

Project Modification Request - Page 2
Required when requesting an Increase in Project Costs

A. Applicant Project Costs	<u>Original/Current Approval</u>	<u>Requested Increase Modification</u>	<u>Revised Approval Requested</u>
Building Construction or Renovation			
a. Materials	\$ <u>1,600,000</u>	\$ <u>600,000</u>	\$ <u>2,200,000</u>
b. Labor	\$ <u>750,000</u>	\$ <u>200,000</u>	\$ <u>950,000</u>
Site Work			
c. Materials	\$ <u>450,000</u>	\$ _____	\$ <u>450,000</u>
d. Labor	\$ <u>50,000</u>	\$ _____	\$ <u>50,000</u>
e. Non-Manufacturing Equipment	\$ _____	\$ _____	\$ <u>0</u>
f. Furniture & Fixtures	\$ _____	\$ _____	\$ <u>0</u>
g. Land and/or Building Purchase	\$ <u>150,000</u>	\$ _____	\$ <u>150,000</u>
h. Manufacturing Equipment	\$ <u>75,000</u>	\$ _____	\$ <u>75,000</u>
i. Soft Costs (Legal, Architect, Engineer)	\$ _____	\$ _____	\$ <u>0</u>
Other Costs (specify)			
j. _____	\$ _____	\$ _____	\$ <u>0</u>
k. _____	\$ _____	\$ _____	\$ <u>0</u>
l. _____	\$ _____	\$ _____	\$ <u>0</u>
m. _____	\$ _____	\$ _____	\$ <u>0</u>
Total Project Costs	\$ <u>3,075,000</u>	\$ 3,075,000 <u>800,000</u>	\$ <u>3,875,000</u>
Sources of Funds for Project Costs			
a. Tax Exempt Industrial Revenue Bond	\$ _____	\$ _____	\$ <u>0</u>
b. Taxable Industrial Revenue Bond	\$ _____	\$ _____	\$ <u>0</u>
c. Tax Exempt Civic Facility Bond	\$ _____	\$ _____	\$ <u>0</u>
d. Bank Financing (subject to recording tax)	\$ <u>2,665,500</u>	\$ _____	\$ <u>2,665,500</u>
e. Public Sources	\$ _____	\$ _____	\$ <u>0</u>
f. Equity	\$ <u>409,500</u>	\$ <u>800,000</u>	\$ <u>1,209,500</u>
Total Sources	\$ <u>3,075,000</u>	\$ <u>800,000</u>	\$ <u>3,875,000</u>

B. Reason for Increase:

Increase in Buildout costs (interior fit out) for future tenants that we have now secured.

\$89,622.63

C. Amount of Sale Tax Exemptions Taken to Date: \$ _____

Motion By: A. Jones
Seconded By: R. King

RESOLUTION
(Gallina Elmgrove LLC Project Modification)
OSC Code: 2602-23-028B

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 March 26, 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 ADDITIONAL FINANCIAL ASSISTANCE TO GALLINA ELMGROVE LLC (THE "COMPANY") IN AMOUNTS EXCEEDING THE AMOUNTS PREVIOUSLY APPROVED BY THE AGENCY; 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 October 17, 2023 (the "Authorizing Resolution"), the Agency appointed **GALLINA ELMGROVE LLC**, a New York limited liability company, for itself or an 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 acquisition of a leasehold interest in an approximately 3.9-acre portion of land known as Lot 19 in Elmgrove Crossing, a business park located at 475 Mile Crossing Boulevard in the Town of Gates, New York 14624 and all other lands in the Town of Gates where, by license or easement or other agreement, the Company or its designees are making improvements that benefit the Project (the "Land"); (B) the construction on the Land of an approximately 33,900 square-foot office/warehouse flex building together with a parking lot (the "Improvements"); and (C) the acquisition and installation therein, thereon or thereabout of certain machinery, equipment and related personal property (the "Equipment" and, together with the Land and the Improvements, the "Facility"); 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") in an amount up to \$2,050,000, which would result in New York State and local sales and use tax exemption benefits not to exceed \$164,000 through December 31, 2024; and

WHEREAS, the Company, by the Project Modification Request, dated February 28, 2024, has requested the Agency approve the increase in purchases of goods and services relating to the Project that would otherwise be subject to New York State and local sales and use tax in an amount up to \$2,725,000, which would result in New York State and local Sales and Use Tax Exemption Benefits not to exceed \$218,000 (as increased, the "Sales and Use Tax Exemption Benefits"); and

WHEREAS, the Agency desires to adopt a resolution authorizing (i) the increase in Sales and Use Tax Exemption Benefits; and (ii) 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 in an amount up to **\$2,725,000**, which result in New York State and local Sales and Use Tax Exemption Benefits not to exceed **\$218,000**. The Agency agrees to consider any requests by the Company for an extension or another 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 changes with respect to the Facility.

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	X			
Troy Milne	X			
Lisa Bolzner	X			
Joseph Alloco	X			
Rhett King	X			
Norman Jones	X			
Ann L. Burr	X			

The Resolutions were thereupon duly adopted.

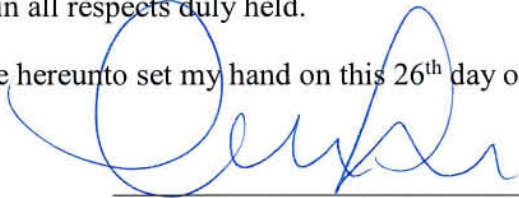
STATE OF NEW YORK)
COUNTY OF MONROE) ss.:

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 March 26, 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 26th day of March, 2024.



Ana J. Liss, Executive Director