider any requests by the Company for increase to the amount of sales and use tax exemption benefits authorized by the Agency upon being provided with appropriate documentation detailing the additional purchases of property or services.

Section 5. Pursuant to Section 875(3) of the New York General Municipal Law, the Agency may recover or recapture from the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, any sales and use tax

exemption benefits taken or purported to be taken by the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, if it is determined that: (i) the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, is not entitled to the sales and use tax exemption benefits; (ii) the sales and use tax exemption benefits are in excess of the amounts authorized to be taken by the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project; (iii) the sales and use tax exemption benefits are for property or services not authorized by the Agency as part of the Project; or (iv) the sales and use tax exemption benefits are taken in cases where the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, fails to comply with a material term or condition to use property or services in the manner approved by the Agency in connection with the Project. As a condition precedent of receiving sales and use tax exemption benefits, the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, shall (i) cooperate with the Agency in its efforts to recover or recapture any sales and use tax exemption benefits, and (ii) promptly pay over any such amounts to the Agency that the Agency demands.

Section 6. The Executive Director, Deputy Director, Chairman or Vice Chairman of the Agency are hereby authorized, on behalf of the Agency, to negotiate the Project Agreement, pursuant to which the Agency will appoint the Company as its agent for the purpose of undertaking the Project.

Section 7. The Executive Director, Deputy Director, Chairman or Vice Chairman of the Agency are hereby authorized and directed for and in the name and on behalf of the Agency to do all acts and things required and to execute and deliver all such certificates, instruments and documents, to pay all such fees, charges and expenses and to do all such further acts and things as may be necessary or, in the opinion of such Executive Director, Deputy Director, Chairman or Vice Chairman of the Agency acting, desirable and proper to effect the purposes of the foregoing resolutions and to cause compliance by the Agency with all of the terms, covenants and provisions of the documents executed for and on behalf of the Agency.

Section 8. This resolution shall take effect immediately.

[Remainder of Page Intentionally Left Blank]

The question of the adoption of the foregoing Resolution was duly put to vote on roll call, which resulted as follows:

	<u><i>Yea</i></u>	<u><i>Nay</i></u>	<u><i>Absent</i></u>	<u><i>Abstain</i></u>
Jay Popli				
Troy Milne				
Lisa Bolzner				
Joseph Alloco				
Rhett King				
Norman Jones				
Ann L. Burr				

The Resolutions were thereupon duly adopted.

STATE OF NEW YORK)
COUNTY OF MONROE) ss.:

I, the undersigned Executive Director of the County of Monroe Industrial Development Agency, DO HEREBY CERTIFY:

That I have compared the annexed extract of the minutes of the meeting of the County of Monroe Industrial Development Agency (the "Agency"), including the resolutions contained therein, held on February 20, 2024, with the original thereof on file in my office, and that the same is a true and correct copy of the proceedings of the Agency and of such resolutions set forth therein and of the whole of said original insofar as the same related to the subject matters therein referred to.

I FURTHER CERTIFY that public notice of the time and place of said meeting was duly given to the public and the news media in accordance with Sections 103 and 104 of the New York Public Officers Law (Open Meetings Law) that all members of the Agency had due notice of the meeting and that the meeting was in all respects duly held.

IN WITNESS WHEREOF, I have hereunto set my hand on this 20th day of February, 2024.

Ana J. Liss, Executive Director



COUNTY OF MONROE COMIDA

INDUSTRIAL DEVELOPMENT AGENCY

APPLICATION FOR ASSISTANCE

Each applicant seeking assistance must complete this application and provide required supplemental forms/documentation.

Please answer all questions. Use "None" or "Not Applicable" where necessary. Information in this application may be subject to public review under New York State Law, except for information that is considered deniable by the Freedom of Information Law. This form is available at www.monroecountybusiness.org/application.

Please send completed application via email to EconomicDevelopment@monroecounty.gov. A **non-refundable** application fee of \$350.00 is required. Please see page 12 for additional information on costs and fees.

I. APPLICANT

A. Applicant Information

Name: Nick Mancuso LLC DBA Elevate
 Address: 110 Halstead Street Suite 7
 City/State/Zip: Rochester NY 14610
 Tax Id No.: 83-4444486
 Contact Name: Nick Mancuso
 Title: Managing Member
 Telephone: 585-298-0569
 E-Mail: nickmancuso@elevate585.com

B. Applicant's Legal Counsel

Name: Laura A. Mullin Esq.
 Firm: Ferr & Mullin P.C.
 Address: 40 Wildbriar Road, Suite 10040
 City/State/Zip: Rochester NY 14623
 Telephone: 585-869-0210
 Email: L.Mullin@FerrMullinLaw.com

C. Owners of Applicant Company (must total 100%). If an LLC, LP or similar, all members/partners must be listed

Name	%	Corporate Title
<u>Nick Mancuso</u>	<u>100</u> %	<u>Managing Member</u>
	%	
	%	
	%	
	%	
	%	
	%	
	%	
	%	
	%	
	%	

II. PROJECT

A. Address of proposed project facility

Address: 342 N. Goodman Street. Suite G

Tax Map Parcel Number: _____

City/Town/Village: Rochester, NY

School District: _____

Zip: 14607

Current Legal Owner of Property:

Stern Properties

D. Proposed User(s)/Tenant(s) of the Facility

If there are multiple Users/Tenants, please attach additional pages.

Are the user and owner related entities? ☐ Yes ☒ No

Company Name: _____

Address: _____

City/State/Zip: _____

Tax ID No: _____

Contact Name: _____

Title: _____

Telephone: _____

Email: _____

% of facility to be occupied by user/tenant _____

B. Benefits Requested (Check all that apply)

☒ Sales Tax Exemption

☐ Mortgage Recording Tax Exemption

☐ Real Property Tax Abatement

☐ Industrial Revenue Bond Financing

C. Description of project (check all that apply)

☐ New Construction

☐ Existing Facility

☐ Acquisition

☐ Expansion

☒ Renovation/Modernization

☒ Acquisition of machinery/equipment

☐ Other (specify) _____

E. Owners of User/Tenant Company (must total 100%)

If an LLC, LP or similar, all members/partners must be listed

Name	%	Corporate Title
_____	____%	_____
_____	____%	_____
_____	____%	_____
_____	____%	_____

F. Project Timeline

Proposed Date of Acquisition: 01/01/2024

Proposed Commencement Date of Construction: 02/21/2024

Anticipated Completion Date: 05/31/2024

G. Contractor(s)

American Custom Exteriors and Interiors

Bryan Goodwine

II. PROJECT (cont'd)

II. PROJECT (cont'd)

H. DESCRIPTION OF THE PROJECT AND BACKGROUND ON USER(S) OF THE FACILITY

NAICS Code: 713940 Fitness/Rec Sport

Elevate is expanding and moving to a new location. We have outgrown our current location at 110 Halstead Street, so we will be moving to a new 12,000-square-foot facility on North Goodman Street, which is adjacent to the Village Gate complex. This new facility will have 100 frontage parking spots, with unlimited access to Village Gate parking for easy entrance.

To support our business, we will renovate the space and invest in new exercise equipment, including a full cardio floor, free weights, and resistance training machines. We will also build locker rooms and shower facilities.

We are committed to helping our clients recover and improve their overall health and wellness. That's why we are installing infrared saunas and cold plunges, as well as two high-end therapy rooms with leg sleeves, theraguns, and several other compression modalities through Hyperice. We will also offer professional wellness services with our on-site massage and chiropractic therapists.

For sports performance and personal training, we are installing a 30-yard turf field. At Elevate, we welcome clients of all skill levels and ages. We have knowledgeable personal trainers and coaches who can help clients with their fitness goals, and improve their knowledge of performance and exercise, nutrition programming, rehab, and injury prevention.

We will offer diverse membership options and keep our doors open seven days a week for our clients' convenience.

II. PROJECT (cont'd)

- I. Would the project be undertaken without financial assistance from the Agency? ☐ Yes ☒ No

Please explain why financial assistance is necessary.

We obtained a loan from the bank for this project, but we need additional capital due to increased construction and equipment costs.

☐ LEASEPLUS

Requirements:

- University and/or medical related facilities in which
- Company must maintain a 10% increase in full-time employee base, over a 3 year period. The required

☐ ENHANCED JOBSPLUS

Requirements:

- A minimum \$10 million investment AND
- A minimum of 100 new jobs

☐ GREEN JOBSPLUS

Requirements:

- LEEDUS Certification – Project must be certified as Green Building (LEED) or equivalent
- Greening Council's Leadership in Energy and Environmental Design (LEED) Green Building Rating System
- Company must maintain a 10% increase in full-time employee base, over a 3 year period. The required

☐ SHELTER RENT

For shelter housing or other short-term housing projects

☐ Local Tax Jurisdiction Sponsored Project

☒ NO PROPERTY TAX ABATEMENT

- J. Are other facilities or related companies located within New York State?

☒ Yes ☐ No

Location: 110 Halstead Street, Suite 7

Rochester, NY 14610

Will the Project result in the removal of an industrial or manufacturing plant of the Project occupant from one area of the state to another area of the state? ☐ Yes ☒ No

Will the Project result in the abandonment of one or more plants or facilities of the Project occupant located within the state?

☐ Yes ☒ No

If Yes to either question, explain how the Agency's Financial Assistance is required to prevent the Project from relocating out of the State, or is reasonably necessary to preserve the Applicant or User's competitive position in its respective industry:

K. State Environmental Quality Review (SEQR) Act Compliance

COMIDA, in granting assistance to the Applicant, is required to comply with the New York State Environmental Quality Review Act (SEQR).

Does the proposed project require discretionary permit, license or other type of approval by the state or local municipality?

- ☐ YES - Include a copy of any SEQR documents related to this Project including Environmental Assessment Form, Final Determination, Local Municipality Negative Declaration, etc.

☒ NO

III. PROPERTY TAX ABATEMENT/PAYMENT IN LIEU OF TAX AGREEMENT (PILOT)

Check One:

☐ **JOBSPLUS**

Requirements:

- Applicant must commit to a 10% increase in full-time equivalent employment, measured on the existing impacted employee base, over a 3 year period. The required number of jobs is _____.

☐ **LEASEPLUS**

Requirements:

- University and/or medical related facilities in which a 501(c)3 entity leases from a for-profit entity.
- Company must commit to a 10% increase in full-time equivalent employment, measured on the existing impacted employee base, over a 3 year period. The required number of jobs is _____.

☐ **ENHANCED JOBSPLUS**

Requirements:

- A minimum \$15 million investment **AND**
- A minimum of 100 new jobs

☐ **GREEN JOBSPLUS**

Requirements:

- LEED® Certification – Project must be rated as Certified, Gold, Silver or Platinum by the United States Green Building Council's Leadership in Energy and Environmental Design (LEED®) Green Building Rating System.
- Company must commit to a 10% increase in full-time equivalent employment, measured on the existing impacted employee base, over a 3 year period. The required number of jobs is _____.

☐ **SHELTER RENT**

For student housing or affordable housing projects.

☐ **Local Tax Jurisdiction Sponsored PILOT**

☒ **NO PROPERTY TAX ABATEMENT IS SOUGHT FOR THIS PROJECT**

IV. APPLICANT PROJECT COSTS

- A. Estimate the costs necessary for the construction, acquisition, rehabilitation, improvement and/or equipment of the project by the APPLICANT.

Building Construction or Renovation

- a. Materials a. \$ 140,840
b. Labor b. \$ 10,200

Site Work

- c. Materials c. \$ _____
d. Labor d. \$ _____
e. Non-Manufacturing Equipment e. \$ 50,000
f. Manufacturing Equipment f. \$ _____
g. Equipment Furniture and Fixtures g. \$ 380,000
h. Land and/or Building Purchase h. \$ _____
i. Soft Costs (Legal, Architect, Engineering) i. \$ _____
Other (specify) j. _____ j. \$ _____
k. _____ k. \$ _____
l. _____ l. \$ _____
m. _____ m. \$ _____

Total Project Costs \$ 581,040
(must equal Total Sources)

- B. Sources of Funds for Project Costs:

- a. Tax-Exempt Industrial Revenue Bond a. \$ _____
b. Taxable Industrial Revenue Bond b. \$ _____
c. Bank Financing c. \$ 581,040
d. Public Sources d. \$ _____

Identify each state and federal grant/credit

_____ \$ _____
_____ \$ _____
_____ \$ _____
_____ \$ _____

- e. Equity e. \$ _____
TOTAL SOURCES \$ 581,040
(must equal Total Project Costs)

- C. Has the applicant made any arrangements for the financing of this project

☒ Yes ☐ No

If yes, please specify bank, underwriter, etc.

Northwest Bank, John Soldi

V. COMPLETE FOR EACH USER/TENANT THAT IS SEEKING SALES TAX EXEMPTIONS USER(S)/TENANT(S) PROJECT COSTS

Use additional sheets as necessary

Company Name _____

- A. Estimate the costs necessary for the construction, acquisition, rehabilitation, improvement, and/or equipping of the project by the user(s)/tenant(s) for which a sales tax exemption is requested.

Estimated Costs Eligible for Sales Tax Exemption Benefit

- a. Materials a. \$ _____
b. Labor b. \$ _____
c. Non-Manufacturing Equipment c. \$ _____
d. Manufacturing Equipment d. \$ _____
e. Furniture and Fixtures e. \$ _____
Other (specify) f. _____ f. \$ _____

g. _____ g. \$ _____

h. _____ h. \$ _____

i. _____ i. \$ _____

Total Project Costs \$ _____

Value of Incentives
Nick Mancuso Inc. dba Elevate Fitness

A. IDA PILOT Benefits:

Current Assessment	
Value of New Construction & Renovation Costs	
Estimated New Assessed Value Subject to IDA	\$0
Current Taxes	\$0
Current Taxes Escalator	2%
PILOT Terms - Years	0
County Tax rate/\$1,000	
Local Tax Rate* Tax Rate/\$1,000	
School Tax Rate /\$1,000	
Total Tax Rate	0.00000

B. Sales Tax Exemption Benefit:

Estimated value of Sales Tax exemption:	\$45,667
Estimated duration of ST exemption:	12/31/2024

C. Mortgage Recording Tax Exemption (MRTE) Benefit:

Estimated Value of MRTE:	\$0
--------------------------	-----

D. Industrial Revenue Bond Benefit

IRB inducement amount:	\$0
------------------------	-----

E. Percentage of Project Costs financed from Public Sector sources:

Total Value of Incentives:	\$45,667
Project Construction Costs:	\$581,040
	7.86%

PILOT Schedule

PILOT Year	% Abatement	County PILOT Amount	Local PILOT Amount	School PILOT Amount	Total PILOT Amount	Full Tax Payment w/o PILOT***	Net Exemption**
	Total	\$0	\$0	\$0	\$0	\$0	\$0
-	90%	-	-	-	-	\$0	-
-	80%	-	-	-	-	-	-
-	70%	-	-	-	-	-	-
-	60%	-	-	-	-	-	-
-	50%	-	-	-	-	-	-
-	40%	-	-	-	-	-	-
-	30%	-	-	-	-	-	-
-	20%	-	-	-	-	-	-
-	10%	-	-	-	-	-	-
-	0%	-	-	-	-	-	-

VII. PROJECTED EMPLOYMENT

Complete for each Applicant or User/Tenant

Company Name: Nick Mancuso, LLC, DBA: Elevate

Applicant: ☒ **or User/Tenant:** ☐

Applicant/Tenant creating jobs must submit most recent NYS-45 or equivalent.

	Current # of jobs at proposed project location or to be relocated to project location	IF FINANCIAL ASSISTANCE IS GRANTED – project the number of FTE and PTE jobs to be RETAINED	IF FINANCIAL ASSISTANCE IS GRANTED – project the number of FTE and PTE jobs to be CREATED upon THREE Years after Project completion	Estimate number of residents of the Labor Market Area in which the Project is located that will fill the FTE and PTE jobs to be created upon THREE Years after Project Completion **
Full time (FTE)	2	2	6	6
Part Time (PTE)	9	9	26	26
Total	6.5	6.5	19	19

** For purposes of this question, please estimate the number of FTE and PTE jobs that will be filled, as indicated in the third column, by residents of the Labor Marker Area, in the fourth column. The Labor Marker Area includes: Monroe County, Orleans County, Genesee County, Wyoming County, Livingston County, Ontario County, Wayne County, Yates County, and Seneca County chosen at the Agency's discretion.

[Remainder of this Page Intentionally Left Blank]

VIII. LOCAL LABOR

To be completed by all Applicants and Users/Tenants of Projects which include the construction of new, expanded or renovated facilities:

Company Name Nick Mancuso, LLC, DBA: Elevate

Applicant: ☒ and/or User/Tenant: ☐

The County of Monroe Industrial Development Agency (IDA) was established for the purpose of creating employment opportunities for, and to promote the general prosperity and economic welfare of the residents of Monroe County. The IDA offers economic incentives and benefits to qualified applicants who wish to locate or expand their businesses or facilities in Monroe County. When the IDA approves a project, it enters into agreements to extend these incentives and benefits to the applicant.

Construction jobs are vital to the overall employment opportunities and economic growth in Monroe County. The IDA believes that companies benefiting from its incentive programs should employ local laborers, mechanics, craft persons, journey workers, equipment operators, truck drivers and apprentices ("construction workers"), during the construction phase of projects.

NM
Initial **100% Local Labor**
Applicants receiving IDA benefits **must** ensure that the it and/or its contractor/developer hire **100% of its construction workers from the local labor market.**

NM
Initial **Local Labor Market**
For the purpose of this policy, the local labor market is defined as construction workers residing in the following counties in New York State: Monroe, Genesee, Livingston, Orleans, Ontario, Seneca, Steuben, Wayne, Wyoming and Yates.

NM
Initial **Bid Processing**
Local participation in qualified projects receiving IDA economic incentives and benefits is vital to the economic growth of Monroe County. As such, all applicants/contractors/developers of a qualified project with a minimum \$5,000,000 investment must place any and all invitations to bid in the Builders Exchange of Rochester Plan Room (<https://robex.com/planroom/>) two weeks before the bids are due.

NM
Initial **Monitoring**
A third-party auditing firm ("Project Monitor") will be engaged to monitor construction work commencing on the date benefits are granted by resolution of the IDA Board.

Once approved for IDA benefits, all applicants will be required to provide to the Project Monitor and the Exemption Processor (as hereinafter defined) the following information:

1. Contact information for the applicant's representative who will be responsible and accountable for providing information about the bidding and awarding of construction contracts relative to the applicant's project; and
2. Description of the nature of construction jobs created by the project, including in as much detail as possible, the number, type and duration of construction positions.

All Monroe County IDA projects are subject to local monitoring by the IDA and the Project Monitor. Proof of residency or copy of drivers' license shall be checked by the Project Monitor during the Project Monitor's periodic inspection of the project.

The Project Monitor shall issue a report to the IDA staff immediately when an applicant or applicant's contractor is not in compliance with this labor policy. IDA staff shall advise the IDA Board of non-compliance by email or at the next scheduled meeting. If a violation of policy has occurred, the Project Monitor shall notify the applicant and contractor of such non-compliance and give applicant a warning of violation and 72 hours in which to correct such violation. Upon evidence of continued non-compliance or additional violations, the IDA and/or the Project Monitor shall notify the applicant that the project is in violation of the Monroe County IDA Labor Policy and is subject to IDA Board action which may result in the revocation, termination and/or recapture of any or all benefits conferred by the IDA.

NM

Initial

Signage

The applicant/contractor/developer of an IDA approved project shall be required to maintain a sign, provided by the Project Monitor, on the project site at all times during construction. This sign shall be located in an area that is accessible to onsite workers and visitors, which should be clear and legible.

NM

Initial

Exemption Process

In some instances, use of 100% local labor may not be possible for any of the following reasons:

- Warranty issues related to installation of specialized equipment whereby the manufacturer requires installation by only approved installers (a copy of the equipment warranty confirming the use of specific installers must be provided). The granting of an exemption for the use of non-local labor on warranty related grounds is expressly conditioned on either (i) said non-local sub-contractors being enrolled in a New York State certified apprenticeship program (proof of such enrollment shall be provided to the IDA upon request) or (ii) the hiring of an apprentice/apprentices or local construction laborer(s) to assist in the installation.
- Specialized construction is required and no local contractors or local construction workers have the required skills, certifications or training to perform the work (proof of communication with local contractors, or details of the specialized construction must be provided);
- Significant cost differentials in bids whereby use of local labor significantly increases the cost of the project. Three (3) bids are required and a cost differential of 25% is deemed significant. Where there is a significant cost differential, that if the local labor contractor agrees to reduce the bid to the average of the two bids, no waiver will be granted. However, if the average is still 25% or more, a waiver will be granted (copies of all bids/proposals received, including pricing, must be provided to confirm cost differential).
- No local labor available for the project (if local bids were solicited with no response, please provide a copy of the bid, explain how it was advertised, and list who the bids were requested from).

The request to secure an exemption for the use of non-local labor must be received from the applicant on the exemption form provided by the IDA or the 3rd party exemption monitor (the "Exemption Processor") and received by the Exemption Process forty-five (45) days in advance of work commencing. The request will be reviewed by the Exemption Processor and forwarded to the IDA, at which time the IDA's Executive Director shall have the authority to approve or disapprove the exemption. The Exemption Processor shall report each authorized exemption to the Board of Directors at its monthly meeting.

The applicant has read the Labor Policy and agrees to adhere to it without changes and shall require its construction manager, general contractor and sub-contractors who are not exempt to acknowledge the same.

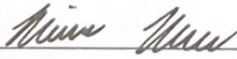

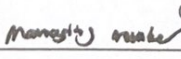
The foregoing terms have been read, reviewed and understood by the Applicant or User/Tenant and all appropriate personnel. Furthermore, the undersigned agrees and understands that the information contained herein must be transmitted and conveyed in a timely fashion to all applicable subcontractors, suppliers and materialman. Furthermore, the undersigned agrees to post and maintain a sign, provided by COMIDA, in a prominent, easily accessible location, identifying the project as a recipient of COMIDA assistance and the local labor requirements associated with this assistance.

Furthermore, the undersigned realizes that failure to abide by the terms herein could result in COMIDA revoking all or any portion of benefits it deems reasonable in its sole discretion for any violation hereof.

Nick Mancuso, LLC, DBA: Elevate

(APPLICANT COMPANY)

(TENANT COMPANY)

   02/06/2024
Signature, Title Date

Signature, Title Date

IX. FEES

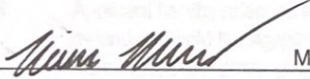
Transaction Type	Fees
Real Property Tax Abatement (PILOT Agreement) including Sales Tax Exemption* and/or partial Mortgage Recording Tax Exemption.	Application Fee: Non-refundable \$350.00 IDA Fee: 0.75% of the total project cost Legal Fee: 33% of the IDA fee. Minimum fee of \$4,000.
Sales Tax Exemption* and/or Partial Mortgage Recording Tax Exemption	Application Fee: Non-refundable \$350.00 IDA Fee: 0.50% of the total project cost Legal Fee: 33% of the IDA fee. Minimum fee of \$4,000 if transaction includes mortgage recording tax exemption. Minimum fee of \$750 if transaction is sales tax exemption only.
Bond: Taxable or Tax-Exempt Including any/all of the following: 1. PILOT Agreement 2. Sales Tax Exemption 3. Partial Mortgage Recording Tax Exemption	Application Fee: Non-refundable \$350.00 IDA Fee: 1.25% of the total project cost Legal Fee: 33% of the IDA fee. Designated Bond Counsel fee is based on the complexity and amount of the transaction.
Bond: Taxable or Tax-Exempt	Application Fee: Non-refundable \$350.00 IDA Fee: 1.00% of the total project cost Legal Fee: 33% of the IDA fee. Designated Bond Counsel fee is based on the complexity and amount of the transaction.

*If the sales tax benefits are required prior to closing, a non-refundable twenty-five percent (25%) of the IDA fee and Legal fees are payable at that time. This amount will be applied towards the IDA fee and Legal fee.

Nick Mancuso, LLC, DBA: Elevate

(APPLICANT COMPANY)

(TENANT COMPANY)

 Managing Member 02/06/2024
Signature, Title Date

Signature, Title Date

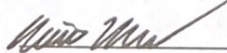
X. CERTIFICATION

The undersigned company officer and/or user/tenant officer each hereby certifies, on behalf of the company and/or user/tenant, respectively (each singularly and together, the "Applicant"), as follows:

- A. The information contained in this Application, including employment information, is true and correct. The Applicant is aware that any material misrepresentation made in this Application constitutes an act of fraud, resulting in revocation of COMIDA benefits.
- B. The undersigned, on behalf of the Applicant, hereby certifies that the Applicant, and all parties which have ownership of the Applicant are current and will remain current on all real property, federal, state, sales, income and withholding taxes throughout the term of any agreements made in connection with this Application.
- C. Compliance with N.Y. GML Sec. 862(1): Applicant understands and agrees that the provisions of Section 862(1) of the New York General Municipal Law, as provided below, will not be violated if Financial Assistance is provided for the proposed Project:
 § 862. Restrictions on funds of the agency. (1) No funds of the agency shall be used in respect of any project if the completion thereof would result in the removal of an industrial or manufacturing plant of the project occupant from one area of the state to another area of the state or in the abandonment of one or more plants or facilities of the project occupant located within the state, provided, however, that neither restriction shall apply if the agency shall determine on the basis of the application before it that the project is reasonably necessary to discourage the project occupant from removing such other plant or facility to a location outside the state or is reasonably necessary to preserve the competitive position of the project occupant in its respective industry.
- D. Compliance with Applicable Laws: The Applicant confirms and acknowledges that the owner, occupant, or operator receiving Financial Assistance for the proposed Project is in substantial compliance with applicable local, state and federal tax, worker protection and environmental laws, rules and regulations.
- E. False and Misleading Information: The Applicant confirms and acknowledges that the submission of any knowingly false or knowingly misleading information may lead to the immediate termination of any Financial Assistance and the reimbursement of an amount equal to all or part of any tax exemption claimed by reason of the Agency's involvement the Project.
- F. Recapture: Should the Applicant not expend as projected or hire as presented, the Agency may view such information/status as failing to meet the established standards of economic performance. In such events, some or all of the benefits taken by the Applicant will be subject to recapture.
- G. Pay Equity: The Applicant and/or user/tenant officer certifies on behalf of the company and/or user/tenant (the Applicant) has not been the subject of an adverse finding under the equal pay laws within the previous five years, has disclosed any pending equal pay claims against the company at time of application, and shall disclose to COMIDA any pending claims or adverse findings under the equal pay laws during the term of COMIDA financial assistance agreement.
- H. Applicant hereby releases the COMIDA ("Agency") from, agrees that the Agency shall not be liable for, and agrees to indemnify, defend and hold the Agency harmless from and against any and all liability arising from or expense incurred by (A) the Agency's examination and processing of, and action pursuant to or upon, this Application, regardless of whether or not this Application or the Project described herein or the tax exemptions and other assistance requested herein are favorably acted upon by the Agency; (B) the Agency's acquisition, construction, renovation and/or equipping of the Project described herein; and (C) any further action taken by the Agency with respect to the Project; including, without limiting the generality of the foregoing, all causes of action and attorneys' fees and any other expenses incurred in defending any suits or actions which may arise as a result of any of the foregoing. Applicant hereby understands and agrees, in accordance with Section 875(3) of the New York General Municipal Law, that any New York State and local sales and use tax exemption claimed by the Applicant and approved by the Agency in connection with the Project may be subject to recapture by the Agency under such terms and conditions as will be set forth in the Agent Agreement to be entered into by and between the Agency and the Applicant. The Applicant further represents and warrants that the information contained in this Application, including without limitation, information regarding the amount of New York State and local sales and use tax exemption benefits, is true, accurate and complete.

APPLICANT COMPANY

Nick Mancuso, LLC, DBA: Elevate

 Managing Member 02/06/2024
 Signature , Title Date

TENANT COMPANY

 Signature , Title Date



APPLICATION SUMMARY

DATE: February 20, 2024

APPLICANT:

Diamond Packaging, Inc.
111 Commerce Drive
Rochester, NY 14623

TENANT/PROJECT LOCATION:

111, 145 and 155 Commerce Drive
Rochester, NY 14623

PROJECT SUMMARY:

Diamond Packaging, Inc., a printing and packaging company, is proposing the renovation of their multi-building campus on Commerce Drive in the Town of Henrietta. The three existing buildings will all undergo upgrades and redesigns in order to accommodate growth. Diamond Packaging, Inc. plans to create 90 new FTE's in addition to its existing 236 FTE's. The \$11 million project is seeking a real property tax abatement, mortgage recording tax and sales tax exemption on the building located at 145 Commerce Drive. The applicant is also seeking mortgage recording tax and sales tax exemptions only on the buildings located at 111 and 155 Commerce Drive. The cost benefit ratio is 256:1.

PROJECT AMOUNT:

\$11,302,378 Lease/Leaseback with Abatement
\$211,630 Sales Tax Exemption
\$75,000 Mortgage Recording Tax Exemption

JOBS: EXISTING:

236 FTEs

NEW:

90 FTEs

REQUIREMENT:

24 FTEs

PUBLIC HEARING DATE:

February 15, 2024

BENEFIT TO INCENTIVE RATIO:

256:1

SEQR:

REVIEWED AND PROCESS IS COMPLETE.

ELIGIBILITY:

MANUFACTURER

APPROVED PURPOSE:

JOB CREATION

Monroe County Industrial Development Agency

MRB Cost Benefit Calculator

Date February 20, 2024
 Project Title Diamond Packaging, Inc.
 Project Location 111 Commerce Drive, Rochester, NY 14623



Economic Impacts

Summary of Economic Impacts over the Life of the PILOT

Project Total Investment

\$11,302,378

Temporary (Construction)

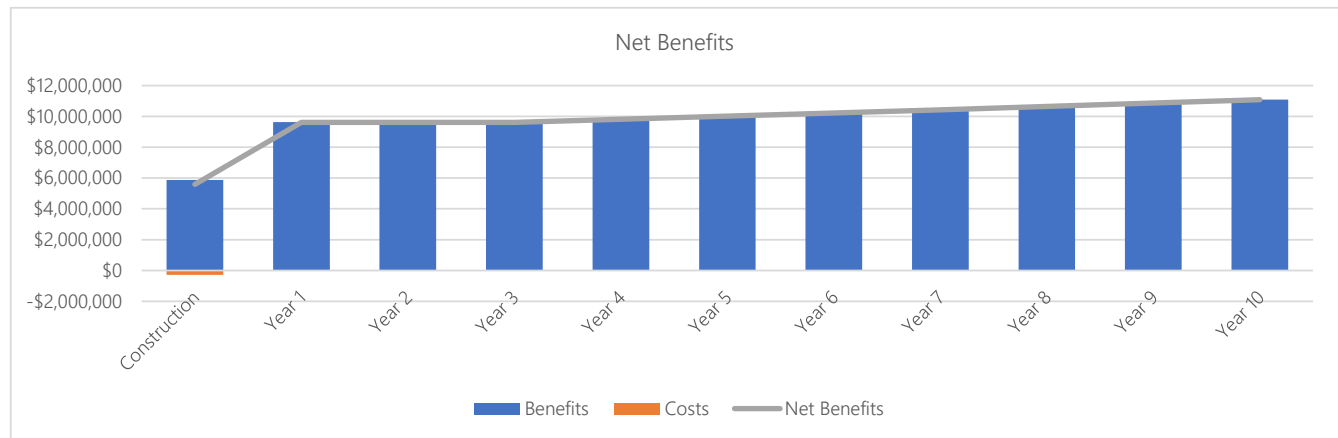
	Direct	Indirect	Total
Jobs	43	31	74
Earnings	\$3,739,159	\$1,809,084	\$5,548,243
Local Spend	\$9,041,902	\$5,386,538	\$14,428,441

Ongoing (Operations)

Aggregate over life of the PILOT

	Direct	Indirect	Total
Jobs	90	83	173
Earnings	\$52,385,697	\$43,817,508	\$96,203,205

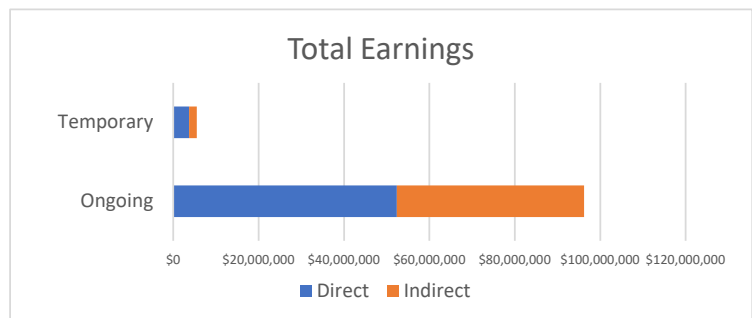
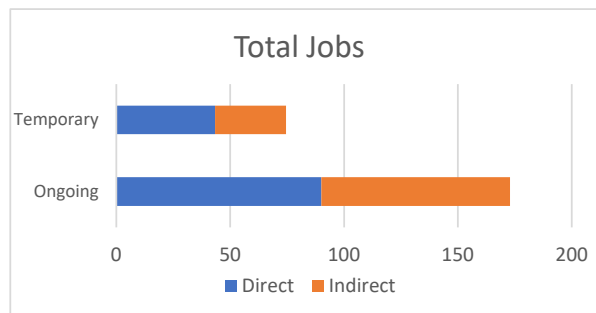
Figure 1



Net Benefits chart will always display construction through year 10, irrespective of the length of the PILOT.

Figure 2

Figure 3



Fiscal Impacts



Cost-Benefit Analysis Tool powered by MRB Group

Estimated Costs of Exemptions

	Nominal Value	Discounted Value*
Property Tax Exemption	\$99,603	\$92,538
Sales Tax Exemption	\$211,630	\$211,630
Local Sales Tax Exemption	\$105,815	\$105,815
State Sales Tax Exemption	\$105,815	\$105,815
Mortgage Recording Tax Exemption	\$75,000	\$75,000
Local Mortgage Recording Tax Exemption	\$25,000	\$25,000
State Mortgage Recording Tax Exemption	\$50,000	\$50,000
Total Costs	\$386,233	\$379,168

State and Local Benefits

	Nominal Value	Discounted Value*
Local Benefits	\$102,593,778	\$92,481,495
To Private Individuals	\$101,751,448	\$91,726,310
Temporary Payroll	\$5,548,243	\$5,548,243
Ongoing Payroll	\$96,203,205	\$86,178,066
Other Payments to Private Individuals	\$0	\$0
To the Public	\$842,330	\$755,186
Increase in Property Tax Revenue	\$130,070	\$113,102
Temporary Jobs - Sales Tax Revenue	\$38,838	\$38,838
Ongoing Jobs - Sales Tax Revenue	\$673,422	\$603,246
Other Local Municipal Revenue	\$0	\$0
State Benefits	\$5,291,075	\$4,769,768
To the Public	\$5,291,075	\$4,769,768
Temporary Income Tax Revenue	\$249,671	\$249,671
Ongoing Income Tax Revenue	\$4,329,144	\$3,878,013
Temporary Jobs - Sales Tax Revenue	\$38,838	\$38,838
Ongoing Jobs - Sales Tax Revenue	\$673,422	\$603,246
Total Benefits to State & Region	\$107,884,853	\$97,251,264

Benefit to Cost Ratio

	Benefit*	Cost*	Ratio
Local	\$92,481,495	\$223,353	414:1
State	\$4,769,768	\$155,815	31:1
Grand Total	\$97,251,264	\$379,168	256:1

*Discounted at 2%

Additional Comments from IDA

0

Does the IDA believe that the project can be accomplished in a timely fashion? Yes

Motion By: _____
Seconded By: _____

RESOLUTION
(Diamond Packaging Inc. Project)
OSC Code 2602-24-002A

A regular meeting of the County of Monroe Industrial Development Agency (the "Agency"), was held at the Agency's Offices, 50 West Main Street, Rochester, New York 14614, on February 20, 2024 at 12:00 p.m.

After the meeting had been duly called to order, the Chair announced that among the purposes of the meeting was to consider and take action on certain matters pertaining to a certain Project more particularly described below.

RESOLUTION OF THE COUNTY OF MONROE INDUSTRIAL DEVELOPMENT AGENCY (i) ACKNOWLEDGING THE PUBLIC HEARING HELD BY THE AGENCY ON FEBRUARY 15, 2024, WITH RESPECT TO A CERTAIN PROJECT (AS DEFINED BELOW) BEING UNDERTAKEN COLLECTIVELY BY DIAMOND PACKAGING INC., 111 COMMERCE DRIVE LLC AND COMMERCE DRIVE VENTURE LLC, OR RELATED ENTITIES FORMED OR TO BE FORMED (COLLECTIVELY, THE "COMPANY"); (ii) MAKING A DETERMINATION WITH RESPECT TO THE PROJECT PURSUANT TO SEQRA (AS DEFINED BELOW); (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, (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.

WHEREAS, by Title I of Article 18-A of the General Municipal Law of the State of New York, as amended and Chapter 55 of the Laws of 1972 of the State of New York (collectively, the "Act"), the Agency was created with the authority and power among other things, to assist with the acquisition of certain industrial development projects as authorized by the Act; and

WHEREAS, **DIAMOND PACKAGING INC.**, a New York corporation, **111 COMMERCE DRIVE LLC**, a New York limited liability company and **COMMERCE DRIVE VENTURE LLC**, a New York limited liability company, each for itself or a related entity formed or to be formed (collectively, the "Company") has requested that the Agency assist with a certain Project (the "Project"), consisting of: (A) the acquisition of a leasehold interest in an aggregate approximately 13-acre parcel of land located at 111, 145 and 155 Commerce Drive in the Town of Henrietta, New York 14623 and all other lands in the Town of Henrietta where, by license or easement or other agreement, the Company or its designees are making improvements that benefit the Project (collectively, the "Land") together with (i) the existing

approximately 80,000 square foot building (111 Commerce Drive); (ii) the existing approximately 40,000 square-foot building (145 Commerce Drive) and (iii) the existing approximately 80,000 square-foot building (155 Commerce Drive); all located on the Land (collectively, the "Existing Improvements"); (B)(i) the renovation of the 111 Commerce Drive building including, but not limited to, the addition of a new roof; (ii) the renovation of the 145 Commerce Drive building including, but not limited to, new HVAC system, new humidity control system, installation of new gas lines for heating, new flooring and three new dock doors for shipping; and (iii) the redesign and upgrading of the 155 Commerce Drive building (collectively, the "Improvements"); and (C) the acquisition and installation therein, thereon or thereabout of certain machinery, equipment and related personal property including, but not limited to, a state-of-the-art printing machine, two new indexing cold foil units and a sheeter (the "Equipment" and, together with the Land, the Existing Improvements and the Improvements, the "Facility"); for use by the Company in its printing and packaging business; and

WHEREAS, the Act authorizes and empowers the Agency to promote, develop, encourage and assist projects such as the Facility and to advance the job opportunities, health, general prosperity and economic welfare of the people of the State of New York; and

WHEREAS, pursuant to Section 859-a of the Act, on Thursday, February 15, 2024, at 11:30 a.m., local time, in the Main Meeting Room at the Henrietta Town Hall, 475 Calkins Road, Henrietta, New York 14623, the Agency held a public hearing with respect to the Project and the proposed Financial Assistance (as defined below) being contemplated by the Agency, whereat interested parties were provided a reasonable opportunity, both orally and in writing, to present their views; and

WHEREAS, it is contemplated that the Agency will (i) negotiate a project agreement (the "Project Agreement"), pursuant to which the Agency will appoint the Company as its agent for the purpose of undertaking the Project, (ii) negotiate and enter into a lease agreement (the "Lease Agreement"), leaseback agreement (the "Leaseback Agreement") and payment-in-lieu-of-tax agreement (the "PILOT Agreement") with the Company and (iii) provide financial assistance (the "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 Facility, (b) a partial mortgage recording tax exemption for financing relating to the Project and (c) a partial real property tax abatement structured through the PILOT Agreement; and

WHEREAS, the Company has agreed to indemnify the Agency against certain losses, claims, expenses, damages and liabilities which may arise in connection with the transactions contemplated by the lease of the Facility; and

WHEREAS, pursuant to the New York State Environmental Quality Review Act, Article 8 of the Environmental Conservation Law and the regulations adopted pursuant thereto at 6 N.Y.C.R.R. Part 617, as amended (collectively referred to as "SEQRA"), the Agency must satisfy the applicable requirements set forth in SEQRA, as necessary, prior to making a final determination whether to undertake the Project.

NOW, THEREFORE, BE IT RESOLVED by the County of Monroe Industrial Development Agency as follows:

Section 1. The Company has presented an application in a form acceptable to the Agency. Based upon the representations made by the Company to the Agency in the application and other correspondence submitted by the Company to the Agency, the Agency hereby finds and determines that:

(a) By virtue of the Act, the Agency has been vested with all powers necessary and convenient to carry out and effectuate the purposes and provisions of the Act and to exercise all powers granted to it under the Act; and

(b) The Facility constitutes a "project", as such term is defined in the Act; and

(c) It is desirable and in the public interest for the Agency to appoint the Company as its agent for purposes of undertaking the Project; and

(d) The action to be taken by the Agency will induce the Company to undertake the Project, thereby increasing employment opportunities in Monroe County and otherwise furthering the purposes of the Agency as set forth in the Act; and

(e) The Project will not result in the removal of a civic, commercial, industrial, or manufacturing plant of the Company or any other proposed occupant of the Project from one area of the State of New York (the "State") to another area of the State or result in the abandonment of one or more plants or facilities of the Company or any other proposed occupant of the Project located within the State; and the Agency hereby finds that, based on the Company's application, to the extent occupants are relocating from one plant or facility to another, the Project is reasonably necessary to discourage the Project occupants from removing such other plant or facility to a location outside the State and/or is reasonably necessary to preserve the competitive position of the Project occupants in their respective industries; and

(f) Pursuant to SEQRA, the Project constitutes a "Type II Action" as said term is defined in SEQRA, and therefore no further action is required to be taken under SEQRA.

Section 2. The Agency hereby determines that the acquisition of a leasehold interest in and the renovation, equipping, repair and maintenance of the Facility by the Agency and the lease or sublease of the Facility to the Company will promote job opportunities, health, general prosperity and the economic welfare of the inhabitants of the County of Monroe and the people of the State of New York and improve their standard of living, thereby serving the public purposes of the Act and, therefore, the same is approved.

Section 3. The Agency hereby approves the cost/benefit report submitted by the Company listing the proposed cost/benefits of the Project.

Section 4. Subject to the Company executing the Project Agreement and the delivery to the Agency of a binder, certificate or other evidence of liability insurance policy for the Project satisfactory to the Agency, the Agency hereby authorizes the Company to proceed with the acquisition, renovation and equipping of the Project and hereby appoints the Company as the true and lawful agent of the Agency to acquire, renovate and equip the Facility, and such appointment includes the following activities as they relate to the construction, erection,

completion, use, repair and maintenance of the Improvements and the purchase, use, lease, placement, installation, repair, maintenance and replacement of the Equipment, whether or not any materials or supplies described below are incorporated into or become an integral part of the Improvements or the Equipment: (i) all purchases, leases, rentals and other uses of tools, machinery and equipment in connection with acquiring, renovating, equipping, repairing and maintaining the Facility, (ii) all purchases, rentals, uses or consumption of supplies, materials and services of every kind and description in connection with acquiring, renovating, equipping, repairing and maintaining the Facility, and (iii) all purchases, leases, rentals and uses of equipment, machinery, and other tangible personal property (including installation costs with respect thereto), installed or placed in, upon or under the Improvements, Land or the Equipment, including all repairs, maintenance and replacement of all such property. Said agents are authorized to make, execute, acknowledge and deliver any contracts, orders, receipts, writings and instructions, as the stated agents for the Agency, and in general to do all things which may be requisite or proper for completing the Facility, all with the same powers and with the same validity as the Agency could do if acting on its own behalf. As agent of the Agency, the Company is authorized to delegate such agency, in whole or in part, to agents, subagents, contractors, subcontractors, contractors and subcontractors of such agents and subagents and to such other parties as the Company chooses; provided, however, the Project Agreement shall expire on **December 31, 2024** (unless extended for good cause by the Executive Director, Deputy Director, Chairman or Vice Chairman of the Agency) if the Lease Agreement, Leaseback Agreement and PILOT Agreement contemplated have not been executed and delivered. The Executive Director, Deputy Director, Chairman or Vice Chairman of the Agency are authorized and directed to execute and deliver to said agent an appropriate letter on Agency letterhead describing the authority granted under this resolution.

Section 5. Based upon the representation and warranties made by the Company in its application for financial assistance, the Agency hereby authorizes and approves (i) the Company as its agent, to make purchases of goods and services relating to the Project and that would otherwise be subject to New York State and local sales and use tax in an amount up to **\$2,645,377** which results in New York State and local sales and use tax exemption benefits ("sales and use tax exemption benefits") not to exceed **\$211,630**. The Agency agrees to consider any requests by the Company for increase to the amount of sales and use tax exemption benefits authorized by the Agency upon being provided with appropriate documentation detailing the additional purchases of property or services; (ii) a mortgage (or mortgages), in connection with the financing of the Facility or portions thereof and including any refinancing thereof, securing an aggregate principal amount not to exceed **\$10,000,000**, resulting in a mortgage tax exemption not to exceed **\$75,000**; and (iii) a partial real property tax abatement.

Section 6. Pursuant to Section 875(3) of the New York General Municipal Law, the Agency may recover or recapture from the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, any sales and use tax exemption benefits taken or purported to be taken by the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, if it is determined that: (i) the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, is not entitled to the sales and use tax exemption benefits; (ii) the sales and use tax exemption benefits are in excess of the amounts authorized to be taken by the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project; (iii) the sales and use tax exemption benefits are for property or services not authorized by the Agency as part of the Project; or (iv)

the sales and use tax exemption benefits are taken in cases where the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, fails to comply with a material term or condition to use property or services in the manner approved by the Agency in connection with the Project. As a condition precedent of receiving sales and use tax exemption benefits, the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, shall (i) cooperate with the Agency in its efforts to recover or recapture any sales and use tax exemption benefits, and (ii) promptly pay over any such amounts to the Agency that the Agency demands.

Section 7. The form and substance of the Lease Agreement, the Leaseback Agreement and the PILOT Agreement (each in substantially the forms presented to the Agency and which, prior to the execution and delivery thereof, may be redated) are hereby approved.

Section 8. The Executive Director, Deputy Director, Chairman or Vice Chairman of the Agency are hereby authorized, on behalf of the Agency, to negotiate and execute (A) the Lease Agreement whereby the Company leases the Project to the Agency, (B) the related Leaseback Agreement conveying the Project back to the Company, and (C) the PILOT Agreement; provided, that, (i) the rental payments under the Leaseback Agreement include payments of all costs incurred by the Agency arising out of or related to the Project and indemnification of the Agency by the Company for actions taken by the Company and/or claims arising out of or related to the Project; and (ii) the terms of the PILOT Agreement are consistent with the Agency's Uniform Tax Exemption Policy or the procedures for deviation have been complied with.

Section 9. The Executive Director, Deputy Director, Chairman or Vice Chairman of the Agency are hereby authorized, on behalf of the Agency, to execute and deliver any mortgage, assignment of leases and rents, security agreement, UCC-1 Financing Statements and all documents reasonably contemplated by these resolutions or required by any lender identified by the Company (the "Lender") up to a maximum principal amount necessary to undertake the Project, acquire the Facility and/or finance or refinance equipment and other personal property and related transactional costs (hereinafter, with the Lease Agreement, Leaseback Agreement and PILOT Agreement are collectively referred to as, the "Agency Documents"); and, where appropriate, the Secretary or Assistant Secretary of the Agency is hereby authorized to affix the seal of the Agency (if any) to the Agency Documents and to attest the same, all with such changes, variations, omissions and insertions as the Executive Director, Deputy Director, Chairman or Vice Chairman of the Agency shall approve, the execution thereof by the Executive Director, Deputy Director, Chairman or Vice Chairman of the Agency to constitute conclusive evidence of such approval; provided in all events recourse against the Agency is limited to the Agency's interest in the Project.

Section 10. The Executive Director, Deputy Director, Chairman or Vice Chairman of the Agency are hereby authorized and directed for and in the name and on behalf of the Agency to do all acts and things required and to execute and deliver all such certificates, instruments and documents, to pay all such fees, charges and expenses and to do all such further acts and things as may be necessary or, in the opinion of such Executive Director, Deputy Director, Chairman or Vice Chairman of the Agency acting, desirable and proper to effect the purposes of the foregoing resolutions and to cause compliance by the Agency with all of the terms, covenants and provisions of the documents executed for and on behalf of the Agency.

Section 11. This resolution shall take effect immediately.

[Remainder of Page Intentionally Left Blank]

The question of the adoption of the foregoing Resolution was duly put to vote on roll call, which resulted as follows:

	<u><i>Yea</i></u>	<u><i>Nay</i></u>	<u><i>Absent</i></u>	<u><i>Abstain</i></u>
Jay Popli				
Troy Milne				
Lisa Bolzner				
Joseph Alloco				
Rhett King				
Norman Jones				
Ann L. Burr				

The Resolutions were thereupon duly adopted.

STATE OF NEW YORK)
COUNTY OF MONROE) ss.:

I, the undersigned Executive Director of the County of Monroe Industrial Development Agency, DO HEREBY CERTIFY:

That I have compared the annexed extract of the minutes of the meeting of the County of Monroe Industrial Development Agency (the "Agency"), including the resolutions contained therein, held on February 20, 2024, with the original thereof on file in my office, and that the same is a true and correct copy of the proceedings of the Agency and of such resolutions set forth therein and of the whole of said original insofar as the same related to the subject matters therein referred to.

I FURTHER CERTIFY that public notice of the time and place of said meeting was duly given to the public and the news media in accordance with Sections 103 and 104 of the New York Public Officers Law (Open Meetings Law) that all members of the Agency had due notice of the meeting and that the meeting was in all respects duly held.

IN WITNESS WHEREOF, I have hereunto set my hand on this 20th day of February, 2024.

Ana J. Liss, Executive Director



APPLICATION FOR ASSISTANCE

Each applicant seeking assistance must complete this application and provide required supplemental forms/documentation.

Please answer all questions. Use "None" or "Not Applicable" where necessary. Information in this application may be subject to public review under New York State Law, except for information that is considered deniable by the Freedom of Information Law. This form is available at www.monroecountybusiness.org/application.

Please send completed application via email to EconomicDevelopment@monroecounty.gov. A **non-refundable** application fee of \$350.00 is required. Please see page 12 for additional information on costs and fees.

I. APPLICANT

A. Applicant Information

Name: Diamond Packaging Inc.
 Address: 111 Commerce Drive
 City/State/Zip: Rochester, NY 14623
 Tax Id No.: 263200
 Contact Name: Dan Brady
 Title: CFO
 Telephone: 585-334-8038 ext 237
 E-Mail: dbrady@diamondpackaging.com

B. Applicant's Legal Counsel

Name: Anthony Cotroneo
 Firm: Woods Oviatt
 Address: 1900 Bausch and Lomb Place
 City/State/Zip: Rochester, NY 14618
 Telephone: 585-987-2802
 Email: acotroneo@woodsoviatt.com

C. Owners of Applicant Company (must total 100%). If an LLC, LP or similar, all members/partners must be listed

Name	%	Corporate Title
Karla Fichter Reveocable Trust	60 %	CEO/Chairman
KALC Holdings	40 %	NA
	%	
	%	
	%	
	%	
	%	
	%	
	%	
	%	
	%	
	%	

II. PROJECT

A. Address of proposed project facility

Address: 111, 145,155 Commerce Drive
 Tax Map Parcel Number: 161.14-1-5; 161.15-1-1
 City/Town/Village: Henrietta
 School District: Rush Henreitta
 Zip: 15623
 Current Legal Owner of Property:
111 Commerce Drive LLC; Commerce Droiv

B. Benefits Requested (Check all that apply)

- ☒ Sales Tax Exemption
- ☒ Mortgage Recording Tax Exemption
- ☒ Real Property Tax Abatement
- ☐ Industrial Revenue Bond Financing

C. Description of project (check all that apply)

- ☐ New Construction
- ☒ Existing Facility
 - ☐ Acquisition
 - ☒ Expansion
- ☒ Renovation/Modernization
- ☐ Acquisition of machinery/equipment
- ☐ Other (specify) _____

D. Proposed User(s)/Tenant(s) of the Facility

If there are multiple Users/Tenants, please attach additional pages.
 Are the user and owner related entities? ☒ Yes ☐ No
 Company Name: _____
 Address: _____
 City/State/Zip: _____
 Tax ID No: _____
 Contact Name: _____
 Title: _____
 Telephone: _____
 Email: _____
 % of facility to be occupied by user/tenant _____

E. Owners of User/Tenant Company (must total 100%)

If an LLC, LP or similar, all members/partners must be listed

Name	%	Corporate Title
_____	%	_____
_____	%	_____
_____	%	_____
_____	%	_____

F. Project Timeline

Proposed Date of Acquisition: Aquaired May 2022
 Proposed Commencement Date of Construction: 3/1/24
 Anticipated Completion Date: May 31, 2024

G. Contractor(s)

Various: BW Paper Systems; Heidelberg

II. PROJECT (cont'd)

- H. Would the project be undertaken without financial assistance from the Agency? ☐ Yes ☒ No

Please explain why financial assistance is necessary.

Applicant has searched for locations outside Monroe County and without the financial incentives sought herein the project is not financially viable. Applicant has been approached by locations in South Carolina to move its operations there as many other speciality packaging companies have been lured there. The state and local economic development agencies have offered free land, utility infrastructure at no cost to the Applicant, training at zero cost to the Applicant for its new employees, a 15 year tax abatement, a 5 year corporate income tax abatement on products sold in South Carolina and a 10 year refund of payroll taxes.

Applicant seeks to remain in Monroe County where the company has been for over 100 years and avoid the disruption of moving to an entirely new location, despite the very attractive incentives being offered Applicant. Applicant is developing new technologies that will enable it to expand operations at its current facilities and any disruption caused by a move will impact those changes and innovations.

- I. Are other facilities or related companies located within New York State?

☐ Yes ☒ No

Location:

Will the Project result in the removal of an industrial or manufacturing plant of the Project occupant from one area of the state to another area of the state? ☐ Yes ☐ No

Will the Project result in the abandonment of one or more plants or facilities of the Project occupant located within the state?

☐ Yes ☒ No

If Yes to either question, explain how the Agency's Financial Assistance is required to prevent the Project from relocating out of the State, or is reasonably necessary to preserve the Applicant or User's competitive position in its respective industry:

- J. State Environmental Quality Review (SEQR) Act Compliance

COMIDA, in granting assistance to the Applicant, is required to comply with the New York State Environmental Quality Review Act (SEQR).

Does the proposed project require discretionary permit, license or other type of approval by the state or local municipality?

☐ YES - Include a copy of any SEQR documents related to this Project including Environmental Assessment Form, Final Determination, Local Municipality Negative Declaration, etc.

☒ NO

II. PROJECT (cont'd)

K. DESCRIPTION OF THE PROJECT AND BACKGROUND ON USER(S) OF THE FACILITY

NAICS Code: 323111

Applicant is a 110 year old Rochester, NY based company that is proudly woman owned business that primarily services Fortune 500 customers. At the very high end niche of printing and packaging industry, Applicant's manufacturing equipment is capital intensive and Applicant actively strives to stay at the forefront of technology and manufacturing evolutions. Applicant is currently experiencing exciting new growth in sales and it is necessary to invest in additional square footage and new cutting edge technology to match the growth and increase capacity.

As a result of its growth, Applicant is investing at its 111 Commerce Drive location a new state of the art printing machine, two new indexing cold foil units and other attendant machinery. Additional work will include an entire new roof for the building located at 111 Commerce Drive.

At 145 Commerce Drive, Applicant is investing in a total renovation of this building which will include new state of the art Rheem HVAC for the entire building, a new Condair humidity control system to assist with the sheeting process, installation of new gas lines for heating, flooring and three new dock doors for shipping. Additionally, Applicant is investing in a sheeteer that will be housed in an existing building located at 155 Commerce Drive being redesigned and upgraded to work with the Applicant's increased capacity and anticipate to complete the installation and work in this new 40,000 square foot facility by third quarter 2024.

The Applicant will be applying for a real estate tax abatement for the building located at 145 Commerce Avenue due to the extensive work being contemplated for this location.

Regarding the properties, please see ownership below:

111 Commerce Street (square footage of 80,000 sq ft) is owned by 11 Commerce Drive LLC, which is 100% owned by Karla Fichter

145/155 Commerce Drive (145 40,000 sq ft and 155 80 sq feet) is owned by Commerce Drive Venture LLC which is owned by:

Karla Fichter - 19%

Dave Rydell - 19%

Jesse Casper - 19%

Chris Cieslak - 21.5%

Dan Brady 21.5%

III. PROPERTY TAX ABATEMENT/PAYMENT IN LIEU OF TAX AGREEMENT (PILOT)

Check One:

☒ **JOBSPLUS**

Requirements:

- Applicant must commit to a 10% increase in full-time equivalent employment, measured on the existing impacted employee base, over a 3 year period. The required number of jobs is 24.

☐ **LEASEPLUS**

Requirements:

- University and/or medical related facilities in which a 501(c)3 entity leases from a for-profit entity.
- Company must commit to a 10% increase in full-time equivalent employment, measured on the existing impacted employee base, over a 3 year period. The required number of jobs is _____.

☐ **ENHANCED JOBSPLUS**

Requirements:

- A minimum \$15 million investment **AND**
- A minimum of 100 new jobs

☐ **GREEN JOBSPLUS**

Requirements:

- LEED® Certification – Project must be rated as Certified, Gold, Silver or Platinum by the United States Green Building Council's Leadership in Energy and Environmental Design (LEED®) Green Building Rating System.
- Company must commit to a 10% increase in full-time equivalent employment, measured on the existing impacted employee base, over a 3 year period. The required number of jobs is _____.

☐ **SHELTER RENT**

For student housing or affordable housing projects.

☐ **Local Tax Jurisdiction Sponsored PILOT**

☐ **NO PROPERTY TAX ABATEMENT IS SOUGHT FOR THIS PROJECT**

IV. APPLICANT PROJECT COSTS

- A. Estimate the costs necessary for the construction, acquisition, rehabilitation, improvement and/or equipment of the project by the APPLICANT.

Building Construction or Renovation

- a. Materials a. \$ 666,750
b. Labor b. \$ _____

Site Work

- c. Materials c. \$ 250000
d. Labor d. \$ 450000
e. Non-Manufacturing Equipment e. \$ 150000
f. Manufacturing Equipment f. \$ 7225000
g. Equipment Furniture and Fixtures g. \$ 25000
h. Land and/or Building Purchase h. \$ _____
i. Soft Costs (Legal, Architect, Engineering) i. \$ 982000
Other (specify) j. Painting/Signage j. \$ 253628
k. 2 Cold Foil Units k. \$ 1300000
l. _____ l. \$ _____
m. _____ m. \$ _____

Total Project Costs \$ 11,302,378
(must equal Total Sources)

- B. Sources of Funds for Project Costs:

- a. Tax-Exempt Industrial Revenue Bond a. \$ _____
b. Taxable Industrial Revenue Bond b. \$ _____
c. Bank Financing c. \$ 10,000,000
d. Public Sources d. \$ _____

Identify each state and federal grant/credit

\$ _____

\$ _____

\$ _____

\$ _____

- e. Equity \$ 1,302,378

TOTAL SOURCES \$ 11,302,378
(must equal Total Project Costs)

- C. Has the applicant made any arrangements for the financing of this project

☒ Yes ☐ No

If yes, please specify bank, underwriter, etc.

M & T Financing

V. COMPLETE FOR EACH USER/TENANT THAT IS SEEKING SALES TAX EXEMPTIONS USER(S)/TENANT(S) PROJECT COSTS

Use additional sheets as necessary

Company Name _____

- A. Estimate the costs necessary for the construction, acquisition, rehabilitation, improvement, and/or equipping of the project by the user(s)/tenant(s) for which a sales tax exemption is requested.

Estimated Costs Eligible for Sales Tax Exemption Benefit

- a. Materials a. \$ _____
b. Labor b. \$ _____
c. Non-Manufacturing Equipment c. \$ _____
d. Manufacturing Equipment d. \$ _____
e. Furniture and Fixtures e. \$ _____
Other (specify): f. _____ f. \$ _____
g. _____ g. \$ _____
h. _____ h. \$ _____
i. _____ i. \$ _____

Total Project Costs \$ _____

**Value of Incentives
Diamond Packaging, Inc.**

A. IDA PILOT Benefits:

Current Assessment	\$6,600,000
Value of New Construction & Renovation Costs	\$916,750
Estimated New Assessed Value Subject to IDA	\$7,516,750
Current Taxes	\$151,008
Current Taxes Escalator	2%
PILOT Terms - Years	10
County Tax rate/\$1,000	6.44000
Local Tax Rate* Tax Rate/\$1,000	1.06000
School Tax Rate /\$1,000	15.38000
Total Tax Rate	22.88000

B. Sales Tax Exemption Benefit:

Estimated value of Sales Tax exemption:	\$211,630
Estimated duration of ST exemption:	12/31/2024

C. Mortgage Recording Tax Exemption (MRTE) Benefit:

Estimated Value of MRTE:	\$75,000
--------------------------	----------

D. Industrial Revenue Bond Benefit

IRB inducement amount:	\$0
------------------------	-----

E. Percentage of Project Costs financed from Public Sector sources:

Total Value of Incentives:	\$386,233
Project Construction Costs:	\$11,302,378
	3.42%

PILOT Schedule

PILOT Year	% Abatement	County PILOT Amount	Local PILOT Amount	School PILOT Amount	Total PILOT Amount	Full Tax Payment w/o PILOT***	Net Exemption**
	Total	\$36,611	\$6,026	\$87,433	\$130,070	\$229,673	\$99,603
1	90%	\$590	\$97	\$1,410	\$2,098	\$20,975	\$18,878
2	80%	\$1,204	\$198	\$2,876	\$4,279	\$21,395	\$17,116
3	70%	\$1,843	\$303	\$4,401	\$6,547	\$21,823	\$15,276
4	60%	\$2,506	\$412	\$5,985	\$8,904	\$22,259	\$13,355
5	50%	\$3,195	\$526	\$7,631	\$11,352	\$22,704	\$11,352
6	40%	\$3,911	\$644	\$9,340	\$13,895	\$23,158	\$9,263
7	30%	\$4,654	\$766	\$11,115	\$16,535	\$23,622	\$7,086
8	20%	\$5,425	\$893	\$12,957	\$19,275	\$24,094	\$4,819
9	10%	\$6,226	\$1,025	\$14,868	\$22,118	\$24,576	\$2,458
10	0%	\$7,056	\$1,161	\$16,850	\$25,067	\$25,067	\$0

VII. PROJECTED EMPLOYMENT

Complete for each Applicant or User/Tenant

Company Name: Diamond Packaging Inc.

Applicant: ☒

or

User/Tenant: ☐

Applicant/Tenant creating jobs must submit most recent NYS-45 or equivalent.

	Current # of jobs at proposed project location or to be relocated to project location	IF FINANCIAL ASSISTANCE IS GRANTED – project the number of FTE and PTE jobs to be RETAINED	IF FINANCIAL ASSISTANCE IS GRANTED – project the number of FTE and PTE jobs to be CREATED upon THREE Years after Project completion	Estimate number of residents of the Labor Market Area in which the Project is located that will fill the FTE and PTE jobs to be created upon THREE Years after Project Completion **
Full time (FTE)	236	236	80	80
Part Time (PTE)	0	0	10	10
Total	236	236	90	90

** For purposes of this question, please estimate the number of FTE and PTE jobs that will be filled, as indicated in the third column, by residents of the Labor Marker Area, in the fourth column. The Labor Marker Area includes: Monroe County, Orleans County, Genesee County, Wyoming County, Livingston County, Ontario County, Wayne County, Yates County, and Seneca County chosen at the Agency's discretion.

[Remainder of this Page Intentionally Left Blank]

VIII. LOCAL LABOR

To be completed by all Applicants and Users/Tenants of Projects which include the construction of new, expanded or renovated facilities:

Diamond Packaging

Company Name _____

Applicant: ☒ **and/or User/Tenant:** ☐

The County of Monroe Industrial Development Agency (IDA) was established for the purpose of creating employment opportunities for, and to promote the general prosperity and economic welfare of the residents of Monroe County. The IDA offers economic incentives and benefits to qualified applicants who wish to locate or expand their businesses or facilities in Monroe County. When the IDA approves a project, it enters into agreements to extend these incentives and benefits to the applicant.

Construction jobs are vital to the overall employment opportunities and economic growth in Monroe County. The IDA believes that companies benefiting from its incentive programs should employ local laborers, mechanics, craft persons, journey workers, equipment operators, truck drivers and apprentices ("construction workers"), during the construction phase of projects.

DB

Initial

100% Local Labor

Applicants receiving IDA benefits **must** ensure that the it and/or its contractor/developer hire **100% of its construction workers from the local labor market.**

DB

Initial

Local Labor Market

For the purpose of this policy, the local labor market is defined as construction workers residing in the following counties in New York State: Monroe, Genesee, Livingston, Orleans, Ontario, Seneca, Steuben, Wayne, Wyoming and Yates.

DB

Initial

Bid Processing

Local participation in qualified projects receiving IDA economic incentives and benefits is vital to the economic growth of Monroe County. As such, all applicants/contractors/developers of a qualified project with a minimum \$5,000,000 investment must place any and all invitations to bid in the Builders Exchange of Rochester Plan Room (<https://robex.com/planroom/>) two weeks before the bids are due.

DB

Initial

Monitoring

A third-party auditing firm ("Project Monitor") will be engaged to monitor construction work commencing on the date benefits are granted by resolution of the IDA Board.

Once approved for IDA benefits, all applicants will be required to provide to the Project Monitor and the Exemption Processor (as hereinafter defined) the following information:

1. Contact information for the applicant's representative who will be responsible and accountable for providing information about the bidding and awarding of construction contracts relative to the applicant's project; and
2. Description of the nature of construction jobs created by the project, including in as much detail as possible, the number, type and duration of construction positions.

All Monroe County IDA projects are subject to local monitoring by the IDA and the Project Monitor. Proof of residency or copy of drivers' license shall be checked by the Project Monitor during the Project Monitor's periodic inspection of the project.

The Project Monitor shall issue a report to the IDA staff immediately when an applicant or applicant's contractor is not in compliance with this labor policy. IDA staff shall advise the IDA Board of non-compliance by email or at the next scheduled meeting. If a violation of policy has occurred, the Project Monitor shall notify the applicant and contractor of such non-compliance and give applicant a warning of violation and 72 hours in which to correct such violation. Upon evidence of continued non-compliance or additional violations, the IDA and/or the Project Monitor shall notify the applicant that the project is in violation of the Monroe County IDA Labor Policy and is subject to IDA Board action which may result in the revocation, termination and/or recapture of any or all benefits conferred by the IDA.

DB
Initial

Signage

The applicant/contractor/developer of an IDA approved project shall be required to maintain a sign, provided by the Project Monitor, on the project site at all times during construction. This sign shall be located in an area that is accessible to onsite workers and visitors, which should be clear and legible.

DB
Initial

Exemption Process

In some instances, use of 100% local labor may not be possible for any of the following reasons:

- Warranty issues related to installation of specialized equipment whereby the manufacturer requires installation by only approved installers (a copy of the equipment warranty confirming the use of specific installers must be provided). The granting of an exemption for the use of non-local labor on warranty related grounds is expressly conditioned on either (i) said non-local sub-contractors being enrolled in a New York State certified apprenticeship program (proof of such enrollment shall be provided to the IDA upon request) or (ii) the hiring of an apprentice/apprentices or local construction laborer(s) to assist in the installation.
- Specialized construction is required and no local contractors or local construction workers have the required skills, certifications or training to perform the work (proof of communication with local contractors, or details of the specialized construction must be provided);
- Significant cost differentials in bids whereby use of local labor significantly increases the cost of the project. Three (3) bids are required and a cost differential of 25% is deemed significant. Where there is a significant cost differential, that if the local labor contractor agrees to reduce the bid to the average of the two bids, no waiver will be granted. However, if the average is still 25% or more, a waiver will be granted (copies of all bids/proposals received, including pricing, must be provided to confirm cost differential).
- No local labor available for the project (if local bids were solicited with no response, please provide a copy of the bid, explain how it was advertised, and list who the bids were requested from).

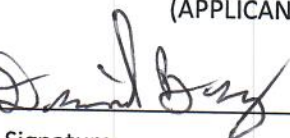
The request to secure an exemption for the use of non-local labor must be received from the applicant on the exemption form provided by the IDA or the 3rd party exemption monitor (the "Exemption Processor") and received by the Exemption Process forty-five (45) days in advance of work commencing. The request will be reviewed by the Exemption Processor and forwarded to the IDA, at which time the IDA's Executive Director shall have the authority to approve or disapprove the exemption. The Exemption Processor shall report each authorized exemption to the Board of Directors at its monthly meeting.

The applicant has read the Labor Policy and agrees to adhere to it without changes and shall require its construction manager, general contractor and sub-contractors who are not exempt to acknowledge the same.

The foregoing terms have been read, reviewed and understood by the Applicant or User/Tenant and all appropriate personnel. Furthermore, the undersigned agrees and understands that the information contained herein must be transmitted and conveyed in a timely fashion to all applicable subcontractors, suppliers and materialman. Furthermore, the undersigned agrees to post and maintain a sign, provided by COMIDA, in a prominent, easily accessible location, identifying the project as a recipient of COMIDA assistance and the local labor requirements associated with this assistance.

Furthermore, the undersigned realizes that failure to abide by the terms herein could result in COMIDA revoking all or any portion of benefits it deems reasonable in its sole discretion for any violation hereof.

Diamond Packaging Inc.

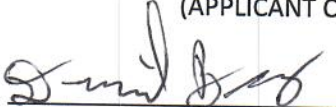
<hr/>			<hr/>		
(APPLICANT COMPANY)			(TENANT COMPANY)		
					
Signature	, Title	Date	Signature	, Title	Date
		CFO 1/26/24			

IX. FEES

Transaction Type	Fees
Lease/Leaseback including any/all of the following: 1. PILOT Agreement 2. Sales and Tax Exemption* 3. Mortgage Tax Exemption	Application Fee: Non-refundable \$350.00 IDA Fee: 0.75% of the total project cost Legal Fee: 0.33% of the IDA fee. Minimum fee of \$4,000.
Sales Tax Exemption* and/or Mortgage Recording Tax Exemption	Application Fee: Non-refundable \$350.00 IDA Fee: 0.50% of the total project cost Legal Fee: 0.33% of the IDA fee. Minimum fee of \$4,000 if transaction includes mortgage recording tax exemption. Minimum fee of \$750 if transaction is sales tax exemption only.
Bond: Taxable or Tax-Exempt with Lease/Leaseback Including any/all of the following: 1. PILOT Agreement 2. Sales Tax Exemption* 3. Mortgage Tax Exemption	Application fee: Non-refundable \$350 IDA Fee: 1.25% of the total project cost Legal Fee: 0.33% of IDA fee Designated Bond Counsel fee is based on the complexity and amount of the transaction
Bond: Taxable or Tax-Exempt	Application fee: Non-refundable \$350 IDA Fee: 1.00% of the total project cost Legal fee: 0.33% of the IDA fee Designated Bond Counsel fee is based on the complexity and amount of the transaction.

*If the sales tax benefits are required prior to closing, a non-refundable twenty-five percent (25%) of the IDA fee and Legal fees are payable at that time. This amount will be applied towards the IDA fee and Legal fee.

Diamond Packaging Inc.

_____ (APPLICANT COMPANY)			_____ (TENANT COMPANY)		
	CFD	1/26/24			
Signature	, Title	Date	Signature	, Title	Date

X. CERTIFICATION

The undersigned company officer and/or user/tenant officer each hereby certifies, on behalf of the company and/or user/tenant, respectively (each singularly and together, the "Applicant"), as follows:

- A. The information contained in this Application, including employment information, is true and correct. The Applicant is aware that any material misrepresentation made in this Application constitutes an act of fraud, resulting in revocation of COMIDA benefits.
- B. The undersigned, on behalf of the Applicant, hereby certifies that the Applicant, and all parties which have ownership of the Applicant are current and will remain current on all real property, federal, state, sales, income and withholding taxes throughout the term of any agreements made in connection with this Application.
- C. Compliance with N.Y. GML Sec. 862(1): Applicant understands and agrees that the provisions of Section 862(1) of the New York General Municipal Law, as provided below, will not be violated if Financial Assistance is provided for the proposed Project:
 § 862. Restrictions on funds of the agency. (1) No funds of the agency shall be used in respect of any project if the completion thereof would result in the removal of an industrial or manufacturing plant of the project occupant from one area of the state to another area of the state or in the abandonment of one or more plants or facilities of the project occupant located within the state, provided, however, that neither restriction shall apply if the agency shall determine on the basis of the application before it that the project is reasonably necessary to discourage the project occupant from removing such other plant or facility to a location outside the state or is reasonably necessary to preserve the competitive position of the project occupant in its respective industry.
- D. Compliance with Applicable Laws: The Applicant confirms and acknowledges that the owner, occupant, or operator receiving Financial Assistance for the proposed Project is in substantial compliance with applicable local, state and federal tax, worker protection and environmental laws, rules and regulations.
- E. False and Misleading Information: The Applicant confirms and acknowledges that the submission of any knowingly false or knowingly misleading information may lead to the immediate termination of any Financial Assistance and the reimbursement of an amount equal to all or part of any tax exemption claimed by reason of the Agency's involvement the Project.
- F. Recapture: Should the Applicant not expend as projected or hire as presented, the Agency may view such information/status as failing to meet the established standards of economic performance. In such events, some or all of the benefits taken by the Applicant will be subject to recapture.
- G. Pay Equity: The Applicant and/or user/tenant officer certifies on behalf of the company and/or user/tenant (the Applicant) has not been the subject of an adverse finding under the equal pay laws within the previous five years, has disclosed any pending equal pay claims against the company at time of application, and shall disclose to COMIDA any pending claims or adverse findings under the equal pay laws during the term of COMIDA financial assistance agreement.
- H. Applicant hereby releases the COMIDA ("Agency") from, agrees that the Agency shall not be liable for, and agrees to indemnify, defend and hold the Agency harmless from and against any and all liability arising from or expense incurred by (A) the Agency's examination and processing of, and action pursuant to or upon, this Application, regardless of whether or not this Application or the Project described herein or the tax exemptions and other assistance requested herein are favorably acted upon by the Agency; (B) the Agency's acquisition, construction, renovation and/or equipping of the Project described herein; and (C) any further action taken by the Agency with respect to the Project; including, without limiting the generality of the foregoing, all causes of action and attorneys' fees and any other expenses incurred in defending any suits or actions which may arise as a result of any of the foregoing. Applicant hereby understands and agrees, in accordance with Section 875(3) of the New York General Municipal Law, that any New York State and local sales and use tax exemption claimed by the Applicant and approved by the Agency in connection with the Project may be subject to recapture by the Agency under such terms and conditions as will be set forth in the Agent Agreement to be entered into by and between the Agency and the Applicant. The Applicant further represents and warrants that the information contained in this Application, including without limitation, information regarding the amount of New York State and local sales and use tax exemption benefits, is true, accurate and complete.

APPLICANT COMPANY

Diamond Packaging Inc.

Daniel B. [Signature] CFO 1/26/24

Signature, Title Date

TENANT COMPANY

 Signature, Title Date



MODIFICATION SUMMARY

DATE: February 20, 2024

APPLICANT: IDEX Health & Science LLC
1180 John Street
Henrietta, NY 14586

PROJECT LOCATION: 1180 John Street
Henrietta, NY 14586

MODIFICATION REQUEST: IDEX Health & Science LLC is constructing a new 10,000 sf clean room at its current location in the Town of Henrietta. IDEX was approved for a sales tax exemption in November 2022. IDEX is a photonics manufacturer, providing life science and medical devise, semi-conductors, industrial automation and machine vision. The \$9 million project is projected to create 57 new FTEs. The applicant is now seeking an extension of the sales tax exemption through December 31, 2024 as the project is still under construction.

PROJECT AMOUNT ORIGINAL
\$9,000,000

Motion By: _____
Seconded By: _____

RESOLUTION
 (IDEX Health & Science LLC Project Modification)
 OSC Code 2602-22-035B

A regular meeting of the County of Monroe Industrial Development Agency (the "Agency"), was held at the Agency's offices located at 50 West Main Street, Rochester, New York 14614, on February 20, 2024 at 12:00 p.m.

After the meeting had been duly called to order, the Chair announced that among the purposes of the meeting was to consider and take action on certain matters pertaining to a certain Project more particularly described below.

RESOLUTION OF THE COUNTY OF MONROE INDUSTRIAL DEVELOPMENT AGENCY (THE "AGENCY") AUTHORIZING THE EXTENSION OF THE SALES AND USE TAX EXEMPTION BENEFITS (AS HEREINAFTER DEFINED) GRANTED TO IDEX HEALTH & SCIENCE LLC (THE "COMPANY") THROUGH DECEMBER 31, 2024, AND THE EXECUTION OF RELATED DOCUMENTS.

WHEREAS, by Title I of Article 18-A of the General Municipal Law of the State of New York, as amended and Chapter 55 of the Laws of 1972 of the State of New York (collectively, the "Act"), the Agency was created with the authority and power among other things, to assist with the acquisition of certain industrial development projects as authorized by the Act; and

WHEREAS, by Resolution duly adopted on November 15, 2022, the Agency appointed **IDEX HEALTH & SCIENCE LLC**, a Delaware limited liability company, for itself or a related entity formed or to be formed (collectively, the "Company"), the true and lawful agent of the Agency to undertake a certain project (the "Project") consisting of: (A) the renovation and expansion of the Company's existing space in the building located at 1180 John Street in the Town of Henrietta, New York 14586 and any lands located in the County of Monroe and occupied by license or easement during renovation or improved by third parties for the benefit of the Project (the "Existing Improvements") to include an approximately 10,000 square-foot "clean room" (the "Improvements"); and (B) the acquisition and installation therein, thereon or thereabout of certain machinery, equipment and related personal property (the "Equipment" and, together with the Improvements, the "Facility") for use in the Company's manufacturing business; and

WHEREAS, the Agency previously appointed the Company as its true and lawful agent to make purchases of goods and services relating to the Project that would otherwise be subject to New York State and local sales and use tax (the "Sales and Use Tax Exemption Benefits") through December 31, 2023; and

WHEREAS, the Company has, pursuant to a certain Project Modification Request, dated February 5, 2024, requested the Agency grant an extension to the Sales and Use Tax Exemption Benefits through December 31, 2024; and

WHEREAS, the Agency desires to adopt a resolution authorizing the extension of Sales and Use Tax Exemption Benefits to the Company and the execution and delivery of any documents necessary and incidental thereto.

NOW, THEREFORE, BE IT RESOLVED by the County of Monroe Industrial Development Agency as follows:

Section 1. Based upon the representation and warranties made by the Company in its request, the Agency hereby authorizes and approves the Company, as its agent, to continue to make purchases of goods and services relating to the Project and that would otherwise be subject to New York State and local sales and use tax through **December 31, 2024**. The Agency agrees to consider any requests by the Company for another extension or an increase to the amount of Sales and Use Tax Exemption Benefits authorized by the Agency upon being provided with appropriate documentation detailing the additional purchases of property or services.

Section 2. The Executive Director, Deputy Director, Chairman or Vice Chairman of the Agency are hereby authorized, on behalf of the Agency, to execute and deliver any agreements, documents or certificates necessary and incidental to providing the Company with the Sales and Use Tax Exemption Benefits and necessary to effectuate the above-described extension.

Section 3. The Executive Director, Deputy Director, Chairman or Vice Chairman of the Agency are hereby authorized and directed for and in the name and on behalf of the Agency to do all acts and things required and to execute and deliver all such certificates, instruments and documents, to pay all such fees, charges and expenses and to do all such further acts and things as may be necessary or, in the opinion of such Executive Director, Deputy Director, Chairman or Vice Chairman of the Agency acting, desirable and proper to effect the purposes of the foregoing resolutions and to cause compliance by the Agency with all of the terms, covenants and provisions of the documents executed for and on behalf of the Agency.

Section 4. This resolution shall take effect immediately.

[Remainder of Page Intentionally Left Blank]

The question of the adoption of the foregoing Resolution was duly put to vote on roll call, which resulted as follows:

	<u><i>Yea</i></u>	<u><i>Nay</i></u>	<u><i>Absent</i></u>	<u><i>Abstain</i></u>
Jay Popli				
Troy Milne				
Lisa Bolzner				
Joseph Alloco				
Rhett King				
Norman Jones				
Ann L. Burr				

The Resolutions were thereupon duly adopted.

STATE OF NEW YORK)
COUNTY OF MONROE) ss.:

I, the undersigned Executive Director of the County of Monroe Industrial Development Agency, DO HEREBY CERTIFY:

That I have compared the annexed extract of the minutes of the meeting of the County of Monroe Industrial Development Agency (the "Agency"), including the resolutions contained therein, held on February 20, 2024, with the original thereof on file in my office, and that the same is a true and correct copy of the proceedings of the Agency and of such resolutions set forth therein and of the whole of said original insofar as the same related to the subject matters therein referred to.

I FURTHER CERTIFY that public notice of the time and place of said meeting was duly given to the public and the news media in accordance with Sections 103 and 104 of the New York Public Officers Law (Open Meetings Law) that all members of the Agency had due notice of the meeting and that the meeting was in all respects duly held.

IN WITNESS WHEREOF, I have hereunto set my hand on this 20th day of February, 2024.

Ana J. Liss, Executive Director

Applicant:	IDEX Health & Science LLC		
Project Address:	1180 John Street		
Contact Name:	Jessica Moxley		
Contact Company:	IDEX Health & Science LLC		
Contact Address:	1180 John Street		
Contact Email:	jmxley@idexcorp.com	Contact Phone:	315-425-2874

Employment in Monroe County:	389	3	1/31/2024
	Full Time	Part Time	As of Date

Modification Requested: Check all that apply. (Attach additional page if necessary). Legal fees apply.
A substantial change in project costs or scope may require a new application.

☐ **Increase in Project Costs:** Must complete page 2. (If there is a significant change in Project Scope, an application will be required.)

Assistance Requested: Check all that apply.

☐ Property Tax Abatement ☐ Mortgage Tax Exemption ☐ Sales Tax Exemption

Project Cost Information: \$ _____ \$ _____ \$ 0
Original Project Cost Increase in Project Costs New Project Costs

☒ **Extend or Renew Sales Tax Exemption:** (If exemption date has expired, a \$350 fee applies.)

12/31/2023	12/31/2024	\$ 160,762
Current Expiration Date	Requested Expiration Date	Amount of Exemptions Taken to Date

Reason for Extension:
Project is still under construction.

☐ **New Tenant:** Include name, business description , and square feet to be occupied.

Applicant hereby represents that (i) it is not in default under any documents executed in connection with the Project being modified; (ii) Applicant will pay all applicable fees of the Agency and its counsel in connection with the modification of the Project.

Signed:   Date: 02/05/2024

Print Name and Title: Jessica Moxley, Senior Director of Finance

Staff Use Only:	2/20		
Date Received	2/5/2024	Date of Original Approval:	11/15/2022
		New Code 2602	22 035 B

PILOT Termination - 63 N. Plymouth Ave

From: Rachel C. Baranello <rbaranello@HarrisBeach.com>
Sent: Friday, January 19, 2024 10:01 AM
To: Zazzara, Michael S. <Michael.Zazzara@CityofRochester.Gov>
Cc: Lori Palmer <lpalmer@HarrisBeach.com>; 'Finnerty, Robin' <RFinnerty@monroecounty.gov>; Campolieto, John M. <John.Campolieto@CityofRochester.Gov>
Subject: RE: 63 N. Plymouth Ave

Warning: This email originated from an external source. Please do not open attachments, click on links, or provide your username or password if the source is suspicious.

Hi Mike,

In similar situations, COMIDA has sent notices to property owners giving them 30 days to respond. It is likely best to follow that process here as well. We can get the notice out early next week and have the COMIDA board approve termination on February 20th (assuming no response or confirmed noncompliance).

We will include the City on the correspondence to Mr. Bermudez.

Thanks

Rachel C. Baranello
Partner

99 Garnsey Road
 Pittsford, NY 14534
 585.419.8769 Direct
 607.423.6097 Mobile
 585.419.8801 Fax
 585.419.8800 Main



HARRISBEACH.COM

Albany | Buffalo | Ithaca | Long Island
 New York City | Rochester | Saratoga Springs
 Syracuse | White Plains | New Haven, CT
 Newark, NJ | Washington, D.C.

From: Zazzara, Michael S. <Michael.Zazzara@CityofRochester.Gov>
Sent: Thursday, January 18, 2024 4:24 PM
To: Rachel C. Baranello <rbaranello@HarrisBeach.com>
Cc: Lori Palmer <lpalmer@HarrisBeach.com>; 'Finnerty, Robin' <RFinnerty@monroecounty.gov>; Campolieto, John M.

<John.Campolieto@CityofRochester.Gov>

Subject: 63 N. Plymouth Ave

Rachel, Robin & Lori,

The owner of 63 N. Plymouth Avenue, Eduardo Bermudez had a hearing today with our Appraiser to review the new assessment. Our Appraiser noticed the California mailing address which was changed a couple of years ago, but was never brought to my attention. The owner did indicate he lives in CA.

There is normal water consumption so I assume the unit is being rented.

What I would like to do is remove the exemption send them a letter with you cc'd in. They can contest the removal or denial of exemption with the Board of Assessment Review.

Please let me know your thoughts.

Total 1 Owners: To open, click the appropriate row (Right Click to Add)									
Bermudez Eduardo - Comida		Owner Type: Primary			Desig Status:				
<div> <div>Last Name / Company: Bermudez Eduardo - Comida</div> <div>First Name: </div> <div>MI: </div> <div>Jr., Sr., etc: </div> </div>									
Attention To / In Care Of: 				Additional Address: 					
Street No: 630	Prefix Dir: ▼	Street / Rural Route: Alhambra		St Suffix: Blvd ▼	Post Dir: ▼	UnitName: ▼	Unit No: 		
Po Box No: 	City/Town: Sacramento		State: CA ▼	Zip Code: 95816-					
Country: enter if not "USA" 		Bar Cd: 23	Ownership: e.g. Life Use 		Owner Type: P = Primary ▼				
Owner's Primary Residence ▼									

Thanks,
Mike



Michael S. Zazzara
City Assessor
City of Rochester
Bureau of Assessment
City Hall, 30 Church Street, Room 101A
Rochester, NY 14614-1299
Phone: 585-428-6087
Michael.Zazzara@cityofrochester.gov
www.cityofrochester.gov

Statement of Confidentiality

This electronic message may contain privileged or confidential information. If you are not the intended recipient of this e-mail, please delete it from your system and advise the sender

County of Monroe Industrial Development Agency (COMIDA)
Intent to Apply for FAST NY Grant Funding
Please include site plan and/or aerial photo of the site

Contact Name: **Aaron Malbone**
 Contact Company: **Buckingham Properties**
 Contact Address: **259 Alexander Street**
 City, State, Zip: Rochester, **NY 14607**

Project Name: **Winfield Park**

Municipal/Municipally Designated Organization Name

- *County of Monroe Industrial Development Agency (COMIDA)*

Type of Applicant

- *Municipally Designated Local Development Corporation/Industrial Development Agency*

Type of Municipality (if applicable)

- *County*

Street Address

- *50 West Main Street, Suite 1150*

City

- *Rochester*

State

- *NY*

Zip Code

- *14614*

County

- *Monroe*

Individual Contact Name

- *Ana Liss*

Title

- *Executive Director*

Phone Number

- *(585)753-2012*

Email Address

- *Analiss@monroecounty.gov*

Name of Project

- *Winfield Park*

Site Address

- *3010, 3020, 3030, 3162, 3180 Brighton Henrietta Townline Rd, 3040 South Clinton Ave. Rochester NY 14623*

County

- *Monroe*

Region

- *Finger Lakes*

Number of Acres

- *133*

Type of Grant Requested (Check One)

- ☐ *Track B – Pre-Development Grants (X)*
- ☐ *Track C- Infrastructure*

Estimated Total FAST NY Request

- *\$500,000 for Track B*

Estimated Total Project Cost

- *\$262,000,000.00*

Site Control Documentation

- *Written consent from ownership entity to apply*

Targeted Industry (Check all that apply)

- ☐ *Agribusiness*
- ☒ *Industrial Machine Manufacturing (X)*
- ☒ *Life Sciences (X)*
- ☐ *Materials Processing*
- ☒ *Optics (X)*
- ☒ *Clean/Tech Renewable Energy (X)*
- ☐ *Transportation Equipment*
- ☒ *Semi-Conductors (X)*
- ☒ *Other (X)*
- ☐ *Interstate Distribution and Logistics*

Site Activities (Check all that apply)

- ☒ *Manufacturing (X)*
- ☒ *Research & Development (X)*
- ☐ *Office Park*
- ☒ *Interstate Distribution and Logistics (X)*

Brief Project Description:

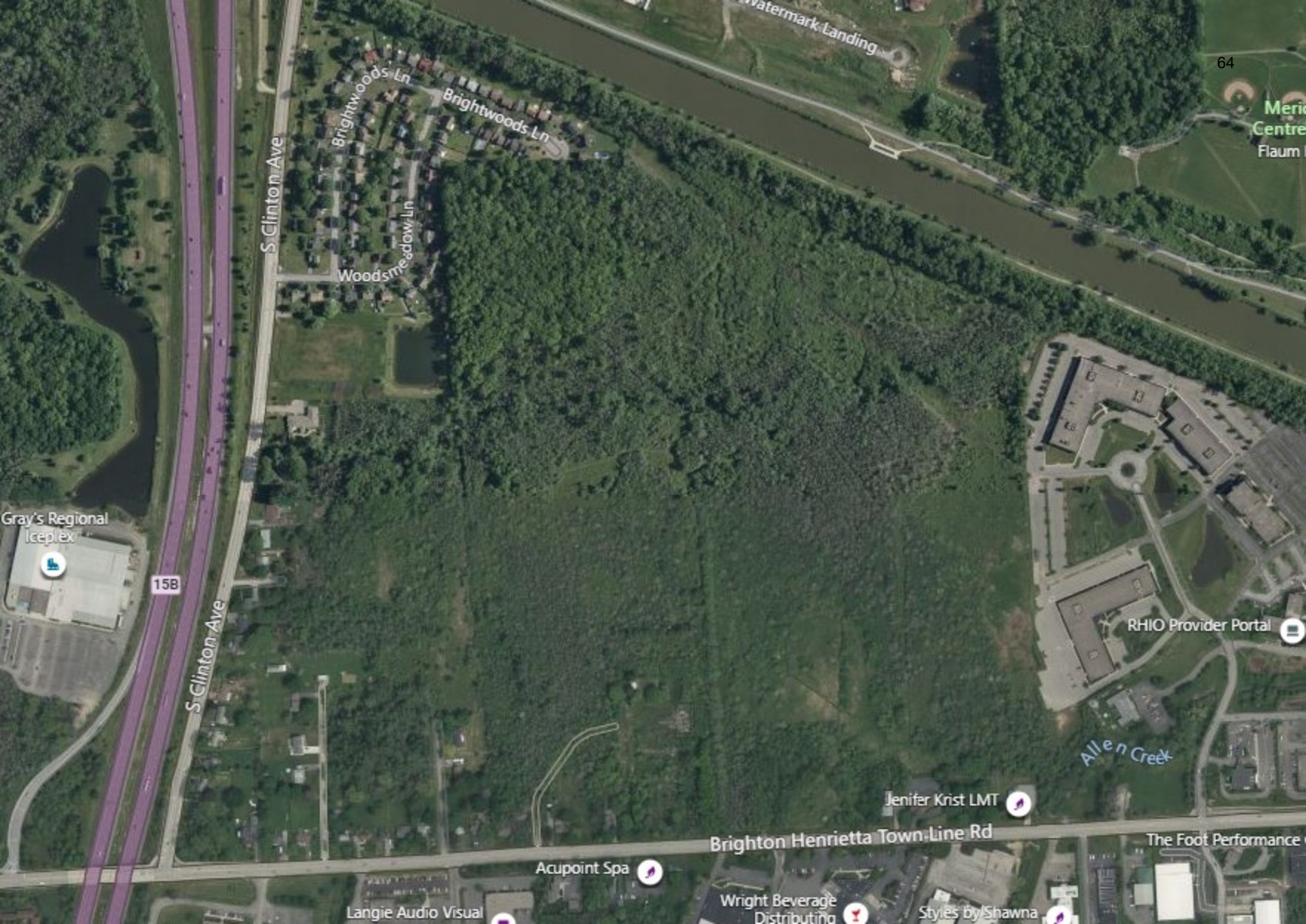
Provide a brief description that includes how the project or site meets FAST NY goals (e.g., that prepare an emerging pipeline of future shovel ready sites, or improve the shovel readiness of existing mature sites). The description should include the size of the project or site (in acres). It should also include how the eligible applicant would use the grants from the program and how their end goal for the project or site would impact the local and state economies. This should include the high-level plan to market the site for an intended industry. The description should not exceed 200 words.

Winfield Park is a ±133 acre mixed use project located to the northeast of the intersection of Brighton Henrietta Town Line Road and South Clinton Avenue. The project will include a combination of high tech business park, low intensity commercial area, affordable housing parcel, market rate apartments, and retail services.

The Track B grant monies would be used to complete the public utilities electrical infrastructure engineering and design. This work is needed to facilitate the new electrical infrastructure upgrades for this project and the surrounding area. This work would align with New Yorks electrical initiatives.

Getting this project approved and under way would create substantial economic benefit to the local and state economy and the increased tax basis in all areas. This project would create hundreds of jobs though out the duration of construction and the full-time jobs that would remain from businesses that occupy the site and surrounding area.

The demand for this project cannot be understated as we continue to see the need for this type of mixed-use development from our local business generators and their request from out of state companies that want to be in NY and specifically this area of the state.



S Clinton Ave

15B

S Clinton Ave

Brightwoods Ln

Brightwoods Ln

Woodsmeadow Ln

Gray's Regional Iceplex

Brighton Henrietta Town Line Rd

Allen Creek

RHIO Provider Portal

Jenifer Krist LMT

Acupoint Spa

Langie Audio Visual

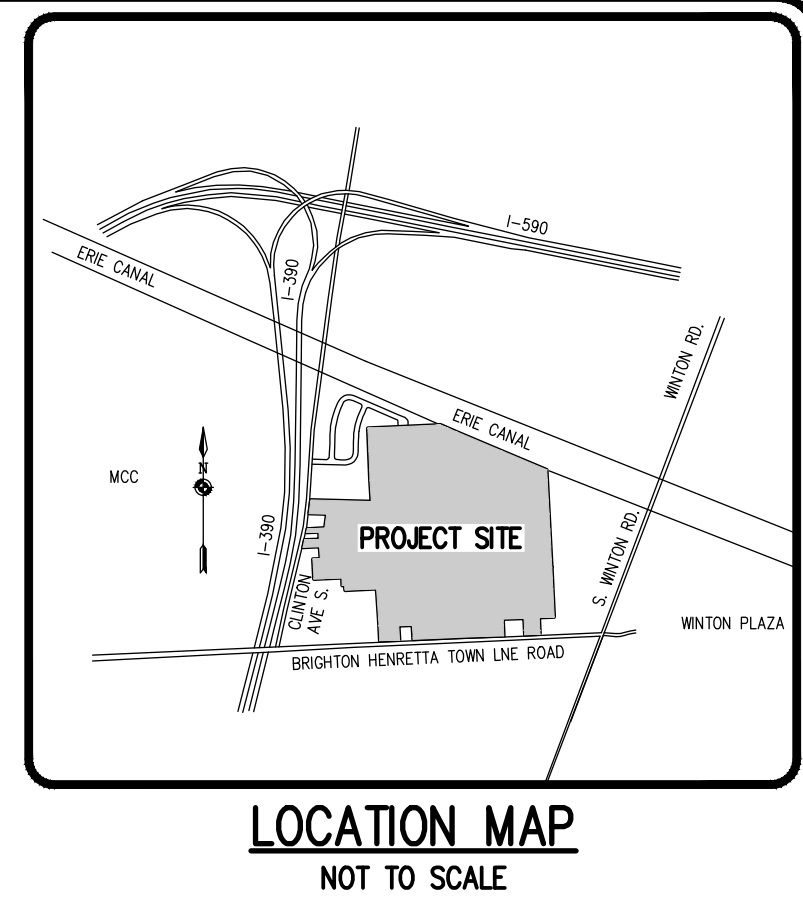
Wright Beverage Distributing

Styles by Shawna

The Foot Performance

64

Meri Centre Flaum



P.U.D. PARCEL
AREA ±35.7 ACRES
60 UNITS, 6-TWO STORY BUILDINGS
104 UNITS, 4-THREE STORY BUILDINGS
61 UNITS, 1-FOUR STORY BUILDING
225 TOTAL UNITS
1 COMMUNITY CENTER BUILDING
1 MAINTENANCE/STORAGE BUILDING

SUBMISSION NOTES:

- EXISTING ZONING: RLB (RESIDENTIAL LOW DENSITY) AND T.O.P. LOT.
 - TOTAL PROJECT AREA IS ±133.1 ACRES
 - PROPOSED ZONING:
BE-F (LOW INTENSITY COMMERCIAL) DISTRICT
P.U.D. (PLANNED UNIT DEVELOPMENT) DISTRICT
P.U.D. (PLANNED UNIT DEVELOPMENT) BUSINESS PARK
- PROPOSED USES:
1-62: 62 AFFORDABLE TOWNHOME UNITS
A-1 - A-4: 104 APARTMENT UNITS IN FOUR, 3-STORY BUILDINGS (26 UNITS PER BUILDING)
B-1 - B-6: 60 APARTMENT UNITS IN SIX, 2-STORY BUILDINGS (10 UNITS PER BUILDING)
C-1: 61 APARTMENT UNITS IN ONE, 4-STORY BUILDING
D-1 - D-28: 28 FOR-SALE DUPLEX UNITS (TWO UNITS PER BUILDING)
E-1: 132 APARTMENT UNITS IN ONE, 3-STORY BUILDING
F-1 - F-2: 8 UNITS (FOUR UNITS PER BUILDING)
G-1 - G-2: 16 UNITS (EIGHT UNITS PER BUILDING)
1 COMMUNITY CENTER WITH POOL
1 MAINTENANCE/STORAGE BUILDING
P-1 - P-6: ±505,000 SF BUSINESS PARK/LIGHT MANUFACTURING SPACE
H-1 - H-3: ±38,000 SF COMMERCIAL USE SPACE

APPLICABLE DEVELOPMENT STANDARDS ARE AS FOLLOWS:

P.U.D. (PLANNED UNIT DEVELOPMENT) DISTRICT	REQUIRED	PROPOSED
MINIMUM DEVELOPMENT AREA	50 ACRES	±7.44 ACRES
DENSITY / OVERALL SITE	8 UNITS/ACRE	±5.3 UNITS/ACRE (471 TOTAL UNITS)
DENSITY / MULTIFAMILY	14 UNITS/ACRE	±4.0 UNITS/ACRE
DENSITY SINGLE FAMILY	20X MIN. REQ'D	N/A
SETBACKS		
FRONT	N/A	30'
SIDE	N/A	±8'
REAR	N/A	40'
MAXIMUM BLDG. HEIGHT	N/A	±55' (4-STORY APARTMENT BLDG)
PARKING	1.5 SPACES/UNIT	2 SPACES/UNIT
OPEN SPACE	1,200 SF/OU	±3,000 SF/OU
LANDSCAPE BUFFERS	100' MINIMUM	35' MINIMUM
BE-F (LOW INTENSITY COMMERCIAL)	REQUIRED	PROPOSED
MINIMUM LOT AREA	5,000 SF	7.5 AC (±326,700 SF)
MINIMUM LOT WIDTH	70 FT	±800 FT
DENSITY (MAX)	10,000 SF / ACRE	5,067 SF / ACRE
SETBACKS		
FRONT	30'	>30'
SIDE	10'	>10'
SIDE ABUTTING RES.	30'	>30'
REAR	20'	>20'
PARKING SETBACKS	10' FROM ANY PROPERTY LINE (NO PARKING PROHIBITED IN FRONT YARD)	>10' FROM ALL PROPERTY LINES (NO PARKING PROHIBITED IN FRONT YARD)
MAX BLDG. HEIGHT	40'	±30'
BUILDING STORIES (MAX)	3	1
MAX LOT COVERAGE	65%	±65%
PARKING	1/250 SF	191 SPACES (1/198 SF) (51,000 SF)
P.U.D. BUSINESS PARK	REQUIRED (PER 10)	PROPOSED
MINIMUM LOT AREA	25 ACRES	±51.2 AC
DENSITY	10,000 SF / ACRE	±3,860 SF / ACRE
SETBACKS:		
FRONT	100'	75' MIN
SIDE	50'	40' MIN
SIDE ABUTTING RES.	200'	N/A
REAR	50'	50' MIN
PARKING SETBACKS	10' FROM ANY PROPERTY LINE (NO PARKING IN FRONT YARD)	10'
MAX BLDG HEIGHT	40'	55'
MAX LOT COVERAGE	65%	±65%
PARKING	100 SPACES (1/ 250 SF (200X))	
WAREHOUSE	400 SPACES (1/4,000 SF (800X))	
	500 SPACES	TOTAL: 594 SPACES (INCLUDES 156 LANDBANKED SPACES)

P.U.D. BUSINESS PARK PARCEL
AREA ±51.2 ACRES
SIX 1-STORY BUILDINGS (505,000 SF)

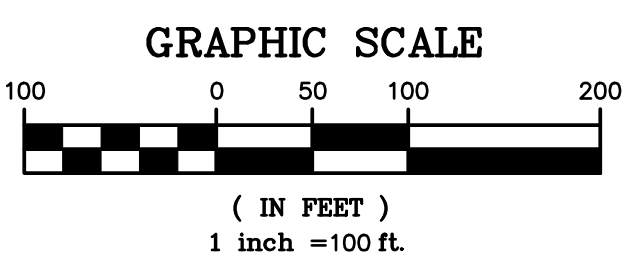
LEGEND

- BOUNDARY LINE
- PROPOSED LOT LINE
- CENTRAL LINE
- SETBACK LINE
- PROPERTY MARKER FOUND
- EXISTING EASEMENT LINE
- PROPOSED EASEMENT LINE
- PROPOSED SECTION LIMITS
- PROPOSED PARKING COUNT

COMMERCIAL (BE-F) PARCEL
AREA ±7.5 ACRES
1 MULTI-TENANT COMMERCIAL BUILDING (30,000 SF)
3 OUT-PARCEL GROUND LEASE BUILDINGS (8,000 SF)

NOT APPROVED

This plan has not received final approval of all reviewing agencies. This plan is subject to revision until all approvals are obtained and should not be used for construction purposes.



Drawing Information
This drawing is an extract from the New York State Unified Judicial System, 14th Section 7209 and applies to this drawing.
It is a duplicate of this law for any person, unless the law is signed by the governor or the state seal is used, and the signature of the engineer or land surveyor is shown, the drawing engineer or land surveyor shall not be held responsible for the accuracy of the drawing and the date of the drawing shall be the date of the drawing and the date of the drawing shall be the date of the drawing and the date of the drawing shall be the date of the drawing.

REVISIONS	DATE	BY
1	8/27/21	BJ
2	1/4/21	BJ
3	1/4/21	BJ
4	3/15/21	MS
5	1/7/21	MS
6	1/7/21	MS

REVISIONS	DATE	BY
1	8/27/21	BJ
2	1/4/21	BJ
3	1/4/21	BJ
4	3/15/21	MS
5	1/7/21	MS
6	1/7/21	MS

BME ASSOCIATES
ENGINEERS • ARCHITECTS • LANDSCAPE ARCHITECTS
18101 BRIDGE LANE EAST
BRIGHTON, NEW YORK 11503
PHONE: 516-897-7340
FAX: 516-897-7349
WWW.BME-ASSOCIATES.COM

WINFIELD PARK
TOWN OF BRIGHTON, BRONX COUNTY, NEW YORK
PROJECT
LOCATION
CLIENT
PRIDE MARK HOMES - BUCKHAM PROPERTIES
ADDRESS: 18101 BRIDGE LANE EAST, BRIGHTON, NEW YORK 11503
DRAWING TITLE: CONCEPTUAL DEVELOPMENT PLAN

PROJECT MANAGER: J. VARE
PROJECT ENGINEER: M. BOZDOLYK
DATE: 8/27/21
DATE ISSUED: AUGUST 2021
PROJECT NO.: 9813
DRAWING NO.: SK-1



COUNTY OF MONROE
COMIDA
INDUSTRIAL DEVELOPMENT AGENCY

Dashboard

February 2024

Incentives Summary

Sales Tax Exemptions		Mortgage Recording Tax Exemption		PILOTS		Total Company Investment	
Year To Date	Prior Year End	Year To Date	Prior Year End	Year To Date	Prior Year End	Year To Date	Prior Year End
1	31	0	13	0	13	\$581,040	\$1,151,621,436

Jobs Summary

Number of Total Projects		Existing Jobs Retained per Application		New Jobs Projected by Applicant		New Jobs Required*	
Year To Date	Prior Year End	Year To Date	Prior Year End	Year To Date	Prior Year End	Year To Date	Prior Year End
0	28	11	321	19	518	0	120

Fees for Approved Projects (includes all app and agency fees)

Total		Paid to Date		Outstanding	
2024 Projects YTD	2023 Projects YE	2024 Projects YTD	2023 Projects YE	2024 Projects YTD	2024 Projects YE
\$2,905	\$10,158,340	\$0	\$5,635,718	\$2,905	\$4,522,621

Workforce Development Fund

Beginning Balance \$2,500,000

Allocated Fee income		Committed Funds		Fund Balance	
2024 YTD	2023 YE	2024 YTD	2023 YE	2024 YTD	2023 YE
\$9,744	\$1,774,162	\$220,000	\$2,970,000	\$2,340,479	\$1,304,162

Solar WD Fund

Fees Approved to Date	Fees Collected to Date	Allocated to Date	Balance
\$75,000	\$50,000	\$0	\$50,000

*Required jobs are calculated as 10% of the existing jobs, with a minimum of 1 job. Enhanced JobsPlus is 100 jobs with a minimum of \$15,000,000 investment. There is no job creation requirement for projects that only receive sales tax exemptions.