



COUNTY OF MONROE
COMIDA
INDUSTRIAL DEVELOPMENT AGENCY

PROJECT MODIFICATION REQUEST

If you have any questions or need assistance, please call 585.753.2000.

Applicant:	Howitt-Paul Road, LLC		
Project Address:	751 Paul Road, Rochester, NY 14624		
Contact Name:	Scott Doescher		
Contact Company:	Howitt-Paul Road, LLC		
Contact Address:	758 South Avenue, Rochester, NY 14620		
Contact Email:	sdoescher@midlandmgmtllc.com	Contact Phone:	585-473-8410

Employment in Monroe County:	3	0	07/16/2021
	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: \$	17,811,020	\$4,254,845	\$22,065,865
	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.)

_____	_____	\$ _____
Current Expiration Date	Requested Expiration Date	Amount of Exemptions Taken to Date

Reason for Extension:

☐ **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: D. Scott Doescher, CFO Date: 07/16/2021

Print Name and Title: D. Scott Doescher, CFO

Staff Use Only:

Date Received 7/16/21 Date of Original Approval: ~~07/16/20~~ 11/17/20 New Code 2602 20 044 B ^{2/20}

Project Modification Request - Page 2

Required when requesting an Increase in Project Costs

A. Applicant Project Costs	Original/Current Approval	Requested Increase Modification	Revised Approval Requested
Building Construction or Renovation			
a. Materials	\$ 4,000,000	\$ 4,015,263	\$ 8,015,263
b. Labor	\$ 7,936,860	\$	\$ 7,936,860
Site Work			
c. Materials	\$ 884,087	\$ 195,281	\$ 1,079,368
d. Labor	\$ 1,092,933	\$	\$ 1,092,933
e. Non-Manufacturing Equipment	\$ 716,000	\$	\$ 716,000
f. Furniture & Fixtures	\$ 289,000	\$	\$ 289,000
g. Land and/or Building Purchase	\$ 1,043,140	\$	\$ 1,043,140
h. Manufacturing Equipment	\$	\$	\$ 0
i. Soft Costs (Legal, Architect, Engineer)	\$ 1,849,000	\$ 44,301	\$ 1,893,301
Other Costs (specify)			
j. _____	\$	\$	\$ 0
k. _____	\$	\$	\$ 0
l. _____	\$	\$	\$ 0
m. _____	\$	\$	\$ 0
Total Project Costs	\$ 17,811,020	\$ 4,254,845	\$ 22,065,865

Sources of Funds for Project Costs

a. Tax Exempt Industrial Revenue Bond	\$	\$	\$ 0
b. Taxable Industrial Revenue Bond	\$	\$	\$ 0
c. Tax Exempt Civic Facility Bond	\$	\$	\$ 0
d. Bank Financing (subject to recording tax)	\$ 16,910,000	\$	\$ 16,910,000
e. Public Sources	\$	\$	\$ 0
f. Equity	\$ 900,000	\$ 4,255,865	\$ 5,155,865
Total Sources	\$ 17,810,000	\$ 4,255,865	\$ 22,065,865

B. Reason for Increase:

Original job costs were underestimated along with the significant increase in most construction materials due to Covid-19.

C. Amount of Sale Tax Exemptions Taken to Date: \$ 402,466.59

Motion By:

Seconded By:

J. Popli
A. King

RESOLUTION

(Howitt-Paul Road, LLC Project Modification)
OSC Project Code 2602-20-044B

A regular meeting of the County of Monroe Industrial Development Agency (the "Agency"), was held at the Ebenezer Watts Center, 47 S. Fitzhugh St., Rochester, New York 14614, on August 17, 2020 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 (i) ADDITIONAL FINANCIAL ASSISTANCE TO HOWITT-PAUL ROAD, LLC (THE "COMPANY") IN AMOUNTS EXCEEDING THE AMOUNTS APPROVED BY THE AGENCY IN ITS RESOLUTION ADOPTED ON NOVEMBER 17, 2020 AND (ii) 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 17, 2020, the Agency appointed **HOWITT-PAUL ROAD, 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 a portion of the consisting of: (A) the acquisition of a leasehold interest in a portion of the approximately 7.72-acre parcel of land located at 751 Paul Road in the Town of Chili, New York (the "Land"); (B) the construction on the Land of three buildings containing (i) in the aggregate, approximately 92 residential units, eight of which will be dedicated accessible senior living units (55 years of age and older) and eighty-four of which will be built with accessibility features for seniors but will not be limited to seniors; (ii) tenant common areas, including, but not limited to, gathering rooms, restrooms, laundry rooms and dog wash areas, (iii) nine commercial/retail spaces and (iv) storage units for residents and commercial/retail tenants ((i) through (iv) being collectively referred to as, 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 in an amount up to \$5,889,087, which would result in New York State and local sales and use tax exemption benefits not to exceed \$471,127; and

WHEREAS, the Company has requested, by a Project Modification Request, dated July 16, 2021, that the Agency authorize the Company 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 in an amount up to \$10,099,631, which would result in New York State and local sales and use tax exemption benefits not to exceed \$807,970 (as amended and 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 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 \$10,099,631, which result in New York State and local Sales and Use Tax Exemption Benefits not to exceed \$807,970. The Agency agrees to consider any requests by the Company for 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, 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 a partial mortgage recording tax exemption and the increase in Sales and Use Tax Exemption Benefits.

Section 3. The Executive Director or any officer 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, 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.

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

	<i><u>Yea</u></i>	<i><u>Nay</u></i>	<i><u>Absent</u></i>	<i><u>Abstain</u></i>
Jay Popli	X			
Anthony Meleo	X			
Troy Milne	X			
Lisa Bolzner			X	
Joseph Alloco	X			
Rhett King	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 August 17, 2021, 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 17th day of August, 2021.



Ana J. Liss, Executive Director



PROJECT MODIFICATION REQUEST

If you have any questions or need assistance, please call 585.753.2000.

Applicant: Howitt Paul Road, LLC
 Project Address: 751 Paul Road, Chili, NY
 Contact Name: Scott Doescher
 Contact Company: Midland Management, LLC
 Contact Address: 758 South Avenue, Rochester, NY 14620
 Contact Email: sdoescher@midlandmgmtllc.com Contact Phone: 85-473-8410

Employment in Monroe County: 3 0 09/07/2022
 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.)

12/31/2022

06/30/2023

\$ 631,000

Current Expiration Date

Requested Expiration Date

Amount of Exemptions Taken to Date

Reason for Extension:

Over a 1 year delay in getting RGE to connect the site to gas and electric. This is just starting to happen now. Additional labor and supply shortages that occurred during covid.

☐ **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: D. Scott Doescher Date: 9/1/2022

Print Name and Title: D. Scott Doescher CFO as Agent

Staff Use Only:

2/20

Date Received 9/13/22 Date of Original Approval: 11/17/20 New Code 2602 20 044C

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

RESOLUTION

(Howitt-Paul Road, LLC – Extension of Sales Tax)
OSC Code 2602-20-044C

A regular meeting of the County of Monroe Industrial Development Agency (the "Agency"), was held at the Ebenezer Watts Center, 47 S. Fitzhugh St., Rochester, New York 14614, on October 18, 2022 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 TAX EXEMPTION BENEFITS (AS HEREINAFTER DEFINED) GRANTED TO HOWITT-PAUL ROAD, LLC (THE "COMPANY") THROUGH JUNE 30, 2023; 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 17, 2020, the Agency appointed **Howitt-Paul Road, 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 a portion of the approximately 7.72-acre parcel of land located at 751 Paul Road in the Town of Chili, New York (the "Land"); (B) the construction on the Land of three buildings containing (i) in the aggregate, approximately 92 residential units, eight of which will be senior living units (55 years of age and older); (ii) tenant common areas, including, but not limited to, gathering rooms, restrooms, laundry rooms and dog wash areas, (iii) nine commercial/retail spaces and (iv) storage units for residents and commercial/retail tenants ((i) through (iv) being collectively referred to as, 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 initially 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, 2022; and

WHEREAS, the Company has, pursuant to a certain Project Modification Request, dated September 9, 2022, requested the Agency grant an extension to its sales tax exemption through June 30, 2023; 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 **June 30, 2023**. 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 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.

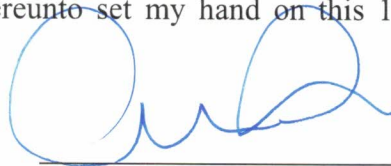
STATE OF NEW YORK)
COUNTY OF MONROE) ss.:

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 October 18, 2022, 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 18th day of October, 2022.



Ana J. Liss, Executive Director