



## BOARD MEETING AGENDA

**January 17, 2023**

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 – November 15, 2022 (p. 2)
- D. Public Comments
- E. Local Labor Monitoring Report – November/December/Annual Report 2022 - Kevin Loewke (p. 5)
- F. Local Labor Exemptions Report – December 2022 - Brian Lafountain (p. 9)
- G. Financial Report – December 2022 - Gregg Genovese (p. 10)
- H. Applications for Consideration
  - 1. Howitt-Bayview, LLC (p. 11)
  - 2. Whitney Baird Associates, LLC/Security Risk Advisors International, LLC (p. 57)
- I. Project Modifications
  - 3. CT Rochester, LLC/University of Rochester - entity to be formed – Assumption (p. 80)
  - 4. FCP Driving Park LLC/1001 Driving Park LLC – Assumption (p. 88)
  - 5. O'Connell Electric, Inc. – Increase and Extension (p. 94)
  - 6. Tower 195 LLC – Extension (p. 106)
  - 7. Genesis Vision Inc. – Extension (p. 112)
  - 8. Innovation Partners Roc LLC – Extension (p. 118)
  - 9. American Management – Extension (p. 124)
- J. USRE Manitou, LLC Report – J. Murray-Coleman/Brad Griggs (p. 130)
- K. Videoconferencing Authorization – Rachel Baranello, Esq. (p. 147)
- L. Governance Committee Report – J. Popli
  - Renew Annual Contracts
  - Auditing Services Contract
  - Accounting & Chief Financial Officer Contract
  - Local Labor Monitoring Contract
  - Local Labor Exemption Processing Contract
  - Legal Services Contract
- M. Executive Director – Discussion Items
  - Workforce Development Fund Allocation
  - Ibero American Action League – Workforce Development Fund Request (p. 154)
  - MPower Program Update – Dr. Robin Coles/Kristen Sine-Kinz
  - MWBE Breakfast
  - Travel Report (p. 160)
  - Dashboard (p. 161)
- N. Chair Burr – Discussion Items
- O. Adjourn Meeting

Next meeting: Tuesday, February 28, 2023



**BOARD MEETING MINUTES**  
**November 15, 2022**

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

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

Board Absent: J. Alloco

Also Present: A. Liss, R. Finnerty, A. Clark, K. Lowke, G. Genovese, R. Baranello

Chair Burr called the meeting to order at 12:08 p.m. and L. Bolzner led the board in the Pledge of Allegiance.

On motion by R. King, second by J. Popli, all aye, minutes of the October 18, 2022 meeting were approved with amendment.

K. Lowke presented the local labor monitoring report for October 2022.

A. Liss presented the labor exemption report for October 2022. The report outlined 3 local labor exemptions. Pike Conductor DEV 1 LLC had one exemption related to the installation of the proprietary concrete floor system at the project site in Rochester. The exempted contractor is Twintec USA. The exemption was based on the “Warranty issues related to installation of specialized equipment...” criteria.

Li-Cycle North American Hub had two exemptions. The first exemption related to the construction of approximately 780 feet of new railroad track and maintenance of the existing railroad infrastructure at the project site in Rochester, NY. Exempted contractor is Tartaglia Railroad Services. The exemption was based on the “Specialized construction / No local labor available” criteria.

The second exemption related to the concrete foundation and excavation work for Area 2110 and 2150 at the project site in Rochester. Exempted contractor is Baker Power and Process. The exemption was based on the “Significant cost differentials in bids whereby use of local labor significantly increases the cost of the project” criteria.

T. Milne noted that he was not notified of the request for waivers and or given the opportunity to reach out to local labor to check for availability of a local contractor for the railroad track improvements. For the waiver related to concrete foundation and excavation work, T. Milne raised questions on the 60% cost differential. T. Milne and requested that B. Lafountain inform him of waiver requests going forward.

G. Genovese presented the financial report for October 2022.

Executive Director Liss presented the following projects for consideration:

**Vuzix Corporation**

Vuzix Corporation is proposing to expand into an adjacent building in the Town of Henrietta. Vuzix designs, manufactures, and markets wearable computing devices and reality wearable display devices. Vuzix plans to purchase two new production lines to make waveguides, a key component in the manufacturing of Smart Glasses. Phase 2 will include an additional three production lines and additional

expansion within the next few years. The \$4.3 million project is projected to create 24 new FTEs over the next three years. The applicant is seeking approval of sales tax exemptions only. The Benefit/Incentive ratio is 68:1

The applicant was represented by Paul Travers. The applicant confirmed awareness of the local labor policy and that exemptions must be requested 45 days in advance, and does not anticipate any local labor exemptions at this time. Ms. Baranello stated there were no comments at the public hearing which was held on November 14, 2022

The board considered the following resolution: RESOLUTION OF THE COUNTY OF MONROE INDUSTRIAL DEVELOPMENT AGENCY TAKING OFFICIAL ACTION TO (i) APPOINT VUZIX CORPORATION OR A RELATED ENTITY FORMED OR TO BE FORMED (COLLECTIVELY, THE "COMPANY") AS ITS AGENT TO UNDERTAKE A CERTAIN PROJECT AS MORE FULLY; (ii) PROVIDE FINANCIAL ASSISTANCE TO THE COMPANY IN THE FORM OF A SALES AND USE TAX EXEMPTION FOR PURCHASES AND RENTALS RELATED TO THE UNDERTAKING OF THE PROJECT; (iii) AUTHORIZE THE EXECUTION AND DELIVERY OF A PROJECT AGREEMENT AND RELATED DOCUMENTS; AND (iv) MAKE A DETERMINATION WITH RESPECT TO THE PROJECT PURSUANT TO SEQRA.

On motion by J. Popli, second by R. King for inducement and final resolution approving a sales tax exemptions, a roll call vote resulted as follows and the motion carried:

J. Popli	Yea	J. Alloco	Absent
L. Bolzner	Abstain	R. King	Yea
T. Milne	Yea	A. Burr	Yea
N. Jones	Yea		

### **IDEX Health & Science LLC**

IDEX Health & Science LLC is proposing to expand by constructing a new 10,000 sf clean room at its current location in the Town of Henrietta and purchase equipment. IDEX was approved for a sales tax exemption on furniture, fixtures, and wiring in August 2017 when the facility was originally built. IDEX leases the facility from 1180 John Street LLC which was approved for a real property tax abatement at the time of construction. IDEX is a photonics manufacturer, providing life science and medical device, semi-conductors, industrial automation and machine vision. The \$9 million project is projected to create 57 new FTEs over the next three years. The applicant is seeking approval of sales tax exemptions only. The Benefit/Incentive ratio is 117:1.

The applicant was represented by John Siwicki and David Fulvio. The applicant confirmed awareness of the local labor policy and that exemptions must be requested 45 days in advance, and does not anticipate any local labor exemptions at this time. Ms. Baranello stated there were no comments at the public hearing which was held on November 14, 2022

The board considered the following resolution: RESOLUTION OF THE COUNTY OF MONROE INDUSTRIAL DEVELOPMENT AGENCY TAKING OFFICIAL ACTION TO (i) APPOINT IDEX HEALTH & SCIENCE LLC OR A RELATED ENTITY FORMED OR TO BE FORMED (COLLECTIVELY, THE "COMPANY") AS ITS AGENT TO UNDERTAKE A CERTAIN PROJECT

AS MORE FULLY; (ii) PROVIDE FINANCIAL ASSISTANCE TO THE COMPANY IN THE FORM OF A SALES AND USE TAX EXEMPTION FOR PURCHASES AND RENTALS RELATED TO THE UNDERTAKING OF THE PROJECT; (iii) AUTHORIZE THE EXECUTION AND DELIVERY OF A PROJECT AGREEMENT AND RELATED DOCUMENTS; AND (iv) MAKE A DETERMINATION WITH RESPECT TO THE PROJECT PURSUANT TO SEQRA

On motion by R. King, second by N. Jones for inducement and final resolution approving a sales tax exemption, a roll call vote resulted as follows and the motion carried:

J. Popli	Yea	J. Alloco	Absent
L. Bolzner	Abstain	R. King	Yea
T. Milne	Yea	A. Burr	Yea
N. Jones	Yea		

Executive Director Liss presented the following project modifications for consideration:

#### **Erie Station 30 LLC – New Tenant**

Erie Station 30 LLC, a West Henrietta-based real estate development company, built out part of existing warehouse space located in the Town of Henrietta. Benefits were originally approved in February of 2017 for a real property tax abatement, sales tax and mortgage recording tax exemptions to accommodate Rolen-Jinxin Corporation, which vacated in August 2020. The applicant is seeking approval for a new tenant, Vuzix Corporation, to occupy 12,000 sq. ft. The new tenant plans to occupy the space by October 2022 and add 24 FTEs due to the expansion.

The board considered the following resolution: RESOLUTION OF THE COUNTY OF MONROE INDUSTRIAL DEVELOPMENT AGENCY (THE "AGENCY") AUTHORIZING THE REPLACEMENT BY ERIE STATION 30, LLC (THE "COMPANY") OF ITS TENANT FOR ITS PROJECT LOCATED AT 30 BECKER ROAD IN THE TOWN OF HENRIETTA, NEW YORK; AND THE EXECUTION OF RELATED DOCUMENTS.

On motion by R. King, second by Jay Popli, L. Bolzner abstained, all others aye, motion carried to approve the sublease to the new tenant at the facility.

Chair Popli reported that the Governance committee met and started to review the current local labor policy regarding specialty construction and warranty exemptions. The committee will meet again to continue the discussion.

Executive Director Liss Alexis Vogt and Robin Cole from Monroe Community College Optics Program who reviewed the proposal to expand the current project. On motion by R. King, second by N. Jones, all aye, motion to approve the execution and delivery of a contract with Monroe Community College Optics Program in an amount not to exceed \$500,000 for 1 year was approved.

There being no further business to discuss, on motion by J. Popli, second by N. Jones, all aye, the regular meeting of the Board was adjourned at 12:58 p.m.



## November 2022 Monthly C.O.M.I.D.A. Report

December 1<sup>st</sup> 2022,

1. This report covers our site visits between November 1<sup>st</sup>, 2022 and November 30<sup>th</sup>, 2022.
2. During this period Loewke Brill made 44 monthly site visits.
3. During this period Loewke Brill made "4" Follow up visits.
4. Loewke Brill checked for residence with 305 workers.
5. Of those workers, there were "4" non-compliant.
  - a. 4– No proof of residence
    - i. 11/7/22 – Pike Conductor Dev 1, LLC – 1 worker from Kennedy no ID. Compliant on follow up visit 11/8/22
    - ii. 11/14/22 – Howitt-Paul Road, LLC – 2 workers from US Ceilings Corp no ID. Both compliant on follow up visit 11/15/22
    - iii. 11/16/22 – Aptitude Rochester, LLC – 1 worker from Upstate Painting no ID. Compliant on follow up visit 11/17/22
  - b. 0 – Out of Area
  - c. 0 – Invalid ID
6. USRE Manitou – Current Overall = 72.7% – Project subject to 70% overall compliance
7. As of November 30<sup>th</sup>, 2022 all monitored sites were in compliance at time of our inspection.
8. There was "1" new COMIDA sign(s) delivered
  - a. Pack-Smart, Inc



## December 2022 Monthly C.O.M.I.D.A. Report

January 3<sup>rd</sup> 2023,

1. This report covers our site visits between December 1<sup>st</sup>, 2022 and December 31<sup>st</sup>, 2022.
2. During this period Loewke Brill made 88 monthly site visits.
3. During this period Loewke Brill made "5" Follow up visits.
4. Loewke Brill checked for residence with 702 workers.
5. Of those workers, there were "6" non-compliant.
  - a. 5– No proof of residence
    - i. 12/1/22- 30 West Broad Street, LLC – 1 from Kennedy no ID, compliant with ID on follow up 12/2/22. 1 from CM Armitage no ID, not on job site on follow up visit.
    - ii. 12/7/22 – 587, LLC – 1 from NKG Corp no ID on initial visit, compliant on follow up with ID 12/8/22
    - iii. 12/8/22 – Aptitude Rochester, LLC – 1 from A.C.E. no ID, compliant on follow up visit 12/9/22
    - iv. 12/19/22 – Howitt-Paul Road, LLC – 1 from US Ceilings no ID, compliant on follow up visit 12/20/22.
  - b. 0 – Out of Area
  - c. 1 – Invalid ID
    - i. 12/19/22 – JD & Sons, Inc – 1 from Kennedy invalid ID, compliant with valid ID on follow up visit 12/20/22
6. USRE Manitou – Current Overall = 72.9% – Project subject to 70% overall compliance
7. As of December 31<sup>st</sup>, 2022 all monitored sites were in compliance at time of our inspection.

8. There were “4” new COMIDA sign(s) delivered

- a. 1200 Lee Road, LLC
- b. American Packaging Corp
- c. 587, LLC
- d. IDEX Health & Science LLC



## **2022 Annual C.O.M.I.D.A. Reporting**

January 3<sup>rd</sup>, 2023

1. This report covers our site visits between January 1, 2022 and December 31, 2022
2. During this period Loewke Brill made 857 site visits.
3. During this period Loewke Brill made "75" Follow up visits.
4. Loewke Brill checked for residence with 6,279 workers.
5. Of those workers, there was "169" non-compliant.
6. Loewke Brill delivered "27" COMIDA Signs
7. There was a 93% average compliance on the initial site visit.
8. All sites were 100% compliant within 24 hours of the initial visit.

Big firm capability. Small firm personality.

# THE BONADIO GROUP

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## CPAs, Consultants & More

### Verified Local Labor Exemption Report

Board Meeting – January 2023

The following Verified Local Labor Exemption Request was processed in December 2022

1. Li-Cycle North American Hub
  - a. One exemption related to the provision of a crane operator temporarily until an operator from the local labor area becomes available at the project site in Greece, NY. Exempted contractor is Upstate NY Operating Engineers Local 158, District 832. The exemption was based on the “No local labor available” criteria.

## Statement of Financial Position

	Year To Date 12/31/2022	Year Ending 12/31/2021
	Actual	Actual
<b>Assets</b>		
Current Assets		
Cash and Cash Equivalents	12,032,260	9,017,935
Restricted Cash	3,284,299	0
Accounts Receivable, Net	82,724	210,311
Prepaid Expenses	107,785	79,087
<b>Total Current Assets</b>	<b>15,507,068</b>	<b>9,307,334</b>
Long-term Assets		
Property & Equipment	625,000	625,159
Other Long-term Assets	145,479	145,479
<b>Total Long-term Assets</b>	<b>770,479</b>	<b>770,638</b>
<b>Total Assets</b>	<b>16,277,547</b>	<b>10,077,971</b>
<b>Liabilities and Net Assets</b>		
Liabilities		
Short-term Liabilities		
Accounts Payable	18,078	58,329
Accrued Liabilities	648,359	747,462
Deferred Revenue	67,379	247,601
Other Short-term Liabilities	476	476
<b>Total Short-term Liabilities</b>	<b>734,292</b>	<b>1,053,868</b>
Long Term Liabilities	140,492	177,937
<b>Total Liabilities</b>	<b>874,784</b>	<b>1,231,805</b>
Net Assets		
Net Assets	8,846,166	7,081,233
Change In Net Assets	6,556,597	1,764,933
<b>Total Net Assets</b>	<b>15,402,763</b>	<b>8,846,166</b>
<b>Total Liabilities and Net Assets</b>	<b>16,277,547</b>	<b>10,077,971</b>

## Summary Statement of Activities - All Funds with Prior Year

	Year To Date 12/31/2022	Year To Date 12/31/2022	Prior Year To Date 12/31/2021
	Actual	Budget	Actual
Revenue	8,854,391	2,253,000	3,856,386
Payroll	341,733	365,129	480,835
Sponsorships	10,015	10,000	19,800
Program & Community Development	1,168,289	850,000	963,179
General & Administrative	777,757	875,500	627,639
<b>Total Expenses</b>	<b>2,297,794</b>	<b>2,100,629</b>	<b>2,091,453</b>
<b>Change In Net Assets</b>	<b>6,556,597</b>	<b>152,371</b>	<b>1,764,933</b>



## APPLICATION SUMMARY

**DATE:** January 17, 2022

**APPLICANT:**

Howitt-Bayview, LLC  
758 South Avenue  
Rochester, NY 14620

**TENANT/PROJECT LOCATION:**

1211 Empire Blvd.  
Webster, NY 14609

**PROJECT SUMMARY:**

Howitt-Bayview, LLC, is proposing the construction of a 60-Unit, four-story residential apartment building in the town of Penfield. The first floor will be set aside for senior living (55 and over) with 7 of those units additionally set aside for affordable housing. The affordable component will total 7,040 sq.ft. In addition, there will be 3 units on the first floor that will be fully ADA accessible. As part of the project Howitt-Bayview, LLC will construct a left turn lane from Empire Blvd onto Wilbur Tract Road to create a safer turning lane, which will also benefit neighboring businesses on Wilbur Tract Road. Howitt-Bayview plans to create 4 new FTEs. The \$13 million project is seeking a real property tax abatement, mortgage recording tax and sales tax exemption. The cost benefit ratio is 6:1.

**PROJECT AMOUNT:**

\$13,412,476 Lease/Leaseback with Abatement  
\$541,545 Sales Tax Exemption  
\$82,500 Mortgage Recording Tax Exemption

**JOBS: EXISTING:**

**NEW:**

**REQUIREMENT:**

0	FTEs
4	FTEs
1	FTEs

**PUBLIC HEARING DATE:**

December 15, 2022

**BENEFIT TO INCENTIVE RATIO:**

6:1

**SEQR:**

REVIEWED AND PROCESS IS COMPLETE.

**ELIGIBILITY:**

NEW BUILDING CONSTRUCTION OR RENOVATION PROJECT FOR STUDENT/SENIOR/AFFORDABLE HOUSING

**APPROVED PURPOSE:**

JOB CREATION

# Monroe County Industrial Development Agency

## MRB Cost Benefit Calculator

Date December 20, 2022  
Project Title Howitt-Bayview, LLC  
Project Location 1211 Empire Blvd., Webster, NY 14609



### Economic Impacts

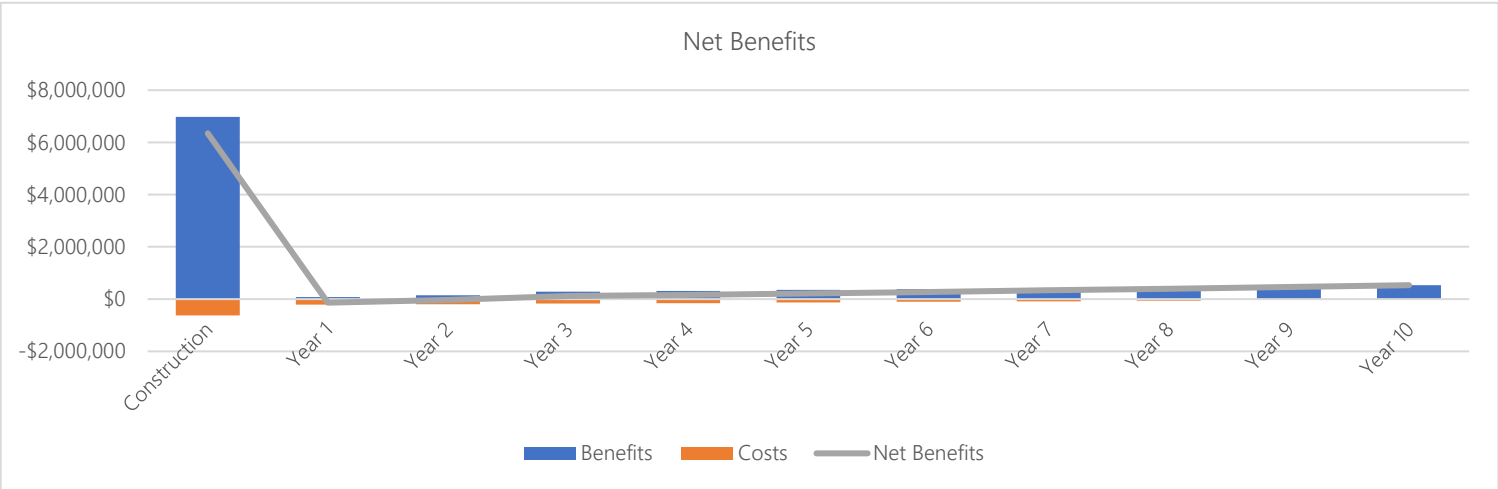
Summary of Economic Impacts over the Life of the PILOT  
**Project Total Investment**  
\$13,412,476

Temporary (Construction)			
	Direct	Indirect	Total
Jobs	52	37	88
Earnings	\$4,437,242	\$2,146,831	\$6,584,073
Local Spend	\$10,729,981	\$6,392,178	\$17,122,159

Ongoing (Operations)			
Aggregate over life of the PILOT			
	Direct	Indirect	Total
Jobs	4	1	5
Earnings	\$1,269,284	\$604,489	\$1,873,773

Figure 1



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

Figure 2

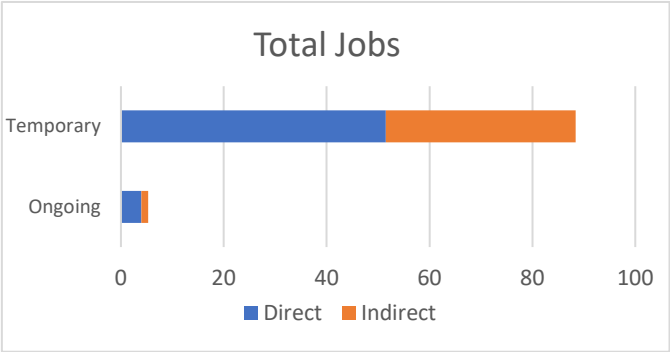
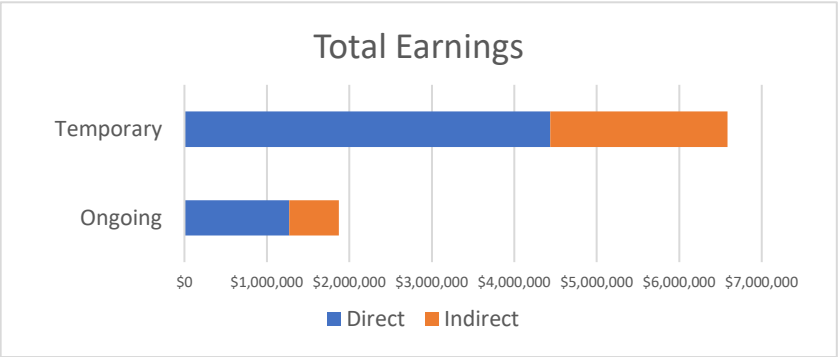


Figure 3



## Fiscal Impacts



Cost-Benefit Analysis Tool powered by MRB Group

### Estimated Costs of Exemptions

	Nominal Value	Discounted Value*
Property Tax Exemption	\$1,121,211	\$1,041,678
Sales Tax Exemption	\$541,545	\$541,545
Local Sales Tax Exemption	\$270,773	\$270,773
State Sales Tax Exemption	\$270,773	\$270,773
Mortgage Recording Tax Exemption	\$82,500	\$82,500
Local Mortgage Recording Tax Exemption	\$27,500	\$27,500
State Mortgage Recording Tax Exemption	\$55,000	\$55,000
<b>Total Costs</b>	<b>\$1,745,256</b>	<b>\$1,665,723</b>

### State and Local Benefits

	Nominal Value	Discounted Value*
<b>Local Benefits</b>	<b>\$9,981,219</b>	<b>\$9,574,147</b>
To Private Individuals	<b>\$8,457,845</b>	<b>\$8,243,282</b>
Temporary Payroll	\$6,584,073	\$6,584,073
Ongoing Payroll	\$1,873,773	\$1,659,209
Other Payments to Private Individuals	\$0	\$0
To the Public	<b>\$1,523,374</b>	<b>\$1,330,865</b>
Increase in Property Tax Revenue	\$1,464,169	\$1,273,162
Temporary Jobs - Sales Tax Revenue	\$46,089	\$46,089
Ongoing Jobs - Sales Tax Revenue	\$13,116	\$11,614
Other Local Municipal Revenue	\$0	\$0
<b>State Benefits</b>	<b>\$439,808</b>	<b>\$428,651</b>
To the Public	<b>\$439,808</b>	<b>\$428,651</b>
Temporary Income Tax Revenue	\$296,283	\$296,283
Ongoing Income Tax Revenue	\$84,320	\$74,664
Temporary Jobs - Sales Tax Revenue	\$46,089	\$46,089
Ongoing Jobs - Sales Tax Revenue	\$13,116	\$11,614
<b>Total Benefits to State &amp; Region</b>	<b>\$10,421,027</b>	<b>\$10,002,798</b>

### Benefit to Cost Ratio

	Benefit*	Cost*	Ratio
Local	\$9,574,147	\$1,339,951	7:1
State	\$428,651	\$325,773	1:1
<b>Grand Total</b>	<b>\$10,002,798</b>	<b>\$1,665,723</b>	<b>6:1</b>

\*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**  
 (Howitt-Bayview LLC Project)  
 OSC Code 2602-22-036A

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 January 17, 2023 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 DECEMBER 15, 2022, WITH RESPECT TO A CERTAIN PROJECT (AS DEFINED BELOW) BEING UNDERTAKEN BY HOWITT-BAYVIEW LLC, OR A RELATED ENTITY FORMED OR TO BE FORMED (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, CONSTRUCTION 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, **HOWITT-BAYVIEW LLC**, a New York limited liability company 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 approximately 3.98-acre parcel of vacant land located at 1211 Empire Boulevard in the Town of Penfield, New York 14526 and all other lands in the County of Monroe where, by license or easement or other agreement, the Company or its designees are making improvements that benefit the Project (collectively, the "Land"); (B) the construction thereon of a four-story, approximately 86,560 square-foot building consisting of approximately 60 residential units with 10% of the units income restricted for qualifying households earning 60% or less of the Monroe County average median income (collectively, 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 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, December 15, 2022, at 9:00 a.m., local time, at the Penfield Town Hall, 3100 Atlantic Avenue, Penfield, New York 14526, 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 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, construction 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; and

WHEREAS, the Town Board of the Town of Penfield (the "Town Board"), as lead agency, conducted an uncoordinated review of the Project pursuant to the New York State Environmental Quality Review Act, Article 8 of the Environmental Conservation Law and its implementing regulations at 6 N.Y.C.R.R. Part 617 (collectively referred to as "SEQRA"), which resulted in the issuance of a negative declaration by the Town Board, dated October 7, 2020 (the "Negative Declaration"), concluding the SEQRA process.

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) The Town Board has conducted a review of the Project pursuant to Article 8 of the Environmental Conservation Law and 6 N.Y.C.R.R. Part 617 (collectively referred to as "SEQRA"). In addition to classifying the Project as an "Unlisted Action" pursuant to SEQRA, the Town Board also issued a Negative Declaration on October 7, 2020, determining that the Project did not present a potential significant adverse environmental impact. The Agency, having reviewed the materials presented by the Company, further determines that the Project does not pose a potential significant adverse environmental impact and thus ratifies the Negative Declaration previously issued by the Town Board pursuant to 6 N.Y.C.R.R. § 617.7.

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 acquisition, construction and equipping of the Project and hereby appoints the Company as the true and lawful agent of the Agency to acquire, construct 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, constructing, 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, constructing, 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, 2025** (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 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 **\$6,769,316** which result in New York State and local sales and use tax exemption benefits ("sales and use tax exemption benefits") not to exceed **\$541,545**. 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 **\$11,000,000**, resulting in a mortgage tax exemption not to exceed **\$82,500**; and (iii) a partial real property tax abatement.

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 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 7. 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 8. 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 9. 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 10. 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 January 17, 2023, 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 17<sup>th</sup> day of January, 2023.

\_\_\_\_\_  
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](http://www.monroecountybusiness.org/application).

Please send completed application via email to [EconomicDevelopment@monroecounty.gov](mailto: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: Howitt - Bayview, LLC  
 Address: 758 South Avenue  
 City/State/Zip: Rochester, NY 14620  
 Tax Id No.: 27-1474856  
 Contact Name: D. Scott Doescher  
 Title: CFO  
 Telephone: 585-473-8410  
 E-Mail: sdoescher@midlandmgmtllc.com

#### B. Applicant's Legal Counsel

Name: Mark A. Drexler  
 Firm: Forsyth, Howe, O'Dwyer, Kalb & Murp  
 Address: One South Clinton Ave, Ste 1000  
 City/State/Zip: Rochester, NY 14604  
 Telephone: 585-325-7515  
 Email: mdrexler@forsythhowe.com

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

Name	%	Corporate Title
Jack Howitt	0.20 %	Member Manager
Hariette Howitt	0.20 %	Member
Wendy Howitt	33.20 %	Member
Lauren Howitt - Vallone	33.20 %	Member
Rachel Howitt - DeSelms	33.20 %	Member
	%	
	%	
	%	
	%	
	%	
	%	

## II. PROJECT

### A. Address of proposed project facility

Address: 1211 Empire Blvd, Webster NY 14609

Tax Map Parcel Number: 108.05-2-8.331

City/Town/Village: Penfield

School District: Webster Central

Zip: 14609

Current Legal Owner of Property:

Howitt-Bayview, LLC

### 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: 2010

Proposed Commencement Date of Construction: 3/1/2023

Anticipated Completion Date: 03/31/2025

### G. Contractor(s)

Midlakes Development and Construction, LTD

## 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.

Town is requiring Howitt Bayview LLC to pay for the construction of a left turn lane from Empire Blvd onto Wilbur Tract Road at a cost that will exceed \$420,000. Inflation on materials and labor is still high and requires offset. The assistance from COMIDA will help pay for this which will make the project more feasible.

- 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: 236116

Howitt Bayview, LLC is located at 1211 Empire Blvd, Webster, NY 14580 in the Town of Penfield. We are proposing to build a 4 story residential apartment building with 60 units at 15 units per floor. The first floor will be set aside for senior living (55 and over) with 7 of those units additionally set aside for affordable housing as defined in the COMIDA housing incentive document. Those 7 units will total 7,040 square feet which is 10.4% of the residential area of the building. There will also be 3 units on the first floor that will be fully ADA accessible. As part of the project Howitt Bayview, LLC will construct a left turn lane at a cost to exceed \$420,000 from Empire Blvd onto Wilbur Tract Road to create a safer turning lane. This turn lane will not only benefit our project but K2 Brewing and other businesses on Wilbur Tract Road. 40 to 50 temporary construction job will be created for this project. Once completed we would employ a full time Rental Manager, a full time Maintenance Manager, a full time maintenance staff person, and 1 or 2 part time maintenance staff.

### 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 1.

☐ **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. \$ 5,588,895  
b. Labor b. \$ 3,725,930

##### **Site Work**

- c. Materials c. \$ 1,180,421  
d. Labor d. \$ 786,948  
e. Non-Manufacturing Equipment e. \$ \_\_\_\_\_  
f. Manufacturing Equipment f. \$ \_\_\_\_\_  
g. Equipment Furniture and Fixtures g. \$ \_\_\_\_\_  
h. Land and/or Building Purchase h. \$ 750,000  
i. Soft Costs (Legal, Architect, Engineering) i. \$ 519,407  
Other (specify) j. \_\_\_\_\_ Interest j. \$ 600,875  
k. \_\_\_\_\_ Financing Costs k. \$ 260,000  
l. \_\_\_\_\_ l. \$ \_\_\_\_\_  
m. \_\_\_\_\_ m. \$ \_\_\_\_\_

**Total Project Costs** \$ 13,412,476  
**(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. \$ 11,000,000  
d. Public Sources d. \$ \_\_\_\_\_

Identify each state and federal grant/credit

\_\_\_\_\_ \$ \_\_\_\_\_  
\_\_\_\_\_ \$ \_\_\_\_\_  
\_\_\_\_\_ \$ \_\_\_\_\_  
\_\_\_\_\_ \$ \_\_\_\_\_

- e. Equity \$ 2,412,476

**TOTAL SOURCES** \$ 13,412,476  
**(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.

Tompkins Community Bank

#### 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  
Howitt-Bayview, LLC**

**A. IDA PILOT Benefits:**

Current Assessment	\$370,000
Value of New Construction & Renovation Costs	\$6,769,316
Estimated New Assessed Value Subject to IDA	\$7,139,316
Current Taxes	\$12,906
Current Taxes Escalator	2%
PILOT Terms - Years	10
County Tax rate/\$1,000	9.41000
Local Tax Rate* Tax Rate/\$1,000	2.78000
School Tax Rate /\$1,000	22.69000
Total Tax Rate	34.88000

**B. Sales Tax Exemption Benefit:**

Estimated value of Sales Tax exemption:	\$541,545
Estimated duration of ST exemption:	12/31/2023

**C. Mortgage Recording Tax Exemption (MRTE) Benefit:**

Estimated Value of MRTE:	\$82,500
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**D. Industrial Revenue Bond Benefit**

IRB inducement amount:	\$0
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**E. Percentage of Project Costs financed from Public Sector sources:**

Total Value of Incentives:	\$1,745,256
Project Construction Costs:	\$13,412,476
	13.01%

**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**
	<b>Total</b>	<b>\$395,007</b>	<b>\$116,697</b>	<b>\$952,465</b>	<b>\$1,464,169</b>	<b>\$2,585,380</b>	<b>\$1,121,211</b>
1	90%	\$6,370	\$1,882	\$15,360	\$23,611	\$236,114	\$212,502
2	80%	\$12,995	\$3,839	\$31,334	\$48,167	\$240,836	\$192,669
3	70%	\$19,882	\$5,874	\$47,940	\$73,696	\$245,653	\$171,957
4	60%	\$27,039	\$7,988	\$65,199	\$100,226	\$250,566	\$150,339
5	50%	\$34,475	\$10,185	\$83,129	\$127,789	\$255,577	\$127,789
6	40%	\$42,197	\$12,466	\$101,749	\$156,413	\$260,689	\$104,275
7	30%	\$50,215	\$14,835	\$121,082	\$186,132	\$265,902	\$79,771
8	20%	\$58,536	\$17,293	\$141,147	\$216,976	\$271,220	\$54,244
9	10%	\$67,170	\$19,844	\$161,966	\$248,980	\$276,645	\$27,664
10	0%	\$76,127	\$22,490	\$183,561	\$282,178	\$282,178	\$0

## VII. PROJECTED EMPLOYMENT

Complete for each Applicant or User/Tenant

**Company Name:** Howitt Bayview, LLC

**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 <b>RETAINED</b>	IF FINANCIAL ASSISTANCE IS GRANTED – project the number of FTE and PTE jobs to be <b>CREATED</b> 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)	0	3	3	3
Part Time (PTE)	0	1	1	1
Total	0	4	4	4

\*\* 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** Howitt Bayview, LLC

**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.

*JCH*  
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.**

*JCH*  
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.

*JCH*  
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.

*JCH*  
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.

*Just*  
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.

*Just*  
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.

*Howitt - Bayview, LLC*

(APPLICANT COMPANY)

(TENANT COMPANY)

*Jack W. Howitt, Manager 11/7/22*

Signature

, Title

Date

Signature

, Title

Date

## 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.

Howitt - Bayview, LLC

(APPLICANT COMPANY)

(TENANT COMPANY)

Jack W. Howitt, Manager 11/7/22  
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

Howitt - Bayview, LLC

Jack W. Howitt, Manager, 11/7/22  
 Signature, Title Date

### TENANT COMPANY

\_\_\_\_\_  
 Signature, Title Date

**Full Environmental Assessment Form**  
**Part 1 - Project and Setting**

### Instructions for Completing Part 1

**Part 1 is to be completed by the applicant or project sponsor.** Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the applicant or project sponsor to verify that the information contained in Part 1 is accurate and complete.

#### A. Project and Applicant/Sponsor Information.

Name of Action or Project: Bayview Landing		
Project Location (describe, and attach a general location map): 1211 Empire Boulevard (Wilbur Tract Road-Private), and a portion of 41 Woodhaven Drive, Rochester, NY 14609 (Town of Penfield)		
Brief Description of Proposed Action (include purpose or need): To construct a 4-story, 55 foot high, 85,200 square foot, 60-unit multifamily building with a 125 on-site parking spaces at 1211 Empire Boulevard in the LaSalle's Landing District (LLD). Approximately 38 of these parking spaces and a stormwater management area will be developed on the southern portion of the site at 41 Woodhaven Drive located in the R-1-20 District. This project also includes the site preparation for 18 +/- parking spaces along the north property line to serve K2 Brothers Brewing located at 1221 Empire Boulevard. An adjacent 5 acre parcel at 1185 Empire Boulevard will be donated to the County of Monroe for dedication as parkland to expand Lucien Morin Park to the west of the subject property.		
Name of Applicant/Sponsor: Howitt-Bayview, LLC		Telephone: 585-473-8410 E-Mail: mnewcomb@passero.com
Address: 758 South Avenue		
City/PO: Rochester	State: NY	Zip Code: 14620
Project Contact (if not same as sponsor; give name and title/role): Matthew Newcomb		Telephone: 585-325-1000 E-Mail: mnewcomb@passero.com
Address: 242 West Main Street, Suite 100		
City/PO: Rochester	State: NY	Zip Code: 14614
Property Owner (if not same as sponsor): Same as Applicant		Telephone: E-Mail:
Address:		
City/PO:	State:	Zip Code:

**B. Government Approvals****B. Government Approvals, Funding, or Sponsorship.** ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)

Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Counsel, Town Board, <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No or Village Board of Trustees	Conditional Use Permit, Incentive Zoning, Sit Plan Approval	
b. City, Town or Village Planning Board or Commission <input type="checkbox"/> Yes <input type="checkbox"/> No		
c. City, Town or Village Zoning Board of Appeals <input type="checkbox"/> Yes <input type="checkbox"/> No		
d. Other local agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
e. County agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	General Municipal Law 239-m	
f. Regional agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
g. State agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
h. Federal agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
i. Coastal Resources.		
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
iii. Is the project site within a Coastal Erosion Hazard Area?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

**C. Planning and Zoning****C.1. Planning and zoning actions.**

Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? ☐ Yes ☒ No

- If Yes, complete sections C, F and G.
- If No, proceed to question C.2 and complete all remaining sections and questions in Part 1

**C.2. Adopted land use plans.**

a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? ☒ Yes ☐ No

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? ☒ Yes ☐ No

b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) ☒ Yes ☐ No

If Yes, identify the plan(s):

NYS Heritage Areas: West Erie Canal Corridor

Ironquoit Bay Harbor Management Plan; LaSalle's Landing Development Plan

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? ☒ Yes ☐ No

If Yes, identify the plan(s):

Town of Penfield Open Space Inventory Report, 1999

**C.3. Zoning**

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. ☒ Yes ☐ No  
 If Yes, what is the zoning classification(s) including any applicable overlay district?  
LaSalle's Landing District (LLD) and a portion is in Residential 1-20 (R-1-20); EPOD Steep Slopes and Woodlot

b. Is the use permitted or allowed by a special or conditional use permit? ☒ Yes ☐ No

c. Is a zoning change requested as part of the proposed action? ☐ Yes ☒ No  
 If Yes,

i. What is the proposed new zoning for the site? \_\_\_\_\_

**C.4. Existing community services.**

a. In what school district is the project site located? Webster Central School District

b. What police or other public protection forces serve the project site?  
Monroe County Sheriff

c. Which fire protection and emergency medical services serve the project site?  
Penfield Fire Company

d. What parks serve the project site?  
LaSalle's Landing Park, Lucien Morin Park

**D. Project Details****D.1. Proposed and Potential Development**

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? Residential

b. a. Total acreage of the site of the proposed action? 4.0 acres  
 b. Total acreage to be physically disturbed? 3 acres  
 c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 27.6 acres

c. Is the proposed action an expansion of an existing project or use? ☐ Yes ☒ No  
 i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % \_\_\_\_\_ Units: \_\_\_\_\_

d. Is the proposed action a subdivision, or does it include a subdivision? ☐ Yes ☒ No  
 If Yes,  
 i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types) \_\_\_\_\_

ii. Is a cluster/conservation layout proposed? ☐ Yes ☐ No  
 iii. Number of lots proposed? \_\_\_\_\_  
 iv. Minimum and maximum proposed lot sizes? Minimum \_\_\_\_\_ Maximum \_\_\_\_\_

e. Will the proposed action be constructed in multiple phases? ☐ Yes ☒ No  
 i. If No, anticipated period of construction: \_\_\_\_\_ months  
 ii. If Yes:  
 • Total number of phases anticipated \_\_\_\_\_  
 • Anticipated commencement date of phase 1 (including demolition) \_\_\_\_\_ month \_\_\_\_\_ year  
 • Anticipated completion date of final phase \_\_\_\_\_ month \_\_\_\_\_ year  
 • Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

f. Does the project include new residential uses? ☒ Yes ☐ No

If Yes, show numbers of units proposed.

	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	_____	_____	_____	60
At completion	_____	_____	_____	_____
of all phases	_____	_____	_____	60

g. Does the proposed action include new non-residential construction (including expansions)? ☐ Yes ☒ No

If Yes,

- i. Total number of structures \_\_\_\_\_
- ii. Dimensions (in feet) of largest proposed structure: \_\_\_\_\_ height; \_\_\_\_\_ width; and \_\_\_\_\_ length
- iii. Approximate extent of building space to be heated or cooled: \_\_\_\_\_ square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? ☒ Yes ☐ No

If Yes,

- i. Purpose of the impoundment: Stormwater management
- ii. If a water impoundment, the principal source of the water: ☐ Ground water ☐ Surface water streams ☒ Other specify: \_\_\_\_\_
- on-site runoff
- iii. If other than water, identify the type of impounded/contained liquids and their source. \_\_\_\_\_

- iv. Approximate size of the proposed impoundment. Volume: \_\_\_\_\_ million gallons; surface area: \_\_\_\_\_ acres
- v. Dimensions of the proposed dam or impounding structure: \_\_\_\_\_ height; \_\_\_\_\_ length
- vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): \_\_\_\_\_

## D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? ☐ Yes ☒ No  
(Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)

If Yes:

- i. What is the purpose of the excavation or dredging? \_\_\_\_\_
- ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?
- Volume (specify tons or cubic yards): \_\_\_\_\_
  - Over what duration of time? \_\_\_\_\_
- iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. \_\_\_\_\_

iv. Will there be onsite dewatering or processing of excavated materials? ☐ Yes ☐ No

If yes, describe. \_\_\_\_\_

v. What is the total area to be dredged or excavated? \_\_\_\_\_ acres

vi. What is the maximum area to be worked at any one time? \_\_\_\_\_ acres

vii. What would be the maximum depth of excavation or dredging? \_\_\_\_\_ feet

viii. Will the excavation require blasting? ☐ Yes ☐ No

ix. Summarize site reclamation goals and plan: \_\_\_\_\_

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? ☐ Yes ☒ No

If Yes:

- i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): \_\_\_\_\_

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

iii. Will the proposed action cause or result in disturbance to bottom sediments? ☐ Yes ☐ No  
If Yes, describe: \_\_\_\_\_

iv. Will the proposed action cause or result in the destruction or removal of aquatic vegetation? ☐ Yes ☐ No  
If Yes:

- acres of aquatic vegetation proposed to be removed: \_\_\_\_\_
- expected acreage of aquatic vegetation remaining after project completion: \_\_\_\_\_
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): \_\_\_\_\_
- proposed method of plant removal: \_\_\_\_\_
- if chemical/herbicide treatment will be used, specify product(s): \_\_\_\_\_

v. Describe any proposed reclamation/mitigation following disturbance: \_\_\_\_\_

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c. Will the proposed action use, or create a new demand for water? ☒ Yes ☐ No  
If Yes:

i. Total anticipated water usage/demand per day: \_\_\_\_\_ 9900 gallons/day

ii. Will the proposed action obtain water from an existing public water supply? ☒ Yes ☐ No  
If Yes:

- Name of district or service area: Monroe County Water Authority
- Does the existing public water supply have capacity to serve the proposal? ☒ Yes ☐ No
- Is the project site in the existing district? ☒ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☒ No
- Do existing lines serve the project site? ☒ Yes ☐ No

iii. Will line extension within an existing district be necessary to supply the project? ☐ Yes ☒ No  
If Yes:

- Describe extensions or capacity expansions proposed to serve this project: \_\_\_\_\_
- Source(s) of supply for the district: \_\_\_\_\_

iv. Is a new water supply district or service area proposed to be formed to serve the project site? ☐ Yes ☒ No  
If Yes:

- Applicant/sponsor for new district: \_\_\_\_\_
- Date application submitted or anticipated: \_\_\_\_\_
- Proposed source(s) of supply for new district: \_\_\_\_\_

v. If a public water supply will not be used, describe plans to provide water supply for the project: \_\_\_\_\_

vi. If water supply will be from wells (public or private), what is the maximum pumping capacity: \_\_\_\_\_ gallons/minute.

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d. Will the proposed action generate liquid wastes? ☒ Yes ☐ No  
If Yes:

i. Total anticipated liquid waste generation per day: \_\_\_\_\_ 9900 gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): \_\_\_\_\_  
sanitary wastewater

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iii. Will the proposed action use any existing public wastewater treatment facilities? ☒ Yes ☐ No  
If Yes:

- Name of wastewater treatment plant to be used: Frank E. Van Lare Treatment Facility
- Name of district: Monroe County Pure Waters District
- Does the existing wastewater treatment plant have capacity to serve the project? ☒ Yes ☐ No
- Is the project site in the existing district? ☒ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☒ No

- Do existing sewer lines serve the project site? ☒ Yes ☐ No
- Will a line extension within an existing district be necessary to serve the project? ☐ Yes ☒ No

If Yes:

- Describe extensions or capacity expansions proposed to serve this project: \_\_\_\_\_

- iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? ☐ Yes ☒ No

If Yes:

- Applicant/sponsor for new district: \_\_\_\_\_
- Date application submitted or anticipated: \_\_\_\_\_
- What is the receiving water for the wastewater discharge? \_\_\_\_\_

- v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans):

- vi. Describe any plans or designs to capture, recycle or reuse liquid waste: \_\_\_\_\_

- e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? ☒ Yes ☐ No

If Yes:

- i. How much impervious surface will the project create in relation to total size of project parcel?

88k Square feet or 2.0 acres (impervious surface)  
 \_\_\_\_\_ Square feet or 4.0 acres (parcel size)

- ii. Describe types of new point sources. Wet Pond

- iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?

Stormwater will be conveyed from bio-retention areas via a lateral to the stormwater management area (wet pond) located south of the project site

- If to surface waters, identify receiving water bodies or wetlands: \_\_\_\_\_

- Will stormwater runoff flow to adjacent properties? Yes, property owned by the same entity. ☒ Yes ☐ No

- iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? ☐ Yes ☒ No

- f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? ☐ Yes ☒ No

If Yes, identify:

- i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)

- ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)

- iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)

- g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? ☐ Yes ☒ No

If Yes:

- i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) ☐ Yes ☐ No

- ii. In addition to emissions as calculated in the application, the project will generate:

- \_\_\_\_\_ Tons/year (short tons) of Carbon Dioxide (CO<sub>2</sub>)
- \_\_\_\_\_ Tons/year (short tons) of Nitrous Oxide (N<sub>2</sub>O)
- \_\_\_\_\_ Tons/year (short tons) of Perfluorocarbons (PFCs)
- \_\_\_\_\_ Tons/year (short tons) of Sulfur Hexafluoride (SF<sub>6</sub>)
- \_\_\_\_\_ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs)
- \_\_\_\_\_ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span> If Yes: i. Estimate methane generation in tons/year (metric): _____ ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____																	
i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span> If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____																	
j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span> If Yes: i. When is the peak traffic expected (Check all that apply): <input type="checkbox"/> Morning <input type="checkbox"/> Evening <input type="checkbox"/> Weekend <input type="checkbox"/> Randomly between hours of _____ to _____. ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): _____ _____ iii. Parking spaces: Existing <u>0</u> Proposed <u>125</u> Net increase/decrease <u>125</u> iv. Does the proposed action include any shared use parking? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span> v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: <u>Empire Boulevard will be widened and lanes restriped to provide a turn lane</u> vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span> vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span> viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>																	
k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If Yes: i. Estimate annual electricity demand during operation of the proposed action: _____ _____ ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): _____ _____ iii. Will the proposed action require a new, or an upgrade, to an existing substation? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span>																	
l. Hours of operation. Answer all items which apply. i. During Construction: <table style="width: 100%; border: none;"> <tr> <td style="width: 50%;">• Monday - Friday: <u>7 AM to 5 PM</u></td> <td style="width: 50%;">• Monday - Friday: <u>24-hour</u></td> </tr> <tr> <td>• Saturday: _____</td> <td>• Saturday: <u>24-hour</u></td> </tr> <tr> <td>• Sunday: _____</td> <td>• Sunday: <u>24-hour</u></td> </tr> <tr> <td>• Holidays: _____</td> <td>• Holidays: <u>24-hour</u></td> </tr> </table> ii. During Operations: <table style="width: 100%; border: none;"> <tr> <td style="width: 50%;">• Monday - Friday: _____</td> <td style="width: 50%;">• Monday - Friday: <u>24-hour</u></td> </tr> <tr> <td>• Saturday: _____</td> <td>• Saturday: <u>24-hour</u></td> </tr> <tr> <td>• Sunday: _____</td> <td>• Sunday: <u>24-hour</u></td> </tr> <tr> <td>• Holidays: _____</td> <td>• Holidays: <u>24-hour</u></td> </tr> </table>		• Monday - Friday: <u>7 AM to 5 PM</u>	• Monday - Friday: <u>24-hour</u>	• Saturday: _____	• Saturday: <u>24-hour</u>	• Sunday: _____	• Sunday: <u>24-hour</u>	• Holidays: _____	• Holidays: <u>24-hour</u>	• Monday - Friday: _____	• Monday - Friday: <u>24-hour</u>	• Saturday: _____	• Saturday: <u>24-hour</u>	• Sunday: _____	• Sunday: <u>24-hour</u>	• Holidays: _____	• Holidays: <u>24-hour</u>
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• Sunday: _____	• Sunday: <u>24-hour</u>																
• Holidays: _____	• Holidays: <u>24-hour</u>																

<p>m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If yes:</p> <p>i. Provide details including sources, time of day and duration:</p> <p>Use of heavy equipment for earthmoving and importing and exporting materials, Monday - Friday 7 AM to 5 PM.</p>	
<p>ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>Describe: _____</p>	
<p>n. Will the proposed action have outdoor lighting? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If yes:</p> <p>i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:</p> <p>LED Darksby Complaint, 20' height. Parking area lighting</p>	
<p>ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>Describe: _____</p>	
<p>o. Does the proposed action have the potential to produce odors for more than one hour per day? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____</p>	
<p>p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Product(s) to be stored _____</p> <p>ii. Volume(s) _____ per unit time _____ (e.g., month, year)</p> <p>iii. Generally, describe the proposed storage facilities: _____</p>	
<p>q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Describe proposed treatment(s): _____</p>	
<p>ii. Will the proposed action use Integrated Pest Management Practices? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p>	
<p>r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Describe any solid waste(s) to be generated during construction or operation of the facility:</p> <ul style="list-style-type: none"> <li>• Construction: _____ tons per _____ (unit of time)</li> <li>• Operation : _____ tons per _____ (unit of time)</li> </ul> <p>ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:</p> <ul style="list-style-type: none"> <li>• Construction: _____</li> <li>• Operation: _____</li> </ul> <p>iii. Proposed disposal methods/facilities for solid waste generated on-site:</p> <ul style="list-style-type: none"> <li>• Construction: _____</li> <li>• Operation: _____</li> </ul>	

s. Does the proposed action include construction or modification of a solid waste management facility? ☐ Yes ☒ No

If Yes:

- i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): \_\_\_\_\_
- ii. Anticipated rate of disposal/processing:
- \_\_\_\_\_ Tons/month, if transfer or other non-combustion/thermal treatment, or
  - \_\_\_\_\_ Tons/hour, if combustion or thermal treatment
- iii. If landfill, anticipated site life: \_\_\_\_\_ years

t. Will the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? ☐ Yes ☒ No

If Yes:

- i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: \_\_\_\_\_
- ii. Generally describe processes or activities involving hazardous wastes or constituents: \_\_\_\_\_
- iii. Specify amount to be handled or generated \_\_\_\_\_ tons/month
- iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: \_\_\_\_\_
- v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? ☐ Yes ☐ No

If Yes: provide name and location of facility: \_\_\_\_\_

If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility: \_\_\_\_\_

## E. Site and Setting of Proposed Action

### E.1. Land uses on and surrounding the project site

a. Existing land uses.

i. Check all uses that occur on, adjoining and near the project site.

- ☐ Urban ☐ Industrial ☒ Commercial ☒ Residential (suburban) ☐ Rural (non-farm)
- ☐ Forest ☐ Agriculture ☒ Aquatic ☐ Other (specify): \_\_\_\_\_

ii. If mix of uses, generally describe: \_\_\_\_\_

b. Land uses and covertypes on the project site.

Land use or Covertype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	.5	2	+1.5
• Forested			
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	3.5	2	-1.5
• Agricultural (includes active orchards, field, greenhouse etc.)			
• Surface water features (lakes, ponds, streams, rivers, etc.)			
• Wetlands (freshwater or tidal)			
• Non-vegetated (bare rock, earth or fill)			
• Other Describe: _____			

<p>c. Is the project site presently used by members of the community for public recreation? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>i. If Yes: explain: _____</p>	
<p>d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes,</p> <p>i. Identify Facilities: _____</p> <p>_____</p>	
<p>e. Does the project site contain an existing dam? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Dimensions of the dam and impoundment:</p> <ul style="list-style-type: none"> <li>• Dam height: _____ feet</li> <li>• Dam length: _____ feet</li> <li>• Surface area: _____ acres</li> <li>• Volume impounded: _____ gallons OR acre-feet</li> </ul> <p>ii. Dam's existing hazard classification: _____</p> <p>iii. Provide date and summarize results of last inspection: _____</p> <p>_____</p>	
<p>f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Has the facility been formally closed? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <ul style="list-style-type: none"> <li>• If yes, cite sources/documentation: _____</li> </ul> <p>ii. Describe the location of the project site relative to the boundaries of the solid waste management facility:</p> <p>According to the Town of Penfield LWRP (Figure 15), there is a suspected waste location to the west of the subject site, having been the site for municipal solid waste from the City of Rochester</p> <p>iii. Describe any development constraints due to the prior solid waste activities: _____</p> <p>None, not on the subject property</p>	
<p>g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred: _____</p> <p>_____</p>	
<p>h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <div style="display: flex; justify-content: space-between;"> <div> <input type="checkbox"/> Yes – Spills Incidents database  <input type="checkbox"/> Yes – Environmental Site Remediation database  <input type="checkbox"/> Neither database         </div> <div>           Provide DEC ID number(s): _____            Provide DEC ID number(s): _____         </div> </div> <p>ii. If site has been subject of RCRA corrective activities, describe control measures: _____</p> <p>_____</p> <p>iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If yes, provide DEC ID number(s): 828183, C828135</p> <p>iv. If yes to (i), (ii) or (iii) above, describe current status of site(s):</p> <p>828183 is location at 91 Woodhaven Dr., known as the Rochester Rifle Range operational between 1942 and 1965. This is a Class P site meaning information is preliminary and unverified because the DEC's investigation is incomplete. C828135, a Brownsfield site, is located at 1440 Empire Blvd, which was a sand quarry and unpermitted disposal area for construction and demolition debris from 1940 to the 1980s. C of C signed 06/30/2014</p>	

v. Is the project site subject to an institutional control limiting property uses? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>	
<ul style="list-style-type: none"> <li>• If yes, DEC site ID number: _____</li> <li>• Describe the type of institutional control (e.g., deed restriction or easement): _____</li> <li>• Describe any use limitations: _____</li> <li>• Describe any engineering controls: _____</li> <li>• Will the project affect the institutional or engineering controls in place? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></li> <li>• Explain: _____</li> </ul>	
<b>E.2. Natural Resources On or Near Project Site</b>	
a. What is the average depth to bedrock on the project site? <span style="float: right;">Greater than 6 feet</span>	
b. Are there bedrock outcroppings on the project site? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>	
If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ %	
c. Predominant soil type(s) present on project site:	
Arkport-Collamer	100 %
_____	_____ %
_____	_____ %
d. What is the average depth to the water table on the project site? Average: <span style="float: right;">5.5 feet</span>	
e. Drainage status of project site soils:	
<input checked="" type="checkbox"/> Well Drained:	100 % of site
<input type="checkbox"/> Moderately Well Drained:	_____ % of site
<input type="checkbox"/> Poorly Drained	_____ % of site
f. Approximate proportion of proposed action site with slopes:	
<input checked="" type="checkbox"/> 0-10%:	90 % of site
<input type="checkbox"/> 10-15%:	_____ % of site
<input checked="" type="checkbox"/> 15% or greater:	10 % of site
g. Are there any unique geologic features on the project site? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>	
If Yes, describe: <u>The EAFMapper checked no, however it should be noted that the subject site is located in the Steep Slopes Protection District and Woodlot Protection District, both identified in the LWRP</u>	
h. Surface water features.	
i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>	
ii. Do any wetlands or other waterbodies adjoin the project site? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span>	
If Yes to either i or ii, continue. If No, skip to E.2.i.	
iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span>	
iv. For each identified regulated wetland and waterbody on the project site, provide the following information:	
• Streams:	Name <u>Ravine</u> Classification <u>R4SBA/R5UBH</u>
• Lakes or Ponds:	Name <u>Irondequoit Bay</u> Classification <u>L2UBH</u>
• Wetlands:	Name <u>PEM1/5E</u> Approximate Size <u>12+/-</u>
• Wetland No. (if regulated by DEC)	_____
v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>	
If yes, name of impaired water body/bodies and basis for listing as impaired: _____	
i. Is the project site in a designated Floodway? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>	
j. Is the project site in the 100-year Floodplain? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>	
k. Is the project site in the 500-year Floodplain? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>	
l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span>	
If Yes:	
i. Name of aquifer: <u>Principal Aquifer, Primary Aquifer</u>	

<p>m. Identify the predominant wildlife species that occupy or use the project site:</p> <table style="width: 100%; border: none;"> <tr> <td style="border-bottom: 1px solid black; width: 33%;">American Bald Eagle/Osprey</td> <td style="border-bottom: 1px solid black; width: 33%;">Red-tail Hawk/Wood Ducks/Sedge Wren</td> <td style="border-bottom: 1px solid black; width: 33%;">Pheasant/dove/warblers/sparrows</td> </tr> <tr> <td style="border-bottom: 1px solid black;">Whitetail Deer</td> <td style="border-bottom: 1px solid black;">Eastern cottontail</td> <td style="border-bottom: 1px solid black;">Eastern Gray Squirrel</td> </tr> <tr> <td style="border-bottom: 1px solid black;">Woodcock</td> <td style="border-bottom: 1px solid black;">Raccoon/Fox/Mink/Mice</td> <td style="border-bottom: 1px solid black;">Song birds</td> </tr> </table>			American Bald Eagle/Osprey	Red-tail Hawk/Wood Ducks/Sedge Wren	Pheasant/dove/warblers/sparrows	Whitetail Deer	Eastern cottontail	Eastern Gray Squirrel	Woodcock	Raccoon/Fox/Mink/Mice	Song birds
American Bald Eagle/Osprey	Red-tail Hawk/Wood Ducks/Sedge Wren	Pheasant/dove/warblers/sparrows									
Whitetail Deer	Eastern cottontail	Eastern Gray Squirrel									
Woodcock	Raccoon/Fox/Mink/Mice	Song birds									
<p>n. Does the project site contain a designated significant natural community? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Describe the habitat/community (composition, function, and basis for designation): <u>Rich Mesophytic Forest</u></p> <p>ii. Source(s) of description or evaluation: <u>LWRP 2014</u> <u>This project will not impact this habitat/community</u></p> <p>iii. Extent of community/habitat:</p> <ul style="list-style-type: none"> <li>• Currently: <u>155.0</u> acres</li> <li>• Following completion of project as proposed: _____ acres</li> <li>• Gain or loss (indicate + or -): _____ acres</li> </ul>											
<p>o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Species and listing (endangered or threatened): <u>Sedge Wren, Bald Eagle</u></p>											
<p>p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Species and listing: _____</p>											
<p>q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If yes, give a brief description of how the proposed action may affect that use: _____</p> <p><u>This project is in the upland area of the Irondequoit Bay Area and will not have any impact on hunting, trapping or fishing.</u></p>											
<p><b>E.3. Designated Public Resources On or Near Project Site</b></p>											
<p>a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes, provide county plus district name/number: _____</p>											
<p>b. Are agricultural lands consisting of highly productive soils present? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>i. If Yes: acreage(s) on project site? _____</p> <p>ii. Source(s) of soil rating(s): _____</p>											
<p>c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Nature of the natural landmark: <input type="checkbox"/> Biological Community <input type="checkbox"/> Geological Feature</p> <p>ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____</p>											
<p>d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. CEA name: _____</p> <p>ii. Basis for designation: _____</p> <p>iii. Designating agency and date: _____</p>											

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span>	
If Yes: <ul style="list-style-type: none"> <li>i. Nature of historic/archaeological resource: <input type="checkbox"/> Archaeological Site <input checked="" type="checkbox"/> Historic Building or District</li> <li>ii. Name: <u>Grunner's Tavern (now MacGregor's Grill &amp; Tap Room), 1129 Empire Blvd, Rochester, NY 14609</u></li> <li>iii. Brief description of attributes on which listing is based: <u>This structure is recognized as a significant local historic site because of its importance to travelers crossing the Irondequoit Bay (LWRP page 5)</u></li> </ul>	
f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span>	
g. Have additional archaeological or historic site(s) or resources been identified on the project site? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>	
If Yes: <ul style="list-style-type: none"> <li>i. Describe possible resource(s): _____</li> <li>ii. Basis for identification: _____</li> </ul>	
h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>	
If Yes: <ul style="list-style-type: none"> <li>i. Identify resource: _____</li> <li>ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): _____</li> <li>iii. Distance between project and resource: _____ miles.</li> </ul>	
i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>	
If Yes: <ul style="list-style-type: none"> <li>i. Identify the name of the river and its designation: _____</li> <li>ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></li> </ul>	

#### F. Additional Information

Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

#### G. Verification

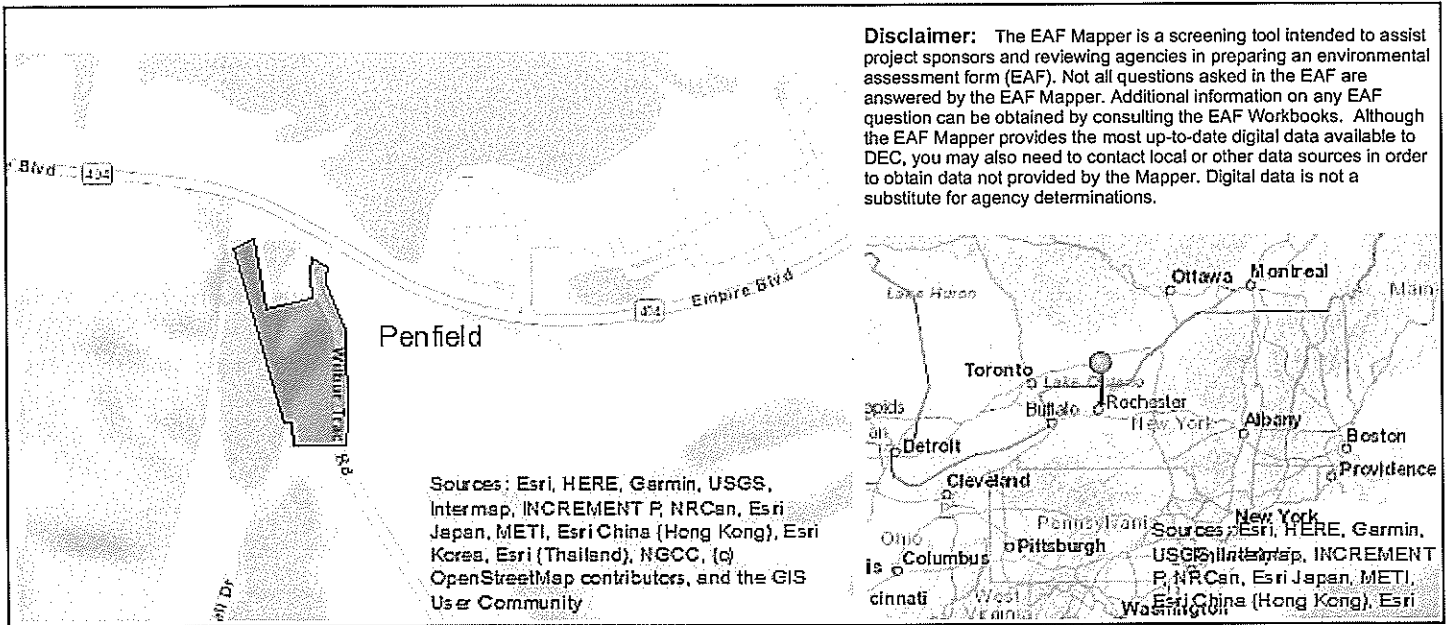
I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name Matthew Newcomb Date 4/22/20

Signature  Title Project Manager

# EAF Mapper Summary Report

Monday, April 06, 2020 2:36 PM



B.i.i [Coastal or Waterfront Area]	Yes
B.i.ii [Local Waterfront Revitalization Area]	Yes
C.2.b. [Special Planning District]	Yes - Digital mapping data are not available for all Special Planning Districts. Refer to EAF Workbook.
C.2.b. [Special Planning District - Name]	NYS Heritage Areas: West Erie Canal Corridor
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.iii [Within 2,000' of DEC Remediation Site]	Yes
E.1.h.iii [Within 2,000' of DEC Remediation Site - DEC ID]	828183, C828135
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	No
E.2.h.ii [Surface Water Features]	Yes
E.2.h.iii [Surface Water Features]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
E.2.h.v [Impaired Water Bodies]	No
E.2.i. [Floodway]	No
E.2.j. [100 Year Floodplain]	No
E.2.k. [500 Year Floodplain]	No
E.2.l. [Aquifers]	Yes
E.2.l. [Aquifer Names]	Principal Aquifer, Primary Aquifer

E.2.n. [Natural Communities]	Yes	49
E.2.n.i [Natural Communities - Name]	Rich Mesophytic Forest	
E.2.n.i [Natural Communities - Acres]	155.0	
E.2.o. [Endangered or Threatened Species]	Yes	
E.2.o. [Endangered or Threatened Species - Name]	Sedge Wren, Bald Eagle	
E.2.p. [Rare Plants or Animals]	No	
E.3.a. [Agricultural District]	No	
E.3.c. [National Natural Landmark]	No	
E.3.d [Critical Environmental Area]	No	
E.3.e. [National or State Register of Historic Places or State Eligible Sites]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.	
E.3.f. [Archeological Sites]	Yes	
E.3.i. [Designated River Corridor]	No	

PENFIELD TOWN BOARD RESOLUTION NO. 20T-180 DATE October 7, 2020

BY Councilman Moore

Law & Finance Committee

NAME Approval of Incentive Zoning and the Issuance of a Special Use Permit, an Environmental Protection Overlay Permit and Preliminary and Final Site Plan Approval to Allow a 60 Unit Apartment Building at 1211 Empire Blvd. and a Portion of 41 Woodhaven Drive – SBL#s 108.05-2-8.33 and 108.10-1-1.111 – Howitt-Bayview LLC

WHEREAS, an application has been received by the Penfield Town Board to consider an application for Incentive Zoning, and for the issuance of a Special Use Permit, an Environmental Protection Overlay Permit, and Preliminary and Final Site Plan Approval pursuant to §250-5.9-B(1)(b), §250-6.1, §250-12.2 and §255-8, of the Code to allow the development of a 60 unit apartment building with associated parking and storm water management facilities at 1211 Empire Blvd. and a portion of 41 Woodhaven Drive, located in the LaSalle's Landing Development (LLD) and R-1-20 zoning districts; and

WHEREAS, the Town Board of the said Town of Penfield held a public hearing at the Town Hall, 3100 Atlantic Avenue, in the Town of Penfield, New York on August 5, 2020, at 7:00 PM on said date, to consider the application and hear all persons interested on the question of Incentive Zoning, and for the issuance of a Special Use Permit, an Environmental Protection Overlay Permit, and Preliminary and Final Site Plan Approval pursuant to §250-5.9-B(1)(b), §250-6.1, §250-12.2 and §255-8, of the Code to allow the development of a 60 unit apartment building with associated parking and storm water management facilities at 1211 Empire Blvd. and a portion of 41 Woodhaven Drive, located in the LaSalle's Landing Development (LLD) and R-1-20 zoning districts, and the public hearing was held open to August 12, 2020 and decision was reserved; and

WHEREAS, the Penfield Town Board is best suited to act as lead agency within the meaning of the State Environmental Quality Review Act (SEQRA) and designated itself as lead agency pursuant to SEQRA; and

WHEREAS, the subject application is determined to be an Unlisted action pursuant to the requirements SEQRA, and the Town Board has determined that the action will not have any significant adverse environmental impacts on the properties, or surrounding properties.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board bases its decision to APPROVE the application, and its determination of environmental non-significance on the following findings:

1. The applicant proposes to construct the proposed 60 unit apartment building on the property at the base of a steep slope in such a manner that is will not impact the integrity or stability of the slope as recommended in *Penfield's Local Waterfront*

*Revitalization Plan (LWRP), the LaSalle's Landing Plan and the Irondequoit Bay Harbor Management Plan.*

2. The proposal provides for on-site storm water management that addresses quality issues in compliance with the Phase II State Pollution Discharge Elimination System (SPDES) general permit requirements for storm water runoff resulting from construction activity.
3. The applicant has requested an Incentive Zoning approval with this application which would result in the construction of a parking lot with covered parking in a portion of the residentially zoned property at 41 Woodhaven Drive. This is necessary to accommodate additional parking provided by the applicant for the K2 Brewery, which is in need of additional parking facilities, as the applicant has allowed parking along Wilbur Tract Road in the area where the apartment building is proposed to be constructed. The justification for granting Incentive Zoning in this approval process is to support the applicant's offers in conjunction with the project as addressed below.
4. The applicant proposes to construct 68 parking spaces and 32 covered parking spaces to support the proposed apartment building. In addition, the applicant, recognizing the problem that the adjacent neighbor (K2 Brewery) has experienced with inadequate parking, shall allow them to lease and to construct 18 additional parking spaces on its property to serve the brewery. The additional spaces will remove temporary parking along Wilbur Tract Road which will create safer access through Wilbur Tract Road by those residing along it.
5. The applicant has offered and agreed to extend the existing middle turn lane in Empire Blvd. After conferring with the New York State Department of Transportation, it was determined that it would be necessary to extend the middle turn lane by approximately seven hundred (700) feet, including micro surfacing and striping, to provide safer turning movements to and from Wilbur Tract Road than currently exists. This improved middle turn lane will create a safer means of ingress and egress for those residing on Wilbur Tract Road, and patrons and business owners on Wilbur Tract Road.
6. The applicant has offered the dedication a five (5) acre parcel adjacent to the site at 1185 Empire Blvd. to the Monroe County Parks Department for inclusion into Lucien Morin Park. The offer of dedication would assure that the subject property would become part of the Monroe County Parks System and would remain undeveloped, thereby mitigating any future development impacts to Old Westfall Road. In the event that the Monroe County Parks Department is not interested in the applicant's donation, the applicant is willing to offer the land for sale to the adjacent neighbors on the cul-de-sac of Old Westfall Road to extend their lots.
7. The applicant has agreed not to develop the remaining acreage at 41 Woodhaven Drive at this time, and in the foreseeable future, and has guaranteed that any future

proposed development would be consistent with the requirements of the R-1-20 zoning district.

8. The applicant proposes to install dark sky compliant lighting on the proposed building and within the parking lot to ensure that lighting does not become a nuisance or create any adverse visual impact to adjacent residents on Old Westfall Road and Woodhaven Drive.
9. The proposed building has been designed and proposed to be located on the site in an area that minimizes any adverse visual impacts to the residences on Old Westfall Road and Woodhaven Drive.
10. The development of this site, is consistent with the recommendations of the *Penfield Comprehensive Plan*, the *Penfield Local Waterfront Revitalization Plan*, and the *Irondequoit Bay Harbor Management Plan* and furthers the goals of the *LaSalle's Landing Development Plan*. Therefore, the submission of a draft Environmental Impact Statement for this proposal will not be required.

AND BE IT FURTHER RESOLVED, that the applicant's request for Incentive Zoning and for the issuance of a Special Use Permit, an Environmental Protection Overlay Permit and Preliminary and Final Site Plan Approval pursuant to §250-5.9-B(1)(b), §250-6.1, §250-12.2 and §255-8, of the Code to allow the development of a 60 unit apartment building with associated parking and storm water management facilities at 1211 Empire Blvd. and a portion of 41 Woodhaven Drive, located in the LaSalle's Landing Development (LLD) and R-1-20 zoning districts is hereby GRANTED subject to the following conditions:

1. The applicant shall obtain a SPECIAL USE PERMIT from the Town Clerk and pay the appropriate fee.
2. The applicant shall obtain an ENVIRONMENTAL PROTECTION OVERLAY DISTRICT PERMIT to allow work within the Steep Slope District from the Town Clerk and pay the appropriate fee. All work within the Steep Slope District shall comply with the requirements of the approved site plan and at the direction of the Town Engineer.
3. This operation shall comply with all Federal, State, County and Town Codes.

AND BE IT FURTHER RESOLVED, that the applicant's request for PRELIMINARY AND FINAL SITE PLAN APPROVAL is hereby GRANTED subject to the following conditions:

1. The applicant shall be permitted to construct a 60 unit apartment building, and appurtenant parking and storm water management facilities on this site, all of which is identified on the site plan prepared by Passero Associates #20141839.0006, dated April 2020, with latest revisions dated June 22, 2020.

2. The Board and applicant have worked to achieve a building design for the site that meets the goals and objectives of the *LaSalle's Landing Plan* and the applicant's needs. The applicant may not, at any time, modify the exterior of the building, its color scheme or its signage and exterior lighting without approval by this Board.
3. Compliance with, or agreements reached, on all of the engineering requirements that may be raised by the Town Engineer. Obtaining the signature of the Town Engineer on the final plans shall indicate compliance with this condition.
4. Compliance with the comments concerning this application from the Development Review Committee as contained in Monroe County Department of Planning's Referral # PN20005Z, dated May 21, 2020.
5. Compliance with all requirements of the *Town of Penfield Design and Construction Specifications*, revised August 7, 2019.
6. The applicant shall confer with the Penfield Fire Marshal to determine the most appropriate location for refuse storage on the site, if proposed to the exterior of the building. Any proposed dumpster to be stored to the exterior of the proposed building must be enclosed as required by Penfield Zoning Ordinance.
7. Ramps are to be installed for the handicapped, as required by law, on the sidewalks surrounding and accessing the proposed building.
8. All project signage shall be submitted for review and approval by the Town Board prior to the issuance of a sign permit. All signage shall be in compliance with the requirements of the Penfield Zoning Ordinance.
9. Compliance with all requirements of any Federal, State, County or local agency.
10. The final grading plan shall contain a full schedule of erosion control implementation, installation of protective fencing of the NYSDEC wetland 100 foot adjacent area, temporary and permanent seeding details, topsoil stockpile areas and other applicable measures deemed appropriate by the Town Engineer. The Notice of Intent for construction activity must be submitted prior to the pre-construction meeting.
11. The final landscape plan shall be reviewed, approved and signed by the Town's Landscape Consultant. An appropriate amount of funds shall be in the Letter of Credit to cover the cost of the approved landscaping materials and installation. The applicant shall submit a contractual guarantee from his landscaper to ensure that all landscape materials installed on the site shall be replaced by the landscaper for a period of two (2) years after installation if they do not survive after being properly cared for by the applicant during that period.

12. The Town Engineer shall approve the final plan for exterior lighting, specifically that such plan shows dark sky compliant lighting which is localized and unobtrusive.
13. Furnishing the Town with a letter of credit, in an amount to be approved by the Town Engineer prior to the start of construction. Said letter of credit shall insure that all public improvements and such other items as may be deemed necessary are constructed in accordance with the approved plan and the standards and specifications of the Town of Penfield. All As-built maps, as required per the Town of Penfield Design and Construction Specifications dated August 7, 2019, shall be submitted to the Town Engineer prior to the issuance of a Certificate of Occupancy for the proposed apartment building.
14. Submission of all easements to implement the approved plan. Easements shall be submitted in recordable format, subject to review and approval by the Town Attorney, and accompanied by the required filing fees prior to obtaining the signature of the Director of Developmental Services on the final site plan.
15. Any and all costs related to the relocation of utilities necessitated by this project shall be borne by the individual and/or the utility company requesting the relocation. All new utilities serving this project shall be installed underground.
16. All sanitary sewer connections are to be approved by the Town Engineer and, if necessary, the Monroe County Health Department. Appropriate agency signatures on the final plans shall indicate compliance with this requirement.
17. Construction is to begin within one (1) year from the date of this resolution.
18. The applicant shall submit a property maintenance agreement pursuant to the requirements of Chapter 250-7.12 of the Penfield Zoning Ordinance to ensure the ongoing maintenance of the apartment building and all of its appurtenances, such as parking areas, garages, walkways, and drainage facilities. Said agreement shall be in the Town's format. Further, the applicant, its successors, heirs and assigns shall be responsible for providing the Town of Penfield a Storm Water Engineer's Report every three (3) years verifying the operational status of said storm water facility as required by the New York State Department of Environmental Conservation (NYSDEC), and the Environmental Protection Agency (EPA) and the owner shall pay for the costs associated with said report.
19. The applicant shall confer with the town staff to determine the most appropriate location to install temporary toilet facilities to serve the construction workers during redevelopment. The placement and type of screening of said facilities shall be at the direction of the Town staff. This shall be determined at the pre-construction meeting.

20. The applicant shall request subdivision approval from the Town Board to subdivide the parcel at 1211 Empire Blvd with those portions of 41 Woodhaven Drive that support the storm water detention facility, and a portion of the parking lot so that those facilities, and the proposed apartment building are ultimately situated on one parcel. The subdivision of said properties shall occur prior to the issuance of a Certificate of Occupancy for the proposed apartment building.
21. The applicant, upon submission of plans for signatures, shall also submit a written summary of compliance with the above stated conditions to the Director of Developmental Services.
22. Compliance with all of the requirements of the Director of Developmental Services regarding this matter.
23. THIS RESOLUTION OF APPROVAL WITH CONDITIONS SHALL BE PRINTED IN ITS ENTIRETY ON THE SITE PLAN.

The Board bases its finding and decision to APPROVE this application on the following:

1. Application Form dated April 22, 2020.
2. Full Environmental Assessment Form (EAF) dated April 22, 2020 and a Determination of Non-significance dated October 7, 2020.
3. Letter of Intent dated April 22, 2020.
4. Waterfront Assessment Form dated May 22, 2020.
5. Architectural renderings dated April 23, 2020.
6. Engineering Report dated May 13, 2019.
7. Stormwater Pollution Prevention Plan (SWPPP) dated April 23, 2020.
8. Site Plans dated April 22, 2020.
9. Monroe County Planning Comments (PN20005Z) dated May 21, 2020.
10. Fire Marshal Comments dated June 3, 2020.
11. Project Review Committee memo dated June 4, 2020.
12. Passero response to June 4, 2020 PRC memo dated June 17, 2020
13. Project Review Committee response memo to Passero June 17, 2020 letter dated June 17, 2020.

14. New York State Department of Transportation letter dated June 18, 2020.
15. Revised Engineering Report dated June 22, 2020.
16. Powers Cultural Resource Investigation dated July 17, 2020.
17. New York State Department of Transportation Intersection Improvement Plans dated May 21, 2020.
18. Revised Site Plans addressing PRC comments dated June 23, 2020.
19. New York State Department of Transportation Intersection Improvement Revised Site Plans dated June 23, 2020.
20. Howitt email dated August 26, 2020.
21. Submissions and oral testimony of the applicant.

Moved: Moore

Seconded: Kohl

Vote: Drawe	<u>No</u>
Kohl	<u>Aye</u>
LaFountain	<u>Aye</u>
Moore	<u>Aye</u>
Ockenden	<u>No</u>

FILED  
 PENFIELD, N.Y.  
 2020 OCT -2 AM 10:03  
 AMY M. STELLA  
 TOWN CLERK



## APPLICATION SUMMARY

**DATE:** January 17, 2023

**APPLICANT:**

Whitney Baird Associates, LLC  
205 St. Paul St.  
Rochester, NY 14604

**TENANT & PROJECT  
ADDRESS:**

Security Risk Advisors  
155 Culver Rd.  
Rochester, NY 14620

**PROJECT SUMMARY:**

Whitney Baird Associates, LLC, a real estate holding company, is proposing the renovation and modernization of the 155 Culver Rd facility in the City of Rochester as the tenant, Security Risk Advisors, has signed a long-term lease. The \$730,000 project is projected to create 44 new FTEs over the next three years. The applicant and tenant are both seeking approval of sales tax exemptions only. The Benefit/Incentive ratio is 1055:1.

**PROJECT AMOUNT:  
EXEMPTIONS:**

\$730,000 – Sales Tax Exemption Only  
Landlord: \$17,920  
Tenant: \$26,000

**JOBS: EXISTING:  
NEW:**

18	FTEs
44	FTEs

**PUBLIC HEARING DATE:**

N/A

**BENEFIT TO INCENTIVE RATIO:**

1055 : 1

**SEQR:**

TYPE II ACTION UNDER SEQR SECTION 617.5

**ELIGIBILITY:**

TECHNOLOGY-BASED PRODUCER SERVICE COMPANY

**APPROVED PURPOSE:**

JOB CREATION

# Monroe County Industrial Development Agency

## MRB Cost Benefit Calculator

Date January 17, 2022  
 Project Title Whitney Baird Associates, LLC  
 Project Location 155 Culver Rd. Suite 210, Rochester, NY 14620



## Economic Impacts

Summary of Economic Impacts over the Life of the PILOT

### Project Total Investment

\$730,000

### Temporary (Construction)

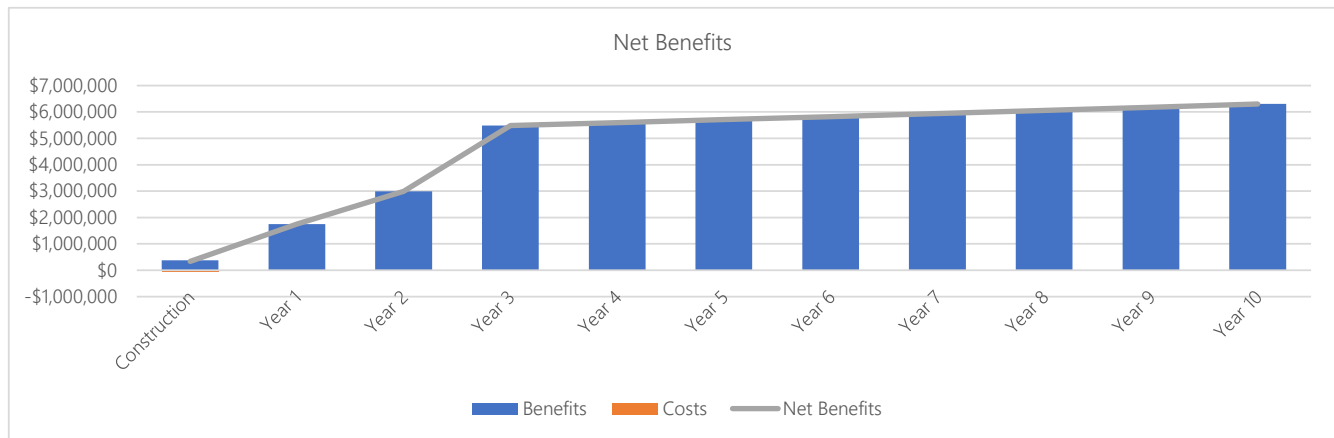
	Direct	Indirect	Total
Jobs	3	2	5
Earnings	\$241,505	\$116,845	\$358,351
Local Spend	\$584,000	\$347,907	\$931,907

### Ongoing (Operations)

Aggregate over life of the PILOT

	Direct	Indirect	Total
Jobs	44	13	57
Earnings	\$33,252,051	\$15,685,635	\$48,937,686

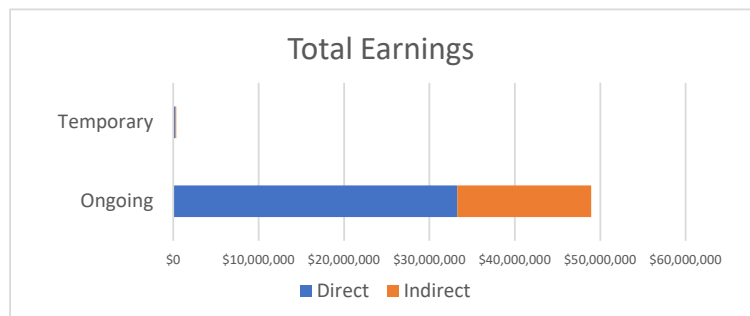
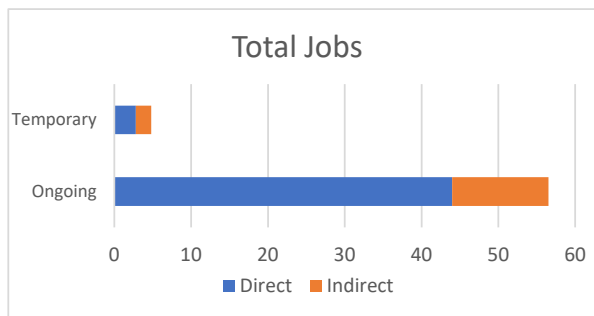
Figure 1



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	\$43,920	\$43,920
Local Sales Tax Exemption	\$21,960	\$21,960
State Sales Tax Exemption	\$21,960	\$21,960
Mortgage Recording Tax Exemption	\$0	\$0
Local Mortgage Recording Tax Exemption	\$0	\$0
State Mortgage Recording Tax Exemption	\$0	\$0
<b>Total Costs</b>	<b>\$43,920</b>	<b>\$43,920</b>

### State and Local Benefits

	Nominal Value	Discounted Value*
<b>Local Benefits</b>	<b>\$49,641,110</b>	<b>\$44,049,783</b>
<b>To Private Individuals</b>	<b>\$49,296,037</b>	<b>\$43,743,578</b>
Temporary Payroll	\$358,351	\$358,351
Ongoing Payroll	\$48,937,686	\$43,385,227
Other Payments to Private Individuals	\$0	\$0
<b>To the Public</b>	<b>\$345,072</b>	<b>\$306,205</b>
Increase in Property Tax Revenue	\$0	\$0
Temporary Jobs - Sales Tax Revenue	\$2,508	\$2,508
Ongoing Jobs - Sales Tax Revenue	\$342,564	\$303,697
Other Local Municipal Revenue	\$0	\$0
<b>State Benefits</b>	<b>\$2,563,394</b>	<b>\$2,274,666</b>
<b>To the Public</b>	<b>\$2,563,394</b>	<b>\$2,274,666</b>
Temporary Income Tax Revenue	\$16,126	\$16,126
Ongoing Income Tax Revenue	\$2,202,196	\$1,952,335
Temporary Jobs - Sales Tax Revenue	\$2,508	\$2,508
Ongoing Jobs - Sales Tax Revenue	\$342,564	\$303,697
<b>Total Benefits to State &amp; Region</b>	<b>\$52,204,503</b>	<b>\$46,324,449</b>

### Benefit to Cost Ratio

	Benefit*	Cost*	Ratio
Local	\$44,049,783	\$21,960	2006:1
State	\$2,274,666	\$21,960	104:1
<b>Grand Total</b>	<b>\$46,324,449</b>	<b>\$43,920</b>	<b>1055:1</b>

\*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

(Whitney Baird Associates, LLC and Security Risk Advisors Intl, LLC Project)  
 OSC Codes: 2602-13-044B and 2602-23-001A

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 January 17, 2023, 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) WHITNEY BAIRD ASSOCIATES, LLC OR A RELATED ENTITY FORMED OR TO BE FORMED (COLLECTIVELY, THE "COMPANY") AND SECURITY RISK ADVISORS INTL, LLC OR A RELATED ENTITY FORMED OR TO BE FORMED (COLLECTIVELY, THE "TENANT") AS ITS AGENTS TO UNDERTAKE A CERTAIN PROJECT AS MORE FULLY DESCRIBED BELOW; (ii) PROVIDE FINANCIAL ASSISTANCE TO THE COMPANY AND THE TENANT IN THE FORM OF A SALES AND USE TAX EXEMPTIONS FOR PURCHASES AND RENTALS RELATED TO THE UNDERTAKING OF THE PROJECT; (iii) AUTHORIZE THE EXECUTION AND DELIVERY OF PROJECT AGREEMENTS 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, **WHITNEY BAIRD ASSOCIATES, LLC**, a New York limited liability company, for itself or an entity formed or to be formed (collectively, the "Company") and **SECURITY RISK ADVISORS INTL, LLC**, a Pennsylvania limited liability company, for itself or an entity formed or to be formed (collectively, the "Tenant") have requested that the Agency assist with a certain Project (the "Project"), consisting of: (A) the renovation of an approximately 4,000 square-foot space located at 155 Culver Road, Suite 210 in the City of Rochester, New York 14620 (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 by the Tenant in its business as a cyber security consulting firm; 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 project agreements (the "Project Agreements"), pursuant to which the Agency will appoint the Company and the Tenant as its agents for the purpose of undertaking the Project and (ii) provide financial assistance (the "Financial Assistance") to the Company and the Tenant in the form of sales and use tax exemptions for purchases and rentals related to the renovation and equipping 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 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 and the Tenant as its agents 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 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 approves the cost/benefit report submitted by the Company listing the proposed cost/benefits of the Project.

Section 3. Subject to the Company and the Tenant each executing their respective Project Agreements 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 and the Tenant to proceed with the renovation and equipping of the Project and hereby appoints the Company and the Tenant as the true and lawful agents 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 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 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 Improvements 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 and the Tenant are each 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 and/or the Tenant chooses; provided, however, the Project Agreements shall expire on **December 31, 2023** (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 **\$224,000**, which result in New York State and local sales and use tax exemption benefits ("sales and use tax exemption benefits") not to exceed **\$17,920**. 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. Based upon the representation and warranties made by the Tenant, the Agency hereby authorizes and approves (i) the Tenant 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 **\$325,000**, which result in New York State and local

sales and use tax exemption benefits not to exceed **\$26,000**. The Agency agrees to consider any requests by the Tenant 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 6. Pursuant to Section 875(3) of the New York General Municipal Law, the Agency may recover or recapture from the Company and/or the Tenant, their respective 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 and/or the Tenant, their respective 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 and/or the Tenant, their respective 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 and/or the Tenant, their respective 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 and/or the Tenant, their respective 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, and/or the Tenant, their respective 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 Executive Director, Deputy Director, Chairman or Vice Chairman of the Agency are hereby authorized, on behalf of the Agency, to negotiate the Project Agreements, pursuant to which the Agency will appoint the Company and the Tenant as its agents for the purpose of undertaking the Project.

Section 8. 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 9. 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 January 17, 2023, 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 17<sup>th</sup> day of January, 2023.

\_\_\_\_\_  
Ana J. Liss, Executive Director

[illegible]

## II. PROJECT

### A. Address of proposed project facility

Address: \_\_\_\_\_

Tax Map Parcel Number: \_\_\_\_\_

City/Town/Village: \_\_\_\_\_

School District: \_\_\_\_\_

Zip: \_\_\_\_\_

Current Legal Owner of Property:

\_\_\_\_\_

### 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: \_\_\_\_\_

Proposed Commencement Date of Construction: \_\_\_\_\_

Anticipated Completion Date: \_\_\_\_\_

### G. Contractor(s)

\_\_\_\_\_  
\_\_\_\_\_

## **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.

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

☐ Yes ☐ No

Location:

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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:

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- 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: \_\_\_\_\_

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

**Check One:**

☐ **JOBSPUS**

**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 JOBSPUS**

**Requirements:**

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

☐ **GREEN JOBSPUS**

**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. \$ \_\_\_\_\_  
b. Labor b. \$ \_\_\_\_\_

##### **Site Work**

- c. Materials c. \$ \_\_\_\_\_  
d. Labor d. \$ \_\_\_\_\_  
e. Non-Manufacturing Equipment e. \$ \_\_\_\_\_  
f. Manufacturing Equipment f. \$ \_\_\_\_\_  
g. Equipment Furniture and Fixtures g. \$ \_\_\_\_\_  
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** \$ \_\_\_\_\_  
**(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. \$ \_\_\_\_\_  
d. Public Sources d. \$ \_\_\_\_\_

Identify each state and federal grant/credit

\_\_\_\_\_ \$ \_\_\_\_\_  
\_\_\_\_\_ \$ \_\_\_\_\_  
\_\_\_\_\_ \$ \_\_\_\_\_  
\_\_\_\_\_ \$ \_\_\_\_\_

- e. Equity \$ \_\_\_\_\_

**TOTAL SOURCES** \$ \_\_\_\_\_  
**(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.

#### 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**  
**Whitney Baird Associates, LLC**

**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:	\$43,920
Estimated duration of ST exemption:	12/31/2023

**C. Mortgage Recording Tax Exemption (MRTE) Benefit:**

Estimated Value of MRTE:	\$0
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**D. Industrial Revenue Bond Benefit**

IRB inducement amount:	\$0
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**E. Percentage of Project Costs financed from Public Sector sources:**

Total Value of Incentives:	\$43,920
Project Construction Costs:	\$730,000
	6.02%

**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**
	<b>Total</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
-	90%	-	-	-	-	\$0	-
-	80%	-	-	-	-	-	-
-	70%	-	-	-	-	-	-
-	60%	-	-	-	-	-	-
-	50%	-	-	-	-	-	-
-	40%	-	-	-	-	-	-
-	30%	-	-	-	-	-	-
-	20%	-	-	-	-	-	-
-	10%	-	-	-	-	-	-
-	0%	-	-	-	-	-	-

## VII. PROJECTED EMPLOYMENT

Complete for each Applicant or User/Tenant

**Company Name:** \_\_\_\_\_

**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 <b>RETAINED</b>	IF FINANCIAL ASSISTANCE IS GRANTED – project the number of FTE and PTE jobs to be <b>CREATED</b> 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)				
Part Time (PTE)				
Total				

\*\* 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** \_\_\_\_\_

**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.

### **100% Local Labor**

Initial

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.**

### **Local Labor Market**

Initial

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.

### **Bid Processing**

Initial

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.

### **Monitoring**

Initial

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.

### Signage

Initial

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.

### Exemption Process

Initial

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.

Security Risk Advisors Intl, LLC

(APPLICANT COMPANY)

(TENANT COMPANY)

Signature

, Title

Date

Signature

Controller

, Title

12/21/2022

Date

**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.

Security Risk Advisors Intl, LLC

(APPLICANT COMPANY)

Signature, Title Date

(TENANT COMPANY)


*Jessica Davis* Controller 12/21/2022  
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:

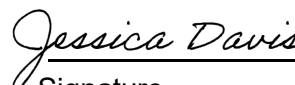
- A. The information contained in this Application, including employment information, is true and correct. The Applicant is aware that any material misrepresentation made in this Application constitutes an act of fraud, resulting in revocation of COMIDA benefits.
- B. The undersigned, on behalf of the 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

\_\_\_\_\_  
  
 Signature, Title Date

### TENANT COMPANY

Security Risk Advisors Intl, LLC

\_\_\_\_\_  
 Controller 12/21/2022  
 Signature, Title Date

### **Security Risk Advisors Intl, LLC Ownership Structure**

Security Risk Advisors, Inc	94.5584%	Majority Owner
Carl Angeloff	.2760%	Director
Michael Pinch	.1656%	Director
Mario Piva	1%	Director
Michael Polise	1%	Director
Arundhati Older	1%	Director
William Heineman	1%	Director
Jason Rivera	1%	Director

#### Security Risk Advisors, Inc

Timothy Wainwright	30.67%	CEO
Christopher Salerno	30.67%	Managing Director
Philip Wainwright	30.67%	Director
Carl Angeloff	5%	Director
Michael Pinch	3%	Director



## ASSIGNMENT/ASSUMPTION SUMMARY

**DATE:** January 17, 2022

**APPLICANT:**

CT Rochester, LLC (Assignor)  
7 Jackson Walkway  
Providence, RI 02903

University of Rochester, on behalf of an entity to be formed  
(Assignee)  
263 Wallis Hall  
Rochester, NY 14627

**PROJECT LOCATION:**

1351 Mount Hope Avenue  
Rochester, NY 14620

**ORIGINAL APPROVAL DATE:**

February 19, 2013

**MODIFICATION REQUEST:**

CT Rochester, LLC has a mixed-use development adjacent to the University of Rochester, in the City of Rochester. CT Rochester, in partnership with the City of Rochester, redeveloped the 14 acre site which consists of retail, office, residential, hotel and parking facilities. In February 2013, the project was approved for a custom property tax abatement. The applicant is requesting approval to assume the property tax abatement.

**PROJECT AMOUNT**

ORIGINAL  
\$60,800,000

**Motion By:** \_\_\_\_\_  
**Seconded By:** \_\_\_\_\_

### **RESOLUTION**

(Assignment of CT Rochester, LLC Project to a For-Profit entity to be formed by the  
 University of Rochester)  
 OSC Code 2602-22-037A

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 January 17, 2023 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  
 ASSIGNMENT BY CT ROCHESTER, LLC OF CERTAIN FINANCIAL  
 ASSISTANCE AND DOCUMENTS (EACH AS DEFINED BELOW) IN  
 CONNECTION WITH A CERTAIN PROJECT LOCATED AT 1351  
 MOUNT HOPE AVENUE IN THE CITY OF ROCHESTER, NEW YORK,  
 TO A FOR-PROFIT ENTITY FORMED OR TO BE FORMED AND  
 RELATED TO THE UNIVERSITY OF ROCHESTER; 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 February 19, 2013, the Agency appointed **CT ROCHESTER, LLC**, a Delaware limited liability company ("Assignor"), the true and lawful agent of the Agency to undertake certain projects (collectively, the "Projects") consisting of:

- (i) the University Project consisting of: (A) the acquisition of a leasehold or other interest in certain parcels of land located at 1351 Mt. Hope Avenue in the City of Rochester, New York (collectively, the "University Project Land"); (B) the construction thereon of a building or buildings containing 50,000 square feet of Class A office space, 100,000 square feet of street level retail and restaurant space including a book store and grocery store, and 150,000 square feet of rental residential space (the "University Project Improvements"); (C) the acquisition and installation therein and thereon of related equipment (the "University Project Equipment"), and (D) the lease of the University Project Land, University Project Improvements and University Project Equipment (collectively referred to herein as, the "University Facility") to the Company ((A) through (D) above are collectively referred to herein as, the "University Project"); and

- (ii) the Hotel Project consisting of: (A) the acquisition of a leasehold or other interest in a parcel of land located at 1351 Mt. Hope Avenue in the City of Rochester, New York (collectively, the "Hotel Land"); (B) the construction thereon of a 120-150-room hotel and conference center (the "Hotel Improvements"); (C) the acquisition and installation therein and thereon of related equipment (the "Hotel Equipment"), and (D) the lease of the Hotel Land, Hotel Improvements and Hotel Equipment (collectively referred to herein as, the "Hotel Facility") to the Company ((A) through (D) above are collectively referred to herein as, the "Hotel Project") (the University Project and the Hotel Project are sometimes herein referred to collectively as, the "Project" and the University Facility and the Hotel Facility are sometimes herein referred to collectively as, the "Facility"); and

WHEREAS, the Agency and Assignor executed and delivered (i) a certain Sublease Agreement, dated as of September 1, 2013, by and between the Agency and Assignor, pursuant to which Assignor subleased the University Facility to the Agency (the "Sublease Agreement (University)"), a memorandum of which (the "Memorandum of Sublease (University)") was recorded in the Monroe County Clerk's Office on October 1, 2013 in Liber 11310 of Deeds, at Page 212; (ii) a certain Subleaseback Agreement, dated as of September 1, 2013, by and between the Agency and Assignor, pursuant to which the Agency subleased the University Facility back to Assignor (the "Subleaseback Agreement (University)"), a memorandum of which was recorded in the Monroe County Clerk's Office on October 1, 2013 in Liber 11310 of Deeds, at Page 225 (the "Memorandum of Subleaseback (University)"); (iii) a certain Sublease Agreement, dated as of September 1, 2013, by and between the Agency and Assignor, pursuant to which Assignor subleased the Hotel Facility to the Agency (the "Sublease Agreement (Hotel)"), a memorandum of which (the "Memorandum of Sublease (Hotel)") was recorded in the Monroe County Clerk's Office on October 1, 2013 in Liber 11310 of Deeds, at Page 206 (iv) a certain Subleaseback Agreement, dated as of September 1, 2013, by and between the Agency and Assignor, pursuant to which the Agency subleased the Hotel Facility back to Assignor (the "Subleaseback Agreement (Hotel)"), a memorandum of which was recorded in the Monroe County Clerk's Office on October 1, 2013 in Liber 11310 of Deeds, at Page 219 (the "Memorandum of Subleaseback (Hotel)"); and (v) a certain Payment-In-Lieu-Of-Tax Agreement, dated as of November 1, 2016, by and between the Agency and Assignor (the "PILOT Agreement"; and, together with the Sublease Agreement (University), Memorandum of Sublease (University), Subleaseback Agreement (University), and the Memorandum of Subleaseback (University), Sublease Agreement (Hotel), Memorandum of Sublease (Hotel), Subleaseback Agreement (Hotel), and Memorandum of Subleaseback (Hotel), the "Documents"); and

WHEREAS, pursuant to the Documents, the Agency provided financial assistance (the "Financial Assistance") to Assignor in the form of (a) a sales and use tax exemption for purchases and rentals related to the acquisition, construction and equipping of the Facility; (b) a 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, by Application for Assumption, dated November 16, 2022, Assignor has requested the Agency's approval of the sale of the Facility and assignment of the Financial Assistance and the Documents to a for-profit entity formed or to be formed and related to the University of Rochester (collectively, the "Company"); and

WHEREAS, Assignor and the Company represent that the sale of the Facility to the Company will not in any way change the use of the Facility and that the Facility will continue to constitute a "project" as such quoted term is defined in the Act; and

WHEREAS, the Agency now desires to adopt a resolution: (i) approving the sale of the Facility, (ii) approving the assignment of the Financial Assistance and the Documents to the Company and (iii) approving the execution of any and all documents necessary to effectuate the assignment of the Financial Assistance and the Documents.

NOW, THEREFORE, BE IT RESOLVED by the County of Monroe Industrial Development Agency (a majority of the members thereof affirmatively concurring) as follows:

Section 1. The Agency hereby consents to the sale of Assignor's rights, title and interests in and to the Facility to the Company.

Section 2. The Agency hereby consents to the assignment of the Financial Assistance and the Documents from Assignor to the Company.

Section 3. The Executive Director, Deputy Director, Chairman or Vice Chairman of the Agency is hereby authorized, on behalf of the Agency, to execute and deliver any and all documents necessary to effectuate the above-described assignments and continuation of the Financial Assistance and the Documents with respect to the Facility.

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 January 17, 2023, 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 17<sup>th</sup> day of January, 2023.

\_\_\_\_\_  
Ana J. Liss, Executive Director

11/21/22  
original code: 2602 13 009 A  
new code: 2602 22 037A



COUNTY OF MONROE  
**COMIDA**  
INDUSTRIAL DEVELOPMENT AGENCY

**APPLICATION FOR ASSUMPTION**

Each applicant seeking assumption of an existing Project must complete this form and provide additional information if requested. A non-refundable application fee of \$350 must be included with this application. Make check payable to COMIDA. If assumption is approved, assumption will require preparation of legal documentation and a fee of \$2,000 plus legal costs.

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 online at [www.monroecountyida.org](http://www.monroecountyida.org).

**I. PROJECT**

- a. Address 1351 Mount Hope Avenue  
City/State/Zip Rochester, New York 14620  
TAX Map No See attached
- b. Current Project Owner  
CT Rochester, LLC (Beneficial Owner)
- c. Does Applicant contemplate any changes in use or tenancy of the project? YES ☐ NO ☒

If YES, provide information on additional pages.

**II. APPLICANT**

- a. Name University of Rochester, on behalf of an entity to be formed  
Address 263 Wallis Hall  
City/State/Zip Rochester, New York 14627  
TAX ID No 16-0743209  
Contact Name Mark Wright  
Title Senior Counsel  
Telephone # 585-369-6745  
Email mark.wright@rochester.edu

- b. Owners of 20% or more Applicant Company  
University of Rochester

Do any of these owners currently own property within Monroe County New York? YES ☒ NO ☐

**III. APPLICANT Legal Counsel**

Name Matthew Carrigg  
Firm Nixon Peabody LLP  
Address 1300 Clinton Square  
City/State/Zip Rochester, New York 14604  
Telephone # 585.263.1214  
Email mcarrigg@nixonpeabody.com

**IV. CERTIFICATION**

Current Project Owner represents that (i) it is not in default under any documents executed in connection with the Project being assigned; (ii) Assignee must agree to assume Current Project Owner's rights, interest, duties, obligations and liability set forth in any documents executed in connection with the Project being assigned; and (iii) Assignee will pay all fees of the Agency and its counsel in connection with the assignment of said Project.

Signed:

Current Project Owner:

Matthew Lawrence 11/14/22  
Name, Title Date  
Matthew Lawrence, Senior Vice President

Assignee:

University of Rochester  
By: Elizabeth A. Milavec 11/16/22  
Name, Title Date  
Elizabeth A. Milavec  
Executive V.P. for Administration  
and Finance and CFO

**TAX MAP NUMBERS****136.53-4-1.002 UNT 1****136.53-1-2.001****136.53-1-3.002****136.53-1-3.003****136.53-1-4.003****136.53-1-5.002****136.53-1-6.002****136.53-1-6.003****135.53-1-7.002****136.53-1-8.003**



## ASSIGNMENT/ASSUMPTION SUMMARY

**DATE:** January 17, 2022

**APPLICANT:**

FCP Driving Park LLC (Assignor)  
90 Goodway Drive  
Rochester, NY 14623

1001 Driving Park LLC (Assignee)  
2200 Cabot Drive, Suite 110  
Lisle, IL 60532

**PROJECT LOCATION:**

25-65 Phil Banks Way  
Rochester, NY 14623

**ORIGINAL APPROVAL DATE:**

January 19, 2021

**MODIFICATION REQUEST:**

FCP Driving Park LLC, a real estate holding company, constructed a new 40,000 sq. ft. building for its tenant Farmer Jon's Popcorn in the City of Rochester. In January 2021, the \$6.8 million project was approved for a real property tax abatement, mortgage recording tax and sales tax exemption. The applicant is requesting approval to assume the property tax abatement.

**PROJECT AMOUNT**

ORIGINAL

\$8,155,000

**Motion By:** \_\_\_\_\_  
**Seconded By:** \_\_\_\_\_

### RESOLUTION

(Assignment of FCP Driving Park LLC Project to 1001 Driving Park LLC)  
 OSC Code 2602-22-038A

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 January 17, 2023 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 ASSIGNMENT BY FCP DRIVING PARK LLC OF CERTAIN FINANCIAL ASSISTANCE AND DOCUMENTS (EACH AS DEFINED BELOW) IN CONNECTION WITH A CERTAIN PROJECT LOCATED AT 25-65 PHIL BANKS WAY IN THE CITY OF ROCHESTER, NEW YORK, TO 1001 DRIVING PARK, LLC OR A RELATED ENTITY FORMED OR TO BE FORMED; 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 January 19, 2021, the Agency appointed **FCP DRIVING PARK LLC**, a New York limited liability company ("Assignor"), 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 an approximately 12.48-acre parcel of land located at 25-65 Phil Banks Way in the City of Rochester, New York 14613 (the "Land"); (B) the construction on the Land of an approximately 40,000 square-foot manufacturing building (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"); all for use by Farmer Jon's Popcorn LLC (the "Tenant") in the production of bagged and packaged popcorn; and

WHEREAS, the Agency and Assignor executed and delivered (i) a certain Lease Agreement, dated as of February 1, 2021, by and between the Agency and Assignor, pursuant to which Assignor leased the Facility to the Agency (the "Lease Agreement"), a memorandum of which (the "Memorandum of Lease") was recorded in the Monroe County Clerk's Office on February 16, 2021 in Liber 12463 of Deeds, at Page 411; (ii) a certain Leaseback Agreement, dated as of February 1, 2021, by and between the Agency and Assignor, pursuant to which the Agency leased the Facility back to Assignor (the "Leaseback Agreement"), a memorandum of

which was recorded in the Monroe County Clerk's Office on February 16, 2021 in Liber 12463 of Deeds, at Page 415 (the "Memorandum of Leaseback") and (iii) a certain Payment-In-Lieu-Of-Tax Agreement, dated as of February 1, 2021, by and between the Agency and Assignor (the "PILOT Agreement"; and, together with the Lease Agreement, Memorandum of Lease, Leaseback Agreement and the Memorandum of Leaseback, the "Documents"); and

WHEREAS, pursuant to the Documents, the Agency provided financial assistance (the "Financial Assistance") to Assignor in the form of (a) a sales and use tax exemption for purchases and rentals related to the acquisition, construction and equipping of the Facility, (b) a partial mortgage recording tax exemption for financing related to the Project and (c) a partial real property tax abatement structured through the PILOT Agreement; and

WHEREAS, by Application for Assumption, dated November 23, 2022, Assignor has requested the Agency's approval of the sale of the Facility and assignment of the Financial Assistance and the Documents to 1001 Driving Park, LLC, or a related entity formed or to be formed (collectively, the "Company"); and

WHEREAS, Assignor and the Company represent that the sale of the Facility to the Company will not in any way change the use of the Facility and that the Facility will continue to constitute a "project" as such quoted term is defined in the Act; and

WHEREAS, the Agency now desires to adopt a resolution: (i) approving the sale of the Facility, (ii) approving the assignment of the Financial Assistance and the Documents to the Company and (iii) approving the execution of any and all documents necessary to effectuate the assignment of the Financial Assistance and the Documents.

NOW, THEREFORE, BE IT RESOLVED by the County of Monroe Industrial Development Agency (a majority of the members thereof affirmatively concurring) as follows:

Section 1. The Agency hereby consents to the sale of Assignor's rights, title and interests in and to the Facility to the Company.

Section 2. The Agency hereby consents to the assignment of the Financial Assistance and the Documents from Assignor to the Company.

Section 3. The Executive Director, Deputy Director, Chairman or Vice Chairman of the Agency is hereby authorized, on behalf of the Agency, to execute and deliver any and all documents necessary to effectuate the above-described assignments and continuation of the Financial Assistance and the Documents with respect to the Facility.

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 January 17, 2023, 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 17<sup>th</sup> day of January, 2023.

\_\_\_\_\_  
Ana J. Liss, Executive Director

original code: 2602 21 002 A  
new code: 2602 22 038 A



# COUNTY OF MONROE COMIDA

INDUSTRIAL DEVELOPMENT AGENCY

## APPLICATION FOR ASSUMPTION

Each applicant seeking assumption of an existing Project must complete this form and provide additional information if requested. A non-refundable application fee of \$350 must be included with this application. Make check payable to COMIDA. If assumption is approved, assumption will require preparation of legal documentation and a fee of \$2,000 plus legal costs.

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 online at [www.monroecountyida.org](http://www.monroecountyida.org).

### I. PROJECT

- a. Address 25-65 Phil Banks Way  
City/State/Zip City of Rochester, NY 14623  
TAX Map No Lot R-1A 1000 Driving Park Subc
- b. Current Project Owner  
FCP Driving Park LLC
- c. Does Applicant contemplate any changes in use or tenancy of the project? YES ☐ NO ☒

If YES, provide information on additional pages.

### II. APPLICANT

- a. Name 1001 Driving Park LLC  
Address 2200 Cabot Dr, Ste 110  
City/State/Zip Lisle, IL 60532  
TAX ID No 92-0856331  
Contact Name Thomas Golab  
Title Vice President  
Telephone # 630-324-1211  
Email tgolab@re-ds.com

- b. Owners of 20% or more Applicant Company  
Alan Elshafei 2006 Trust  
Elshafei Charitable Lead Trust

Do any of these owners currently own property within Monroe County New York? YES ☐ NO ☒

### III. APPLICANT Legal Counsel

Name William Brennan  
Firm Goldstine, Skrodzki, Russian etal  
Address 835 McClintock Dr, 2nd Fl  
City/State/Zip Burr Ridge, IL 60527  
Telephone # 630-655-6000  
Email wmb@gsrnh.com

### IV. CERTIFICATION

Current Project Owner represents that (i) it is not in default under any documents executed in connection with the Project being assigned; (ii) Assignee must agree to assume Current Project Owner's rights, interest, duties, obligations and liability set forth in any documents executed in connection with the Project being assigned; and (iii) Assignee will pay all fees of the Agency and its counsel in connection with the assignment of said Project.

Signed:

Current Project Owner:

Thomas Golab Member/Manager 11/23/2022  
Name, Title Date

Assignee:

Thomas Golab Vice President 11/23/2022  
Name, Title Date



## MODIFICATION SUMMARY

**DATE:** January 17, 2022

**APPLICANT:**

O'Connell Electric Co., Inc.  
830 Phillips Road  
Victor, NY 14564

**PROJECT LOCATION:**

390 Systems Road  
Henrietta, NY 14623

**MODIFICATION REQUEST:**

O'Connell Electric Co., Inc. is a full-service electrical contractor providing comprehensive design-build, construction, service, maintenance, and emergency response services. The proposed project is a 20,000 sq. ft. two-story office building and training facility consisting of 56 offices, a large training room and related common area. This building is necessary to accommodate O'Connell Electric's Power Division continued growth and expansion. O'Connell Electric anticipates creating 5 new FTEs in addition to the existing 19 FTEs. In June 2022, the \$6.5 million project was approved for a real property tax abatement, mortgage recording tax and sales tax exemption. The applicant is now requesting an increase in project costs of \$4,000,000 due to the increase in construction costs. This amount includes \$3,050,000 in purchases of vehicles. The total project cost is now \$10,577,000 and the new sales tax exemption benefit amount is \$551,029 and the mortgage recording tax exemption is \$52,500. The applicant is also requesting an extension of the sales tax exemption through June 30, 2024 due to the extended completion date.

**PROJECT AMOUNT**

<u>ORIGINAL</u>	<u>REQUESTED</u>	<u>NEW TOTAL</u>
\$6,557,000	<b>\$4,000,000</b>	<b>\$10,577,000</b>

**Motion By:** \_\_\_\_\_  
**Seconded By:** \_\_\_\_\_

**RESOLUTION**  
(O'Connell Electric Company, Inc. Project)  
OSC Code 2602-22-019B

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 January 17, 2023, 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 AUTHORIZING (i) AN AMENDMENT TO THE PROJECT SCOPE AND DESCRIPTION TO INCLUDE THE PURCHASE OF CERTAIN ALTEC/TEREX TRUCKS (AS HEREINAFTER DEFINED); (ii) ADDITIONAL FINANCIAL ASSISTANCE IN AMOUNTS EXCEEDING THE AMOUNTS PREVIOUSLY APPROVED BY THE AGENCY; (iii) THE EXTENSION OF THE SALES AND USE TAX EXEMPTION BENEFITS (AS HEREINAFTER DEFINED) AND (iv) THE EXECUTION OF RELATED DOCUMENTS ALL IN RESPECT OF THE TO O'CONNELL ELECTRIC COMPANY, INC. 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, by Resolution duly adopted on June 21, 2022, the Agency appointed **O'CONNELL ELECTRIC COMPANY, INC.**, a New York corporation 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 acquisition of a leasehold interest in a portion of an approximately 5.42±-acre parcel of vacant land located at 390 Systems Road in the Town of Henrietta, New York 14623 (the "Land"); (B) the construction on the Land of a two-story approximately 20,000 square-foot office building and training facility consisting of offices, a large training room and common area spaces (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 \$3,234,862, which would result in New York State and local sales and use tax exemption benefits not to exceed \$258,789 through December 31, 2023; and

WHEREAS the Agency initially approved a mortgage in relation to this Project in the principal amount of \$3,000,000 resulting in mortgage recording tax exemption in the amount of \$22,500; and

WHEREAS, pursuant to a certain Project Modification Request, dated November 18, 2022, the Company requested the Agency: (i) amend the scope of the Project to include the purchase of seven (7) Altec AT41M bucket trucks, five (5) Altec AM55E aerial devices, four (4) Terex ATPRO70 forestry trucks and one (1) Altec LR8-70 forestry truck (together the "Altec/Terex Trucks"); (ii) 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 of up to \$6,887,862, which would result in New York State and local Sales and Use Tax Exemption Benefits not to exceed \$551,029 (as increased, the "Sales and Use Tax Exemption Benefits"); (iii) grant an extension to the Sales and Use Tax Exemption Benefits through December 31, 2024 and (iv) authorize a mortgage in the principal amount of \$7,000,000 which would result in mortgage recording tax exemption in the amount of \$52,000; and

WHEREAS, the Agency desires to adopt a resolution authorizing (i) the amendment to the scope of the Project to include the purchase of the Altec/Terex Trucks, (ii) the increase in Sales and Use Tax Exemption Benefits; (iii) the extension of the Sales and Use Tax Exemption Benefits through December 31, 2024 and (iv) the increase in mortgage amount to \$7,000,000.

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:

(a) the amendment to the scope of the Project, the description of which Project is hereby deleted and replaced as follows:

The **O'CONNELL ELECTRIC COMPANY, INC.**, a New York corporation 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 a portion of an approximately 5.42±-acre parcel of vacant land located at 390 Systems Road in the Town of Henrietta, New York 14623 and all other lands in the County of Monroe where, by license or easement or other agreement, the Company or its designees are making improvements that benefit the Project (collectively, the "Land"); (B) the construction on the Land of a two-story approximately 20,000 square-foot office building and training facility consisting of offices, a large training room and common area spaces (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, the purchase of seven (7) Altec AT41M bucket trucks, five (5) Altec AM55E aerial devices, four (4) Terex ATPRO70 forestry trucks and one (1) Altec LR8-70 forestry truck to be maintained at the Company's offices at 390 Systems Road, Henrietta, New York 14623 (the "Equipment" and, together with the Land and the Improvements, the "Facility");

(b) 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 in an amount up to **\$6,887,862**, which result in New York State and local Sales and Use Tax Exemption Benefits not to exceed **\$551,029**; and

(c) the extension of the Sales and Use Tax Exemption Benefits through **December 31, 2024**. 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; and

(d) the increase in mortgage amount to **\$7,000,000** resulting in mortgage recording tax exemption in the amount of **\$52,500**.\

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 a partial mortgage recording tax exemption and the increase and extension of Sales and Use Tax Exemption Benefits.

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 January 17, 2023, 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 17<sup>th</sup> day of January, 2023.

\_\_\_\_\_  
Ana J. Liss, Executive Director



## PROJECT MODIFICATION REQUEST

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

100

Applicant:	O'Connell Electric Co., Inc.		
Project Address:	390 Systems Road Henrietta, NY 14623		
Contact Name:	Richard Camping		
Contact Company:	O'Connell Electric Co., Inc.		
Contact Address:	830 Phillips Road Victor, NY 14564		
Contact Email:	richard.camping@oconnellelectric.com	Contact Phone:	585-734-3510

Employment in Monroe County:	128		11/16/22
	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: \$	6,557,000	\$4,000,000	\$10,577,000
	Original Project Cost	Increase in Project Costs	New Project Costs

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

12/31/2023	03/31/2024	\$0
Current Expiration Date	Requested Expiration Date	Amount of Exemptions Taken to Date

**Reason for Extension:**  
 We chose to not incur the added construction costs to work all winter and decided instead to wait until spring 2023. This in turn extends the completion to late 2023 or early 2024

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☐ **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: Richard Camping Date: 11/17/2022  
 Print Name and Title: Richard Camping VP of Operations

Staff Use Only:

Date Received 11/18/22 Date of Original Approval: 6/21/22 New Code 2602 22 019 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
<b>Building Construction or Renovation</b>			
a. Materials	\$ _____	\$ _____	\$ _____
b. Labor	\$ _____	\$ _____	\$ _____
<b>Site Work</b>			
c. Materials	\$ _____	\$ _____	\$ _____
d. Labor	\$ _____	\$ _____	\$ _____
e. Non-Manufacturing Equipment	\$ _____	\$ _____	\$ _____
f. Furniture & Fixtures	\$ _____	\$ _____	\$ _____
g. Land and/or Building Purchase	\$ _____	\$ _____	\$ _____
h. Manufacturing Equipment	\$ _____	\$ _____	\$ _____
i. Soft Costs (Legal, Architect, Engineer)	\$ _____	\$ _____	\$ _____
Other Costs (specify)			
j. _____	\$ _____	\$ _____	\$ _____
k. _____	\$ _____	\$ _____	\$ _____
l. _____	\$ _____	\$ _____	\$ _____
m. _____	\$ _____	\$ _____	\$ _____
<b>Total Project Costs</b>	<b>\$ _____</b>	<b>\$ _____</b>	<b>\$ _____</b>
<b>Sources of Funds for Project Costs</b>			
a. Tax Exempt Industrial Revenue Bond	\$ _____	\$ _____	\$ _____
b. Taxable Industrial Revenue Bond	\$ _____	\$ _____	\$ _____
c. Tax Exempt Civic Facility Bond	\$ _____	\$ _____	\$ _____
d. Bank Financing (subject to recording tax)	\$ _____	\$ _____	\$ _____
e. Public Sources	\$ _____	\$ _____	\$ _____
f. Equity	\$ _____	\$ _____	\$ _____
<b>Total Sources</b>	<b>\$ _____</b>	<b>\$ _____</b>	<b>\$ _____</b>

**B. Reason for Increase:**

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

## Finnerty, Robin

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**From:** Dick Camping <richard.camping@oconnellelectric.com>  
**Sent:** Tuesday, December 6, 2022 4:08 PM  
**To:** Finnerty, Robin  
**Cc:** Tim Boldt; Michael Parkes; Andy Dohse; Darrell Strong  
**Subject:** FW: Updated Altec Schedule  
**Attachments:** 70F\_XTPRO 70 FORESTRY - Freightliner M2106 4x2 ISB 250 HP 3500 RDS 13.3K-21K 33000 GVWR 11' Chip Box Expires 12-31-22.pdf

CAUTION: This email originated from outside Monroe County systems. Exercise caution when opening attachments or clicking links, especially from unknown senders.

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Robin – thank you for allowing us to make one last change to the list of bucket truck purchases that will be part of our Modified Project Request going before the Comida board on December 20<sup>th</sup>. We will be eliminating two Model AT41M and two Model AM55E bucket trucks and adding four Terex brand forestry trucks Model ATPRO60/70, as shown in the attachment. The revised list is below. Thank you again for allowing this last minute change to the list. – d.

|                      |                       |
|----------------------|-----------------------|
| AT41M (7) @ 140K =   | \$980,000.00          |
| AM55E (5) @ 225K =   | \$1,125,000.00        |
| LR8-70 (1) @ 195K =  | \$165,000.00          |
| ATPRO70 (4) @ 195K = | \$780,000.00          |
| <b>Total</b>         | <b>\$3,050,000.00</b> |

**From:** Dick Camping  
**Sent:** Friday, December 2, 2022 9:33 AM  
**To:** Robin Finnerty (rfinnerty@monroecounty.gov) <rfinnerty@monroecounty.gov>  
**Cc:** Tim Boldt <tim.boldt@oconnellelectric.com>; Michael Parkes <michael.parkes@oconnellelectric.com>; Tim Boldt <tim.boldt@oconnellelectric.com>; Andy Dohse <andrew.dohse@oconnellelectric.com>; Darrell Strong <darrell.strong@oconnellelectric.com>  
**Subject:** FW: Updated Altec Schedule

Robin – listed below is our change to the previous list of Altec brand trucks to be purchased under our Comida sales tax exemption. We will be eliminating the purchase of one Model AT41M bucket truck and adding one forestry truck Model LR8-70 shown here. <https://www.altec.com/site/uploads/LR8-onesheet-web.pdf> the revised list is as follows - Dick

|                       |                       |
|-----------------------|-----------------------|
| AT41M (9) @ 140K =    | \$1,260,000.00        |
| AM55E (7) @ 225K =    | \$1,575,000.00        |
| LR8-70 (1) @ \$165K = | \$165,000.00          |
| <b>Total</b>          | <b>\$3,000,000.00</b> |

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**From:** Dick Camping  
**Sent:** Friday, November 25, 2022 3:57 PM  
**To:** Robin Finnerty (rfinnerty@monroecounty.gov) <rfinnerty@monroecounty.gov>  
**Cc:** Tom Parkes <tom.parkes@oconnellelectric.com>; Michael Parkes <michael.parkes@oconnellelectric.com>; Tim

Boldt <[tim.boldt@oconnellelectric.com](mailto:tim.boldt@oconnellelectric.com)>; Darrell Strong <[darrell.strong@oconnellelectric.com](mailto:darrell.strong@oconnellelectric.com)>

**Subject:** FW: Updated Altec Schedule

Robin – I hope you and your family had a Happy Thanksgiving yesterday.

Following your request I have outlined below the list of bucket trucks to be included in the project modification request application.

Darrel Strong, our fleet manager, has provided the delivery schedule for trucks and chippers to be purchased and delivered in 2023, 2024, 2025 and into 2026. There are many more trucks listed than the 3 million dollars we are requesting exemption for.

To simplify things we will request exemption for the first seventeen trucks on the schedule totaling \$2,975,000.00 purchased during the period from April 21, 2023 to January 31, 2024.

(10) AT41M units @ 140K = \$1,400,000.00 and (7) AM55E units @ 225K = \$1,575,000.00. Specifications on the trucks can be found here. [https://www.altec.com/site/uploads/AM\\_E-Series-onesheet-web.pdf](https://www.altec.com/site/uploads/AM_E-Series-onesheet-web.pdf), [https://www.altec.com/site/uploads/AT374148MP-onesheet\\_FINAL.pdf](https://www.altec.com/site/uploads/AT374148MP-onesheet_FINAL.pdf), Enjoy the rest of your weekend. - Dick

**From:** Darrell Strong <[darrell.strong@oconnellelectric.com](mailto:darrell.strong@oconnellelectric.com)>

**Sent:** Tuesday, November 22, 2022 3:59 PM

**To:** Dick Camping <[richard.camping@oconnellelectric.com](mailto:richard.camping@oconnellelectric.com)>

**Subject:** FW: Updated Altec Schedule

Hi Dick,

Trucks listed below highlighted in yellow cover 3 million.

We also have 10 Morbark 1215 Chippers coming At 38k each this next month.

Plus, another 4 Vermeer Chippers at 35k each

AT41Ms are 140k Each 10 units = 1.4 Million

AM55Es are 225k Each 10 units = 2.25 Million

DC47 are the same 10 units = 2.25 Million

Regards,

**Darrell Strong**

Fleet Manager

**Cell:** 585-507-9902

**Direct Line:** 585-869-4609



### 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.

**From:** Darrell Strong <[darrell.strong@oconnellelectric.com](mailto:darrell.strong@oconnellelectric.com)>

**Sent:** Tuesday, October 18, 2022 7:30 AM

**To:** Jeff Gould <[jeffrey.gould@oconnellelectric.com](mailto:jeffrey.gould@oconnellelectric.com)>; Tom Parkes <[tom.parkes@oconnellelectric.com](mailto:tom.parkes@oconnellelectric.com)>; David Emmi <[david.emmi@oconnellelectric.com](mailto:david.emmi@oconnellelectric.com)>; Michael Parkes <[michael.parkes@oconnellelectric.com](mailto:michael.parkes@oconnellelectric.com)>

**Subject:** Fwd: Updated Altec Schedule

Good morning all  
Please see updated schedule for equipment arriving in 2023  
Looks like we aren't going to see our squirt bucket this year.

Darrell Strong

Sent from my iPhone

Begin forwarded message:

**From:** Jeffrey Smith <[Jeffrey.Smith@altec.com](mailto:Jeffrey.Smith@altec.com)>  
**Date:** October 18, 2022 at 6:47:05 AM EDT  
**To:** Darrell Strong <[darrell.strong@oconnellelectric.com](mailto:darrell.strong@oconnellelectric.com)>  
**Subject:** Updated Altec Schedule

[External Email] This email originated from outside of the O'Connell Electric mail system. Please use caution when opening attachments.

Darrell,

Great to see you last week. Thanks for taking the time to meet with Scott and me.

Below you will find the latest schedule for the trucks you have on order.

| Customer           | Model | Run Number | Order   | Job      | Wip Scheduled Start | Wip Scheduled Completion |
|--------------------|-------|------------|---------|----------|---------------------|--------------------------|
| O'CONNELL ELECTRIC | AT41M | 1182353    | 6197145 | 84100454 | 3/27/2023           | 4/21/2023                |
| O'CONNELL ELECTRIC | AT41M | 1182353    | 6197147 | 84100457 | 3/27/2023           | 4/21/2023                |
| O'CONNELL ELECTRIC | AT41M | 1285122    | 6157708 | 83313427 | 3/27/2023           | 4/21/2023                |
| O'CONNELL ELECTRIC | AT41M | 1285123    | 6157857 | 83312330 | 4/24/2023           | 5/19/2023                |
| O'CONNELL ELECTRIC | AT41M | 1285123    | 6157862 | 83313397 | 5/1/2023            | 5/26/2023                |
| O'CONNELL ELECTRIC | AM55E | 1269882    | 6587394 | 92077883 | 5/1/2023            | 5/31/2023                |
| O'CONNELL ELECTRIC | AM55E | 1269882    | 6587396 | 92077885 | 5/1/2023            | 5/31/2023                |
| O'CONNELL ELECTRIC | AM55E | 1269882    | 6587397 | 92077886 | 5/29/2023           | 6/28/2023                |
| O'CONNELL ELECTRIC | AM55E | 1269882    | 6587398 | 92077887 | 6/5/2023            | 7/5/2023                 |
| O'CONNELL ELECTRIC | AM55E | 1269882    | 6587400 | 92077888 | 6/5/2023            | 7/5/2023                 |
| O'CONNELL ELECTRIC | AT41M | 1285125    | 6426031 | 88380807 | 7/17/2023           | 8/11/2023                |
| O'CONNELL ELECTRIC | AT41M | 1285124    | 6157777 | 83313364 | 8/7/2023            | 9/1/2023                 |
| O'CONNELL ELECTRIC | AT41M | 1285125    | 6426034 | 88380830 | 8/7/2023            | 9/1/2023                 |
| O'CONNELL ELECTRIC | AT41M | 1285125    | 6426025 | 88380811 | 8/14/2023           | 9/8/2023                 |
| O'CONNELL ELECTRIC | AT41M | 1285125    | 6426035 | 88380831 | 8/28/2023           | 9/22/2023                |
| O'CONNELL ELECTRIC | AM55E | 1269882    | 6587401 | 92077889 | 1/1/2024            | 1/31/2024                |
| O'CONNELL ELECTRIC | AM55E | 1269882    | 6587404 | 92077894 | 1/1/2024            | 1/31/2024                |
| O'CONNELL ELECTRIC | AM55E | 1269882    | 6587406 | 92077895 | 1/1/2024            | 1/31/2024                |
| O'CONNELL ELECTRIC | AM55E | 1269882    | 6587407 | 92077896 | 1/1/2024            | 1/31/2024                |

|                    |       |         |         |          |           |           |
|--------------------|-------|---------|---------|----------|-----------|-----------|
| O'CONNELL ELECTRIC | AM55E | 1269882 | 6587409 | 92077897 | 1/1/2024  | 1/31/2024 |
| O'CONNELL ELECTRIC | DC47  | 1269902 | 6587484 | 92563922 | 1/1/2024  | 1/31/2024 |
| O'CONNELL ELECTRIC | DC47  | 1269902 | 6587487 | 92563923 | 1/1/2024  | 1/31/2024 |
| O'CONNELL ELECTRIC | DC47  | 1269902 | 6587488 | 92563924 | 1/1/2024  | 1/31/2024 |
| O'CONNELL ELECTRIC | DC47  | 1269902 | 6587490 | 92563925 | 1/1/2024  | 1/31/2024 |
| O'CONNELL ELECTRIC | DC47  | 1269902 | 6587491 | 92563926 | 1/1/2024  | 1/31/2024 |
| O'CONNELL ELECTRIC | A77-T | 1296822 | 6703176 | 94532946 | 9/30/2024 | 12/9/2024 |

There are also 10 AM55Es and 5 DC47 scheduled for completion in 2025 and 12 AM55Es and 6 DC47s scheduled for completion in 2026.

I am working on the 2027 budgetary pricing and should have that for you shortly.

Please let me know if you have questions.

Thank you,

Jeff

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Jeff Smith  
 Altec Industries  
 6883 Herman Road  
 Syracuse, NY 13209  
 tel: 610-393-9074  
[jeff.smith@altec.com](mailto:jeff.smith@altec.com)

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## MODIFICATION SUMMARY

**DATE:** January 17, 2022

**APPLICANT:**

Tower 195 LLC  
1890 S Winton Road, Suite 100  
Rochester, NY 14618

**PROJECT LOCATION:**

The Metropolitan  
1 South Clinton Avenue/219-221 East Main Street  
Rochester, NY 14604

**MODIFICATION REQUEST:**

Tower 195 LLC, a Gallina Development real estate entity, began redevelopment of the former Chase Tower in 2015, now known as The Metropolitan located in the City of Rochester. Since that time, there have been several increases to sales tax and mortgage recording tax exemptions as well as extensions of the sales tax exemption. The project was originally approved for a mortgage recording tax and sales tax exemptions in October of 2015. The applicant is seeking an extension of the sales tax exemption through December 31, 2023 to construct apartments on floor 26. The project should be complete by end of 2023.

**PROJECT AMOUNT**

ORIGINAL  
\$4,910,000

**Motion By:** \_\_\_\_\_  
**Seconded By:** \_\_\_\_\_

**RESOLUTION**  
 (Tower 195 LLC Project)  
 OSC Code 2602-15-069E

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 January 17, 2023, 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 BENEFIT GRANTED TO  
 TOWER 195 LLC (THE "COMPANY") THROUGH DECEMBER 31, 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 October 20, 2015 (the "Authorizing Resolution"), the Agency appointed **TOWER 195 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 by lease, license or otherwise, of an interest in approximately 2.16-acres of land located at 1 South Clinton Avenue and 219 and 221 East Main Street in the City of Rochester, New York [Tax Map Nos. 121.24-01-036; 121.24-01-01 and 121.24-01-02] (collectively, the "Land") together with the existing approximately 470,000 square-foot building thereon (known as The Metropolitan Rochester) (the "Existing Improvements"); (B) the renovation of the Existing Improvements, consisting of a state-of-the-art entrance, new exterior lighting, 8 new elevators, updated lobby with a new bridge, security desk and three different food and beverage opportunities and renovated office space on Floors 4-13, residential apartments on Floors 14-21 and, in the future, condominiums on Floors 22-26 (collectively, 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, the Existing Improvements 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") through December 31, 2020; and

WHEREAS, the Company, pursuant to a certain Project Modification Request, dated November 11, 2020, requested the Agency grant an extension to the Sales and Use Tax Exemption Benefits through December 31, 2021; and

WHEREAS, the Company, pursuant to a certain Project Modification Request, dated September 23, 2021, requested the Agency grant an extension to the Sales and Use Tax Exemption Benefits through December 31, 2022; and

WHEREAS, the Company, pursuant to a certain Project Modification Request, dated December 22, 2022, requested the Agency grant an extension to the Sales and Use Tax Exemption Benefits through December 31, 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 **December 31, 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 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 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 Executive 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 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:

|               | <u><i>Yea</i></u> | <u><i>Nay</i></u> | <u><i>Absent</i></u> | <u><i>Abstain</i></u> |
|---------------|-------------------|-------------------|----------------------|-----------------------|
| Jay Popli     |                   |                   |                      |                       |
| Anthony Meleo |                   |                   |                      |                       |
| Troy Milne    |                   |                   |                      |                       |
| Lisa Bolzner  |                   |                   |                      |                       |
| Joseph Alloco |                   |                   |                      |                       |
| Rhett King    |                   |                   |                      |                       |
| 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 January 17, 2023, 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 17<sup>th</sup> day of January, 2023.

\_\_\_\_\_  
Ana J. Liss, Executive Director



## PROJECT MODIFICATION REQUEST

111

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

Applicant: TOWER 195 LLC  
Project Address: 1 SOUTH CLINTON AVENUE / 219-221 EAST MAIN STREET  
Contact Name: KURT SERTL  
Contact Company: GALLINA DEVELOPMENT CORPORATION  
Contact Address: 1890 S WINTON ROAD, SUITE 100, ROCHESTER, NEW YORK 14618  
Contact Email: KURT@GALLINADEV.COM Contact Phone: 585-654-6650

Employment in Monroe County: 606 12/8/22  
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

12/31/2023

\$ 747,728.24 ✓

Current Expiration Date

Requested Expiration Date

Amount of Exemptions Taken to Date

**Reason for Extension:**

APARTMENT CONSTRUCTION ON FLOOR 26. PROJECT SHOULD BE COMPLETE BY 12/31/23.

☐ **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: [Signature] Date: 12/22/22

Print Name and Title: Kurt J. Sertl, Director of Finance

Staff Use Only:

2/20

Date Received 12/22/22 Date of Original Approval: 10/20/15 New Code 2602 15 069 E



## MODIFICATION SUMMARY

**DATE:** January 17, 2022

**APPLICANT:**

Genesis Vision Inc. dba Rochester Optical  
920 Emerson Street  
Rochester, NY 14606

**PROJECT LOCATION:**

920 Emerson Street  
Rochester, NY 14606

**MODIFICATION REQUEST:**

Genesis Vision, Inc. dba Rochester Optical Manufacturing Company is renovating an existing building in the City of Rochester for its lens lab division. In December 2021, the project was approved for sales and mortgage recording tax exemptions. The project was approved for a sales tax extension last year through the end of 2022. The applicant is now requesting an extension through December 31, 2023 due to delays in delivery of manufacturing equipment and vehicles.

**PROJECT AMOUNT**

ORIGINAL  
\$1,350,000

**Motion By:** \_\_\_\_\_  
**Seconded By:** \_\_\_\_\_

**RESOLUTION**  
 (Genesis Vision, Inc. Project)  
 OSC Code 2602-21-065C

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 January 17, 2023, 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 GENESIS VISION, INC. (THE "COMPANY") THROUGH DECEMBER 31, 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 Resolutions duly adopted on December 21, 2021 and July 19, 2022 (collectively, the "Authorizing Resolution"), the Agency appointed **Genesis Vision, Inc. d/b/a Rochester Optical Manufacturing Company**, a New York corporation, 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 2.67-acre parcel of land located at 920 Emerson Street in the City of Rochester, New York 14606 (the "Land") together with the existing approximately 42,187 square-foot manufacturing building thereon (the "Existing Improvements"); (B) the renovation of the Existing Improvements including, but not limited to, upgrades to HVAC and electrical systems, new furniture and fixtures, and the installation of electric vehicle chargers (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, four (4) Ford F-150 electric trucks (collectively, the "Equipment" and, together with the Land, the Existing Improvements and the Improvements, the "Facility") for use by the Company in its optical lens fabrication 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 June 30, 2022; and

WHEREAS, the Company, pursuant to a certain Project Modification Request, dated June 15, 2022, requested the Agency grant an extension to the Sales and Use Tax Exemption Benefits through December 31, 2022; and

WHEREAS, the Company has, pursuant to a certain Project Modification Request, dated December 21, 2022, requested the Agency grant an extension to the Sales and Use Tax Exemption Benefits through December 31, 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 **December 31, 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.

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    |                   |                   |                      |                       |
| 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 January 17, 2023, 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 17<sup>th</sup> day of January, 2023.

---

Ana J. Liss, Executive Director

|                  |                                         |                             |
|------------------|-----------------------------------------|-----------------------------|
| Applicant:       | Genesis Vision Inc.                     |                             |
| Project Address: | 920Emerson Street                       |                             |
| Contact Name:    | Patrick Ho                              |                             |
| Contact Company: | Genesis Vison Inc dba Rochester Optical |                             |
| Contact Address: | 920 Emerson Street, Rochester NY 14606  |                             |
| Contact Email:   | patrick.ho@rochesteroptical.com         | Contact Phone: 585 254-0022 |

|                                     |           |           |                   |
|-------------------------------------|-----------|-----------|-------------------|
| <b>Employment in Monroe County:</b> | <u>60</u> | <u>6</u>  | <u>12/31/2021</u> |
|                                     | 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

12/31/2023

\$48,000

Current Expiration Date

Requested Expiration Date

### Amount of Exemptions Taken to Date

Reason for Extension:

Delay in delivery of manufacturing equipment resulting delays in installations. Also the delivery of remaining two Ford F150 electric trucks approved in the application won't be happening until third or fourth quarter of 2023.

☐ **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: [Signature] Date: 12/21/2022

Print Name and Title: Patrick Ho, President

**Staff Use Only:**

2/20

Date Received 12/21/22 Date of Original Approval: 12/21/21 New Code 2602 21 065 C



## MODIFICATION SUMMARY

**DATE:** January 17, 2022

**APPLICANT:**

Innovation Partners Roc LLC  
1890 S. Winton Road, Suite 100  
Rochester, NY 14618

**PROJECT LOCATION:**

100-140 S. Clinton Avenue  
Rochester, NY 14604

131 Chestnut Street  
Rochester, NY 14604

**MODIFICATION REQUEST:**

Innovation Partners Roc LLC is renovating the Xerox Square property to create a collaborative academically focused campus. Phase 1 of the project was approved for sales and mortgage tax exemptions only in September 2020. Phase 2 of the project was approved for sales and mortgage recording tax exemptions only in November 2021. The applicant was approved for an increase in the mortgage recording tax exemption last year. The applicant is now requesting an extension of the sales tax exemption through December 31, 2023 to complete phase 2 of the project.

**PROJECT AMOUNT**

ORIGINAL  
\$39,300,000

**Motion By:** \_\_\_\_\_  
**Seconded By:** \_\_\_\_\_

## RESOLUTION

(Innovation Partners ROC LLC Project Modification)

OSC Project Code 2602-20-035D

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 January 17, 2023, 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 BENEFIT GRANTED TO INNOVATION PARTNERS ROC LLC (THE "COMPANY") THROUGH DECEMBER 31, 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 Resolutions duly adopted on September 15, 2020, November 16, 2021 and February 15, 2022, the Agency appointed **Innovation Partners ROC 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 "2020 Project") consisting of: (A) the acquisition of a leasehold interest in a portion of the approximately 580,000 square-foot Xerox Square (the "Existing Improvements") located at 70, 86, 90 and 100-140 S. Clinton Avenue and 131 Chestnut Street in the City of Rochester, New York (the "Land"); (B) the construction of a new building entry/driveway and a new lobby; (C) the renovation of floors 3-13 and 16-21 of the Existing Improvements to construct up to 180 residential units consisting of 1-, 2- and 3-bedrooms; (D) the renovation of floors 22-29, the approximately 25,000 square-foot lower concourse and the approximately 17,000 square-foot out parcel building for use as office space, with a focus on innovation; (E) the renovation of floors 2, 7 and 22 for use as amenities, including, but not limited to, student lounges, fitness center, sound proof practice rooms and lab/maker space; (F) the modernization of the existing, approximately 750 seat auditorium for use as a music venue, center for e-sports and a lecture hall (clauses (B) through (F), collectively, the "2020 Improvements") and (H) the acquisition and installation therein, thereon or thereabout of certain machinery, equipment and related personal property (the "2020 Equipment" and, together with the Land, the Existing Improvements and the 2020 Improvements, the "2020 Facility"); to house up to 500 upper level and graduate students; 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, 2021; and

WHEREAS, the Company, pursuant to a certain Project Modification Request, dated October 26, 2021, requested the Agency grant an extension to the Sales and Use Tax Exemption Benefits through December 31, 2022; and

WHEREAS, the Company, pursuant to a certain Project Modification Request, dated December 22, 2022, requested the Agency grant an extension to the Sales and Use Tax Exemption Benefits through December 31, 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 **December 31, 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 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 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 Executive 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 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:

|               | <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 January 17, 2023, 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 17<sup>th</sup> day of January, 2023.

\_\_\_\_\_  
Ana J. Liss, Executive Director



## PROJECT MODIFICATION REQUEST

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

|                  |                                                     |                |              |
|------------------|-----------------------------------------------------|----------------|--------------|
| Applicant:       | Innovation Partners Roc LLC                         |                |              |
| Project Address: | 100-140 S. Clinton Avenue, 131 Chestnut Street      |                |              |
| Contact Name:    | Evan Gallina                                        |                |              |
| Contact Company: | Gallina Development Corporation                     |                |              |
| Contact Address: | 1890 S. Winton Road, Suite 100, Rochester, NY 14618 |                |              |
| Contact Email:   | evan@gallinadev.com                                 | Contact Phone: | 585-654-6650 |

|                              |           |           |            |
|------------------------------|-----------|-----------|------------|
| Employment in Monroe County: | 117       | 9         | 12/13/22   |
|                              | 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

12/31/2023

\$ 1,037,074.45

✓

Current Expiration Date

Requested Expiration Date

Amount of Exemptions Taken to Date

**Reason for Extension:**

Completion of phase 2 of project,

☐ **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: [Signature] Date: 12/22/2022

Print Name and Title: Evan A. Gallina, Member

Staff Use Only:

Date Received 12/22/22 Date of Original Approval: 9/15/20 New Code 2602 20 035 0



## MODIFICATION SUMMARY

**DATE:** January 17, 2022

**APPLICANT:**

American Management/American Fleet  
Maintenance Inc.  
275 International Blvd  
Rochester, NY 14624

**PROJECT LOCATION:**

275 International Blvd  
Rochester, NY 14624

**MODIFICATION REQUEST:**

American Management, a real estate holding company, is adding 8,000 sq ft to its existing building for its tenant American Fleet Maintenance, a related entity. American Fleet Maintenance performs vehicle maintenance and repair on light duty to heavy duty trucks and trailers for local and national fleets. The \$1.65 million project was approved in March 2022 for a real property tax abatement, mortgage recording tax and sales tax exemption. The applicant is now requesting an extension through December 31, 2023 as more time is needed to complete the project.

**PROJECT AMOUNT**

ORIGINAL  
\$1,647,500

**Motion By:** \_\_\_\_\_  
**Seconded By:** \_\_\_\_\_

**RESOLUTION**  
(American Fleet Maintenance, Inc. Project)  
OSC Project Code: 2602-22-007B

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 January 17, 2023 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 AMERICAN FLEET MAINTENANCE, INC. (THE "COMPANY") THROUGH DECEMBER 31, 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 March 29, 2022, the Agency appointed **AMERICAN FLEET MAINTENANCE, INC.**, a New York corporation, 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 by the Agency of a leasehold interest in a portion of an approximately 5.5-acre parcel of land located at 275 International Boulevard in the Town of Chili, New York 14624 (the "Land") together with the existing approximately 19,000± square-foot building thereon (the "Existing Improvements"); (B) the construction on the Land of an approximately 8,000 square-foot addition to the Existing Improvements (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, the Existing Improvements and the Improvements, the "Facility") for use by the Company in its business of vehicle maintenance on light duty to heavy duty trucks and trailers for local and national fleets; 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, 2022; and

WHEREAS, the Company has, pursuant to a certain Project Modification Request, dated December 28, 2022, requested the Agency grant an extension to the Sales and Use Tax Exemption Benefits through December 31, 2023; and

WHEREAS, the Agency desires to adopt a resolution authorizing the extension of the 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, 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 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 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 Executive 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 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.

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

The Resolutions were thereupon duly adopted.

*[Remainder of Page Intentionally Left Blank]*

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 January 17, 2023, 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 17<sup>th</sup> day of January, 2023.

---

Ana J. Liss, Executive Director

|                  |                                             |                             |
|------------------|---------------------------------------------|-----------------------------|
| Applicant:       | American Management                         |                             |
| Project Address: | 275 International Blvd, Rochester, NY 14624 |                             |
| Contact Name:    | David Connors                               |                             |
| Contact Company: | American Fleet Maintenance                  |                             |
| Contact Address: | 275 International Blvd, Rochester, NY 14624 |                             |
| Contact Email:   | david.connors@americanfleet.com             | Contact Phone: 585 303-5275 |

|                                     |           |           |            |
|-------------------------------------|-----------|-----------|------------|
| <b>Employment in Monroe County:</b> |           |           |            |
|                                     | 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      03/31/2023      \$ \_\_\_\_\_  
Current Expiration Date      Requested Expiration Date      Amount of Exemptions Taken to Date

**Reason for Extension:**  
Purchases will still be made by contractors for this project after the current expiration date.

---

☐ **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: [Signature] Pres. Date: 12/28/2022

Print Name and Title: David G. Connors President

**Staff Use Only:**

Date Received 12/28/22 Date of Original Approval: 3/29/22 New Code 2602 22 007 R



# ROC1 AMAZON

## COMIDA LOCAL LABOR TRACKING MEMO



Trammell Crow Company



**LF Driscoll**  
Construction Managers, Builders

# Table of Contents

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  - A. Badging Process.....2
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  - B. Data Reporting .....3
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## I. SUMMARY

On May 18<sup>th</sup>, 2021 COMIDA agreed that in order to meet the local labor requirement, the project would need to contribute a minimum of 70% of the total projected budget of \$58,108,740, or \$40,886,119, to the local economy through the wages of local workers. (See Appendix A). Ultimately, the project contributed more than \$50,000,000 (through September 2022) to the local economy through the retention of more than 900 workers and a total labor budget of more than \$70,000,000. (See Appendix B).

Layton Construction (LCC) and TC Rochester Associates, LLC (TCC) were able to achieve this percentage and amount by working closely with COMIDA and local union representatives to ensure local labor was available to complete this project.

A badging system supplied by Field Control Analytics was implemented at the Owner's cost to accurately track the on-site manpower. This system was implemented to track labor on a daily, weekly, and monthly basis with the ability to break out performances of each subcontractor. We requested and received notarized monthly labor affidavits to track local spend accurately and by subcontractor.

## II. BADGING SYSTEM/AUDITING

### A. Badging Process

Before each worker arrived on site, their company uploaded their information online into the badging portal. The information that was collected includes:

- Company Name
- Name
- Address
- Locality (local/non-local) and County of residence
- Last four digits of SSN

We created an Excel document which allowed us to input a zip code and the adjacent cell automatically populated with the corresponding county. We used this document to assess the zip code of all workers with a New York State address to ensure they are classified correctly as local/non-local. This classification allowed our team to collect and filter the data as needed. The badges were automatically color-coded upon printing to depict the type of badge for each worker. Local badges were printed in green and non-local in red.

### B. Auditing

On a bi-weekly basis, LCC performed an internal audit followed by a third-party audit by Loewke Brill Consulting Group. During these audits, all new local badges were reviewed to ensure the zip code on the ID fell within one of the ten counties within COMIDA requirements.

## III. DATA COMPILING AND REPORTING

### A. Collecting Data

All workers on site were required to badge in every morning and badge out at the end of the day. When workers badged in, data was collected and integrated into the project reports. We received automatic reports on a daily and weekly basis.

## **B. Data Reporting**

The daily reports summarize the number of local and nonlocal workers for each contractor. This was reported to COMIDA in each bi-weekly review meeting. (See Appendix C for the last update reports).

On a weekly basis, Field Control Analytics generated a report summarizing the project values to date. This report provided the current “man days to date” and corresponding local labor percentage for the project. The data is formatted in an Excel file and made filterable by date, subcontractor and more. This report was a vital resource that allowed us to generate the weekly COMIDA reports. The filtering allowed us to view our local labor percentage to date as well as isolate our performance each month, which was reported in the “Labor Projection” graph each week. (See Appendix D).

The weekly report also provides the data that corresponds to the Affidavits tracking. At the close of every month, the data was filtered to show only that month’s values for each individual subcontractor. This allowed us to determine how each company was performing compared to their contract requirement and goal and be proactive if they were at risk of falling below this percentage. (See Appendix E).

## **IV. LOCAL LABOR SPEND**

To track the local labor spend on the project, the labor affidavits were provided on a monthly basis by each subcontractor with their payment application. These labor affidavits required each subcontractor to input the amount they billed for local labor during each payment period. This form was notarized and submitted to Layton by each subcontractor.

We inputted the values from each contractor’s labor affidavit to track the labor amount billed for each period. Each contractor’s data was extracted from the weekly report to show their monthly performance in terms of local percentage. This percentage was applied to the amount they billed on all labor that month, isolating the amount billed for local labor only. This data was collected for each contractor in the “Labor Affidavits” tracking sheet to reflect the amount spent on local labor for the project each month. (See Appendix F).

## **V. UNION CORRESPONDENCE**

Throughout the project we received several letters from local union representatives, notifying us that the particular union would be unable to meet the agreed upon manpower requirement to complete that scope of work. In spite of these local labor shortages, the project was nonetheless able to complete the project within the requirements of the labor waiver.

Below is a list of the local halls that we received letters from. Copies of these letters can be found in Appendix G.

- Ironworkers
- Electricians
- Carpenters
- Masons



July 13, 2021

Re: USRE Manitou, LLC Project/2600 Manitou Road in the Town of Gates, New York

To Whom it May Concern:

In connection with the project located at 2600 Manitou Road in the Town of Gates, New York (the "Project"), being undertaken by USRE Manitou, LLC (the "Company"), on May 18, 2021, the Board of Directors of the County of Monroe Industrial Development Agency ("COMIDA") approved a waiver of the COMIDA Local Labor Policy in connection with no more than thirty percent (30%) of the total labor costs. This waiver will result in approximately \$40,886,118 awarded to local labor contracts (approximately 1,400 local construction workers) and approximately \$17,522,622 awarded to non-local labor contracts (approximately 600 non-local construction workers).

The Company and/or its developer, TC Rochester Associates, LLC (the "Developer"), must ensure that no less than seventy (70%) percent of the total labor costs are allocated to contractors/subcontractors hiring their construction workers from the local labor market, resulting in the hiring of approximately 1,400 local construction workers. 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. In order to monitor compliance with this local labor requirement, COMIDA's third-party auditing firms, Loewke Brill Consulting Group, Inc. ("Loewke Brill") and The Bonadio Group ("Bonadio") will monitor construction work. The following outlines the monitoring process, which process is subject to modification. Any modification to the foregoing process will be memorialized in a subsequent written agreement between COMIDA, the Company and the Developer.

1. The Company and/or the Developer shall schedule biweekly onsite meetings with COMIDA representative(s).
2. The Company and/or the Developer shall provide a weekly labor report (outlining the previous week's construction activity) to Loewke Brill and Bonadio by the first business day of each week.
3. The Company and/or the Developer shall make available a daily report, which must include the name and trade for all construction workers, together with proof of residency or copy of driver's license. This daily report will be checked by the Loewke Brill representative during its periodic inspection of the project.

Page Two  
USRE Manitou, LLC  
July 13, 2021

In the event Loewke Brill and Bonadio identify non-compliance, COMIDA representatives shall provide written notice to the Company and the Developer (i) identifying such incident(s) of non-compliance, (ii) confirming prior discussions regarding and/or communication provided to the Company and the Developer of such incident(s) of non-compliance, if applicable, and (iii) confirming prior discussions regarding and/or communication provided about such incident(s) of non-compliance at the biweekly onsite meetings, if applicable. Upon receipt of said written notice, the Company and/or the Developer shall have ten (10) days to remedy the continued incident(s) of non-compliance, and, if not remedied within that ten (10) day period, then the matter may thereafter be referred to COMIDA Board, which may result in the revocation, termination and/or recapture of any or all benefits conferred by COMIDA.

Ana J. Liss, Executive Director

Acknowledged and Agreed:

**USRE MANITOU, LLC,**  
a Delaware limited liability company

By: New Economy Holdings, LP,  
a Delaware limited partnership,  
its sole member

By: New Economy Gen-Par, LLC,  
a Delaware limited liability company,  
its general partner

By: USAA Real Estate Company, LLC,  
a Delaware limited liability company,  
its sole member

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

**TC ROCHESTER ASSOCIATES, LLC**  
a Delaware limited liability company

By: **TC NE Metro Development, Inc.**  
a Delaware corporation  
its Managing Member

Name: James Murray-Coleman


Title: Vice President

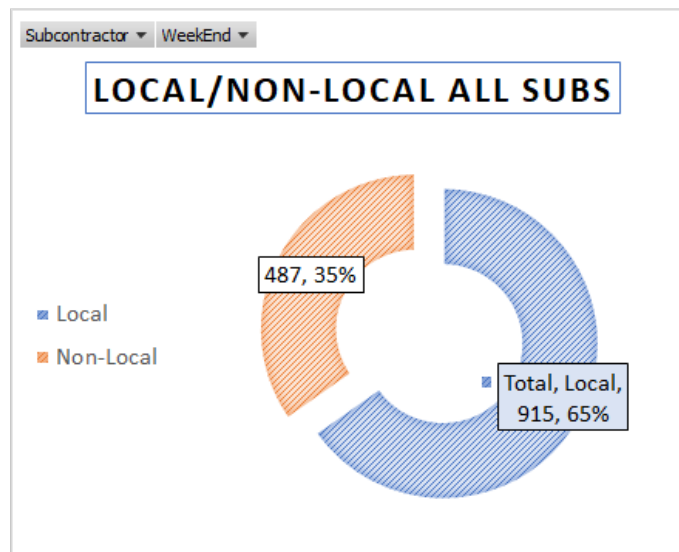
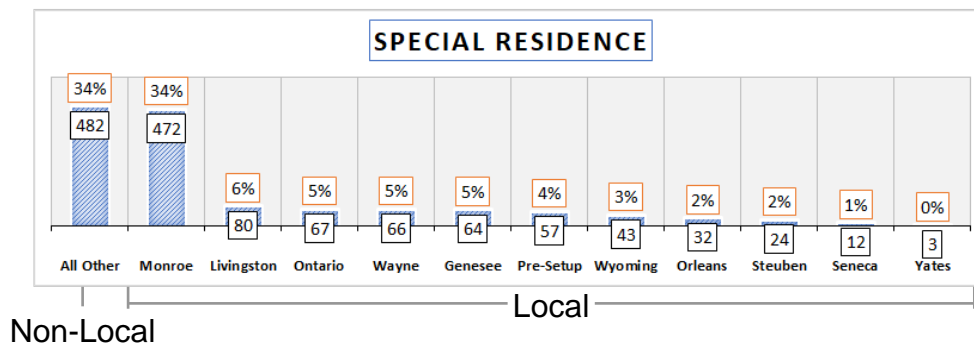
Acknowledged and Agreed:

**USRE MANITOU, LLC,**  
a Delaware limited liability company

By: New Economy Assets – Phase 1B, LLC,  
a Delaware limited liability company,  
its sole member

By: New Economy Assets – Phase 1 Sponsor, LLC,  
a Delaware limited liability company,  
its sole member

DocuSigned by:  
By:   
Name: 6CF7C3A51ABF4F0... Lange Allen  
Title: Managing Director



| Local/Non-Local    | # Workers | % Workers |
|--------------------|-----------|-----------|
| Local              | 49        | 92.45%    |
| Non-Local          | 4         | 7.55%     |
| <b>Grand Total</b> | <b>53</b> |           |

| Local/Non-Local    | 10/3/2022 | 10/4/2022 | 10/5/2022 | 10/6/2022 | 10/7/2022 | 10/8/2022 | Grand Total |
|--------------------|-----------|-----------|-----------|-----------|-----------|-----------|-------------|
| Local              | 32        | 35        | 37        | 35        | 32        | 13        | 49          |
| Non-Local          | 3         | 3         | 2         | 1         | 1         | 0         | 4           |
| <b>Grand Total</b> | <b>35</b> | <b>38</b> | <b>39</b> | <b>36</b> | <b>33</b> | <b>13</b> | <b>53</b>   |

| Subcontractor                      | Local/Non-Local | 10/3/2022 | 10/4/2022 | 10/5/2022 | 10/6/2022 | 10/7/2022 | 10/8/2022 | Grand Total |
|------------------------------------|-----------------|-----------|-----------|-----------|-----------|-----------|-----------|-------------|
| <b>A. R. Pierrepont Co., Inc.</b>  |                 | <b>5</b>  | <b>6</b>  | <b>5</b>  | <b>5</b>  | <b>4</b>  | <b>3</b>  | <b>6</b>    |
|                                    | Local           | 5         | 6         | 5         | 5         | 4         | 3         | 6           |
| <b>John W. Danforth Company</b>    |                 | <b>3</b>  | <b>2</b>  | <b>1</b>  | <b>4</b>  | <b>3</b>  | <b>0</b>  | <b>7</b>    |
|                                    | Local           | 2         | 1         | 1         | 3         | 2         | 0         | 5           |
|                                    | Non-Local       | 1         | 1         | 0         | 1         | 1         | 0         | 2           |
| <b>Kane Communications</b>         |                 | <b>5</b>  | <b>5</b>  | <b>5</b>  | <b>2</b>  | <b>2</b>  | <b>0</b>  | <b>5</b>    |
|                                    | Local           | 3         | 3         | 3         | 2         | 2         | 0         | 3           |
|                                    | Non-Local       | 2         | 2         | 2         | 0         | 0         | 0         | 2           |
| <b>Npsg Global</b>                 |                 | <b>1</b>  | <b>0</b>  | <b>1</b>  | <b>1</b>  | <b>1</b>  | <b>0</b>  | <b>1</b>    |
|                                    | Local           | 1         | 0         | 1         | 1         | 1         | 0         | 1           |
| <b>O'connell Electric</b>          |                 | <b>19</b> | <b>23</b> | <b>25</b> | <b>22</b> | <b>21</b> | <b>10</b> | <b>31</b>   |
|                                    | Local           | 19        | 23        | 25        | 22        | 21        | 10        | 31          |
| <b>Rochester Davis-fetch Corp.</b> |                 | <b>2</b>  | <b>2</b>  | <b>2</b>  | <b>2</b>  | <b>2</b>  | <b>0</b>  | <b>3</b>    |
|                                    | Local           | 2         | 2         | 2         | 2         | 2         | 0         | 3           |
| <b>Grand Total</b>                 |                 | <b>35</b> | <b>38</b> | <b>39</b> | <b>36</b> | <b>33</b> | <b>13</b> | <b>53</b>   |

| Total Active Jobsite Days | Total Active Workers | Cumulative active days | Local  | Non-Local | % Local | % Non-Local |
|---------------------------|----------------------|------------------------|--------|-----------|---------|-------------|
| 532                       | 1,402                | 80,246                 | 58,355 | 21,891    | 72.7%   | 27.3%       |

**Year**

2021
2022

**Month**

2022

APR MAY JUN JUL AUG SEP

**Day**

AUG 2022

12 13 14 15 16 17 18 19 20 21

**Subcontractor**

Wilcox Building Specialties
Wolcott Contracting & Consulting, Inc.
Zap Enterprises, Inc.
Zoladz Construction Co., Inc

| Total Active Jobsite Days | Total Active Workers | Cumulative active days | Local | Non-Local | % Local | % Non-Local |
|---------------------------|----------------------|------------------------|-------|-----------|---------|-------------|
| 30                        | 86                   | 1,014                  | 962   | 52        | 94.9%   | 5.1%        |

**Year**

2021
2022

**Month**

2022

APR MAY JUN JUL AUG SEP

**Day**

SEP 2022

12 13 14 15 16 17 18 19 20 21

**Subcontractor**

Otis Elevator
Rochester Davis-fetch Corp.
Sa Comunale
Schindler Elevator Corporation

| Total Active Jobsite Days | Total Active Workers | Cumulative active days | Local | Non-Local | % Local | % Non-Local |
|---------------------------|----------------------|------------------------|-------|-----------|---------|-------------|
| 21                        | 11                   | 72                     | 71    | 1         | 98.6%   | 1.4%        |

**Year**

2021

2022

◀

▶

**Month**

2022

APR MAY JUN JUL AUG SEP

◀

▶

**Day**

SEP 2022

12 13 14 15 16 17 18 19 20 21

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**Subcontractor**

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✕

Otis Elevator

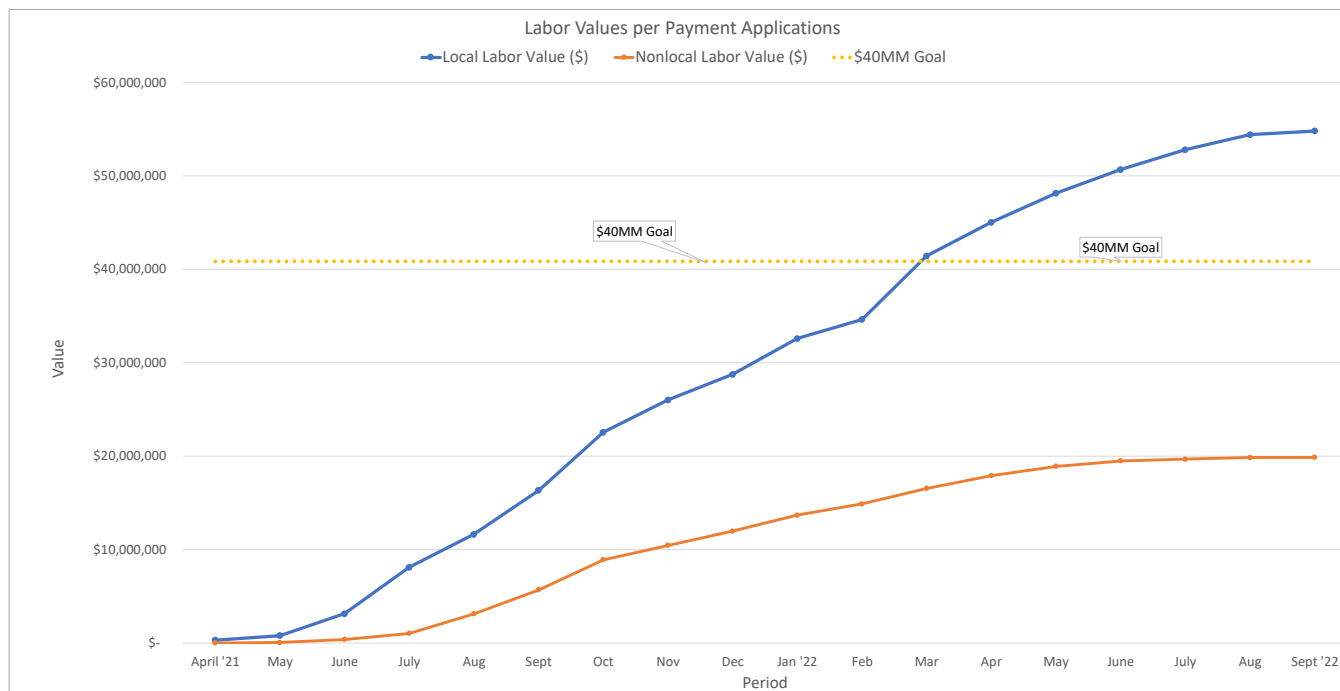
Rochester Davis-fetch Corp.

Sa Comunale

Schindler Elevator Corporation

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## Labor Totals Based on Payment Applications

| Contractor                                                                                              | July         |         |            |              | August       |         |            |              | September   |         |           |             | Project to Date |                |               | Percent Local to Date | Matrix Goal |
|---------------------------------------------------------------------------------------------------------|--------------|---------|------------|--------------|--------------|---------|------------|--------------|-------------|---------|-----------|-------------|-----------------|----------------|---------------|-----------------------|-------------|
|                                                                                                         | Local Labor  | % Local | Nonlocal   | Total Labor  | Local Labor  | % Local | Nonlocal   | Total Labor  | Local Labor | % Local | Nonlocal  | Total Labor | Local Labor     | Nonlocal Labor | Total Labor   |                       |             |
| ADT                                                                                                     | \$ -         | 0.0%    | \$ 5,400   | \$ 5,400     | \$ -         | 0.0%    | \$ 20,738  | \$ 20,738    | \$ -        | 0.0%    | \$ -      | \$ -        | \$ -            | \$ 250,764     | \$ 250,764    | 0.0%                  | 10%         |
| AR Pierrepont                                                                                           | \$ 173,093   | 100.0%  | \$ -       | \$ 173,093   | \$ 110,334   | 100.0%  | \$ -       | \$ 110,334   | \$ 85       | 100.0%  | \$ -      | \$ 85       | \$ 1,864,853    | \$ -           | \$ 1,864,853  | 100.0%                | 100%        |
| Arbon                                                                                                   | \$ -         | 0.0%    | \$ -       | \$ -         | \$ -         | 0.0%    | \$ -       | \$ -         | \$ -        | 0.0%    | \$ -      | \$ -        | \$ -            | \$ 243,960     | \$ 243,960    | 0.0%                  | 0%          |
| Cardinal Landscaping                                                                                    | \$ 90,800    | 100.0%  | \$ -       | \$ 90,800    | \$ 12,000    | 100.0%  | \$ -       | \$ 12,000    | \$ 15,175   | 100.0%  | \$ -      | \$ 15,175   | \$ 519,772      | \$ -           | \$ 519,772    | 100.0%                | 0%          |
| Cooper                                                                                                  | \$ -         | 0.0%    | \$ -       | \$ -         | \$ -         | 0.0%    | \$ -       | \$ -         | \$ -        | 0.0%    | \$ -      | \$ -        | \$ 3,989,187    | \$ 8,767,253   | \$ 12,756,440 | 31.3%                 | 75%         |
| Exposed                                                                                                 | \$ -         | 0.0%    | \$ 66,820  | \$ 66,820    | \$ -         | 0.0%    | \$ -       | \$ -         | \$ -        | 0.0%    | \$ -      | \$ -        | \$ 76,576       | \$ 1,902,128   | \$ 1,978,704  | 3.9%                  | 0%          |
| Fabcon Precast                                                                                          | \$ -         | 0.0%    | \$ -       | \$ -         | \$ -         | 0.0%    | \$ -       | \$ -         | \$ -        | 0.0%    | \$ -      | \$ -        | \$ 28,302       | \$ 461,254     | \$ 489,556    | 5.8%                  | 10%         |
| FastSigns                                                                                               | \$ 300       | 100.0%  | \$ -       | \$ 300       | \$ 25,739    | 100.0%  | \$ -       | \$ 25,739    | \$ -        | 0.0%    | \$ -      | \$ -        | \$ 48,133       | \$ -           | \$ 48,133     | 100.0%                | 100%        |
| Frontier                                                                                                | \$ 8,873     | 100.0%  | \$ -       | \$ 8,873     | \$ 1,796     | 100.0%  | \$ -       | \$ 1,796     | \$ 4,116    | 100.0%  | \$ -      | \$ 4,116    | \$ 140,191      | \$ -           | \$ 140,191    | 100.0%                | 0%          |
| Global (Sprayfoam SW)                                                                                   | \$ 55        | 1.0%    | \$ 5,431   | \$ 5,486     | \$ -         | 0.0%    | \$ 12,145  | \$ 12,145    | \$ -        | 0.0%    | \$ -      | \$ -        | \$ 10,853       | \$ 647,933     | \$ 658,786    | 1.6%                  | 0%          |
| GP Flooring                                                                                             | \$ 76,343    | 100.0%  | \$ -       | \$ 76,343    | \$ 7,670     | 100.0%  | \$ -       | \$ 7,670     | \$ -        | 0.0%    | \$ -      | \$ -        | \$ 217,143      | \$ -           | \$ 217,143    | 100.0%                | 0%          |
| Henderson Johnson                                                                                       | \$ 20,743    | 100.0%  | \$ -       | \$ 20,743    | \$ 34,170    | 100.0%  | \$ -       | \$ 34,170    | \$ -        | 0.0%    | \$ -      | \$ -        | \$ 1,163,682    | \$ 756,636     | \$ 1,920,318  | 60.6%                 | 70%         |
| JW Danforth                                                                                             | \$ 180,177   | 93.0%   | \$ 13,562  | \$ 193,739   | \$ 274,131   | 85.9%   | \$ 44,997  | \$ 319,128   | \$ -        | 0.0%    | \$ -      | \$ -        | \$ 5,666,401    | \$ 342,878     | \$ 6,009,279  | 94.3%                 | 80%         |
| Kane                                                                                                    | \$ 69,571    | 71.2%   | \$ 28,141  | \$ 97,713    | \$ 458,925   | 85.6%   | \$ 77,202  | \$ 536,128   | \$ 117,709  | 85.6%   | \$ 19,801 | \$ 137,510  | \$ 1,996,669    | \$ 649,256     | \$ 2,645,925  | 75.5%                 | 20%         |
| LeChase                                                                                                 | \$ 30,435    | 100.0%  | \$ -       | \$ 30,435    | \$ 120,157   | 100.0%  | \$ -       | \$ 120,157   | \$ 21,485   | 100.0%  | \$ -      | \$ 21,485   | \$ 13,068,482   | \$ 797,008     | \$ 13,865,490 | 94.3%                 | 60%         |
| Milestone                                                                                               | \$ -         | 0.0%    | \$ -       | \$ -         | \$ -         | 0.0%    | \$ -       | \$ -         | \$ 119,647  | 100.0%  | \$ -      | \$ 119,647  | \$ 119,647      | \$ 22,144      | \$ 141,791    | 84.4%                 | 0%          |
| MillTech                                                                                                | \$ -         | 0.0%    | \$ 13,053  | \$ 13,053    | \$ -         | 0.0%    | \$ 1,824   | \$ 1,824     | \$ -        | 0.0%    | \$ 1,824  | \$ 1,824    | \$ -            | \$ 38,845      | \$ 38,845     | 0.0%                  | 0%          |
| New Millenium                                                                                           | \$ -         | 0.0%    | \$ -       | \$ -         | \$ -         | 0.0%    | \$ -       | \$ -         | \$ -        | 0.0%    | \$ -      | \$ -        | \$ 28,958       | \$ 484,307     | \$ 513,265    | 5.6%                  | 0%          |
| NPSG                                                                                                    | \$ 166,498   | 100.0%  | \$ -       | \$ 166,498   | \$ 47,131    | 95.2%   | \$ 2,376   | \$ 49,507    | \$ -        | 0.0%    | \$ -      | \$ -        | \$ 318,555      | \$ 787,875     | \$ 1,106,431  | 28.8%                 | 0%          |
| O'Connell                                                                                               | \$ 695,446   | 98.4%   | \$ 11,308  | \$ 706,754   | \$ 258,393   | 96.6%   | \$ 9,095   | \$ 267,488   | \$ 47,117   | 96.6%   | \$ 1,658  | \$ 48,775   | \$ 11,368,097   | \$ 156,875     | \$ 11,524,971 | 98.6%                 | 95%         |
| Otis                                                                                                    | \$ 156,543   | 97.5%   | \$ 4,014   | \$ 160,557   | \$ 64,460    | 100.0%  | \$ -       | \$ 64,460    | \$ -        | 0.0%    | \$ -      | \$ -        | \$ 866,005      | \$ 91,885      | \$ 957,889    | 90.4%                 | 80%         |
| Overhead Door Corp.                                                                                     | \$ -         | 0.0%    | \$ -       | \$ -         | \$ -         | 0.0%    | \$ -       | \$ -         | \$ -        | 0.0%    | \$ -      | \$ -        | \$ -            | \$ 52,750      | \$ 52,750     | 0.0%                  | 0%          |
| Rochester Davis Fetch                                                                                   | \$ 374,895   | 94.0%   | \$ 23,929  | \$ 398,824   | \$ 45,439    | 98.0%   | \$ 927     | \$ 46,366    | \$ 3,043    | 98.0%   | \$ 62     | \$ 3,105    | \$ 3,688,160    | \$ 697,164     | \$ 4,385,324  | 84.1%                 | 75%         |
| SA Comunale                                                                                             | \$ -         | 0.0%    | \$ -       | \$ -         | \$ -         | 0.0%    | \$ -       | \$ -         | \$ -        | 0.0%    | \$ -      | \$ -        | \$ -            | \$ 1,977,500   | \$ 1,977,500  | 0.0%                  | 15%         |
| Schindler Elevator                                                                                      | \$ -         | 100.0%  | \$ -       | \$ -         | \$ 62,296    | 100.0%  | \$ -       | \$ 62,296    | \$ -        | 0.0%    | \$ -      | \$ -        | \$ 62,296       | \$ -           | \$ 62,296     | 100.0%                | 0%          |
| Shelters Direct                                                                                         | \$ -         | 0.0%    | \$ 14,095  | \$ 14,095    | \$ -         | 0.0%    | \$ -       | \$ -         | \$ -        | 0.0%    | \$ -      | \$ -        | \$ -            | \$ 14,095      | \$ 14,095     | 0.0%                  | 0%          |
| Wilcox                                                                                                  | \$ 11,169    | 50.0%   | \$ 11,169  | \$ 22,337    | \$ -         | 0.0%    | \$ -       | \$ -         | \$ -        | 0.0%    | \$ -      | \$ -        | \$ 26,886       | \$ 24,417      | \$ 51,303     | 52.4%                 | 0%          |
| Zoladz                                                                                                  | \$ 62,668    | 100.0%  | \$ -       | \$ 62,668    | \$ 91,466    | 100.0%  | \$ -       | \$ 91,466    | \$ 56,439   | 100.0%  | \$ -      | \$ 56,439   | \$ 8,342,435    | \$ 582,999     | \$ 8,925,434  | 93.5%                 | 85%         |
| SUM                                                                                                     | \$ 2,117,609 |         | \$ 196,922 | \$ 2,314,531 | \$ 1,614,107 |         | \$ 169,305 | \$ 1,783,412 | \$ 384,816  |         | \$ 23,346 | \$ 408,162  | \$ 54,831,968   | \$ 19,902,255  | \$ 74,734,223 | 73.4%                 |             |
| <div> <div>% Local Per Month (Not Cumulative)</div> <div>91%</div> <div>91%</div> <div>94%</div> </div> |              |         |            |              |              |         |            |              |             |         |           |             |                 |                |               |                       |             |

| GOALS         |               |               |
|---------------|---------------|---------------|
| Local         | Nonlocal      | Total         |
| \$ 40,886,118 | \$ 17,522,622 | \$ 58,408,740 |
| 134%          | 114%          | 128%          |



## Iron Workers Local 33

International Association of Bridge, Structural, Ornamental, and Reinforcing Ironworkers

Scott Gardner  
Business Manager/FST  
Email: [sgardner@ironworkers33.org](mailto:sgardner@ironworkers33.org)

Tim Starwald  
Business Agent/ Apprentice Coordinator  
Email: [tstarwald@ironworkers33.org](mailto:tstarwald@ironworkers33.org)



650 Trabold RD  
Rochester, NY 14624  
Phone: 585-288-2630  
Fax: 585-288-3115

7/26/2021

To Midwest Steel;

Please be advised that as of 7/22/21 Local Qualified Ironworkers are unavailable at this time to meet your requests. Please note that as Local qualified Ironworkers become available, they will replace the out-of-town Ironworkers, which is in the foreseeable future.

Respectfully submitted,

Scott Gardner BM/FS/T



## **INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS**

**Local 86**  
2300 E. River Road  
Rochester, N.Y. 14623  
Tel: (585) 235-1510  
Fax: (585) 235-0420

**MICHAEL J. BADER**, *Business Manager*  
**JOHN F. SMYTH**, *President*  
**MICHAEL T. CONOVER**, *Financial Secretary*

To Whom It May Concern,

I.B.E.W. Local 86 is committed to providing the Amazon ROC1 project with manpower from the 10 surrounding counties defined in the COMIDA documents. Unfortunately, we are having issues reaching the 100% goal. To fulfill the manpower requests, we have referred out some people from outside the COMIDA boundary. We will continue to prioritize local labor for the project, but at times may not be able to fill the call with local labor. Please feel free to reach out to me with questions or concerns.

Sincerely,

**Michael J. Bader**  
**Business Manager**  
**I.B.E.W. Local 86**

*Quality and Pride since 1899*

*Affiliated with:*

AFL-CIO • N.Y. State AFL-CIO • Rochester Labor Council AFL-CIO  
N.Y. State Electrical Workers Association • N.Y. State Building Trades Council

**UNITED BROTHERHOOD OF CARPENTERS AND JOINERS OF AMERICA<sup>4</sup>**  
**NORTH ATLANTIC STATES REGIONAL COUNCIL OF CARPENTERS**



November 19, 2021

Jack Clarke  
Henderson Johnson  
918 Canal Street  
Syracuse, NY 13210

Jack,

With the nation-wide shortage of skilled construction workers, Carpenters Local 276 currently does not have manpower available currently, that falls within the local labor policy for Manitou Rd. Amazon Warehouse Project in Rochester, NY.

However, Carpenters Local 276 covers 12 counties of Western NY and Local 277 covers 21 counties of Central NY. Both locals have members available that would be able to perform the work that is required by Henderson Johnson.

Sincerely,

**Chris Austin**

Chris Austin  
WNY Business Manager  
North Atlantic States Regional Council of Carpenters

**UNITED BROTHERHOOD OF CARPENTERS AND JOINERS OF AMERICA<sup>A5</sup>**  
**NORTH ATLANTIC STATES REGIONAL COUNCIL OF CARPENTERS**



May 2, 2022

Rochester Davis-Fetch Corp.  
Attn: Frank Kittlinger  
175 Dodge Street  
Rochester, NY 14606

Frank,

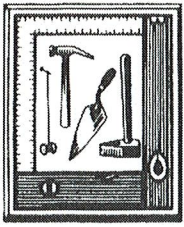
With the nation-wide shortage of skilled construction workers, Carpenters Local 276 currently does not have manpower available currently, that falls within the local labor policy for Amazon ROC #1 Project in Rochester, NY to exceed or meet the 85% local hire requirements.

However, Carpenters Local 276 covers 12 counties of Western NY and Local 277 covers 21 counties of Central NY. Both locals have members available that would be able to perform the work that is required by Rochester Davis-Fetch.

Sincerely,

*Chris Austin*

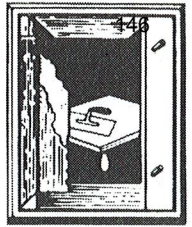
WNY Business Manager  
North Atlantic States Regional Council of Carpenters



# BRICKLAYERS AND ALLIED CRAFTWORKERS LOCAL #3 NEW YORK

33 Saginaw Drive  
Rochester, New York 14623

Phone: (585) 641-0750 • Toll-Free: (866) 551-6743 • Fax: (585) 641-0754



September 1, 2021

Attn: Dan Kramell  
Quality Structures Inc.  
PO Box 60648  
Rochester, NY 14606

Dan,

As per your request for additional members from the BAC 3 NY to perform cement masonry work at the Amazon project, we have currently exhausted all of our available workforce who are qualified to do this work. As you know, the jurisdiction of the BAC 3 NY covers 24 Counties of WNY, yet we are still unable to accommodate your current request due to the fact that this is the busiest time of our work season.

Should any qualified members become available, especially those within the Counties surrounding the Rochester area, we will notify you immediately. If you have any questions, feel free to contact me directly. Thank you.

Respectfully,

Rick Williamson, President  
Bricklayers & Allied Craftworkers Local 3 NY  
[rickw@bac3ny.com](mailto:rickw@bac3ny.com)  
(716) 604-2334

**Motion By:** \_\_\_\_\_  
**Seconded By:** \_\_\_\_\_

**RESOLUTION**  
 (Videoconferencing Policy)

A regular meeting of the County of Monroe Industrial Development Agency (the "Agency"), was held at the Agency's Offices at 50 West Main Street, Rochester, New York 14614, on January 17, 2023, 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 matter more particularly described below.

RESOLUTION OF THE COUNTY OF MONROE INDUSTRIAL  
 DEVELOPMENT AGENCY TAKING OFFICIAL ACTION (i) AUTHORIZING  
 THE USE OF VIDEOCONFERENCING PURSUANT TO GENERAL  
 MUNICIPAL LAW SECTION 103-A; AND (ii) ADOPTING WRITTEN  
 PROCEDURES FOR THE USE OF VIDEOCONFERENCING.

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 promote, develop, encourage and assist industrial development projects and to advance the job opportunities, health, general prosperity and economic welfare of the people of the State of New York (the "State"); and

WHEREAS, by Article 7 of the Public Officers Law of the State (the "Open Meetings Law" or "OML"), the Legislature found that it is essential to the maintenance of a democratic society that the public business be performed in an open and public manner and that the citizens of this State be fully aware of and able to observe the performance of public officials and attend and listen to the deliberations and decisions that go into the making of public policy; and

WHEREAS, the Agency is a public body under the Open Meetings Law; and

WHEREAS, by Chapter 56 of the Laws of 2022, the Open Meetings Law was amended to add Section 103-a (the "Videoconferencing Law") regarding the use of videoconferencing by public bodies; and

WHEREAS, OML Section 103-a permits the Agency to continue utilizing videoconferencing for the purpose of allowing participation at the meeting by a member or members of the Agency who cannot be physically present due to "extraordinary circumstances", including disability, illness, caregiving responsibilities, or any other significant or unexpected factor or event which precludes the member's physical attendance at such meeting; and

WHEREAS, pursuant to the Videoconferencing Law, on Thursday, December 15, 2022, at 10:30 a.m., local time, at 50 West Main Street, Rochester, New York 14614, the Agency held a public hearing with respect to the use of videoconferencing and with respect to the proposed

written policy being contemplated for adoption by the Agency, whereat interested parties were provided a reasonable opportunity, both orally and in writing, to present their views; and

WHEREAS, the Agency desires to utilize videoconferencing to conduct meetings when extraordinary circumstances so necessitate, as set forth in the Videoconferencing Policy attached hereto as Exhibit A and incorporated herein.

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

Section 1. The Agency hereby authorizes the use of videoconferencing under extraordinary circumstances for members to participate in the meetings of this public body in accordance with the laws of the State.

Section 2. The Agency hereby adopts, as a formal policy of the Agency, the Videoconferencing Policy. The Videoconferencing Policy hereby supersedes any and all policies heretofore adopted by the Agency with respect to the subject matter thereof.

Section 3. This Resolution shall not preclude the Agency from adopting other or further policies relating to the conduct of Agency business as determined from time to time by the members of the Agency or in accordance with the laws of the State.

Section 4. All acts heretofore undertaken and performed on behalf of the Agency related to the Videoconferencing Policy are hereby ratified, approved and confirmed.

Section 5. 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 January 17, 2023, 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 17<sup>th</sup> day of January, 2023.

---

Ana J. Liss, Executive Director

EXHIBIT A

Videoconferencing Policy  
(Attached)

## **VIDEOCONFERENCING POLICY COUNTY OF MONROE INDUSTRIAL DEVELOPMENT AGENCY**

The County of Monroe Industrial Development Agency (IDA) was established for the purposes of advancing the job opportunities, health, and promoting the general prosperity and economic welfare of the residents of Monroe County. As a public authority, the IDA is required to conduct its business in an open and public manner.

This policy (the "Policy") shall govern any public meetings of the IDA, including all committee meetings, held using video conferencing.

In the case of a disaster state of emergency declared by the State or a local state of emergency proclaimed by Monroe County, which impairs the ability of the IDA to hold an in-person meeting, a meeting of the Board of Directors (the "Board") may be held solely via videoconferencing.

### **Use Of Videoconferencing Under Extraordinary Circumstances**

In all other cases, at the discretion of the Chairperson of the Board, individuals may attend a meeting via videoconferencing due to "extraordinary circumstances" (as defined herein) provided, however, that such Board member's remote attendance shall comply with all relevant laws related to remote attendance and that all meetings shall have the minimum number of Board members physically present at a location where the public can attend in order to fulfill the Board's quorum requirement.

"Extraordinary circumstances" include disability, illness, caregiving responsibilities, or any other significant or unexpected factor or event which precludes physical attendance at the meeting.

### **Public Notice and Access to Meetings**

If videoconferencing is used to conduct a meeting, other than for State or local emergency, the public notice for the meeting shall inform the public (i) that videoconferencing will be used, (ii) how to access and/or participate in the meeting, (iii) where required documents and records will be posted or available and (iv) of the physical location(s) for the meeting where the public can attend.

Except for properly convened executive sessions, all Board members must be able to be heard, seen and identified while the meeting is being conducted, including all motions, proposals, resolutions or any other matter formally discussed or voted upon.

For all meetings conducted in accordance with this Policy, the IDA will provide members of the public the opportunity to view the meeting via video, and participate in public comment via videoconference in real time where public comment or participation is authorized, to the same extent as in-person comment or participation.

Each meeting for which videoconferencing is utilized will be recorded. The recording will be posted to the IDA's website within five (5) business days following the meeting and will remain

available for five (5) years thereafter. Minutes of meetings will include which members participated remotely. Transcription will be provided upon request.

Approved and adopted: January 17, 2023.



## WORKFORCE DEVELOPMENT FUND APPLICATION

COMIDA is proud to support workforce development initiatives to improve access to employment opportunities. Please fill in all the information below and attach your program proposal to be considered for support. For questions and submissions, please email Allison Clark at [AllisonClark@monroecounty.gov](mailto:AllisonClark@monroecounty.gov) or call (585) 753-2006.

Organization and/or Program Name: **Ibero-American Action League**

Contact Name: **Angelica Perez-Delgado**

Contact Phone: **585-256-8900 ext. 632**

Contact Email: [angelica.perez-delgado@iaal.org](mailto:angelica.perez-delgado@iaal.org)

Year program started: **April 2023**

Address: **817 East Main Street**

City: **Rochester**

State: **New York**

Zip: **14605**

Tax EIN: **16-0954745**

### Workforce & Entrepreneurial Connections Program

- **A brief overview of your program including your program's mission and target audience.**

The Ibero Workforce & Entrepreneurial Connections Program will provide opportunities for community members in a bilingual/bicultural way to link to various educational, employment navigation services and job placement opportunities while creating more connections to jobs and entrepreneurship. Ibero will utilize the Community Resource Center at 216 Clifford Avenue to provide case management services, job readiness programming, employment navigation and placement, and entrepreneurship technical assistance among other services. The Workforce and Entrepreneurial Connections program will primarily operate at Ibero's Community Resource Center, with an already active community base, and will focus on providing resources to community members to support their employment or business journey.

The project will be located in a hard to reach, underserved community and will provide equitable opportunities for residents of Monroe County to integrate into the services of Ibero and its partners. Already a TogetherNow (Systems Integration) Neighborhood Navigation Center - Ibero's Community Resource Center (CRC) located at 216 Clifford Avenue will serve as a front door and hub to various providers, partners, and resources. Ibero community members visiting the center are prime candidates for workforce development services. Many of our community members rate low self-sufficiency assessments in the categories of employment, income, and education. The intention is to partner with agencies that will help build skills for employment and utilize the resources of the county to help navigate community members into the workforce. In addition to assisting with navigation, it is our intention to also offer small direct cash assistance to community members that meet milestones. Ibero will provide a stipend per community member to navigate and incentivize the journey to employment process.

The Workforce & Entrepreneurial Connections Program has three areas of focus:

### **Job Training & Direct Placement**

Ibero is currently partnering with UnidosUS and Charter Communications to serve a total number of fifty (50) individuals via a monthly cohort model. Our goal is to train and place participants in jobs. Training includes a job readiness curriculum and in partnership with the Charter Communications regional team, industry specific training will be incorporated. We will work with Charter Communications regional staff to include career exploration and employment opportunities. Charter Communication's lead supervisors and employees will be engaged to support participants during the training as part of understanding their expectations and successfully expanding on a talented bilingual candidate pool.

In the last year we have established a similar partnership with Elite HHC, Blossom Care and Venture Forth to provide free home health aide training to community members interested in completing their HHA certification and connecting to an employment opportunity after completing of their training. Elite HHC and Blossom Care have provided Spanish interpreters to our community members during the training courses and linked employees to clients that speak their native language.

Ibero is actively pursuing similar workforce development opportunities to Latinx in Telecom with Teen Mobile, Hill and Markes, RGE, AMR, Career Start, Elite HHC, Blossom Care, Venture Forth and other private companies seeking to increase their bilingual workforce. Not only are they willing to expand their bilingual workforce, these particular agencies are willing to work with our Spanish speaking community members to eliminate the language barrier many face when looking for employment. Building the infrastructure to support this level of job training and placement in Ibero will be supported through this request.

### **Community Health Worker Training and Apprenticeship Program**

In addition to job training and placement, Ibero is in the process of becoming an approved NYS Department of Labor Registered Apprenticeship Site. This will allow us to combine hands-on work experience and classroom instruction in partnership with Community Health Workers Association of Rochester, Inc. (CHWAR). CHWAR will support professional, independent, skilled, culturally competent, and culturally responsive community health workers. Our objective is to recruit, train and deploy in four years 120 new CHWs, from disadvantaged backgrounds and residents of the targeted community. CHWAR will train Community Health Workers to work in the community with clients/patients in their efforts to manage their health, address SDOH, and support COVID-19 local efforts. The training addresses topics related to supporting clients/patients with health or social needs. Trained CHWs learn skills from experienced CHW trainers in the field of outreach, that enable them to navigate healthcare systems to provide resources to community members. This includes how to provide access to healthcare services, referrals to social services, and an understanding of behavioral health, and community resources. CHW trainees receive 84 hours of classroom training which includes 35 hours of CHW training in Core Competencies and 49 hours of CHW Supporting Skills -Specialty Training. In addition to the required training hours, additional training workshops will be offered to trainees to further enhance their training and professional development. This work will be completed in 2 cohorts per year.

| Training Goals                         | Year 1 | Year 2 | Year 3 | Year 4 | Total |
|----------------------------------------|--------|--------|--------|--------|-------|
| The total number of CHWs to be trained | 30     | 30     | 30     | 30     | 120   |

### **MWBE business enterprises**

Alongside the employment services, we will also support the Ibero Business Center (IBC) in Rochester to implement training courses and provide support for MWBE business enterprises as they start-up or bolster existing businesses, therefore creating job opportunities. IBC will assist potential and existing entrepreneurs in the creation and expansion of their business. IBC offers a bilingual, comprehensive, hands-on business planning, training course & mentoring, for new and existing business owners. This cohort-based model is specifically designed to maximize the potential success of starting or expanding a business. Entrepreneurs will receive one-on-one coaching assistance, in-class instruction with guest speakers that have expertise in

their field and access to a peer support group. Outcomes include the successful completion of a business model canvas (BMC), participation in a business pitch-competition with the chance of winning micro grants, and potentially qualifying for business financing directly through IBC.

- **Who are your other community partners, if any. Please list all funding partners, collaborative partners as well as businesses or industry groups for job placement.**

Ibero will utilize its existing partners and continue its efforts to recruit additional employment partners to provide support to all Workforce & Entrepreneurial Connections program participants. In our current system, Ibero has provided referrals to 227 different programs/services/organizations. For this effort, collaborations with RochesterWorks, REOC, MCC, REDCO, Kiva Rochester, CHWAR, Career Start, Common Ground Health, Elite HHC, S.C.O.R.E., The Commissary and other education/employment-based connections will be critically important.

Our Community Resource Center is currently supported by the Mother Cabrini Foundation, United Way, OTDA, ESL, Systems Integration Project, and other smaller pass-through cash assistance grants. Ibero holds cash assistance grants through Project Uplift and ESL, to a tune of about \$200K in direct to client support on an annual basis. CCCS's Financial Empowerment Center currently provides weekly on site free financial counseling for our community members including those participating in our Ibero Business Center cohorts. Molina Health Care and Fidelis provide on-site health insurance and medical services navigation 3 days a week.

Through the Ibero Business Center we will collaborate with the Commissary Downtown Kitchen Incubator, JustCause, S.C.O.R.E., The City of Rochester Public Market/The International Plaza, RIT CUE, The Business Insight Center, Kiva Rochester and REDCO. These Economic Service Organizations (ESOs) are all part of a cohort under REDCO & the Community Wealth Building department of the City of Rochester. We have worked together as a cohort since November 2020 in the business development field. The Commissary and the International Plaza, providing incubator services, and RIT CUE providing business planning services, The Business Insight Center and JustCause providing legal advice. REDCO, on top of being the cohort manager, also take in referrals for the revolving loan fund. Kiva Rochester, which Ibero is a Trustee of, provides micro financing at 0% through crowdlending. Lastly, SCORE, who provides one on one business mentoring for cohort participants who require more one on one attention. IBC runs the cohorts with the partnerships of subject matter experts (most who are volunteer base). In a cohort, there are twelve 2.5-hour courses, this means there are 6 subject matter experts who volunteer 1 to 3 hours of their time to our class participants (roughly \$50 per hour volunteer work). Some of these subject matter experts are businesses themselves in the business coaching and business marketing fields who are MWBE certified with Monroe County, such as Frameworks Creative and FitBalanz.

- **How your program is directly linked to job creation in Monroe County. Are jobs available for the program participants to be placed into upon completion of the program/training.**

Our project will provide underserved residents with support pathways to employment, connect community members to a web of services (through Ibero's internal resources to existing partners and to the TogetherNow (systems integration) network), and develop a sustainable pathway towards economic recovery. We will measure success through completion of navigation services (from navigation to employment, target of 50 per year), number of IBC business cohort participants (target of 30 per year), number of MWBE businesses certified, and the number of employment partners secured per year. We will also track income and stability of community members participating in the navigation program over time, to understand how we are lifting our community out of poverty and into available opportunities.

By developing this model and demonstrating its success, we believe we can place a few hundred Monroe County residents in the job market that may not be reached by other providers or existing services by 2026. This will create opportunities for our workforce and entrepreneurship beyond 2026, as Ibero will evolve its

services and partner to find sustainable funding in the CRC in collaboration with IBC. It is our hope to place people in more than just jobs, we want our community members to find careers. Our collaboration with RochesterWorks and other partners as well as relationships with foundations such as ESL will assist us in developing a sustainability plan to continue this work into the future.

- **How you plan to measure the success of your program. Performance metrics should include success rates, job placement rates and number of participants. If your program is new, projected metrics should be included.**

The Workforce & Entrepreneurial Connections Program will measure its success by serving a total of 100 participants per year and a total of 400 for the total grant period. This brings the program to a total cost of \$2,500 per participant. Each component will have the following performance metrics:

Number of participants

1. Job training and placement: 160
2. Apprenticeship: 120
3. MWBE business enterprises: 120

Completion Rates

1. Job training and placement: 75%
2. Apprenticeship: 75%
3. MWBE business enterprises: 75%

Job Placement

1. Job training and placement: 60%
2. Apprenticeship: 60%
3. MWBE business enterprises: 60%

- **Amount of funding requested and how these dollars would be used.**

Ibero is requesting \$250,000 per year for a total of \$1,000,000 for four years to support the implementation of the Workforce & Entrepreneurial Connections Program. In summary, the workforce components of the project will require two Employment Navigators and stipends for 40 participants per year. The staff will support the cohorts and ensure engagement with employers supporting Ibero with available opportunities and connections to existing sources. Ibero will subcontract with CHWAR for the training if CHW participants and Ibero staff will supervise the apprenticeship. The MWBE component will require one full-time staff member to lead this cohort-based model and provide education and direct support. IBC will assist new start-ups and existing businesses with general business support, developing a business plan, and ultimately assisting with the MWBE certification process (if applicable).

- **A copy of the operating budget and statement of financial position (balance sheet).**

Please see attached supporting documents. In FY 2021-2022 Ibero divested from nine OPWDD Individualized Residential Homes. The program was difficult to staff due to challenges with the direct care staffing similar to those challenges faced by nursing homes and other residential settings. Ibero hired temporary staff at a much higher rate creating margin shortfalls in our 2021-2022 financial statements as OPWDD does not reimburse for the increased costs. Ibero successfully divested from all OPWDD residential services in May 2022.

- **Administration and operation of the organization. Please give a basic outline of how the program organizational structure as well as staff duties, org chart and an explanation of internal controls.**

Ibero has the proven ability to complete operations under this grant and provide the oversight necessary to implement the program requirements and meet program expectations. One of Ibero's greatest strengths is their long-standing relationships and collaborations with stakeholders and organizational partners. We have

a strong history of delivering relevant, person-centered support to impact the community. Ibero was incorporated in 1968 to address the growing needs of the Latinx and other underserved communities of color in Monroe County. Since its inception as a grassroots organization, Ibero has been the driving force in local advocacy on a whole host of critical action areas. Lack of language access and lack of culturally inclusive services has deeply shaped Ibero services. As a result, we have evolved into a multi-faceted, fully comprehensive human service agency with a wide range of programs and services for children, individuals, and families.

As the only dual language human services agency in the County, Ibero has the unique ability to target individuals and families in both English and Spanish. Most importantly, Ibero has filled a critical gap in services to a large portion of the County population. While we do serve people of all ethnic backgrounds, 70% of those who come to Ibero for services are Latinxs/as with English as a second language or Spanish-speaking individuals and the remaining 39% are African and 1% are Caucasian or other. Ibero serves close to 21,000 individuals annually throughout the state with the majority being residents of Monroe County. We employ close to 180 staff, 69% of whom are experienced bilingual and bi-cultural staff, enabling us to achieve our mission. Ibero-operated sites are predominantly located in the 14621 and 14605 zip codes, with services offered all over Monroe County and a concentration in 14621, 14605, 14609, 14611, 14613.

Ibero has over five decades of extensive experience with state grants and contracts. We have more than 50 years of experience managing financial aspects of Medicaid, county, and city contracts. Ibero is committed to upholding operational control, accountability for all funds and maintaining appropriate safeguards to ensure funds are solely utilized for their authorized purposes. Ensuring fiscal integrity of all grant's financial transactions and compliance with all federal requirements of the award is our priority. Ibero will adopt all necessary policies required to implement internal controls to ensure compliance with COMIDA guidelines.

| Organization Name:                                         |                                         |                                                 |
|------------------------------------------------------------|-----------------------------------------|-------------------------------------------------|
|                                                            |                                         |                                                 |
| Personnel Costs<br>List Each Employee Name, Title/Position | Proposed Expenditures for Year 1 (2023) | Proposed Expenditures for years 1-4 (2023-2026) |
| Employment Navigator 1                                     | \$ 36,400                               | \$ 145,600                                      |
| Employment Navigator 2                                     | \$ 36,400                               | \$ 145,600                                      |
| Ibero Business Center FTE                                  | \$ 38,220                               | \$ 152,880                                      |
|                                                            |                                         |                                                 |
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|                                                            |                                         |                                                 |
| Fringe Benefits                                            | \$ 29,520                               | \$ 118,078                                      |
| Total Personnel Costs:                                     | \$ 140,540                              | \$ 562,158                                      |
|                                                            |                                         |                                                 |
| Other Than Personnel Services Costs                        |                                         |                                                 |
| Program Material & Printing                                | \$ 4,172                                | \$ 16,690                                       |
| Training                                                   | \$ 2,000                                | \$ 8,000                                        |
| Participant Stipends & CHW Tuition                         | \$ 50,000                               | \$ 200,000                                      |
| Marketing / Promotion                                      | \$ 10,000                               | \$ 40,000                                       |
| Occupancy                                                  | \$ 12,288                               | \$ 49,152                                       |
| Supplies                                                   | \$ 1,000                                | \$ 4,000                                        |
| Translation and Language Services                          | \$ 5,000                                | \$ 20,000                                       |
| Admin Allocation 10%                                       | \$ 25,000                               | \$ 100,000                                      |
|                                                            |                                         |                                                 |
|                                                            |                                         |                                                 |
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|                                                            |                                         |                                                 |
|                                                            |                                         |                                                 |
|                                                            |                                         |                                                 |
|                                                            |                                         |                                                 |
| Total Other Than Personnel Services Costs:                 | \$ 109,460                              | \$ 437,842                                      |
|                                                            |                                         |                                                 |
| Total Project Cost:                                        | \$ 250,000                              | \$ 1,000,000                                    |

## Travel Report

6/1/2022-12/31/2022

**New York State Economic Development Council Annual Meeting:** This conference is an annual event where Economic Development partners and IDA's from all over New York State meet to hear updates, best practices and other Economic Development insights. This year Lydia Birr, Ana Liss, Robin Finnerty, Allison Clark and Rokele Mikell-Castillo were all able to attend the 3 day, 2 night conference. Cost was \$1,384 per person. **Total Expense \$6,920.00**

**National Association of Foreign Trade Zones - Fundamentals of Foreign Trade Zone (FTZ) Seminar:** The Fundamentals of FTZ Seminar is designed for those who are new to the FTZ program or are looking for a refresher on the basics to increase key program knowledge. Rokele Mikell-Castillo inherited the responsibility to provide annual reporting and working with businesses with the prospect of benefiting from FTZ benefits upon Lydia Birr's retirement. The seminar provided an overview of the FTZ and high overview of Grantee responsibilities. **Total Expense: \$1,914.00**

### October 2022

**NYATEP Workforce Conference in partnership with New York State Economic Development Council:** Partners for Workforce & Economic Development Conference: Communities and Workforce and Economic Development Professionals across the state are dealing with the challenge of stimulating economic growth through strategic industry attraction, growing the green economy, preparing industrial sites to attract economic opportunity, and revitalizing our communities to attract and retain our workforce. The Conference provided legislative updates, best practices, and training. Rokele Mikell-Castillo attended on behalf of COMIDA and Monroe County Economic Development. **Total Expense \$355.00**

**NYS Innovation Summit:** The event brings together industry leaders, university researchers, investors, economic developers, and government officials from across the state to discover emerging technologies that support innovation and drive business growth. The summit offers a series of speakers, breakout sessions, and networking opportunities, providing attendees with insights into the latest tech discoveries, breakthrough research, and manufacturing advancements that will influence everyday lives and spur economic development. Economic Development (ED) Specialists, Mark Wilson and Conor Martin, attended. ED Specialists establish connections with Phltonics, Core Haptics, The Tech Garden (Central NY Technology Incubator), NiCO Form and RIT in relation to innovation and commercialization. **Total Cost: \$325.00**

### November 2022

**Grow NY:** The Summit's live pitch competition, symposium panels, and networking opportunities showcase food and ag innovations that have the power to change the path of the agriculture industry. The event is designed for entrepreneurs, established companies, investors, resource providers, researchers, and students. Top 20 food and ag startups from across the globe pitch their innovations for the chance to win up to \$1 million. The winners in return have to invest and locate their operations in Upstate NY. The Economic Development staff, Rokele Mikell-Castillo, Mark Wilson and Conor Martin, attended and connected with the competition applicants and provide a high overview of COMIDA and other Monroe County programs. **Total Expense \$150.00**

**New York State Economic Development Council IDA Academy:** This conference is IDA specific and cover various topics related to best practices and policy. This year's focus was on PARIS reporting and compliance. Robin Finnerty attended and participate as a panel member regarding PARIS reporting best practices. **Total Expense \$600**



## Dashboard

December 2022

| 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  |
| 30                   | 52             | 17                               | 29             | 17           | 27             | \$734,190,997            | \$1,300,847,745 |

| 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 |
| 29                       | 52             | 1948                                   | 1480           | 737                             | 2058           | 245                | 773            |

| Fees for Approved Projects (includes all app and agency fees) |                  |                   |                  |                   |                  |
|---------------------------------------------------------------|------------------|-------------------|------------------|-------------------|------------------|
| Total                                                         |                  | Paid to Date      |                  | Outstanding       |                  |
| 2022 Projects YTD                                             | 2021 Projects YE | 2022 Projects YTD | 2021 Projects YE | 2022 Projects YTD | 2021 Projects YE |
| \$5,331,074                                                   | \$6,949,985      | \$4,873,809       | \$6,269,439      | \$479,235         | \$679,046        |

| Workforce Development Fund<br>Beginning Balance \$2,500,000 |                              |                 |             | Solar WD Fund         |                   |          |
|-------------------------------------------------------------|------------------------------|-----------------|-------------|-----------------------|-------------------|----------|
| 2022 Revenue to Date                                        | Allocated to WD Fund to Date | Committed Funds | Balance     | Fee Collected to Date | Committed to Date | Balance  |
| \$8,854,391                                                 | \$885,439                    | \$1,400,000     | \$1,985,439 | \$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.