



COUNTY OF MONROE
COMIDA
INDUSTRIAL DEVELOPMENT AGENCY

BOARD MEETING AGENDA

March 26, 2024

12:00 p.m. CityPlace Building

- A. Call Meeting to Order
- B. Pledge of Allegiance
- C. Approval of Minutes – February 20, 2024
- D. Public Comments
- E. Local Labor Monitoring Report – February – Kevin Loewke
- F. Local Labor Exemptions Report – February – Brian LaFountain
- G. Financial Report – February - Gregg Genovese
- H. Applications for Consideration
 - 1. JP White Trash, LLC
 - 2. Eisco LLC
 - 3. Emerald Point Developers LLC
 - 4. Sibley Redevelopment II Limited Partnership
- I. Project Modifications
 - 5. O'Connell Electric Company, Inc. – Increase
 - 6. Gallina Elmgrove LLC - Increase
 - 7. Lemcke Real Estate Holdings LLC – Extension
- J. Executive Director – Discussion Items
 - Rochester Careers in Construction Inc. TRACS Program - Request
 - 1199 SEIU - Contract Extension
 - Dashboard
- K. Chair Burr – Discussion Items
- L. Annual Organizational Matters – see separate agenda
- M. Adjourn Meeting

Next meeting: Tuesday, April 16, 2024

COMIDA ANNUAL MEETING AGENDA

March 26, 2024

12:00 p.m. CityPlace Building

Annual Organizational Matters –

1. Audit Committee Report – A. Burr
2. Approval of 2023 Financial Audit
3. Finance Committee Report – A. Burr
 - Handbook
 - Small Business Sales Tax Program
 - RFP Investment Services
4. Governance Committee Report – J. Popli
5. Adopt/Re-adopt policies
 - Annual Compliance Review Process and Procedure
 - Code of Ethics Policy
 - Compensation, Reimbursement & Attendance Policy
 - Conflict of Interest Policy - **Change**
 - Defense and Indemnification Policy
 - Disposition of Property Policy
 - Duties & Responsibilities of Board Members
 - Extension of Credit Policy
 - Fee Schedule
 - FOIL (Freedom of Information Law) Policy
 - Housing Policy
 - Internal Controls & Financial Accountability Policy
 - Investment & Deposit Policy
 - Local Labor Area
 - Local Labor Policy
 - Whistleblower Policy
 - Public Participation Policy
 - Purchasing Policy
 - Real Property Acquisition Policy
 - Recapture, Suspension or Discontinuance of Financial Assistance Policy
 - Record Retention Policy
 - Renewable Energy Policy
 - Return and Distribution of Recaptured Benefits Policy
 - Sexual Harassment Prevention Policy
 - Transparency & Accountability Policy
 - Travel and Business Expense Policy
 - Uniform Project Evaluation Policy
 - Uniform Tax Exemption Policy
 - Video Conference Policy
 - Whistleblower Policy
6. Adopt Bylaws
7. Approve Mission Statement and Performance Measure Report
8. Election of Officers
 - Ann Burr, Chair
 - Jay Popli, Vice Chair
 - Troy Milne, Secretary
 - Lisa Bolzner, Treasurer
 - Ethics Officer – Chair of Audit Committee
 - Contracting Officer – Executive Director
9. Board Evaluation Summary
10. PARIS Report Update
11. Review 2023 Annual Report



COUNTY OF MONROE
COMIDA
INDUSTRIAL DEVELOPMENT AGENCY

DRAFT - BOARD MEETING MINUTES
February 20, 2024

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

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

Also Present: A. Liss, R. Finnerty, A. Clark, K. Loewke, R. Baranello, Esq.

Chair Burr called the meeting to order at 12:01 p.m. and T. Milne led the board in the Pledge of Allegiance.

On motion by R. King, second by L. Bolzner, all aye, minutes of the January 16, 2024 meeting were approved.

K. Loewke presented the local labor monitoring report for January 2024.

B. Lafountain presented the local labor exemption report for January 2024. Mr. Milne commented that the certification requirement in the local labor policy is at the individual level and not at the company level. He requested that the Governance Committee review the language in the policy.

It was noted that the financial report for January 2024 is in the board packet and will be reviewed at the next meeting.

Executive Director Liss presented the following projects for consideration:

Nick Mancuso, LLC dba Elevate585 Fitness, Inc.

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

The applicant was represented by Nick Mancuso, Owner. The applicant confirmed awareness of the local labor policy and that exemptions must be requested 45 days in advance, and does not anticipate any local labor exemptions at this time.

The board considered the following resolution: RESOLUTION OF THE COUNTY OF MONROE INDUSTRIAL DEVELOPMENT AGENCY TAKING OFFICIAL ACTION TO APPOINT (i) NICK MANCUSO LLC D/B/A ELEVATE FITNESS OR A RELATED ENTITY FORMED OR TO BE FORMED (COLLECTIVELY, THE "COMPANY") AS ITS AGENT TO UNDERTAKE A CERTAIN PROJECT AS MORE FULLY DESCRIBED BELOW; (ii) PROVIDE FINANCIAL ASSISTANCE TO THE COMPANY IN THE FORM OF A SALES AND USE TAX EXEMPTION FOR PURCHASES AND RENTALS RELATED TO THE UNDERTAKING OF THE PROJECT; (iii) AUTHORIZE THE EXECUTION AND DELIVERY OF A PROJECT AGREEMENT AND RELATED DOCUMENTS;

AND (iv) MAKE A DETERMINATION WITH RESPECT TO THE PROJECT PURSUANT TO SEQRA.

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

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

Diamond Packaging, Inc.

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

The applicant was represented by Keith Sernick, Esq. and Dan Brady, CFO, Diamond Packaging. 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 on the infrastructure at this time, but possibly for the installation of the new printing press from overseas. Ms. Baranello stated there were no comments at the public hearing which was held on February 15, 2024.

The board considered the following resolution: RESOLUTION OF THE COUNTY OF MONROE INDUSTRIAL DEVELOPMENT AGENCY (i) ACKNOWLEDGING THE PUBLIC HEARING HELD BY THE AGENCY ON FEBRUARY 15, 2024, WITH RESPECT TO A CERTAIN PROJECT) BEING UNDERTAKEN COLLECTIVELY BY DIAMOND PACKAGING INC., 111 COMMERCE DRIVE LLC AND COMMERCE DRIVE VENTURE LLC, OR RELATED ENTITIES FORMED OR TO BE FORMED (COLLECTIVELY, THE "COMPANY"); (ii) MAKING A DETERMINATION WITH RESPECT TO THE PROJECT PURSUANT TO SEQRA; (iii) APPOINTING THE COMPANY AS AGENT OF THE AGENCY; (iv) AUTHORIZING FINANCIAL ASSISTANCE TO THE COMPANY IN THE FORM OF (A) A SALES AND USE TAX EXEMPTION FOR PURCHASES AND RENTALS RELATED TO THE ACQUISITION, RENOVATION AND EQUIPPING OF THE PROJECT, (B) A PARTIAL MORTGAGE RECORDING TAX EXEMPTION AND (C) A REAL PROPERTY TAX ABATEMENT STRUCTURED THROUGH A PAYMENT-IN-LIEU-OF-TAX AGREEMENT ("PILOT AGREEMENT"); AND (v) AUTHORIZING THE NEGOTIATION, EXECUTION AND DELIVERY OF A PROJECT AGREEMENT, LEASE AGREEMENT, LEASEBACK AGREEMENT, PILOT AGREEMENT AND RELATED DOCUMENTS WITH RESPECT TO THE PROJECT.

On motion by L. Bolzner, second by R. King, for inducement and final resolution approving a sales tax exemption, partial mortgage recording tax exemption, and a partial real property tax abatement, a roll call vote resulted as follows and the motion carried:

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

Executive Director Liss presented the following modifications for considerations:

IDEX Health & Science LLC - Extension

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

The board considered the following resolution: RESOLUTION OF THE COUNTY OF MONROE INDUSTRIAL DEVELOPMENT AGENCY (THE "AGENCY") AUTHORIZING THE EXTENSION OF THE SALES AND USE TAX EXEMPTION BENEFITS GRANTED TO IDEX HEALTH & SCIENCE LLC (THE "COMPANY") THROUGH DECEMBER 31, 2024, AND THE EXECUTION OF RELATED DOCUMENTS..

On motion by R. King, second by J. Popli, all aye, motion carried to approve an extension of the sales tax exemption through December 31, 2024.

63 N. Plymouth Avenue – PILOT Termination

On motion by J. Alloco, second by R. King, all aye, motion carried to authorize the termination of the PILOT Agreement at 63 N. Plymouth Avenue as requested by the City of Rochester.

Executive Director Liss introduced Aaron Malbone from Buckingham Properties and Peter Vars, from BME Associates, to talk about a project seeking FAST NY assistance for site plan development for electrical infrastructure improvements. After discussion, on motion by L. Bolzner, second by J. Popli, all aye, motion carried to approve the submission of the FAST NY Track B grant application to New York State for a pre-development grant at Winfield Park located on Brighton Henrietta Townline Road and South Clinton Avenue.

Executive Director Liss introduced Dr. Robin Cole, Vice President, Workforce Development, Monroe Community College. Dr. Cole presented the annual report for Mpower. Board members requested additional information on student success and placement rate if available.

Executive Director Liss reviewed the current dashboard.

Mr. Alloco left the room and the Governance Committee Report was given by J. Popli. Following COMIDA's denial of Pittsford Canalside's application for COMIDA benefits, Pittsford Canalside commenced an Article 78 proceeding, arguing that Mr. Alloco had a conflict of interest in reviewing, and voting on, the application, and that Mr. Alloco improperly influenced other COMIDA board members to oppose the application. The Court denied Pittsford Canalside's request to disqualify other board members

based upon purported influence by Mr. Alloco but remanded the matter back to COMIDA “for further consideration of whether Mr. Alloco had a conflict of interest under COMIDA’s Conflict of Interest Policy.” The Court noted that if “the Board, through that process, finds that there is no conflict, its determination stands as it was otherwise adequate, rational and sound.” On other hand, if “the Board finds a conflict of interest, Mr. Alloco precluded from deliberations and voting, and the Board shall hold a new vote on the project”.

The Governance Committee met on February 16th to evaluate Mr. Alloco’s purported conflict of interest. Chair Popli noted that Mr. Alloco is a member of the Governance Committee but recused himself from all discussions regarding and did not attend or participate in the meeting. The Governance Committee reviewed the COMIDA Conflict of Interest Policy and all pleadings and papers filed in connection with the Article 78 proceeding commenced by Pittsford Canalside in Monroe County Supreme Court. Specifically, the Governance Committee has reviewed all factual allegations asserted by Pittsford Canalside. The Governance Committee also observed that in advance of the May 16, 2023 vote, no one perceived any conflict of interest as no one raised the issue and there is evidence that Pittsford Canalside expected Joe Alloco to participate in review of the proposed project. The Governance Committee also sought guidance from counsel to better understand factually analogous conflict of interest authority. The Governance Committee specifically acknowledged that the facts and findings outlined in such authority is non-binding as each conflict of interest is evaluated on a case-by-case basis. The COMIDA Conflict of Interest Policy does **not** require the Governance Committee to seek guidance from New York State Agencies in every conflict of interest determination. Each member of the Governance Committee affirmed that they did not feel the need to seek additional guidance, in addition to the guidance from counsel, from New York State Agencies to assist in the evaluation of the conflict of interest.

Following discussion, the Governance Committee passed a motion recommending that the full COMIDA Board find Joseph Alloco does not have a conflict of interest that would warrant recusal or preclude him from reviewing and voting on Pittsford Canalside’s application for COMIDA benefits.

The Ethics Officer Report was provided by Chair Burr who stated that she is the Ethics Officer and a member of the Governance Committee and she reviewed the COMIDA Conflict of Interest Policy and all pleadings and papers filed in connection with the Article 78 proceeding commenced by Pittsford Canalside in Monroe County Supreme Court. Specifically, all factual allegations asserted by Pittsford Canalside. Chair Burr sought guidance from counsel to better understand factually analogous conflict of interest authority. The COMIDA Conflict of Interest Policy does not require the Ethics Officer to seek guidance from New York State Agencies in every conflict of interest determination. As Ethics Officer Chair Burr did not feel the need to seek additional guidance from New York State Agencies to assist in the evaluation of the conflict of interest. Chair Burr recommended that the full COMIDA Board find that Joseph Alloco does not have a conflict of interest that would warrant recusal or preclude him from reviewing and voting on Pittsford Canalside’s application for COMIDA benefits.

On motion by R. King, second by T. Milne, all aye, the Board found that Joseph Alloco does not have a conflict of interest that would warrant recusal or preclude him from reviewing and voting on Pittsford Canalside’s application for COMIDA benefits and the Board’s May 16, 2023 resolution denying Pittsford Canalside’s application for COMIDA benefits stands as binding. Mr. Alloco returned to the board meeting.

On motion by J. Popli, second by N. Jones, all aye, motion carried to adjourn the regular meeting.



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

March 4th 2024,

1. This report covers our site visits between February 1st, 2024 and February 29th, 2024.
2. During this period Loewke Brill made 74 monthly site visits.
3. During this period Loewke Brill made “5” Follow up visits.
4. Loewke Brill checked for residence with 482 workers.
5. Of those workers, there were “12” non-compliant.
 - a. 7- No proof of residence
 - i. 2/6/24 – Gannett Partners I, LLC – Crosby Brownlie, 1 No ID. Compliant on follow up visit 2/7/24
 - ii. 2/22/24 – 587, LLC – NKG, 2 workers No ID. On follow up, determined workers were not with NKG and both with Bruton Consulting and out of area
 - iii. 2/22/24 – Home Leasing, LLC – I.C. Construction, 1 no ID. Compliant on follow up visit 2/23/24
 - iv. 2/26/24 – 587, LLC – B.S.R., 2 workers no ID. Workers no longer on project site on follow up visit 2/27/24
 - v. 2/26/24 – DGNA Real Estate Holdings, LLC – All Green Flooring, 1 no ID. Compliant on follow up visit 2/27/24
 - b. 5 – Out of Area
 - i. 2/22/24 – 587, LLC – NKG, 1 worker out of area. On follow up, worker still on site but said to reside locally, no proof of that was shown.

ii. 2/23/24 – 587, LLC – Bruton Consulting, 4 out of area. Workers stated they were unaware of local labor requirements.

c. 0 – Invalid ID

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

a. CPP & Conifer Realty

b. UltraPhil, LLC

c. Eagles Landing 1, LLC

d. RES Exhibit Services, LLC

Big firm capability. Small firm personality.

THE BONADIO GROUP

CPAs, Consultants & More

March 2024 Verified Local Labor Exemption Report

Board Meeting – March 2024

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

1. Fairlife, LLC

- a. One exemption related to the installation of the ASRS High Racking fire protection systems at the project site in Webster, NY. The exemption was based on the “No local labor available...” criteria. Ahern Fire Protection is providing the qualified labor to install the ASRS systems, and Davis Ulmer (local contractor) will supply the additional local labor to support the balance of the fire protection system install.

COMIDA
Statement of Financial Position

	Year To Date 02/29/2024	Year Ending 12/31/2023
	Actual	Actual
Assets		
Current Assets		
Cash and Cash Equivalents	536,732	5,637,860
Accounts Receivable, Net	90,794	151,709
Prepaid Expenses	103,984	19,901
COMIDA Treasury Investments	16,742,434	12,349,432
Total Current Assets	17,473,944	18,158,902
Long-term Assets		
Property & Equipment	625,000	625,000
Other Long-term Assets	260,511	260,511
Total Long-term Assets	885,511	885,511
Total Assets	18,359,455	19,044,413
Liabilities and Net Assets		
Liabilities		
Short-term Liabilities		
Accounts Payable	109,342	143,283
Accrued Liabilities	174,207	583,763
Other Short-term Liabilities	-	476
Total Short-term Liabilities	283,549	727,522
Long Term Liabilities	335,927	335,927
Total Liabilities	619,476	1,063,448
Net Assets		
Net Assets	17,980,965	15,098,945
Change In Net Assets	(240,986)	2,882,019
Total Net Assets	17,739,978	17,980,965
Total Liabilities and Net Assets	18,359,455	19,044,413

Summary Statement of Activities - All Funds with Prior Year

	Year To Date 02/29/2024	Year To Date 02/29/2024	Prior Year To Date 02/28/2023
	Actual	Budget	Actual
Revenue			
Fee Income	104,639	416,667	107,772
Interest Income	83,352	58,333	1,102
Total Revenue	187,991	475,000	108,874
Expenses			
Payroll	55,502	59,667	42,423
Sponsorships	1,500	-	3,500
Program & Community Development	271,440	407,527	112,654
General & Administrative	100,535	52,917	72,671
Total Expenses	428,977	520,110	231,248
Change In Net Assets	(240,986)	(45,110)	(122,373)



APPLICATION SUMMARY

DATE: March 26, 2024

APPLICANT: JP White Trash, LLC
2015 Maiden Lane
Rochester, NY 14626

PROJECT ADDRESS: 2015 Maiden Lane
Rochester, NY 14626

PROJECT SUMMARY: JP White Trash LLC provides on site dumpster, residential disposal and recycling services in the Town of Greece. JP White Trash has seen significant growth since 2022 and continues to expand its recycling services in Monroe County. JP White Trash will be purchasing 55 roll off dumpsters, a dumpster truck and an additional garbage truck to meet the needs of its customers and allow for continued growth. JP White Trash LLC has applied for a Great Rate/Great Rebate on the equipment purchase through the Monroe County Industrial Development Corporation and is seeking approval of the sales tax exemption through COMIDA. The \$957,000 project is projected to create 7 new FTEs over the next three years. The Benefit/Incentive ratio is 26:1.

PROJECT AMOUNT: \$957,000 – Sales Tax Exemption Only
EXEMPTIONS: \$76,560

JOBS: EXISTING: 8 | FTEs
NEW: 7 | FTEs

PUBLIC HEARING DATE: N/A

BENEFIT TO INCENTIVE RATIO: 26 : 1

SEQR: TYPE II ACTION UNDER SEQR SECTION 617.5

ELIGIBILITY: APPROVED GREATRATE/REBATE - EQUIPLUS ONLY

APPROVED PURPOSE: JOB CREATION

Monroe County Industrial Development Agency

MRB Cost Benefit Calculator



Date: March 26, 2024
 Project Title: JP White Trash LLC
 Project Location: 2015 Maiden Lane

Economic Impacts

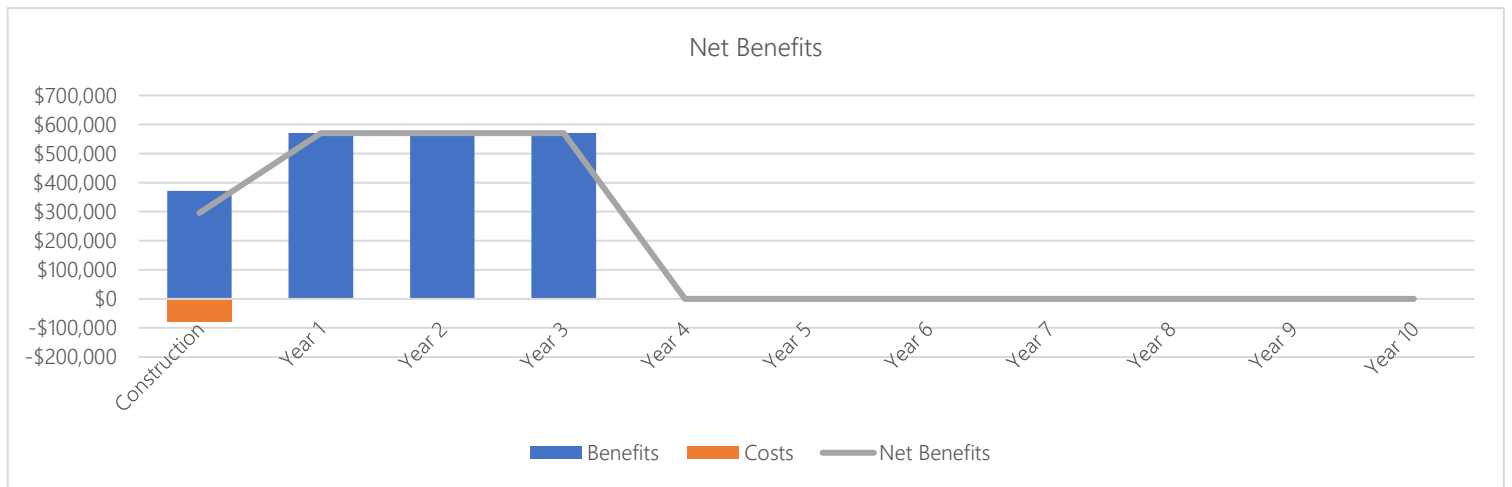
Summary of Economic Impacts over the Life of the PILOT

Project Total Investment
 \$957,000

Temporary (Construction)			
	Direct	Indirect	Total
Jobs	5	1	6
Earnings	\$295,045	\$55,982	\$351,027
Local Spend	\$765,600	\$190,572	\$956,172

Ongoing (Operations)			
Aggregate over life of the PILOT			
	Direct	Indirect	Total
Jobs	7	4	11
Earnings	\$1,176,000	\$439,646	\$1,615,646

Figure 1



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

Figure 2

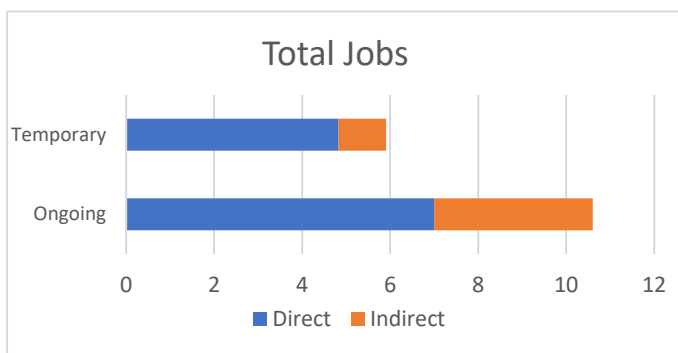
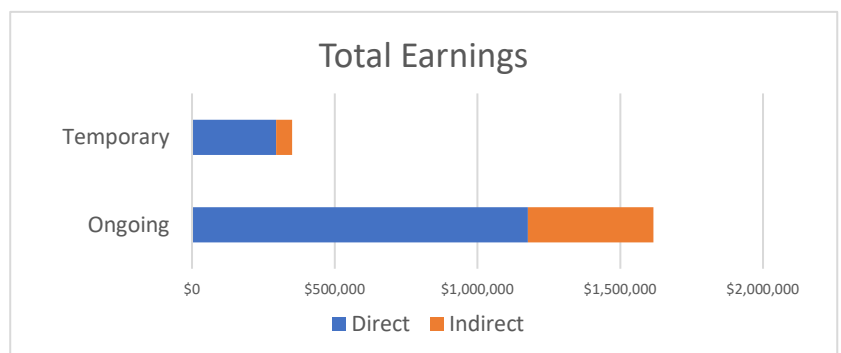


Figure 3



Ongoing earnings are all earnings over the life of the PILOT.

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	\$76,560	\$76,560
Local Sales Tax Exemption	\$38,280	\$38,280
State Sales Tax Exemption	\$38,280	\$38,280
Mortgage Recording Tax Exemption	\$0	\$0
Local Mortgage Recording Tax Exemption	\$0	\$0
State Mortgage Recording Tax Exemption	\$0	\$0
Total Costs	\$76,560	\$76,560

State and Local Benefits

	Nominal Value	Discounted Value*
Local Benefits	\$1,980,440	\$1,917,468
To Private Individuals	\$1,966,674	\$1,904,139
Temporary Payroll	\$351,027	\$351,027
Ongoing Payroll	\$1,615,646	\$1,553,112
Other Payments to Private Individuals	\$0	\$0
To the Public	\$13,767	\$13,329
Increase in Property Tax Revenue	\$0	\$0
Temporary Jobs - Sales Tax Revenue	\$2,457	\$2,457
Ongoing Jobs - Sales Tax Revenue	\$11,310	\$10,872
Other Local Municipal Revenue	\$0	\$0
State Benefits	\$102,267	\$99,015
To the Public	\$102,267	\$99,015
Temporary Income Tax Revenue	\$15,796	\$15,796
Ongoing Income Tax Revenue	\$72,704	\$69,890
Temporary Jobs - Sales Tax Revenue	\$2,457	\$2,457
Ongoing Jobs - Sales Tax Revenue	\$11,310	\$10,872
Total Benefits to State & Region	\$2,082,707	\$2,016,483

Benefit to Cost Ratio

	Benefit*	Cost*	Ratio
Local	\$1,917,468	\$38,280	50:1
State	\$99,015	\$38,280	3:1
Grand Total	\$2,016,483	\$76,560	26:1

*Discounted at 2%

Additional Comments from IDA

This is a good project.

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

Motion By: _____
Seconded By: _____

RESOLUTION
(JP White Trash, LLC Project)
OSC Code 2602-24-005A

A regular meeting of the County of Monroe Industrial Development Agency (the "Agency"), was held at the Agency's offices located at 50 West Main Street, Rochester, New York 14614, on March 26, 2024 at 12:00 p.m.

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

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

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

WHEREAS, **JP WHITE TRASH, LLC**, a New York limited liability company, for itself or an entity formed or to be formed (collectively, the "Company") has requested that the Agency assist with a certain Project (the "Project"), consisting of the purchase of (i) one 2023 Freightliner Econic garbage truck; (ii) one 2024 Soudure J.M. Chantal ERO6022 Roll-Off 22' mounted on a Mack Chassis dumpster truck; and (iii) approximately fifty-five (55) roll-off trash dumpsters (collectively, the "Equipment"); all to be housed and maintained at the Company's offices at 2015 Maiden Lane in the Town of Greece, New York 14626 and all for use in the company's waste collection/disposal business; and

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

WHEREAS, it is contemplated that the Agency will (i) negotiate a project agreement (the "Project Agreement"), pursuant to which the Agency will appoint the Company as its agent for the purpose of undertaking the Project and (ii) provide financial assistance (the "Financial Assistance") to the Company in the form of sales and use tax exemptions for purchases and rentals related to the 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 Company's application and other correspondence submitted by the Company to the Agency, the Agency hereby finds and determines that:

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

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

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

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

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

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

Section 4. Based upon the representation and warranties made by the Company in its application for financial assistance, the Agency hereby authorizes and approves (i) the Company as its agent, to make purchases of goods and services relating to the Project and that would otherwise be subject to New York State and local sales and use tax in an amount up to **\$957,000**, which result in New York State and local sales and use tax exemption benefits ("sales and use tax exemption benefits") not to exceed **\$76,560**. The Agency agrees to consider any requests by the Company for increase to the amount of sales and use tax exemption benefits authorized by the Agency upon being provided with appropriate documentation detailing the additional purchases of property or services.

Section 5. Pursuant to Section 875(3) of the New York General Municipal Law, the Agency may recover or recapture from the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, any sales and use tax exemption benefits taken or purported to be taken by the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, if it is determined that: (i) the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, is not entitled to the sales and use tax exemption benefits; (ii) the sales and use tax exemption benefits are in excess of the amounts authorized to be taken by the Company, its agents, consultants, subcontractors, or any other party

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

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

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

Section 8. This resolution shall take effect immediately.

[Remainder of Page Intentionally Left Blank]

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

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

The Resolutions were thereupon duly adopted.

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

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

That I have compared the annexed extract of the minutes of the meeting of the County of Monroe Industrial Development Agency (the "Agency"), including the resolutions contained therein, held on March 26, 2024, with the original thereof on file in my office, and that the same is a true and correct copy of the proceedings of the Agency and of such resolutions set forth therein and of the whole of said original insofar as the same related to the subject matters therein referred to.

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

IN WITNESS WHEREOF, I have hereunto set my hand on this 26th day of March, 2024.

Ana J. Liss, Executive Director



COUNTY OF MONROE
COMIDA
 INDUSTRIAL DEVELOPMENT AGENCY

APPLICATION FOR ASSISTANCE

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

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

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

I. APPLICANT

A. Applicant Information

Name: JP White Trash LLC
 Address: 2015 Maiden Lane
 City/State/Zip: Rochester, NY 14626
 Tax Id No.: 87-4308197
 Contact Name: Bryan Goodwine
 Title: Vice President
 Telephone: 585-723-8072
 E-Mail: goodvino17@yahoo.com

B. Applicant's Legal Counsel

Name: _____
 Firm: _____
 Address: _____
 City/State/Zip: _____
 Telephone: _____
 Email: _____

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

Name	%	Corporate Title
<u>Kevin Goodwine</u>	<u>60 %</u>	<u>President</u>
<u>Bryan Goodwine</u>	<u>20 %</u>	<u>CFO</u>
<u>Marc Tantalo</u>	<u>20 %</u>	<u>VP, Sales & Marketing</u>
_____	_____%	_____
_____	_____%	_____
_____	_____%	_____
_____	_____%	_____
_____	_____%	_____
_____	_____%	_____
_____	_____%	_____
_____	_____%	_____

II. PROJECT

A. Address of proposed project facility

Address: 2015 Maiden Lane

Tax Map Parcel Number: 074.061-1-11

City/Town/Village: Greece

School District: Greece

Zip: 14626

Current Legal Owner of Property:

KBM Associates, Inc

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: 04/01/2024

Proposed Commencement Date of Construction: N/A

Anticipated Completion Date: 12/31/2024

G. Contractor(s)

N/A

II. PROJECT (cont'd)

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

Please explain why financial assistance is necessary.

Financial assistance is necessary to keep operating costs constant during a time of expansion. It will also allow us to obtain the assets needed without compromising our working capital that is currently being used to acquire additional customers.

- J. 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:

K. State Environmental Quality Review (SEQR) Act Compliance

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

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

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

NO

II. PROJECT (cont'd)

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

NAICS Code: 562111

In 2006, Kevin Goodwine , Bryan Goodwine, and Marc Tantalo established White Trash (General Partnership) to acquire Jim White's White Trash which was established in 1997 to provide site dumpster services to local contractors. In 2022, the General Partnership was dissolved and JP White Trash LLC was established for tax and liability purposes, and the demand to expand its services. Services now include providing roll off containers to many area industrial, marine, commercial and residential customers.

Over the last 2 years, the company has grown exponentially, not only in the dumpster market, but has also penetrated the residential disposal and recycling market. In 2022, JP White Trash began servicing residential garbage and recycling customers in Greece. Due to high market demand services were expanded to the Gates area in May of 2023. JP White Trash will continue to expand refuse and recycling services into additional towns in the Monroe County area as the company continues to grow.

The equipment purchases are needed to address the growing demand of services to support this continued growth.

JP White Trash is purchasing 55 Roll Off Dumpsters, a Dumpster Truck, and a Garbage Truck.

The dumpsters and dumpster truck are being acquired to address the increased demand for commercial dumpster services that is projected to increase from \$210M in 2023 to \$677M in 2024.

Dumpster Truck Details: 2024 Soudure J.M Chantal ERO6022 Roll-Off 22' Mounted on a Mack Chassis VIN: 1M2GR2GC8RM040943

The new garbage truck is expected to provide a significant operational efficiency to the residential capabilities of the business. Currently the business is operating with only 3 trucks however new contract demand is stretching the capabilities to meet the new demand as average weekly customer growth is between 40-60 new customers.

Garbage Truck Details: 2023 Freightliner Econic VIN: W1HKASL16PV270400

The equipment purchases will also allow the capacity to grow both our administrative and field team adding 3-4 full time employees over the next few months, with a total of at least 6 full time positions over the next 3 years.

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

Check One:

JOBSPLUS

Requirements:

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

LEASEPLUS

Requirements:

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

ENHANCED JOBSPLUS

Requirements:

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

GREEN JOBSPLUS

Requirements:

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

SHELTER RENT

For student housing or affordable housing projects.

Local Tax Jurisdiction Sponsored PILOT

NO PROPERTY TAX ABATEMENT IS SOUGHT FOR THIS PROJECT

IV. APPLICANT PROJECT COSTS

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

Building Construction or Renovation

- a. Materials a. \$ _____
- b. Labor b. \$ _____

Site Work

- c. Materials c. \$ _____
- d. Labor d. \$ _____
- e. Non-Manufacturing Equipment e. \$ 957,000
- 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) \$ 957,000

B. Sources of Funds for Project Costs:

- a. Tax-Exempt Industrial Revenue Bond a. \$ _____
- b. Taxable Industrial Revenue Bond b. \$ _____
- c. Bank Financing c. \$ 957,000
- d. Public Sources d. \$ _____

Identify each state and federal grant/credit

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

- e. Equity \$ _____

TOTAL SOURCES (must equal Total Project Costs) \$ 957,000

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

Yes No

If yes, please specify bank, underwriter, etc.

M&T Bank
 Matt Livernash, SR, VP
 585-258-8283
 mlivernash@mtb.com

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
JP White Trash 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	3
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:	\$76,560
Estimated duration of ST exemption:	12/31/2024
C. Mortgage Recording Tax Exemption (MRTE) Benefit:	
Estimated Value of MRTE:	\$0
D. Industrial Revenue Bond Benefit	
IRB inducement amount:	\$0
E. Percentage of Project Costs financed from Public Sector sources:	
Total Value of Incentives:	\$76,560
Project Construction Costs:	\$957,000
	8.00%

PILOT Schedule							
PILOT Year	% Abatement	County PILOT Amount	Local PILOT Amount	School PILOT Amount	Total PILOT Amount	Full Tax Payment w/o PILOT***	Net Exemption**
	Total	\$0	\$0	\$0	\$0	\$0	\$0
1	90%	\$0	\$0	\$0	\$0	\$0	\$0
2	90%	\$0	\$0	\$0	\$0	\$0	\$0
3	80%	\$0	\$0	\$0	\$0	\$0	\$0
-	80%	-	-	-	-	-	-
-	70%	-	-	-	-	-	-
-	70%	-	-	-	-	-	-
-	60%	-	-	-	-	-	-
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-	20%	-	-	-	-	-	-
-	20%	-	-	-	-	-	-
-	10%	-	-	-	-	-	-
-	10%	-	-	-	-	-	-
-	5%	-	-	-	-	-	-
-	5%	-	-	-	-	-	-
-		-	-	-	-	-	-
-		-	-	-	-	-	-

VII. PROJECTED EMPLOYMENT

Complete for each Applicant or User/Tenant

Company Name: JP White Trash 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 RETAINED	IF FINANCIAL ASSISTANCE IS GRANTED – project the number of FTE and PTE jobs to be CREATED upon THREE Years after Project completion	Estimate number of residents of the Labor Market Area in which the Project is located that will fill the FTE and PTE jobs to be created upon THREE Years after Project Completion **
Full time (FTE)	7	7	6	6
Part Time (PTE)	2	2	2	2
Total	8	8	7	7

** 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.

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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 JP White Trash 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.


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.**


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.


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.


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.

Handwritten initials

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.

Handwritten initials

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.

JP white trash LLC

(APPLICANT COMPANY)

(TENANT COMPANY)

[Signature] *Pres.* *2/28/24*

Signature, Title, Date

Signature, Title, Date

IX. FEES

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

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

JP White Trash LLC

(APPLICANT COMPANY)

(TENANT COMPANY)

[Handwritten Signature]
Signature, Title, Date

Signature, Title, Date

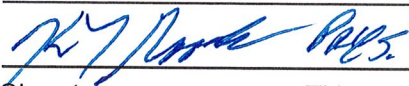
X. CERTIFICATION

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

TENANT COMPANY

 *RES.* 2/28/24
 Signature, Title Date

 Signature, Title Date



Clean Air. Clean Water. Clean Streets.

TERMS & AGREEMENT TO PURCHASE

DATE: 01/31/2024

ACCOUNT: <u>White Trash Disposal</u>	SHIP TO: Same Address X <input type="checkbox"/>
CONTACT: <u>Rick Petralia</u>	
ADDRESS: <u>2015 Maiden Lane</u>	
CITY: <u>Rochester</u> <u>NY</u> <u>14626</u>	
TEL NO.: <u>585-943-8742</u> <u>rick@whitetrashrubbish.com</u>	

RSM:	P.O. #	PAYMENT TERMS:	SPECIAL INSTRUCTIONS:
GIESEKE			

STOCK NO.:	DESCRIPTION OF EQUIPMENT	QTY	UNIT PRICE	EXTENDED SALE PRICE
	Chantal Roll-Off Hoist	1		\$239,399.00
	Mounted on Mack Granite 64BR Chassis	1		

Per Quotation Dated January 19 th , 2024. Unit is on hold for White Trash Rubbish until February 1, 2024. Unit is currently in stock at our Ancaster, Ontario location, and is subject to availability. Payment due upon delivery.	SUBTOTAL:	\$239,399.00
	SALES TAX:	\$19,151.92
	FEDERAL EXCISE TAX:	\$28,727.88
	TOTAL:	\$287,278.80
	REFUNDABLE DEPOSIT:	N/A
	BALANCE OWING AT TIME OF DELIVERY:	\$287,278.80

ESTIMATED DELIVERY DATE:	TBD
---------------------------------	-----

I/we have read and understand the terms outlined below and on the reverse and agree to them as part of this order as if they were printed above my/our signature(s). The above and the terms below and on the reverse shall comprise the entire agreement affecting this purchase and no other agreement, understanding, representation, condition or warranty either expressed or implied by law or otherwise is part of this transaction. Unless otherwise specified the Purchase price is payable in cash on the date of delivery of the Equipment to the carrier. It is understood and agreed that the Purchase Price is subject to increase at anytime without notice by JJE to the extent that JJE has incurred increased cost between the date hereof and the delivery date caused by increases in manufacturers' list prices, government regulations, freight rates, labour costs and other causes beyond JJE's control. The Purchaser acknowledges having received a true copy hereof. This agreement is not subject to annulment or cancellation by the Purchaser without prior written consent of JJE.

Signature of Regional Sales Manager

Authorized Signature of Purchaser

Print Name

Print Name

INVOICES PAYABLE TO:
 JOE JOHNSON EQUIPMENT LLC
 62 LAGRANGE AVE
 ROCHESTER, NY 14613
 TEL: (585) 254-7700 FAX: (585) 254-9122
 www.JJEI.com

Title

Date



Joe Johnson Equipment

Subsidiary of Federal Signal Corporation

Please Remit To:
4519 Old Charlotte Hwy
Monroe, NC 28110
Email: ar@jjei.com
Website: www.jjeusa.com

Ship To:

WHITE TRASH DISPOSAL
1249 RIDGEWAY AVE
ROCHESTER, NY 14615-3761

Invoice To:

JP WHITE TRASH, LLC.
2015 MAIDEN LANE
ROCHESTER NY 14626
United States

Branch 01 - ROCHESTER		
Date 02/08/2024	Time 8:56:22 (O)	Page 1
Account No. WHT001	Phone No. 5859438742	Invoice No. 00002372
Ship Via		Purchase Order
Salesperson AARON GIESEKE		
Salesperson ID AGI / AFL		Business # 61-1790482

EQUIPMENT INVOICE

Description	AMOUNT
Stock #: UA030815 Serial #: 1M2GR2GC8RM040943 NEW 2024 SOUDURE J.M. CHANTAL ERO6022 ROLL-OFF 22' MOUNTED ON A MACK CHASSIS VIN: 1M2GR2GC8RM040943	239399.00

Miscellaneous Charges/Credits

FET	Qty: 1	
Miscellaneous Charges/Credits Total:		28727.88
Subtotal:		268126.88
MONROE COUNTY ONLY:		19151.92
Total (A/R UNITS):		287278.80

DELIVERY DATE
PAYMENT DUE AT DELIVERY

RECEIVED THE ABOVE IN GOOD CONDITION DATE

PRINT NAME

****ALERT: If you are requested to modify any payment instructions, please do not act on the request. Contact the JJE Credit department via a known/verified phone number.****
• Unless otherwise stated, all shipments are FOB from Joe Johnson Equipment shipping location

Joe Johnson Equipment (JJE) is neither responsible nor liable for any loss, damage or injury, however caused, to trucks, units, contents, cargo or person directly or indirectly related to an installation, use or mechanical failure of a part or product. JJE expressly disclaims and is held harmless from any direct losses or consequential losses that may result from the repair or operation of customer-operated product or installation / use of a part. JJE is held harmless from any direct losses or consequential losses that may result from late delivery of a part, service or product. JJE makes no assurance whatsoever regarding any desired or intended purpose of a part or product. If remittance is by credit card I agree to pay the above total amount according to card issuer agreement (Merchant agreement if credit voucher)

ALBANY 518.407.3154	COLORADO 720.399.0095	MONROE 704.289.6488	BILLINGS 406.206.1491	ROCHESTER 585.254.7700	CANADIAN LOCATIONS www.jjei.com
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**ENVIRONMENTAL
EQUIPMENT**
SALES & SERVICE

PURCHASE AGREEMENT

QUOTE NUMBER	QUOTE DATE	VALID FOR	EST. DELIVERY UPON ORDER RECEIPT	SALESPERSON	SHIPPED VIA	FOB POINT	TERMS
202124WT	2/21/24	30days		Todd Gorsop	Atlas	TBD	On delivery

CUSTOMER INFORMATION:

Customer: White Trash Disposal Contact: Rick Petralia
 Address: 2015 Maiden Lane City, State & Zip: Rochester, NY 14606
 Phone: (585) 747-7445 Cell Phone: _____ Email address: _____

VEHICLE AND EQUIPMENT:

27 DP5000	2023 Freightliner Econic	
Extended Shaft PTO with Vane Pump - Formerly Referred to as 890(Fast Cycle Pump 16-19 Sec Cycle Time) Dual Hopper Work Light Kit - two lights - switch on tailgate. LED Body Side Backing Assist Lights - reverse activated. Multi-Function LED Strobe / Turn Lamps - includes LED light package for entire unit. Left Hand Buzzer Kit 15,000 Pound Line Pull Reeving Cylinder with Control Kit Lip and Latch Kit - with 20°, 7-inch sill extension with cutouts for cart tipper Dual Cart Tipper Control Valve, Handle, Plumbing and Hose Kit DP 5000 H.D. Contractors Package (includes 1/4" hopper floor, 3/16" hopper front face liner and tailgate spill troughs) Side Door Interlock Kit - shuts down pump when open (Requires Clutch Shift PTO) 20 lb. Fire Extinguisher with Bracket Broom and Shovel Rack - mounted on tailgate Mud Flaps - anti-sail / anti-splash - Fender Extension Kit	Vin# W1HKASL16PV270400	

TERMS OF SALE:

1. Purchase Price (each):	\$	296,499
2. Additional Equipment Purchase Price (each):	\$	
3. Total Price (each): (Line 1 plus Line 2)	\$	
4. Grand Total: (Quantity of 1)	\$	
5. Sales Tax:	\$	
6. Federal Excise Tax: (Taxable amount: Line 4)	x 12%=\$	35579
7. Title & Registration Fee:	\$	
8. Freight: Florida to Rochester	\$	4200
10. Extras: (warranty, etc.)	\$	

Extras Description:

11. Total Amount Due from customer:

\$

336,278

TERMS AND CONDITIONS:

1. Customer's responsibilities. Customer agrees to pay Environment Equipment Sales & Service of New York, LLC (EESS) all charges required by law to be collected, including without limitation all tag, title, license, and all federal, state, and local taxes. Although EESS has used its best efforts to accurately state the amounts due under this Agreement, Customer remains liable for any additional amounts which may be assessed by law against EESS. Unpaid or past due balances will be assessed a 1.5% per month interest charge, (18% per annum).

2. Deposit. Should EESS fail to accept this offer or be unable to deliver the vehicle as promised, the Customer's sole remedy against EESS shall be a return of the deposit as liquidated damages. Should Customer fail to take delivery of the vehicle for any reason or otherwise breach this agreement, EESS may elect to retain the deposit, and sue for any actual damages incurred by EESS for work done, costs incurred, and for any incidental or consequential damages caused by Customer's breach.

3. Warranties. All used vehicles are sold "AS IS, WITHOUT WARRANTY", either express or implied. **EESS SPECIFICALLY DISCLAIMS ALL WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE, AND ALL OTHER REPRESENTATIONS TO THE CUSTOMER NOT EXPRESSLY SET FORTH IN THIS AGREEMENT.** No other person is authorized to make any representations or warranties on behalf of EESS, unless made or assumed in writing by EESS.

4. Limitation of Liability. Customer shall have the right to fully inspect the vehicle at the time of delivery. Acceptance of the vehicle constitutes Customer's waiver of all claims against EESS for all actual, incidental or consequential damages, including without limitation: a) loss, damage or delays for any reason; b) failure to supply any property ordered hereunder unless EESS receives notification of such failure within one week of delivery; c) loss of use, loss of time, lost profits or income; d) changes in design, materials or specifications explicitly specified by the Customer; e) modifications to the vehicle that the Customer specifies to be performed by others; and f) defects in design, materials or workmanship unless EESS receives notification of such defects within one week of delivery.

Customer shall defend, indemnify and hold harmless EESS and its subsidiaries and affiliated companies, their officers, agents and employees against all loss, liability and expense, including reasonable attorney's fees, by reason of bodily injury including death, and property damage, sustained by any person or persons including but not limited to the officers, agents and employees of Customer, as a result of the Customer's maintenance, use, operation, servicing, transportation, defect in or failure of the vehicle, whether such bodily injury, death or property damage is due or claimed to be due in whole or in part, to any neglect, default, defect, fault, failure, act or omission, by or on behalf of EESS, its officers, agents and employees or any other person, including but not limited to any claims of strict liability in tort, breach of warranty, and/or negligence.

5. Modifications by Others. Customer acknowledges that any requested modifications to the vehicle that the Customer specifies to be performed by others are Customer's sole responsibility, and Customer shall reimburse EESS for the cost of such modifications, regardless of whether Customer takes delivery of the vehicle. EESS is not liable for any defects in design, materials or workmanship, or any errors or omissions by such third parties.

6. Miscellaneous. Risk of loss shall pass to the Customer upon acceptance of delivery of the vehicle. A facsimile of this agreement shall have the same legal effect as an original hereof. Venue for any actions involving this agreement, including counterclaims, crossclaims or third-party claims shall be exclusively in Monroe County, New York, and this agreement shall be construed under the laws of the State of NY. This agreement may not be assigned by Customer. This agreement expresses the entire agreement of the parties. If any part hereof is contrary to, prohibited by or deemed invalid under applicable laws or regulations of any jurisdiction, such provision shall be inapplicable and deemed omitted but shall not invalidate the remaining provisions hereof. In the event that EESS is required to employ an attorney to enforce any of the terms of this agreement, Customer shall be liable for all reasonable attorney's fees and costs, regardless of whether suit is instituted, through and including all trials, appeals and bankruptcy proceedings.

I HAVE READ AND UNDERSTAND THE ABOVE TERMS AND CONDITIONS.

Customer:

EESS Representative

Signature

Print Name

Title

Customer PO Number

Date

Signature

Print Name

Title

Date

Contact Email

Contact Cell

EESS NY
9 Alvanar Road
Rochester, NY. 14606



APPLICATION SUMMARY

DATE: March 26, 2024

APPLICANT:

Eisco LLC 788 Old Dutch Rd Victor, NY 14564

PROJECT ADDRESS:

475 Quaker Meeting House Rd Honeoye Falls, NY 14472
--

PROJECT SUMMARY:

Eisco LLC, a manufacturer and distributor of scientific supplies, is relocating from Ontario County to a 80,000 sq. ft. building in the Town of Mendon to consolidate and grow all of the businesses in one headquarter location in order to maintain a competitive advantage. Eisco LLC has applied for a Great Rate/Great Rebate on the equipment purchase though the Monroe County Industrial Development Corporation and is seeking approval of the sales tax exemption through COMIDA. The \$250,000 project is projected to create 2 new FTEs in addition to the existing 36 FTEs over the next three years. The Benefit/Incentive ratio is 28:1.

PROJECT AMOUNT:

\$250,000 – Sales Tax Exemption Only

EXEMPTIONS:

\$20,000

JOBS: EXISTING:

36	FTEs
----	------

NEW:

2	FTEs
---	------

PUBLIC HEARING DATE:

N/A

BENEFIT TO INCENTIVE RATIO:

28 : 1

SEQR:

TYPE II ACTION UNDER SEQR SECTION 617.5

ELIGIBILITY:

MANUFACTURER

APPROVED PURPOSE:

JOB CREATION

Monroe County Industrial Development Agency

MRB Cost Benefit Calculator



Date: March 26, 2024
 Project Title: Eisco LLC
 Project Location: 475 Quaker Meeting House Road, Honeoye Falls, NY 14472

Economic Impacts

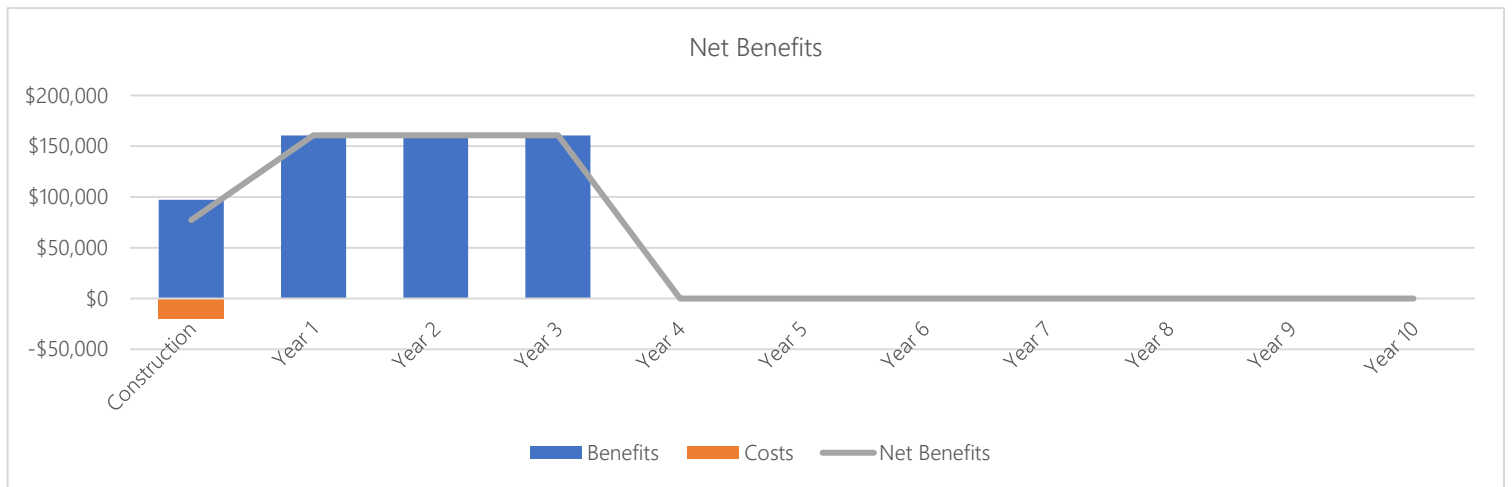
Summary of Economic Impacts over the Life of the PILOT

Project Total Investment
 \$250,000

Temporary (Construction)			
	Direct	Indirect	Total
Jobs	1	0	2
Earnings	\$77,076	\$14,624	\$91,700
Local Spend	\$200,000	\$49,784	\$249,784

Ongoing (Operations)			
Aggregate over life of the PILOT			
	Direct	Indirect	Total
Jobs	2	0	2
Earnings	\$345,000	\$110,382	\$455,382

Figure 1



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

Figure 2

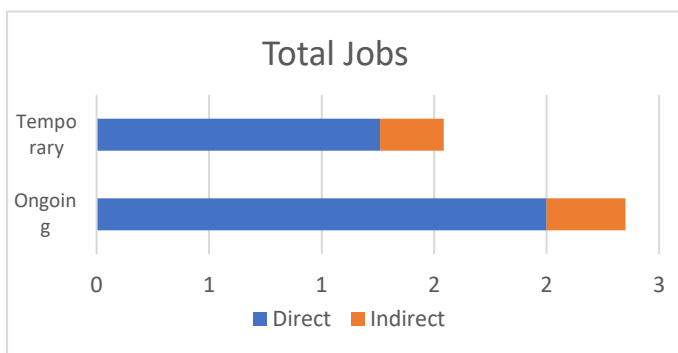
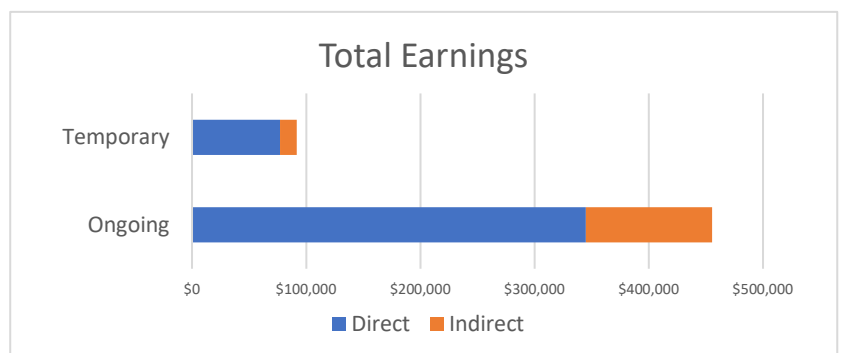


Figure 3



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	\$20,000	\$20,000
Local Sales Tax Exemption	\$10,000	\$10,000
State Sales Tax Exemption	\$10,000	\$10,000
Mortgage Recording Tax Exemption	\$0	\$0
Local Mortgage Recording Tax Exemption	\$0	\$0
State Mortgage Recording Tax Exemption	\$0	\$0
Total Costs	\$20,000	\$20,000

State and Local Benefits

	Nominal Value	Discounted Value*
Local Benefits	\$550,911	\$533,162
To Private Individuals	\$547,082	\$529,456
Temporary Payroll	\$91,700	\$91,700
Ongoing Payroll	\$455,382	\$437,756
Other Payments to Private Individuals	\$0	\$0
To the Public	\$3,830	\$3,706
Increase in Property Tax Revenue	\$0	\$0
Temporary Jobs - Sales Tax Revenue	\$642	\$642
Ongoing Jobs - Sales Tax Revenue	\$3,188	\$3,064
Other Local Municipal Revenue	\$0	\$0
State Benefits	\$28,448	\$27,532
To the Public	\$28,448	\$27,532
Temporary Income Tax Revenue	\$4,126	\$4,126
Ongoing Income Tax Revenue	\$20,492	\$19,699
Temporary Jobs - Sales Tax Revenue	\$642	\$642
Ongoing Jobs - Sales Tax Revenue	\$3,188	\$3,064
Total Benefits to State & Region	\$579,359	\$560,694

Benefit to Cost Ratio

	Benefit*	Cost*	Ratio
Local	\$533,162	\$10,000	53:1
State	\$27,532	\$10,000	3:1
Grand Total	\$560,694	\$20,000	28:1

*Discounted at 2%

Additional Comments from IDA

This is a good project.

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

Motion By: _____
Seconded By: _____

RESOLUTION
(Eisco LLC Project)
OSC Code 2602-24-006A

A regular meeting of the County of Monroe Industrial Development Agency (the "Agency"), was held at the Agency's offices located at 50 West Main Street, Rochester, New York 14614, on March 26, 2024 at 12:00 p.m.

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

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

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

WHEREAS, **EISCO LLC**, a New York limited liability company, for itself or an entity formed or to be formed (collectively, the "Company") has requested that the Agency assist with a certain Project (the "Project"), consisting of the acquisition and installation of various equipment including, but not limited to, warehouse metal pallet racking, security cameras on the interior and exterior of the building and information technology infrastructure to support operations (wifi access points, switches, cabling, firewall) (collectively, the "Equipment") in, on or about a portion of the existing approximately 80,000 square-foot building located at 475 Quaker Meeting House Road in the Village of Honeoye Falls, Town of Mendon, New York 14472 (the "Improvements" and, together with the Equipment, the "Facility"); for use by the Company in its business as a manufacturer and distributor of scientific supplies (glassware, metalware, plasticware) and for use by Teak Tuning LLC in its business as a manufacturer and distributor of fingerboard products; and

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

WHEREAS, it is contemplated that the Agency will (i) negotiate a project agreement (the "Project Agreement"), pursuant to which the Agency will appoint the Company as its agent for the purpose of undertaking the Project and (ii) provide financial assistance (the "Financial Assistance") to the Company in the form of sales and use tax exemptions for purchases and rentals related to the 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 Company's application and other correspondence submitted by the Company to the Agency, the Agency hereby finds and determines that:

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

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

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

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

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

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

Section 4. Based upon the representation and warranties made by the Company in its application for financial assistance, the Agency hereby authorizes and approves (i) the Company as its agent, to make purchases of goods and services relating to the Project and that would otherwise be subject to New York State and local sales and use tax in an amount up to **\$250,000**, which result in New York State and local sales and use tax exemption benefits ("sales and use tax exemption benefits") not to exceed **\$20,000**. The Agency agrees to consider any requests by the Company for increase to the amount of sales and use tax exemption benefits authorized by the Agency upon being provided with appropriate documentation detailing the additional purchases of property or services.

Section 5. Pursuant to Section 875(3) of the New York General Municipal Law, the Agency may recover or recapture from the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, any sales and use tax exemption benefits taken or purported to be taken by the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, if it is determined that: (i) the Company, its agents, consultants, subcontractors, or any other party

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

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

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

Section 8. This resolution shall take effect immediately.

[Remainder of Page Intentionally Left Blank]

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

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

The Resolutions were thereupon duly adopted.

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

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

That I have compared the annexed extract of the minutes of the meeting of the County of Monroe Industrial Development Agency (the "Agency"), including the resolutions contained therein, held on March 26, 2024, with the original thereof on file in my office, and that the same is a true and correct copy of the proceedings of the Agency and of such resolutions set forth therein and of the whole of said original insofar as the same related to the subject matters therein referred to.

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

IN WITNESS WHEREOF, I have hereunto set my hand on this 26th day of March, 2024.

Ana J. Liss, Executive Director



APPLICATION FOR ASSISTANCE

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

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

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

I. APPLICANT

A. Applicant Information

Name: Eisco LLC
 Address: 788 Old Dutch Rd
 City/State/Zip: Victor, NY 14564
 Tax Id No.: 93-4042523
 Contact Name: Tom DeGrave
 Title: Chief Operating Officer (COO)
 Telephone: 585.773.2401
 E-Mail: tom.degrave@enalgroupp.com

B. Applicant’s Legal Counsel

Name: Lucien Morin
 Firm: McConville Considine Cooman & Mori
 Address: 300 Meridian Centre Blvd. Suite 110
 City/State/Zip: Rochester, NY 14618
 Telephone: 585.512.3534
 Email: lmorin@mccmlaw.com

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

Name	%	Corporate Title
<u>Enalas Group</u>	<u>48 %</u>	<u>Member</u>
<u>Eisco Scientific Group Corp</u>	<u>48 %</u>	<u>Member</u>
<u>Matthew Bertrand</u>	<u>2 %</u>	<u>Member</u>
<u>Michael Wink</u>	<u>1 %</u>	<u>Member</u>
<u>Douglas Pearson</u>	<u>1 %</u>	<u>Member</u>
<u>_____</u>	<u>_____ %</u>	<u>_____</u>
<u>_____</u>	<u>_____ %</u>	<u>_____</u>
<u>_____</u>	<u>_____ %</u>	<u>_____</u>
<u>_____</u>	<u>_____ %</u>	<u>_____</u>
<u>_____</u>	<u>_____ %</u>	<u>_____</u>
<u>_____</u>	<u>_____ %</u>	<u>_____</u>

II. PROJECT

A. Address of proposed project facility

Address: 475 Quaker Meeting House Road

Tax Map Parcel Number: 263601-229-050-0001-0

City/Town/Village: Honeoye Falls

School District: Honeoye Falls Lima

Zip: 14472

Current Legal Owner of Property:

Hyzon Motors

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: Eisco LLC

Address: 788 Old Dutch Road

City/State/Zip: Victor, NY 14564

Tax ID No: 93-4042523

Contact Name: Tom DeGrave

Title: Chief Operating Officer

Telephone: 585.773.2401

Email: tom.degrave@enalgsgroup.com

% of facility to be occupied by user/tenant 93%

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

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

Name	%	Corporate Title
<u>same as C.</u>	<u>%</u>	_____
_____	<u>%</u>	_____
_____	<u>%</u>	_____
_____	<u>%</u>	_____

F. Project Timeline

Proposed Date of Acquisition: 3/29/2024

Proposed Commencement Date of Construction: 3/29/2024

Anticipated Completion Date: 9/1/2024

G. Contractor(s)

Arbor Pengate

Lantek, ComTec, Landmark Electric

II. PROJECT (cont'd)

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

NAICS Code: _____

Eisco LLC is a manufacturer and distributor of scientific supplies (glassware, metalware, plasticware) servicing customers in both the Business-to-Business (B2B) and Business-to-Consumer (B2C) market. Eisco LLC will be the primary tenant at 475 Quaker Meeting House Road, paying 93% of the lease in the building and will be funding the major investments in the building. The balance of the lease (7%) will be paid by Teak Tuning LLC. Teak Tuning LLC is a manufacturer and distributor of fingerboard products focused on the B2C market.

Eisco LLC will be moving from Ontario County (Victor, NY) to Monroe County (Honeoye Falls, NY) as a part of the ongoing growth of the brand. With this move, Eisco LLC will bring approximately 36 jobs to Monroe County. Eisco LLC has outgrown its existing ~20,000 sq ft facility and are moving into an existing ~80,000 sq ft facility.

Teak Tuning LLC will be staying in Monroe County, moving from Henrietta to Honeoye Falls with 6 employees moving work locations.

Eisco LLC is signing a 12-year lease and desires to make substantial investments into the equipment to be installed and used at 475 Quaker Meeting House Road. Eisco LLC sees this building as our headquarters for the foreseeable future. With the building being built in 1966 and 1978, there are investments required to keep this building viable for our operations. With the extensive costs of moving, we are unable to make all desired investments immediately. Any sales tax savings from the initial investments will help us build capital for future investments.

Initial investments:

- Warehouse metal pallet racking at approximately 30,000 sq ft
- Security cameras on the interior and exterior of the building (20+)
- IT infrastructure to support the operations (WiFi access points, switches, cabling, firewall)

Future investments:

- fire alarm system replacement
- building security system replacement
- parking lot repairs and improvements
- mezzanine renovations

II. PROJECT (cont'd)

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

Please explain why financial assistance is necessary.

Eisco LLC cannot afford all the improvements required at 475 Quaker Meeting House Road. Any and all financial assistance from this project will accelerate Eisco's ability and speed to execute necessary improvements at the facility.

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

Yes No

Location: 788 Old Dutch Rd Victor, NY 14564

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:

Facility move from Ontario to Monroe County.

Eisco could move out of state but desires

to stay in Western NY.

- K. State Environmental Quality Review (SEQR) Act Compliance
COMIDA, in granting assistance to the Applicant, is required to comply with the New York State Environmental Quality Review Act (SEQR).
Does the proposed project require discretionary permit, license or other type of approval by the state or local municipality?

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

NO

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

Check One:

JOBSPLUS

Requirements:

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

LEASEPLUS

Requirements:

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

ENHANCED JOBSPLUS

Requirements:

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

GREEN JOBSPLUS

Requirements:

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

SHELTER RENT

For student housing or affordable housing projects.

Local Tax Jurisdiction Sponsored PILOT

NO PROPERTY TAX ABATEMENT IS SOUGHT FOR THIS PROJECT

IV. APPLICANT PROJECT COSTS

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

Building Construction or Renovation

- a. Materials a. \$ _____
- b. Labor b. \$ _____

Site Work

- c. Materials c. \$ _____
- d. Labor d. \$ _____
- e. Non-Manufacturing Equipment e. \$ 230,000
- f. Manufacturing Equipment f. \$ _____
- g. Equipment Furniture and Fixtures g. \$ 20,000
- h. Land and/or Building Purchase h. \$ _____
- i. Soft Costs (Legal, Architect, Engineering) i. \$ _____
- Other (specify) j. _____ j. \$ _____
- k. _____ k. \$ _____
- l. _____ l. \$ _____
- m. _____ m. \$ _____

Total Project Costs \$ 250,000
(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 \$ 250,000
TOTAL SOURCES \$ 250,000
(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 Eisco LLC

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 \$ _____

VII. PROJECTED EMPLOYMENT

Complete for each Applicant or User/Tenant

Company Name: Eisco 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 RETAINED	IF FINANCIAL ASSISTANCE IS GRANTED – project the number of FTE and PTE jobs to be CREATED upon THREE Years after Project completion	Estimate number of residents of the Labor Market Area in which the Project is located that will fill the FTE and PTE jobs to be created upon THREE Years after Project Completion **
Full time (FTE)	36	36	2	2
Part Time (PTE)	0	0	0	0
Total	36	36	2	2

** 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.

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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 Eisco 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.

TDD
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.**

TDD
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.

TDD
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.

TDD
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.

TDD

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.

TDD

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.

Eisco LLC

(APPLICANT COMPANY)

(TENANT COMPANY)

Signature, Title Date

Signature, Title Date

IX. FEES

Transaction Type	Fees
Real Property Tax Abatement (PILOT Agreement) including Sales Tax Exemption* and/or partial Mortgage Recording Tax Exemption.	Application Fee: Non-refundable \$350.00 IDA Fee: 0.75% of the total project cost Legal Fee: 33% of the IDA fee. Minimum fee of \$4,000.
Sales Tax Exemption* and/or Partial Mortgage Recording Tax Exemption	Application Fee: Non-refundable \$350.00 IDA Fee: 0.50% of the total project cost Legal Fee: 33% of the IDA fee. Minimum fee of \$4,000 if transaction includes mortgage recording tax exemption. Minimum fee of \$750 if transaction is sales tax exemption only.
Bond: Taxable or Tax-Exempt Including any/all of the following: <ol style="list-style-type: none"> 1. PILOT Agreement 2. Sales Tax Exemption 3. Partial Mortgage Recording Tax Exemption 	Application Fee: Non-refundable \$350.00 IDA Fee: 1.25% of the total project cost Legal Fee: 33% of the IDA fee. Designated Bond Counsel fee is based on the complexity and amount of the transaction.
Bond: Taxable or Tax-Exempt	Application Fee: Non-refundable \$350.00 IDA Fee: 1.00% of the total project cost Legal Fee: 33% of the IDA fee. Designated Bond Counsel fee is based on the complexity and amount of the transaction.

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

(APPLICANT COMPANY)

(TENANT COMPANY)

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

Eisco LLC

Signature, Title Date

TENANT COMPANY

Signature, Title Date

(continued) Section D. Proposed User(s)/Tenant(s) of the Facility → Teak Tuning LLC

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

Are the user and owner related entities? Yes No

Company Name:	Teak Tuning LLC
Address:	788 Old Dutch Rd
City/State/Zip:	Victor, NY 14564
Tax ID No:	83-0937757
Contact Name:	Tom DeGrave
Title:	Chief Operating Officer (COO)
Telephone:	585.773.2401
Email:	tom.degrave@enalgroupp.com
% of facility to be occupied by user/tenant	7%

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

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

Eisco LLC

Name	%	Corporate Title
Enalas Group	47.98	Member
Eisco Scientific Group Corp	47.98	Member
Matthew Bertrand	1.50	Member
Michael Wink	1.27	Member
Douglas Pearson	1.27	Member

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

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

Teak Tuning LLC

Name	%	Corporate Title
Ben Pearson	69.0	Member
Tom DeGrave	8.0	Member
Matthew Bertrand	5.0	Member
Geraldine Milne	5.0	Member
Michael Wink	3.0	Member
Robert Weiner	3.0	Member
Timothy Montondo	3.0	Member
Michael Welden	2.0	Member
Christopher Wink	2.0	Member



APPLICATION SUMMARY

DATE: March 26, 2024

APPLICANT:

<p>Emerald Point Developers LLC 3850 Buffalo Road Rochester, NY 14624</p>

TENANT/PROJECT LOCATION:

<p>Advantech Industries, Inc. 3841 Buffalo Road Rochester, NY 14624</p>

PROJECT SUMMARY:

<p>Emerald Point Developers LLC, a real estate holding company, is constructing a new 44,000 sq. ft. building in the Town of Ogden, for its tenant Advantech Industries Inc., a related entity. Advantech Industries Inc. specializes in CNC, sheet metal fabrication, welding and assembly of building components made to customer supplied designs. Advantech outgrew its main facility located at 3850 Buffalo Road, and transferred its sheet metal capabilities to an existing building across the street at 3841 Buffalo Rd., where it will construct an addition to the existing building. Advantech Industries plans to create 15 new FTE's in addition to its existing 150 FTE's. The \$2 million project is seeking a real property tax abatement, mortgage recording tax and sales tax exemption. The cost benefit ratio is 40:1.</p>
--

PROJECT AMOUNT:

<p>\$2,040,000 Lease/Leaseback with Abatement \$112,000 Sales Tax Exemption \$15,300 Mortgage Recording Tax Exemption</p>

JOBS: EXISTING: 150 FTEs
NEW: 15 FTEs
REQUIREMENT: 15 FTEs

PUBLIC HEARING DATE:

<p>March 22, 2024</p>

BENEFIT TO INCENTIVE RATIO:

<p>40:1</p>

SEQR:

<p>REVIEWED AND PROCESS IS COMPLETE.</p>
--

ELIGIBILITY:

<p>MANUFACTURER</p>

APPROVED PURPOSE:

<p>JOB CREATION</p>

Monroe County Industrial Development Agency

MRB Cost Benefit Calculator



Date: March 26, 2024
 Project Title: Emerald Point Developers LLC
 Project Location: 3841 Buffalo Road, Rochester NY 14624

Economic Impacts

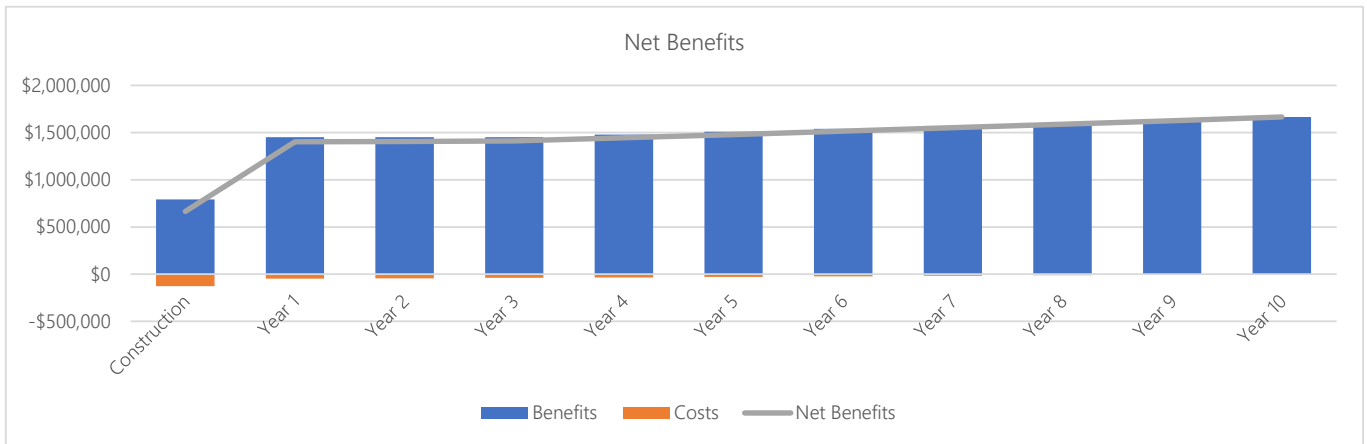
Summary of Economic Impacts over the Life of the PILOT

Project Total Investment
 \$2,040,000

Temporary (Construction)			
	Direct	Indirect	Total
Jobs	10	2	13
Earnings	\$628,936	\$119,335	\$748,272
Local Spend	\$1,632,000	\$406,236	\$2,038,236

Ongoing (Operations)			
Aggregate over life of the PILOT			
	Direct	Indirect	Total
Jobs	15	4	19
Earnings	\$11,905,840	\$2,595,847	\$14,501,688

Figure 1



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

Figure 2

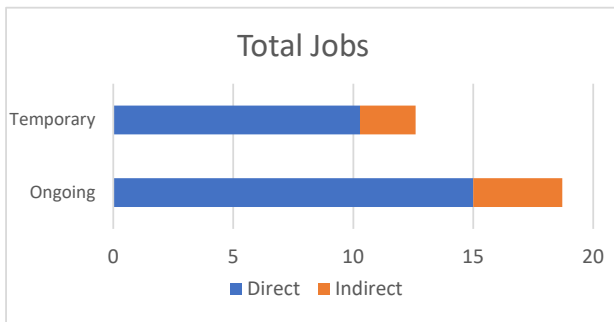
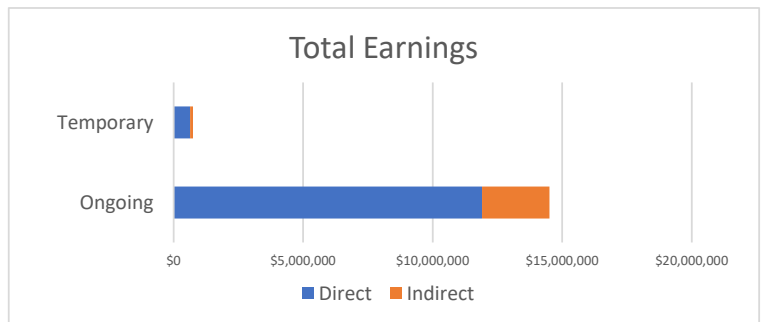


Figure 3



Fiscal Impacts



Cost-Benefit Analysis Tool powered by MRB Group

Estimated Costs of Exemptions

	Nominal Value	Discounted Value*
Property Tax Exemption	\$258,011	\$239,709
Sales Tax Exemption	\$112,000	\$112,000
Local Sales Tax Exemption	\$52,267	\$52,267
State Sales Tax Exemption	\$59,733	\$59,733
Mortgage Recording Tax Exemption	\$15,300	\$15,300
Local Mortgage Recording Tax Exemption	\$5,100	\$5,100
State Mortgage Recording Tax Exemption	\$10,200	\$10,200
Total Costs	\$385,311	\$367,009

State and Local Benefits

	Nominal Value	Discounted Value*
Local Benefits	\$15,680,297	\$14,115,896
To Private Individuals	\$15,249,959	\$13,738,768
Temporary Payroll	\$748,272	\$748,272
Ongoing Payroll	\$14,501,688	\$12,990,497
Other Payments to Private Individuals	\$0	\$0
To the Public	\$430,337	\$377,127
Increase in Property Tax Revenue	\$336,931	\$292,977
Temporary Jobs - Sales Tax Revenue	\$4,583	\$4,583
Ongoing Jobs - Sales Tax Revenue	\$88,823	\$79,567
Other Local Municipal Revenue	\$0	\$0
State Benefits	\$792,998	\$714,416
To the Public	\$792,998	\$714,416
Temporary Income Tax Revenue	\$33,672	\$33,672
Ongoing Income Tax Revenue	\$652,576	\$584,572
Temporary Jobs - Sales Tax Revenue	\$5,238	\$5,238
Ongoing Jobs - Sales Tax Revenue	\$101,512	\$90,933
Total Benefits to State & Region	\$16,473,295	\$14,830,312

Benefit to Cost Ratio

	Benefit*	Cost*	Ratio
Local	\$14,115,896	\$297,075	48:1
State	\$714,416	\$69,933	10:1
Grand Total	\$14,830,312	\$367,009	40:1

*Discounted at 2%

Additional Comments from IDA

This is a good project.

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

Motion By: _____
Seconded By: _____

RESOLUTION
(Emerald Point Developers LLC Project)
OSC Code 2602-24-004A

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 March 26, 2024 at 12:00 p.m.

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

RESOLUTION OF THE COUNTY OF MONROE INDUSTRIAL DEVELOPMENT AGENCY (i) ACKNOWLEDGING THE PUBLIC HEARING HELD BY THE AGENCY ON MARCH 22, 2024, WITH RESPECT TO A CERTAIN PROJECT (AS DEFINED BELOW) BEING UNDERTAKEN BY EMERALD POINT DEVELOPERS LLC, OR A RELATED ENTITY FORMED OR TO BE FORMED (COLLECTIVELY, THE "COMPANY"); (ii) MAKING A DETERMINATION WITH RESPECT TO THE PROJECT PURSUANT TO SEQRA (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, **EMERALD POINT DEVELOPERS 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 a portion of an approximately 15.45-acre parcel of land located at 3841 Buffalo Road in the Town of Ogden, New York 14624 and all other lands in the Town of Ogden where, by license or easement or other agreement, the Company or its designees are making improvements that benefit the Project (the "Land") together with the existing building thereon; (B) the construction of an approximately 44,000 square-foot addition to the existing

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, the Existing Improvements and the Improvements, the "Facility") to be subleased to Advantech Industries Inc. for use in its manufacturing business; and

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

WHEREAS, pursuant to Section 859-a of the Act, on Friday, March 22, 2024, at 11:30 a.m., local time, at the Ogden Town Hall, 269 Ogden Center Road, Spencerport, New York 14559, the Agency held a public hearing with respect to the Project and the proposed Financial Assistance (as defined below) being contemplated by the Agency, whereat interested parties were provided a reasonable opportunity, both orally and in writing, to present their views; and

WHEREAS, it is contemplated that the Agency will (i) negotiate a project agreement (the "Project Agreement"), pursuant to which the Agency will appoint the Company as its agent for the purpose of undertaking the Project, (ii) negotiate and enter into a lease agreement (the "Lease Agreement"), leaseback agreement (the "Leaseback Agreement") and payment-in-lieu-of-tax agreement (the "PILOT Agreement") with the Company and (iii) provide financial assistance (the "Financial Assistance") to the Company in the form of (a) a sales and use tax exemption for purchases and rentals related to the acquisition, 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 Planning Board of the Town of Ogden (the "Planning 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 Planning Board, dated December 14, 2023 (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 Planning 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 Planning Board also issued a Negative Declaration on December 14, 2023, 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 Planning Board pursuant to 6 N.Y.C.R.R. § 617.7.

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

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

Section 4. Subject to the Company executing the Project Agreement and the delivery to the Agency of a binder, certificate or other evidence of liability insurance policy for the Project satisfactory to the Agency, the Agency hereby authorizes the Company to proceed with the acquisition, 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, 2024** (unless extended for good cause by the Executive Director, Deputy Director, Chairman or Vice Chairman of the Agency) if the Lease Agreement, Leaseback Agreement and PILOT Agreement contemplated have not been executed and delivered. The Executive Director, Deputy Director, Chairman or Vice Chairman of the Agency are authorized and directed to execute and deliver to said agent an appropriate letter on Agency letterhead describing the authority granted under this resolution.

Section 5. Based upon the representation and warranties made by the Company in its application for financial assistance, the Agency hereby authorizes and approves (i) the Company as its agent, to make purchases of goods and services relating to the Project and that would otherwise be subject to New York State and local sales and use tax in an amount up to **\$1,400,000** which results in New York State and local sales and use tax exemption benefits ("sales and use tax exemption benefits") not to exceed **\$112,000**. 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 **\$2,040,000**, resulting in a mortgage tax exemption not to exceed **\$15,300**; and (iii) a partial real property tax abatement.

Section 6. Pursuant to Section 875(3) of the New York General Municipal Law, the Agency may recover or recapture from the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, any sales and use tax exemption benefits taken or purported to be taken by the Company, its agents, consultants,

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

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

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

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

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

Section 11. This resolution shall take effect immediately.

[Remainder of Page Intentionally Left Blank]

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

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

The Resolutions were thereupon duly adopted.

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

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

That I have compared the annexed extract of the minutes of the meeting of the County of Monroe Industrial Development Agency (the "Agency"), including the resolutions contained therein, held on March 26, 2024, with the original thereof on file in my office, and that the same is a true and correct copy of the proceedings of the Agency and of such resolutions set forth therein and of the whole of said original insofar as the same related to the subject matters therein referred to.

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

IN WITNESS WHEREOF, I have hereunto set my hand on this 26th day of March, 2024.

Ana J. Liss, Executive Director



APPLICATION FOR ASSISTANCE

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

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

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

I. APPLICANT

A. Applicant Information

Name: Emerald Point Developers LLC
 Address: 3850 Buffalo Road
 City/State/Zip: Rochester, NY 14624
 Tax Id No.: 03-0454250
 Contact Name: Marissa Allen
 Title: Treasurer
 Telephone: 585-247-0701 x. 253
 E-Mail: marissa@advantechindustries.c

B. Applicant's Legal Counsel

Name: Paul Whitaker Burbank
 Firm: _____
 Address: 125 State St.
 City/State/Zip: Rochester, NY 14614
 Telephone: 585-764-7757
 Email: burbanklaw@aol.com

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

Name	%	Corporate Title
<u>James M. Gizzi</u>	<u>33 %</u>	<u>President</u>
<u>John S. Gizzi</u>	<u>33 %</u>	<u>Vice President</u>
<u>Joseph P. Gizzi</u>	<u>33 %</u>	<u>Vice President</u>
_____	_____%	_____
_____	_____%	_____
_____	_____%	_____
_____	_____%	_____
_____	_____%	_____
_____	_____%	_____
_____	_____%	_____
_____	_____%	_____

II. PROJECT

A. Address of proposed project facility

Address: 3841 Buffalo Road

Tax Map Parcel Number: 132.02-2-7.2

City/Town/Village: Ogden

School District: Churchville-Chili

Zip: 14624

Current Legal Owner of Property:

Emerald Point Developers 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: Advantech Industries Inc.

Address: 3850 Buffalo Road

City/State/Zip: Rochester, NY 14624

Tax ID No: 03-0454250

Contact Name: Marissa Allen

Title: Treasurer

Telephone: 585-247-0701 x. 253

Email: marissa@advantechindustries.com

% of facility to be occupied by user/tenant 100%

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

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

Name	%	Corporate Title
<u>James M. Gizzi</u>	<u>33 %</u>	<u>President</u>
<u>John S. Gizzi</u>	<u>33 %</u>	<u>Vice President</u>
<u>Joseph P. Gizzi</u>	<u>33 %</u>	<u>Vice President</u>
_____	<u>%</u>	_____

F. Project Timeline

Proposed Date of Acquisition: 3/1/2024

Proposed Commencement Date of Construction: 5/1/2024

Anticipated Completion Date: 12/1/2024

G. Contractor(s)

Burnett General Contracting Inc.

II. PROJECT (cont'd)

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

NAICS Code: 332322

Advantech Industries Inc. is a third-generation family-owned and operated manufacturing company located in Ogden, New York. We specialize in CNC Machining, Sheet Metal Fabrication, Welding and Assembly, building components to customer supplied designs. Our customer base consists of the Department of Defense, Space Navigation, Communications, Transportation, Railway, Power Generation and Medical Industries.

Advantech has been in business since 2002. Our main facility, located at 3850 Buffalo Road, consists of 150,000 square feet and was built with COMIDA assistance in 2010. When we commenced on building our main facility in 2010, Advantech had approximately 30 employees. With the help of the COMIDA program and the completion of the main facility, we were able to grow our business to 150 employees by 2024. At this point, we have outgrown our main facility and we have begun to transfer our sheet metal capabilities to an existing facility across the street at 3841 Buffalo Road. This existing facility is not large enough to accommodate the growth pattern that we expect, so we are looking to build an additional facility consisting of 44,000 square feet that will attach to the existing building. This expansion will allow Advantech to house our entire sheet metal division in one building and offer opportunity for additional employment and new equipment to expand our capabilities.

The new facility will be a freestanding industrial building, approximately 140' wide x 315' long, 40' high. The building will support various manufacturing operations including water jet cutting, laser cutting, metal forming, grinding, polishing, assembly and welding. With the additional space, Advantech will also pursue expanding our capabilities with state-of-the-art manufacturing technologies such as fiber laser cutting, robotic welding and finishing operations. With the support of COMIDA, we believe that this expansion will offer Advantech the space needed for our next phase of growth in our local community.

II. PROJECT (cont'd)

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

Please explain why financial assistance is necessary.

COMIDA benefits will support our next phase of growth allowing Advantech to hire more employees and grow our capabilities. We would not be able to move forward with this expansion without the assistance from COMIDA.

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

Yes No

Location: At the site - 3841 Buffalo Road and across the road at 3850 Buffalo Road

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

Will the Project result in the abandonment of one or more plants or facilities of the Project occupant located within the state? Yes No

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

K. State Environmental Quality Review (SEQR) Act Compliance

COMIDA, in granting assistance to the Applicant, is required to comply with the New York State Environmental Quality Review Act (SEQR). Does the proposed project require discretionary permit, license or other type of approval by the state or local municipality?

- YES - Include a copy of any SEQR documents related to this Project including Environmental Assessment Form, Final Determination, Local Municipality Negative Declaration, etc.
- NO

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

Check One:

JOBSPLUS

Requirements:

- Applicant must commit to a 10% increase in full-time equivalent employment, measured on the existing impacted employee base, over a 3 year period. The required number of jobs is 15.

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. \$ 1,400,000
- b. Labor b. \$ 600,000

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. \$ 40,000
- Other (specify) j. _____ j. \$ _____
- k. _____ k. \$ _____
- l. _____ l. \$ _____
- m. _____ m. \$ _____

Total Project Costs (must equal Total Sources) \$ 2,040,000

B. Sources of Funds for Project Costs:

- a. Tax-Exempt Industrial Revenue Bond a. \$ _____
- b. Taxable Industrial Revenue Bond b. \$ _____
- c. Bank Financing c. \$ 2,040,000
- d. Public Sources d. \$ _____

Identify each state and federal grant/credit

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

e. Equity \$ _____
TOTAL SOURCES (must equal Total Project Costs) \$ 2,040,000

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

Yes No

If yes, please specify bank, underwriter, etc.

CNB

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 \$ _____

VII. PROJECTED EMPLOYMENT

Complete for each Applicant or User/Tenant

Company Name: Advantech Industries Inc.

Applicant: **or** **User/Tenant:**

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

	Current # of jobs at proposed project location or to be relocated to project location	IF FINANCIAL ASSISTANCE IS GRANTED – project the number of FTE and PTE jobs to be RETAINED	IF FINANCIAL ASSISTANCE IS GRANTED – project the number of FTE and PTE jobs to be CREATED upon THREE Years after Project completion	Estimate number of residents of the Labor Market Area in which the Project is located that will fill the FTE and PTE jobs to be created upon THREE Years after Project Completion **
Full time (FTE)	150	150	15	15
Part Time (PTE)				
Total	150	150	15	15

** 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.

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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 Advantech Industries Inc.

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.

JMG
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.**

JMG
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.

JMG
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.

JMG
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.

JMG

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.

JMG

Exemption Process

Initial

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

- o 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.
- o 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);
- o 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).
- o 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.

Emerald Point Developers LLC

Advantech Industries Inc.

(APPLICANT COMPANY)

(TENANT COMPANY)

James Gizzi
 Digitally signed by James Gizzi
 Date: 2024.02.22 15:49:24 -05'00' Vice President 2/22/24

Marissa Allen
 Digitally signed by Marissa Allen
 Date: 2024.02.22 15:49:35 -05'00' VP / Treasurer 2/22/24

Signature , Title Date

Signature , Title Date

IX. FEES

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

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

Emerald Point Developers

Advantech Industries Inc.

(APPLICANT COMPANY)

(TENANT COMPANY)

James Gizzi Vice President 3/19/24
Signature , Title Date

Marissa Allen VPI Treasurer 3/19/24
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

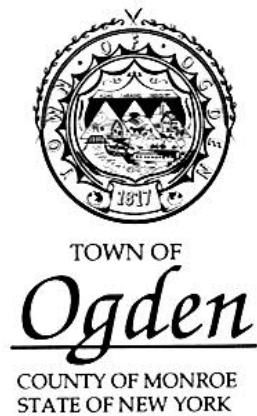
Emerald Point Developers LLC

James Gizzi	Digitally signed by James Gizzi Date: 2024.02.22 15:48:39 -05'00'	Vice President	2/22/24
Signature		, Title	Date

TENANT COMPANY

Advantech Industries Inc.

Marissa Allen	Digitally signed by Marissa Allen Date: 2024.02.22 15:48:05 -05'00'	VP / Treasurer	2/22/24
Signature		, Title	Date



*Legal Minutes
Ogden Planning Board
December 14, 2023*

Members Present

Mike Baird (Chairman)
Tom Coburn
Linda DelRegno
Tony Halaris
Tim Harris
Mary Lou Hetzke
Jim Marshall

Members Absent

Barry Taft – Conservation Board
Josh Hinman – 8 Thistlewood
Walt Baker – DSB Engineering
Domenico Venditti – 2364 S Union
Domenic Venditti – 2364 S Union
Linda Gibbardo – 110 Ogden Center Rd
W Galligan – 2356 S Union

Others Present

Sue Duggan, Planning/Zoning Board Secretary
Jamie Cassara, Building/Planning/Zoning Clerk
Brian Thompson, Building Inspector
Keith O’Toole, Town of Ogden Attorney
John Freel, Town Engineer
Dan Wolf, Highway Superintendent
Kris Schultz – Schultz Associates

PLEDGE OF ALLEGIANCE

NEW BUSINESS

Application by Schultz Associates for Emerald Point Developers, LLC to construct a 42,000 square foot addition to be used as storage; with parking and storm water management facilities to Advantech Industries located at 3841 Buffalo Road, Rochester, NY 14624 to be serviced by public water and sanitary systems in a (LI) Light Industrial District. *TAX ACCT # 132.02-2-7.2*

SEQR Determination:

Introduced by: Hetzke
Seconded by: Coburn

MAY IT BE RESOLVED that the Planning Board classifies this as a SEQR Unlisted Action with a Negative Declaration.

Resolution:

Introduced by: Halaris

Seconded by: Coburn

PLEASE TAKE NOTICE that at the Ogden Planning Board meeting, which was held on December 14, 2023, that preliminary and final site plan approval was granted with the following conditions:

- Satisfy the concerns of the Town Engineers
- Provide a landscape plan to the Board Members
- Satisfy the concerns of the Planning Board Attorney
- Provide a letter of credit

Vote of the Board:

All in favor

Nays: none

Absent: none

Application of Dominick Vendi for preliminary and overall site plan approval for 2364 Union Street for commercial improvements to an existing site to include (2) existing buildings with permitted renovations and additions and parking in a (GC) General Commercial District. This site is serviced by public water and private sanitary systems. *TAX ACCT # 102.01-1-11.1*

SEQR Determination:

Introduced by: Hetzke

Seconded by: Coburn

MAY IT BE RESOLVED that the Planning Board classifies this as a SEQR Unlisted Action with a Negative Declaration.

Resolution:

Introduced by: Coburn

Seconded by: Hetzke

PLEASE TAKE NOTICE that at the Ogden Planning Board meeting, which was held on December 14, 2023, that site plan approval was granted.

Vote of the Board:

All in favor

Nays: none

Absent: none

APPROVAL OF MINUTES: Approval of November 2023 Minutes

Resolution:

Introduced by: Halaris

Seconded by: Hetzke

Vote of the Board:

All in favor

Nays: none

Abstained: DelRegno and Harris

ADJOURNMENT:

Hetzke motioned that the Planning Board Meeting of December 14, 2023 be adjourned at 7:35 p.m.

Seconded by Coburn.

Vote of the Board:

All in Favor

Respectfully submitted,

Sue Duggan

Planning Board Secretary

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

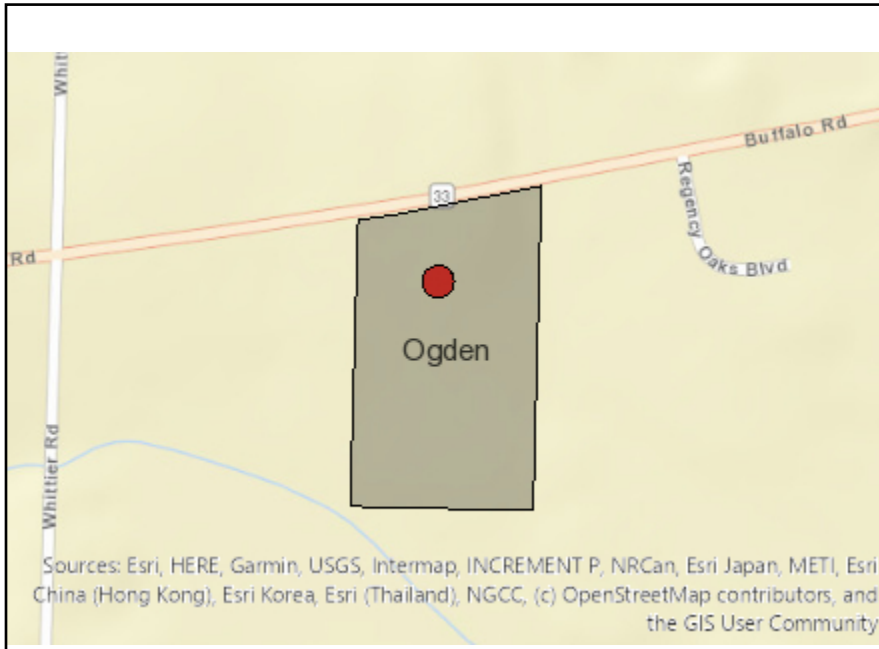
Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information			
Name of Action or Project:			
Project Location (describe, and attach a location map):			
Brief Description of Proposed Action:			
Name of Applicant or Sponsor:		Telephone:	
		E-Mail:	
Address:			
City/PO:		State:	Zip Code:
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?		NO	YES
If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		<input type="checkbox"/>	<input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency?		NO	YES
If Yes, list agency(s) name and permit or approval:		<input type="checkbox"/>	<input type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		_____ acres	
b. Total acreage to be physically disturbed?		_____ acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		_____ acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. Urban Rural (non-agriculture) Industrial Commercial Residential (suburban)			
<input type="checkbox"/> Forest Agriculture Aquatic Other(Specify):			
<input type="checkbox"/> Parkland			

<p>5. Is the proposed action,</p> <p>a. A permitted use under the zoning regulations?</p> <p>b. Consistent with the adopted comprehensive plan?</p>	NO	YES	N/A
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?</p>	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
<p>7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?</p> <p>If Yes, identify: _____</p>	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
<p>8. a. Will the proposed action result in a substantial increase in traffic above present levels?</p> <p>b. Are public transportation services available at or near the site of the proposed action?</p> <p>c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?</p>	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	
<p>9. Does the proposed action meet or exceed the state energy code requirements?</p> <p>If the proposed action will exceed requirements, describe design features and technologies:</p> <p>_____</p> <p>_____</p>	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
<p>10. Will the proposed action connect to an existing public/private water supply?</p> <p>If No, describe method for providing potable water: _____</p> <p>_____</p>	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
<p>11. Will the proposed action connect to existing wastewater utilities?</p> <p>If No, describe method for providing wastewater treatment: _____</p> <p>_____</p>	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
<p>12. a. 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?</p> <p>b. 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?</p>	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	
<p>13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?</p> <p>b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?</p> <p>If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____</p> <p>_____</p> <p>_____</p>	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest Agricultural/grasslands Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____ _____	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment: _____ _____	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
49. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: _____ Date: _____ Signature: _____ Title: _____		



Disclaimer: The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	No
Part 1 / Question 12b [Archeological Sites]	Yes
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	Yes
Part 1 / Question 20 [Remediation Site]	No



APPLICATION SUMMARY

DATE: March 26, 2024

APPLICANT: Sibley Redevelopment II Limited Partnership
One Washington Mall, Suite 600
Boston, MA 02108

PROJECT LOCATION: 260 E. Main St.
Rochester, NY 14604

PROJECT SUMMARY: In 2012, at the request of the City of Rochester, COMIDA approved a custom PILOT Agreement for the redevelopment of the one million square foot, former Sibley’s department store in the City of Rochester. Sibley Redevelopment II Limited Partnership is now proposing the renovation of 101,000 sq. ft of the existing building for new tenants, which include SWBR Architecture (105 FTEs), Bandwidth (30 FTEs), and Miss Julie’s School of Beauty (5 FTEs). These new tenants will occupy 74,000 sq. ft., and the remaining space will be leased when renovations are complete. SWBR Architecture is requesting a sales tax exemption for FF&E and is projecting to create 26 FTEs in addition to its 105 existing employees. Sibley Redevelopment II, pending City approval, will receive the benefit of the existing PILOT Agreement and is also seeking a mortgage recording tax and sales tax exemption. The cost benefit ratio is 61:1.

PROJECT AMOUNT: \$9,030,000
\$456,000 Landlord Sales Tax Exemption
\$106,400 Tenant Sales Tax Exemption
\$45,000 Mortgage Recording Tax Exemption

JOBS: EXISTING: 0 | FTEs
NEW: 26+ | FTEs

PUBLIC HEARING DATE: March 22, 2024

BENEFIT TO INCENTIVE RATIO: 61:1

SEQR: REVIEWED AND PROCESS IS COMPLETE.

ELIGIBILITY: REHABILITATION OF EXISTING COMMERCIAL BUILDING VACANT FOR A LONG TIME

APPROVED PURPOSE: COMMUNITY DEVELOPMENT

Monroe County Industrial Development Agency

MRB Cost Benefit Calculator



Date: March 26, 2024
 Project Title: Sibley Receptelment II LP
 Project Location: 260 E. Main Street

Economic Impacts

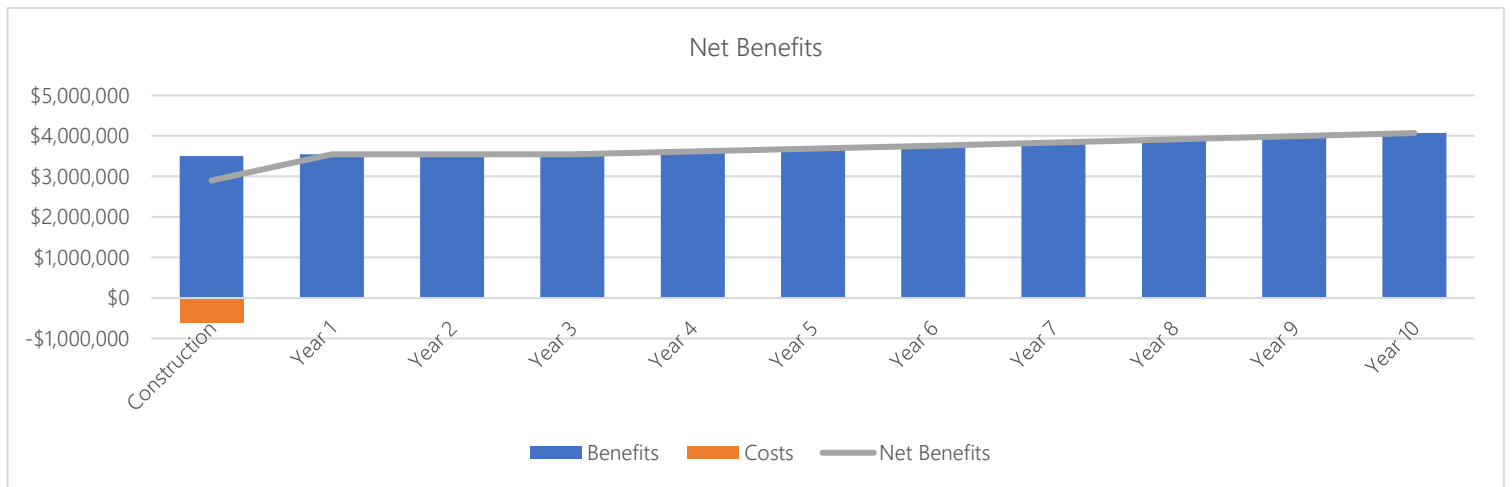
Summary of Economic Impacts over the Life of the PILOT

Project Total Investment
 \$9,030,000

Temporary (Construction)			
	Direct	Indirect	Total
Jobs	46	10	56
Earnings	\$2,783,969	\$528,234	\$3,312,202
Local Spend	\$7,224,000	\$1,798,190	\$9,022,190

Ongoing (Operations)			
Aggregate over life of the PILOT			
	Direct	Indirect	Total
Jobs	31	12	43
Earnings	\$23,621,187	\$11,804,148	\$35,425,334

Figure 1



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

Figure 2

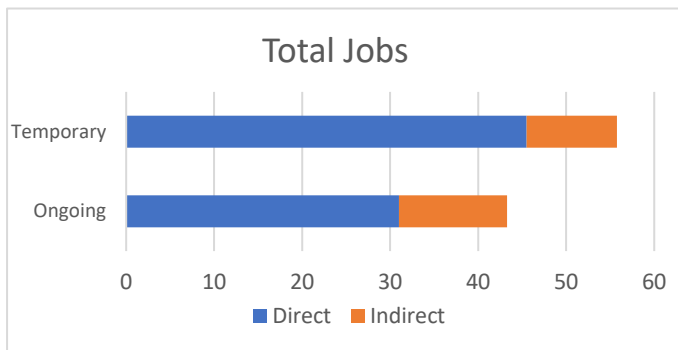
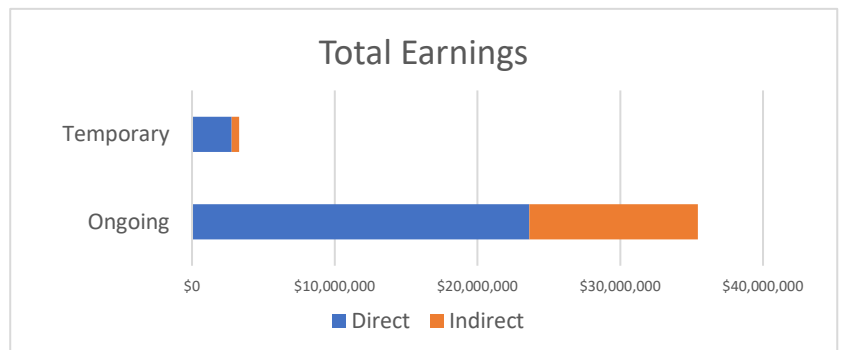


Figure 3



Ongoing earnings are all earnings over the life of the PILOT.

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	\$562,400	\$562,400
Local Sales Tax Exemption	\$281,200	\$281,200
State Sales Tax Exemption	\$281,200	\$281,200
Mortgage Recording Tax Exemption	\$45,000	\$45,000
Local Mortgage Recording Tax Exemption	\$15,000	\$15,000
State Mortgage Recording Tax Exemption	\$30,000	\$30,000
Total Costs	\$607,400	\$607,400

State and Local Benefits

	Nominal Value	Discounted Value*
Local Benefits	\$39,008,700	\$35,291,257
To Private Individuals	\$38,737,537	\$35,045,936
Temporary Payroll	\$3,312,202	\$3,312,202
Ongoing Payroll	\$35,425,334	\$31,733,733
Other Payments to Private Individuals	\$0	\$0
To the Public	\$271,163	\$245,322
Increase in Property Tax Revenue	\$0	\$0
Temporary Jobs - Sales Tax Revenue	\$23,185	\$23,185
Ongoing Jobs - Sales Tax Revenue	\$247,977	\$222,136
Other Local Municipal Revenue	\$0	\$0
State Benefits	\$2,014,352	\$1,822,389
To the Public	\$2,014,352	\$1,822,389
Temporary Income Tax Revenue	\$149,049	\$149,049
Ongoing Income Tax Revenue	\$1,594,140	\$1,428,018
Temporary Jobs - Sales Tax Revenue	\$23,185	\$23,185
Ongoing Jobs - Sales Tax Revenue	\$247,977	\$222,136
Total Benefits to State & Region	\$41,023,051	\$37,113,646

Benefit to Cost Ratio

	Benefit*	Cost*	Ratio
Local	\$35,291,257	\$296,200	119:1
State	\$1,822,389	\$311,200	6:1
Grand Total	\$37,113,646	\$607,400	61:1

*Discounted at 2%

Additional Comments from IDA

This is a good project.

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

Motion By: _____
Seconded By: _____

RESOLUTION

(Sibley Redevelopment II Limited Partnership and SWBR Project)
OSC Code 2602-24-007A and 2602-24-008A, respectively

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 March 26, 2024 at 12:00 p.m.

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

RESOLUTION OF THE COUNTY OF MONROE INDUSTRIAL DEVELOPMENT AGENCY (i) ACKNOWLEDGING THE PUBLIC HEARING HELD BY THE AGENCY ON MARCH 22, 2024, WITH RESPECT TO A CERTAIN PROJECT (AS DEFINED BELOW) BEING UNDERTAKEN SIBLEY REDEVELOPMENT II LIMITED PARTNERSHIP OR A RELATED ENTITY FORMED OR TO BE FORMED (COLLECTIVELY, THE "COMPANY") AND SWBR ARCHITECTURE, ENGINEERING & LANDSCAPE ARCHITECTURE, D.P.C. OR A RELATED ENTITY FORMED OR TO BE FORMED ("SWBR"); (ii) MAKING A DETERMINATION WITH RESPECT TO THE PROJECT PURSUANT TO SEQRA (AS DEFINED BELOW); (iii) APPOINTING THE COMPANY AND SWBR AS AGENTS OF THE AGENCY; (iv) AUTHORIZING FINANCIAL ASSISTANCE TO THE COMPANY AND SWBR IN THE FORM OF (A) A SALES AND USE TAX EXEMPTION FOR PURCHASES AND RENTALS RELATED TO THE ACQUISITION, RENOVATION AND EQUIPPING OF THE PROJECT, (B) A PARTIAL MORTGAGE RECORDING TAX EXEMPTION AND (C) A REAL PROPERTY TAX ABATEMENT STRUCTURED THROUGH A PAYMENT-IN-LIEU-OF-TAX AGREEMENT ("PILOT AGREEMENT"); AND (v) AUTHORIZING THE NEGOTIATION, EXECUTION AND DELIVERY OF A PROJECT AGREEMENT, LEASE AGREEMENT, LEASEBACK AGREEMENT, PILOT AGREEMENT AND RELATED DOCUMENTS WITH RESPECT TO THE PROJECT.

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

WHEREAS, **SIBLEY REDEVELOPMENT II LIMITED PARTNERSHIP**, a New limited partnership, 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 retention of a leasehold interest in an approximately 101,040 square-foot portion ("Condominium 9") of the existing building located at 260 East Main Street in the City of

Rochester, New York 14604 and all other lands in the City of Rochester where, by license or easement or other agreement, the Company or its designees are making improvements that benefit the Project (the "Land"); (B) the renovation and build-out of Condominium 9 for use as professional office and commercial space (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"), to be subleased to SWBR Architecture, Engineering & Landscape Architecture, D.P.C. (approximately 36,137 sq. ft.) ("SWBR"), Bandwidth (approximately 35,820 sq. ft.), and Miss Julie's School of Beauty (approximately 2,326 sq. ft.). SWBR has also requested that the Agency assist with the build-out and equipping of the portion of the Project that it will occupy within Condominium 9; 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 Friday, March 22, 2024, at 10:00 a.m., local time, at the Agency's offices, 50 West Main Street, Suite 1150, Rochester, New York 14614, 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 project agreements (the "Project Agreements"), pursuant to which the Agency will appoint the Company and SWBR, respectively, as its agents 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 and SWBR in the form of (a) a sales and use tax exemption for purchases and rentals related to the acquisition, renovation and equipping of the Facility, (b) a partial mortgage recording tax exemption for financing relating to the Project and (c) a partial real property tax abatement structured through the PILOT Agreement; and

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

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

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

Section 1. The Company has presented an application in a form acceptable to the Agency. Based upon the representations made by the Company to the Agency in the application

and other correspondence submitted by the Company to the Agency, the Agency hereby finds and determines that:

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

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

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

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

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

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

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

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

Section 4. Subject to the Company and SWBR executing 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 SWBR to proceed with the acquisition, renovation and equipping of the Project and hereby appoints the Company and SWBR as the true and lawful agents of the Agency to acquire, renovate and equip the Facility, and such appointment includes the following activities as they relate to the construction, erection, completion, use, repair and maintenance of the

Improvements and the purchase, use, lease, placement, installation, repair, maintenance and replacement of the Equipment, whether or not any materials or supplies described below are incorporated into or become an integral part of the Improvements or the Equipment: (i) all purchases, leases, rentals and other uses of tools, machinery and equipment in connection with acquiring, renovating, equipping, repairing and maintaining the Facility, (ii) all purchases, rentals, uses or consumption of supplies, materials and services of every kind and description in connection with acquiring, renovating, equipping, repairing and maintaining the Facility, and (iii) all purchases, leases, rentals and uses of equipment, machinery, and other tangible personal property (including installation costs with respect thereto), installed or placed in, upon or under the Improvements, Land or the Equipment, including all repairs, maintenance and replacement of all such property. Said agents are authorized to make, execute, acknowledge and deliver any contracts, orders, receipts, writings and instructions, as the stated agents for the Agency, and in general to do all things which may be requisite or proper for completing the Facility, all with the same powers and with the same validity as the Agency could do if acting on its own behalf. As agents of the Agency, the Company and SWBR are 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 SWBR chooses; provided, however, the Project Agreements 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 5. Based upon the representation and warranties made by the Company in its application for financial assistance, the Agency hereby authorizes and approves (i) the Company as its agent, to make purchases of goods and services relating to the Project and that would otherwise be subject to New York State and local sales and use tax in an amount up to **\$5,700,000** which results in New York State and local sales and use tax exemption benefits ("sales and use tax exemption benefits") not to exceed **\$456,000**. 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 **\$6,000,000**, resulting in a mortgage tax exemption not to exceed **\$45,000**; and (iii) a partial real property tax abatement.

Section 6. Based upon the representation and warranties made by SWBR in its application for financial assistance, the Agency hereby authorizes and approves (i) SWBR 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 **\$1,330,000** which result in New York State and local sales and use tax exemption benefits not to exceed **\$106,400**. The Agency agrees to consider any requests by SWBR for any 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 7. Pursuant to Section 875(3) of the New York General Municipal Law, the Agency may recover or recapture from the Company and/or SWBR, 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 SWBR, 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 SWBR, 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 SWBR, 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 SWBR, 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 SWBR, 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 8. 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 9. 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 10. 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 11. 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 12. 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 March 26, 2024, with the original thereof on file in my office, and that the same is a true and correct copy of the proceedings of the Agency and of such resolutions set forth therein and of the whole of said original insofar as the same related to the subject matters therein referred to.

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

IN WITNESS WHEREOF, I have hereunto set my hand on this 26th day of March, 2024.

Ana J. Liss, Executive Director



APPLICATION FOR ASSISTANCE

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

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

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

I. APPLICANT

A. Applicant Information

Name: Sibley Redevelopment II LP
 Address: One Washington Mall, Suite 500
 City/State/Zip: Boston, MA, 02108
 Tax Id No.: 99-0585566
 Contact Name: Sean Brooks
 Title: Commercial Ops Mgr
 Telephone: 585-313-1687
 E-Mail: sbrooks@wincco.com

B. Applicant’s Legal Counsel

Name: Deirdre Robinson
 Firm: Robinson & Cole
 Address: One Boston Place, 26th Floor
 City/State/Zip: Boston, MA, 02108
 Telephone: 617-557-5928
 Email: dmrobinson@rc.com

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

Name	%	Corporate Title
<u>Gilbert 2013 Real Estate Trust</u>	<u>16 %</u>	<u>Sibley Winn LLC Member</u>
<u>Rebecca 2013 Real Estate Trust</u>	<u>13 %</u>	<u>Sibley Winn LLC Member</u>
<u>Jennifer 2013 Real Estate Trust</u>	<u>13 %</u>	<u>Sibley Winn LLC Member</u>
<u>Curtis 2007 Irr Trust F/B/O Jared Lee Curtis</u>	<u>8 %</u>	<u>Sibley Winn LLC Member</u>
<u>Curtis 2007IrrTrst F/B/OJustin Glanzer Curtis</u>	<u>8 %</u>	<u>Sibley Winn LLC Member</u>
<u>Curtis2007IrrTrustF/B/ODavid Glanzer Curtis</u>	<u>8 %</u>	<u>Sibley Winn LLC Member</u>
<u>Curtis 2007IrrTrstF/B/OMEade Glanzer Curtis</u>	<u>8 %</u>	<u>Sibley Winn LLC Member</u>
<u>Michael T. Putziger Nominee Trust</u>	<u>3 %</u>	<u>Sibley Winn LLC Member</u>
<u>Gilbert Winn</u>	<u>26 %</u>	<u>Sibley Winn LLC Member</u>
<u>_____</u>	<u>_____ %</u>	<u>_____</u>
<u>_____</u>	<u>_____ %</u>	<u>_____</u>

II. PROJECT

A. Address of proposed project facility

Address: 260 E. Main Street

Tax Map Parcel Number: 106.800-001-031.002

City/Town/Village: Rochester

School District: Rochester

Zip: 14604

Current Legal Owner of Property:

Sibley Redevelopment LP

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: SWBR Architecture, Engineering & Landscaping Architecture, D.P.C

Address: 260 E Main Street, Suite 4000

City/State/Zip: Rochester, NY 14604

Tax ID No: 16-1016675

Contact Name: Michael Picard

Title: CFO

Telephone: 585-232-8300

Email: mpicard@swbr.com

% of facility to be occupied by user/tenant 35.77

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

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

Name	%	Corporate Title
<u>See attached.</u>	<u>%</u>	_____
_____	<u>%</u>	_____
_____	<u>%</u>	_____
_____	<u>%</u>	_____

F. Project Timeline

Proposed Date of Acquisition: March 2024

Proposed Commencement Date of Construction: March 2024

Anticipated Completion Date: December 2027

G. Contractor(s)

Hamilton Stern Construction

Vasile Construction

II.PROJECT (cont'd)

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

NAICS Code: 531312

Sibley Redevelopment II LP (Condo Unit 9) will consist of approximately 101k SF and will be used for professional office and commercial tenants. The Condo Unit 9 represents space that is currently within Sibley Redevelopment LP (Condo Unit 1) and is a newly formed legal entity and condo.

Condo Unit 1 currently consists of 384k SF. Condo Unit 1 recently signed a large 36k square foot lease with an architectural firm (SWBR) that will require \$6.5M of Landlord and Tenant Improvement fit-out spend through the year end 2024. Due to the size and scope of the lease, loan financing will be secured from a commercial bank to pay for a significant portion of the fit-out improvements. In conjunction with this financing, the lender is requiring that a new Condo entity be formed (Condo Unit 9).

Sibley Redevelopment II LP will consist of 3 known tenant users, SWBR (36k SF), Bandwidth (36k SF), & Miss Julie's School of Beauty (2k SF), totaling 74k SF. These 3 tenants will require \$7.7M of landlord and tenant improvement work to fulfill landlord obligations under the respective leases. A vast majority of the fit-out work is taking place in 2024 and it is anticipated that tenants will occupy the space prior to year end.

The remaining space in the units is currently vacant and is being marketed for tenancy that will require additional tenant improvement spend to occupy.

II. PROJECT (cont'd)

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

Please explain why financial assistance is necessary.

Financial Assistance is vital to the feasibility of this project.

The locations within Sibley Square these tenants are occupying are some of the most expensive for redevelopment.

Floors 4 and 5 (SWBR and Bandwidth) have no infrastructure including HVAC, electric, sprinklers nor restrooms. This is in addition to the required tenant fit out of offices, conference and break rooms, etc.

The 1st floor (Miss Julies School of Beauty) requires +/- \$200 per square sq ft to make tenable.

Without a sales tax exemption, the investment would not be possible for the fit-out necessary to accommodate the space needs of the various businesses and personnel occupying the building and would remain vacant.

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

Yes No

Location: Please see attached

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

Will the Project result in the abandonment of one or more plants or facilities of the Project occupant located within the state? Yes No

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

- K. State Environmental Quality Review (SEQR) Act Compliance
COMIDA, in granting assistance to the Applicant, is required to comply with the New York State Environmental Quality Review Act (SEQR).
Does the proposed project require discretionary permit, license or other type of approval by the state or local municipality?

- YES - Include a copy of any SEQR documents related to this Project including Environmental Assessment Form, Final Determination, Local Municipality Negative Declaration, etc.
- NO

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

Check One:

JOBSPLUS

Requirements:

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

LEASEPLUS

Requirements:

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

ENHANCED JOBSPLUS

Requirements:

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

GREEN JOBSPLUS

Requirements:

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

SHELTER RENT

For student housing or affordable housing projects.

Local Tax Jurisdiction Sponsored PILOT

NO PROPERTY TAX ABATEMENT IS SOUGHT FOR THIS PROJECT

IV. APPLICANT PROJECT COSTS

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

Building Construction or Renovation

- a. Materials a. \$ 5,700,000
- b. Labor b. \$ 2,000,000

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 \$ 7,700,000
(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. \$ 6,000,000
- d. Public Sources d. \$ _____

Identify each state and federal grant/credit

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

e. Equity \$ 1,700,000

TOTAL SOURCES \$ 7,700,000
(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.

Five Star 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 SWBR

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. \$ 750,000
- Other (specify): f. IT/Tech. Equip. f. \$ 450,000
- g. Security Systems g. \$ 35,000
- h. Appliances h. \$ 45,000
- i. Graphics/Decor i. \$ 50,000

Total Project Costs \$ 1,330,000

VII. PROJECTED EMPLOYMENT

Complete for each Applicant or User/Tenant

Company Name: SWBR

Applicant: or User/Tenant:

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

	Current # of jobs at proposed project location or to be relocated to project location	IF FINANCIAL ASSISTANCE IS GRANTED – project the number of FTE and PTE jobs to be RETAINED	IF FINANCIAL ASSISTANCE IS GRANTED – project the number of FTE and PTE jobs to be CREATED upon THREE Years after Project completion	Estimate number of residents of the Labor Market Area in which the Project is located that will fill the FTE and PTE jobs to be created upon THREE Years after Project Completion **
Full time (FTE)	104	104	30	25
Part Time (PTE)	2	2	2	2
Total	105	105	31	26

** 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.

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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 Sibley Redevelopment II LP

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.

GW

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.**

GW

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.

GW

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.

GW

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.

GW

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.

GW

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.

Sibley Redevelopment II LP

(APPLICANT COMPANY)

(TENANT COMPANY)

2/29/2024

Sibley Redevelopment II Limited Partnership
By: Sibley Redevelopment GP LLC, its GP
By: WDP Manager Corp, its Manager

Signature, Title Date

IX. FEES

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

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

Sibley Redevelopment II LP

(APPLICANT COMPANY)

 2/29/2024

Sibley Redevelopment II Limited Partnership

By: Sibley Redevelopment GP LLC, its GP

By: WDP Manager Corp, its Manager

(TENANT COMPANY)

Signature, Title Date

X. CERTIFICATION

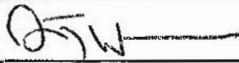
The undersigned company officer and/or user/tenant officer each hereby certifies, on behalf of the company and/or user/tenant, respectively (each singularly and together, the "Applicant"), as follows:

- 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

TENANT COMPANY

Sibley Redevelopment II LP

 2/29/2024

Signature Sibley Redevelopment II Limited Partnership
 By: Sibley Redevelopment GP LLC, its GP
 By: WDP Manager Corp, its Manager

Signature, Title Date



Signage

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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.

SWBR

(APPLICANT COMPANY)

(TENANT COMPANY)

Michael J. P. [Signature] CFO 3/8/24

Signature, Title, Date

Signature, Title, Date

IX. FEES

Transaction Type	Fees
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(APPLICANT COMPANY)

SWBR

(TENANT COMPANY)

Signature _____, Title _____ Date _____

Michael P. Rand CFO 3/8/24
Signature _____, Title _____ Date _____

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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:

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- 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.
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APPLICANT COMPANY

TENANT COMPANY

 Signature, Title, Date

SWBR
 _____ CFO
Michael T. Reed 3/18/24
 Signature, Title, Date

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

SWBR Architecture, Engineering Landscape Architecture, D.P.C.
2024 SHAREHOLDERS (as of 01/02/2024)

#	Last Name	First name and initial	Leadership Level	Profession	License No.	Date Joined Corporation	Total Shares as of 12/22/2023	Resulting %
1	Gears	Thomas R.	Principal	Architect	021472	5/1/1994	2,050	11.36%
2	Rebholz	Steven V.	Principal	Architect	019913	3/1/1997	1,750	9.70%
3	Gibbons II	E. Joseph	Principal	Architect	027146	6/25/2007	1,385	7.68%
4	Beinetti	David J.	Principal	Architect	014508	5/20/1983	1,050	5.82%
5	Kluczynski	Mark E.	Principal	Structural Engineer	076340	4/1/2000	850	4.71%
6	Sickler	Randal R.	Principal	Architect	021620	5/1/1994	830	4.60%
7	Maddalina	Mark A.	Principal	Architect	033373	8/1/2009	520	2.88%
8	Kosiorek	Joseph C.	Sr. Assoc.	Architect	031993	5/17/2014	500	2.77%
9	Guzman Quintana	Victor Gabriel	Associate	Structural Engineer	095736	12/1/2015	430	2.38%
10	MacDonald	Geoffrey L.	Principal	Architect	024533	11/15/2020	430	2.38%
11	Weber	Matthew P.	Sr. Assoc.	Structural Engineer	083986	12/1/2010	405	2.24%
12	Fernaays	Steven D.	Principal	Architect	031855	12/1/2010	400	2.22%
13	Fornataro	Leticia B.	Principal	Architect	039448	12/1/2016	400	2.22%
14	Townsend	Scott K.	Principal	Architect	020797	11/15/2020	400	2.22%
15	Fornataro	Robert C.	Principal	Architect	033889	12/1/2009	365	2.02%
16	Baszynski	Dennis	Associate	Technical Coordinator	NA	12/1/2018	350	1.94%
17	Peet	Steven D.	Associate	Architect	037919	12/1/2015	300	1.66%
18	Phelps II	David J.	Sr. Assoc.	Architect	037450	12/1/2014	290	1.61%

19	Pannone	Donald J.	Principal	Studio Leader	NA	12/1/2017	280	1.55%
20	Shannon	Allison M.	Sr. Assoc.	Architect	037456	12/1/2014	255	1.41%
21	Glading	Daniel J.	Sr. Assoc.	Architect	033214	12/1/2010	250	1.39%
22	Tait	Iain M.	Sr. Assoc.	Architect	033251	8/1/2009	225	1.25%
23	Purdy	Kristin M.	Sr. Assoc.	Architect	035568	12/1/2012	220	1.22%
24	Vekasy	Stephen J.	Associate	Architect	039116	12/1/2016	205	1.14%
25	Foti	Peter E.	Associate	Architect	044274	12/1/2020	200	1.11%
26	Zegarelli	Ryan J.	Associate	Architect	037173	12/1/2014	190	1.05%
27	Wehner	Lynanne H.	Associate	Architect	023345	12/1/2015	185	1.03%
28	Brown	Michael J.	Sr. Assoc.	Architect	034692	12/1/2011	183	1.01%
29	Smith	Dylan M.K.	Associate	Architect	040457	12/1/2017	180	1.00%
30	Kalvitis-Pannone	Diana S.	Sr. Assoc.	CID	000172	12/1/2017	175	0.97%
31	Stein	Eric P.	Associate	Architect	035119	12/1/2011	170	0.94%
32	Bucci	Jamie M.	Associate	Architect	039001	12/1/2016	160	0.89%
33	Reynolds	Erik S.	Associate	Architect	042339	12/1/2018	145	0.80%
34	Linder	Richard C.	Associate	Architect	025871	12/1/2021	140	0.78%
35	Goldan	Christopher L.	Associate	Graphics Mgr.	NA	12/1/2017	135	0.75%
36	Folts	Corina A.	Sr. Assoc.	CID	000439	12/1/2017	135	0.75%
37	McNinch	Joseph W.	Associate	Architect	041977	12/1/2017	130	0.72%
38	Gawronski	Brett J.	Sr. Assoc.	Architect	039932	12/1/2018	130	0.72%
39	Wade	Jessica A.	Associate	Architect	042095	5/6/2019	130	0.72%
40	Waidl	Candace N.	Associate	Interiors	035551	12/1/2019	130	0.72%
41	Sylvester	Keith R.	Sr. Assoc.	Dept. Head	NA	12/1/2017	125	0.69%
42	Picard	Michael T.	Sr. Assoc.	CFO	NA	12/1/2019	125	0.69%
43	Seitz	Sheri A.	Sr. Assoc.	Dept. Head	NA	12/1/2017	110	0.61%
44	Fingar	Lisa A.	Sr. Assoc.	Dept. Head	NA	12/1/2017	110	0.61%
45	McNamara	Kenzie C.	Associate	Architect	043150	12/1/2020	90	0.50%
46	Kasongo-Cahill	Shirah L.	Associate	Landscape Architect	002963	1/18/2021	90	0.50%
47	Newton	David H.	Associate	Technical Coordinator	NA	12/1/2017	75	0.42%
48	Vieira	Pauline M.	Sr. Assoc.	Dept. Head	NA	12/1/2017	65	0.36%
49	Dionne	Brian G.	Associate	Architect	038585	12/1/2018	65	0.36%
50	Ellis	Caitlin R.	Associate	Architect	040773	3/1/2018	50	0.28%
51	Reynolds	Elizabeth A.	Associate	Architect	043246	12/1/2020	50	0.28%
52	Cruz	Victor M.	Associate	Repro. Coord.	NA	12/1/2018	40	0.22%
53	Bonosky	Adam W.	Associate	Senior Planner	NA	12/1/2022	40	0.22%
54	Michaels	Michele	Associate	Dept. Head	NA	12/1/2018	35	0.19%
55	Macera	Gabriella M.	Associate	Interiors	037224	12/1/2021	35	0.19%
56	Beers	Marlee M.	Associate	Landscape Architect	003063	12/1/2022	25	0.14%
57	McIndoe	James W.	Sr. Assoc.	Architect	021925	12/1/2008	20	0.11%
58	Pietrantoni	Gianfranco J.	Associate	Architect	043101	12/1/2020	20	0.11%
59	Libby	Alicia F.	Sr. Assoc.	Operations Mgr	N/A	12/1/2021	20	0.11%
60	Mura	Kimberly J.	Associate	Sr Marketing	NA	12/1/2022	20	0.11%
61	Calhoun	Jasmine	Associate	Sr Finance Specialist	NA	12/1/2022	20	0.11%
62	Sambor	Kristopher J.	Associate	Graphic Designer	NA	12/1/2022	20	0.11%
63	Brazill	Maureen	Associate	Interiors	NA	12/1/2023	20	0.11%
64	Krupic	Elvedin	Associate	Technical Coordinator	NA	12/1/2019	15	0.08%
65	Stewart	Chad M.	Associate	Architect	035857	12/1/2021	15	0.08%
66	Thompson	Thomas R.	Associate	Dept. Head	NA	12/1/2022	15	0.08%
67	Loomis	Amanda C.	Associate	CID	NA	12/1/2020	10	0.06%
68	Kelleher	Kirsten G.	Associate	Interiors	NA	12/1/2021	10	0.06%
69	Neyman	Sara A.	Associate	Architect	043525	12/1/2021	10	0.06%
70	Greenaker	Joshua W.	Associate	Project Designer	NA	12/1/2022	10	0.06%
71	Spenard	Jeffrey C.	Associate	Architect	026511	12/1/2022	10	0.06%
72	Murphy	Brittany	Associate	Landscape Architect	003125	12/1/2023	10	0.06%
73	Sands	Eli	Associate	Landscape Architect	002894	12/1/2023	10	0.06%

18,043 100.00%

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

Cedars of Chili	Rochester, New York	Multifamily	320
Knox Street Apartments	Albany, New York	Multifamily	47
Landmark at Sibley	Rochester, New York	Multifamily	72
Liberty Lofts at Sibley Square	Rochester, New York	Multifamily	53
Liberty Lofts at Sibley Square Workforce	Rochester, New York	Multifamily	51
Livingston School Apartments	Albany, New York	Multifamily	103
Spectra at Sibley - 1894	Rochester, New York	Multifamily	104
Spring Brook Village	Kingston, New York	Multifamily	122
The Trails at Malone	Malone, New York	Multifamily	127



MODIFICATION SUMMARY

DATE: March 26, 2024

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 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 was 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 application was then approved for an increase in the sales tax exemption in January 2023. The applicant is now requesting an additional increase in project costs of \$2,613,007 due to the purchase of additional vehicles. The total project cost is now \$13,170,007 and the new sales tax exemption benefit amount is \$760,070.

PROJECT AMOUNT	<u>ORIGINAL</u>	<u>REQUESTED</u>	<u>NEW TOTAL</u>
	\$10,557,000	\$2,613,007	\$13,170,007

Motion By: _____
Seconded By: _____

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

A regular meeting of the County of Monroe Industrial Development Agency (the "Agency"), was held at the Agency's Offices located at 50 West Main Street, Rochester, New York 14614, on March 26, 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 ADDITIONAL FINANCIAL ASSISTANCE IN
AMOUNTS EXCEEDING THE AMOUNTS PREVIOUSLY APPROVED BY
THE AGENCY AND THE EXECUTION OF RELATED DOCUMENTS.

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

WHEREAS, by Resolution duly adopted on 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 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 bucket, forestry and mechanics trucks and aerial devices 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"); 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 \$6,887,862, which would result in New York State and local sales and use tax exemption benefits not to exceed \$551,029 through December 31, 2024; and

WHEREAS the Agency initially approved a mortgage in relation to this Project in the principal amount of \$7,000,000 resulting in mortgage recording tax exemption in the amount of \$52,000; and

WHEREAS, pursuant to a certain Project Modification Request, dated March 1, 2024, the Company has notified the Agency that it desires to purchase additional bucket, forestry and mechanics trucks and aerial devices and has requested that the Agency authorize the Company to make purchases of goods and services relating to the Project that would otherwise be subject to New York State and local sales and use tax in an amount of up to \$9,500,869, which would result in New York State and local sales and use tax exemptions not to exceed \$760,070 (as increased, the "Sales and Use Tax Exemption Benefits"); and

WHEREAS, the Agency desires to adopt a resolution authorizing (i) the purchase of additional trucks and (ii) the increase in Sales and Use Tax Exemption Benefits.

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, including, but not limited to, additional bucket, forestry and mechanics trucks and aerial devices, and that would otherwise be subject to New York State and local sales and use tax in an amount up to **\$9,500,869**, which result in New York State and local Sales and Use Tax Exemption Benefits not to exceed **\$760,070**.

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 an increase 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 March 26, 2024, with the original thereof on file in my office, and that the same is a true and correct copy of the proceedings of the Agency and of such resolutions set forth therein and of the whole of said original insofar as the same related to the subject matters therein referred to.

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

IN WITNESS WHEREOF, I have hereunto set my hand on this 26th day of March, 2024.

Ana J. Liss, Executive Director

PROJECT MODIFICATION REQUEST

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

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:	racamping@yahoo.com	Contact Phone:	585-734-3510

Employment in Monroe County:	<u>198</u>	<u>2/29/2024</u>
	Full 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: \$ 10,577,000 \$ 2,613,007 \$ 13,170,007
 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.)

<u>12/31/2024</u>	<u> </u>	\$ <u>477,062</u>
Current Expiration Date	Requested Expiration Date	Amount of Exemptions Taken to Date

Reason for Extension:
 Additional new trucks (non-manufacturing equipment) and added material costs overall.

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

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

Signed: _____ Date: 03/01/2024

Print Name and Title: Richard Camping, VP of Operations, Retired

Staff Use Only:	2/20
Date Received _____	Date of Original Approval: _____
	New Code 2602 _____

Project Modification Request - Page 2

Required when requesting an Increase in Project Costs

A. Applicant Project Costs	Original/Current Approval	Requested Increase Modification	Revised Approval Requested
Building Construction or Renovation			
a. Materials	\$ 2,808,862	\$ _____	\$ 2,808,862
b. Labor	\$ 3,151,388	\$ _____	\$ 3,151,388
Site Work			
c. Materials	\$ 643,000	\$ 46,896	\$ 689,896
d. Labor	\$ 390,000	\$ _____	\$ 390,000
e. Non-Manufacturing Equipment	\$ 3,050,000	\$ 2,566,111	\$ 5,616,111
f. Furniture & Fixtures	\$ 386,000	\$ _____	\$ 386,000
g. Land and/or Building Purchase	\$ 0	\$ _____	\$ 0
h. Manufacturing Equipment	\$ 0	\$ _____	\$ 0
i. Soft Costs (Legal, Architect, Engineer)	\$ 0	\$ _____	\$ 0
Other Costs (specify)			
j. Civil	\$ 42,500	\$ _____	\$ 42,500
k. Architectural	\$ 78,000	\$ _____	\$ 78,000
l. Soils Engineer	\$ 7,250	\$ _____	\$ 7,250
m. _____	\$ 0	\$ _____	\$ 0
Total Project Costs	\$ 10,557,000	\$ 2,613,007	\$ 13,170,007

Sources of Funds for Project Costs

a. Tax Exempt Industrial Revenue Bond	\$ _____	\$ _____	\$ 0
b. Taxable Industrial Revenue Bond	\$ _____	\$ _____	\$ 0
c. Tax Exempt Civic Facility Bond	\$ _____	\$ _____	\$ 0
d. Bank Financing (subject to recording tax)	\$ 7,000,000	\$ _____	\$ 7,000,000
e. Public Sources	\$ _____	\$ _____	\$ 0
f. Equity	\$ 3,557,000	\$ 2,613,007	\$ 6,170,007
Total Sources	\$ 10,557,000	\$ 2,613,007	\$ 13,170,007

B. Reason for Increase:

1) We were not able to purchase the brand and type of trucks due to a nationwide shortage of trucks last year. Therefore, we were forced to purchase other name brand trucks and in some cases smaller trucks than we originally proposed. The shortage is now over and the desired trucks are again available for purchase. We desire to purchase 11 additional new bucket, derrick digger, forestry and service trucks.

2) As the building project nears completion, the estimated cost of materials has exceeded the actual tracked cost. This difference is due to materials added as part of change orders together with an overall increase in material costs in general.

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

OCE
Additional Vehicles Being Requested To Be Purchased Under COMIDA Tax Exemption
Second Modification Agreement

Date of Last Inventory	Asset No.	Rental Unit No.	Year	Make	Model	Sub Type	License Plate No.	VIN	Type	Cost
									First Project Modification over spend	96,800.00
			2024	Freightliner	M2106TC55	Terex		3ALACXFESRDUY8877	55' Bucket Truck	207,258.50
			2024	Freightliner	M2106TC55	Terex		3ALACXFE3RDUY8876	55' Bucket Truck	207,258.50
			2024	Freightliner	M2106TC55	Terex		3ALACXFE9RDUY8865	55' Bucket Truck	207,258.50
			2024	Freightliner	M2106TC55	Terex		3ALACXFEXRDUY8874	55' Bucket Truck	209,782.00
			2024	Freightliner	M2106TC55	Terex		3ALACXFEXRDUY8875	55' Bucket Truck	207,258.50
			2024	Freightliner	M2106C4047	Terex		3ALACXFEXRDUY8891	47' Derrick Digger	233,825.50
			2024	Freightliner	M2106C4047	Terex		3ALACXFE8RDUY8887	47' Derrick Digger	231,155.00
			2024	Freightliner	M2106C4047	Terex		3ALACXFE6RDUZ8169	47' Derrick Digger	231,155.00
			2024	Freightliner	M2106C4047	Terex		3ALACXFE8RDUY8906	47' Derrick Digger	231,155.00
			2024	Freightliner	M2-106	Altec		3ALACXFC7RDVJ0974	47' Derrick Digger	242,529.00
			2024	Kenworth	Service Truck			2NK4HJ7X0RM361082	Service Truck	260,675.00
									Totals:	2,566,110.50

OCE
390 Systems Road COMIDA Tax Exempt Vehicles
Summary

	Cost
1st Modification:	3,050,000.00
Proposed 2nd Modification:	2,566,110.50
Total	<u>5,616,110.50</u>



MODIFICATION SUMMARY

DATE: March 26, 2024

APPLICANT: Gallina Elmgrove, LLC
1890 S. Winton Rd, Suite 100
Rochester, NY 14618

PROJECT LOCATION: 475 Mile Crossing Blvd
Rochester, NY 14624

MODIFICATION REQUEST: Gallina Elmgrove constructed a 34,000 sq. ft. office/warehouse building in the Town of Gates. The building joins 13 existing buildings in the Elmgrove Crossing Business Park. This building is considered a flex property to help cater to the demand for light industrial and flex space and will be divided in to suites for tenants to be identified. The applicant was approved for sales tax and mortgage recording tax exemptions in October 2023. The applicant is requesting an increase in project costs of \$800,000 to complete the interior buildout for new secured tenants. The new sales tax exemption is not to exceed \$218,000. The total project cost is now \$3,875,000.

PROJECT AMOUNT	<u>CURRENT</u>	<u>REQUESTED</u>	<u>NEW TOTAL</u>
	\$3,075,000	\$800,000	\$3,875,000

Motion By: _____
Seconded By: _____

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

A regular meeting of the County of Monroe Industrial Development Agency (the "Agency"), was held at the Agency's Offices located at 50 West Main Street, Rochester, New York 14614, on March 26, 2024, at 12:00 p.m.

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

RESOLUTION OF THE COUNTY OF MONROE INDUSTRIAL DEVELOPMENT AGENCY (THE "AGENCY") AUTHORIZING ADDITIONAL FINANCIAL ASSISTANCE TO GALLINA ELMGROVE LLC (THE "COMPANY") IN AMOUNTS EXCEEDING THE AMOUNTS PREVIOUSLY APPROVED BY THE AGENCY; AND THE EXECUTION OF RELATED DOCUMENTS.

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

WHEREAS, by Resolution duly adopted on October 17, 2023 (the "Authorizing Resolution"), the Agency appointed **GALLINA ELMGROVE LLC**, a New York limited liability company, for itself or an entity formed or to be formed (collectively, the "Company"), the true and lawful agent of the Agency to undertake a certain project (the "Project") consisting of: (A) the acquisition of a leasehold interest in an approximately 3.9-acre portion of land known as Lot 19 in Elmgrove Crossing, a business park located at 475 Mile Crossing Boulevard in the Town of Gates, New York 14624 and all other lands in the Town of Gates where, by license or easement or other agreement, the Company or its designees are making improvements that benefit the Project (the "Land"); (B) the construction on the Land of an approximately 33,900 square-foot office/warehouse flex building together with a parking lot (the "Improvements"); and (C) the acquisition and installation therein, thereon or thereabout of certain machinery, equipment and related personal property (the "Equipment" and, together with the Land and the Improvements, the "Facility"); and

WHEREAS, the Agency previously appointed the Company as its true and lawful agent to make purchases of goods and services relating to the Project that would otherwise be subject to New York State and local sales and use tax (the "Sales and Use Tax Exemption Benefits") in an amount up to \$2,050,000, which would result in New York State and local sales and use tax exemption benefits not to exceed \$164,000 through December 31, 2024; and

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

WHEREAS, the Agency desires to adopt a resolution authorizing (i) the increase in Sales and Use Tax Exemption Benefits; and (ii) the execution and delivery of any documents necessary and incidental thereto.

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

Section 1. Based upon the representation and warranties made by the Company in its request, the Agency hereby authorizes and approves the Company, as its agent, to continue to make purchases of goods and services relating to the Project and that would otherwise be subject to New York State and local sales and use in an amount up to **\$2,725,000**, which result in New York State and local Sales and Use Tax Exemption Benefits not to exceed **\$218,000**. The Agency agrees to consider any requests by the Company for an extension or another increase to the amount of Sales and Use Tax Exemption Benefits authorized by the Agency upon being provided with appropriate documentation detailing the additional purchases of property or services.

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

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

Section 4. This resolution shall take effect immediately.

[Remainder of Page Intentionally Left Blank]

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

	<u><i>Yea</i></u>	<u><i>Nay</i></u>	<u><i>Absent</i></u>	<u><i>Abstain</i></u>
Jay Popli				
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 March 26, 2024, with the original thereof on file in my office, and that the same is a true and correct copy of the proceedings of the Agency and of such resolutions set forth therein and of the whole of said original insofar as the same related to the subject matters therein referred to.

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

IN WITNESS WHEREOF, I have hereunto set my hand on this 26th day of March, 2024.

Ana J. Liss, Executive Director

PROJECT MODIFICATION REQUEST

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

Applicant:	<u>Gallina Elmgrove LLC</u>	
Project Address:	<u>475 Mile Crossing Blvd.</u>	
Contact Name:	<u>Evan Gallina</u>	
Contact Company:	<u>Gallina Elmgrove LLC</u>	
Contact Address:	<u>1890 S. Winton Rd., Suite 100</u>	
Contact Email:	<u>evan@gallinadev.com</u>	Contact Phone: <u>654-6650</u>

Employment in Monroe County: _____

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: \$ 3,075,000 \$ 800,000 \$ 3,875,000
 Original Project Cost Increase in Project Costs New Project Costs

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

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

Reason for Extension:

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

<u>Johnson Controls, Inc.</u>	<u>ASSA ABLOY Fenestration, LLC</u> 18,861 sq ft
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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: 2/28/24
 Print Name and Title: EVAN A. GALLINA, PARTNER

Staff Use Only: 2/20
 Date Received 2/29/24 Date of Original Approval: 10/17/23 New Code 2602 23 028 B

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

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

B. Reason for Increase:

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

\$89,622.63

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



MODIFICATION SUMMARY

DATE: March 26, 2024

APPLICANT:

Lemcke Real Estate Holdings LLC 293 Peck Rd. Hilton, NY 14468

PROJECT LOCATION:

1921 Brighton Henrietta TL Rd. Henrietta, NY 14623

MODIFICATION REQUEST:

Lemcke Real Estate Holdings LLC, a real estate holding company, is constructing three buildings in the Town of Henrietta for its tenant, RAL Landscape, Inc. RAL Landscape is a family owned landscaping business that provides landscape maintenance, snow and ice management. The \$2,809,830 project was approved for a real property tax abatement, mortgage recording tax and sales tax exemption in June 2022. The applicant is seeking an extension of the sales tax exemption through December 31, 2024 because of construction and materials delays.

PROJECT AMOUNT

<u>ORIGINAL</u> \$2,809,830

Motion By: _____
Seconded By: _____

RESOLUTION
(Lemcke Real Estate Holdings LLC Project Modification)
OSC Code 2602-22-018B

A regular meeting of the County of Monroe Industrial Development Agency (the "Agency"), was held at the Agency's offices located at 50 West Main Street, Rochester, New York 14614, on March 26, 2024 at 12:00 p.m.

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

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

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

WHEREAS, by Resolution duly adopted on June 21, 2022, the Agency appointed **LEMCKE REAL ESTATE HOLDINGS LLC**, a New York limited liability company, for itself or a related entity formed or to be formed (collectively, the "Company"), the true and lawful agent of the Agency to undertake a certain project (the "Project") consisting of: (A) the acquisition of a leasehold interest in an approximately 5.7±-acre parcel of vacant land located on Brighton-Henrietta Town Line Road in the Town of Henrietta, New York 14623 (the "Land"); (B) the construction on the Land of three improvements consisting of (i) two approximately 11,520 square-foot buildings containing commercial rental units and (ii) an approximately 12,960 square-foot building for use by RAL Landscape Inc. (the "Tenant") (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 Agency previously appointed the Company as its true and lawful agent to make purchases of goods and services relating to the Project that would otherwise be subject to New York State and local sales and use tax (the "Sales and Use Tax Exemption Benefits") through December 31, 2023; and

WHEREAS, the Company has, pursuant to a certain Project Modification Request, dated March 4, 2024, requested the Agency grant an extension to the Sales and Use Tax Exemption Benefits through December 31, 2024; and

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

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

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

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

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

Section 4. This resolution shall take effect immediately.

[Remainder of Page Intentionally Left Blank]

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

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

The Resolutions were thereupon duly adopted.

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

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

That I have compared the annexed extract of the minutes of the meeting of the County of Monroe Industrial Development Agency (the "Agency"), including the resolutions contained therein, held on March 26, 2024, with the original thereof on file in my office, and that the same is a true and correct copy of the proceedings of the Agency and of such resolutions set forth therein and of the whole of said original insofar as the same related to the subject matters therein referred to.

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

IN WITNESS WHEREOF, I have hereunto set my hand on this 26th day of March, 2024.

Ana J. Liss, Executive Director



PROJECT MODIFICATION REQUEST

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

Applicant: LEMCKE REAL ESTATE HOLDING LLC
 Project Address: 1921 BRIGHTON HNERIETTA TL RD
 Contact Name: RICK LEMKCK
 Contact Company: LEMCKE REAL ESTATE HOLDING LLC
 Contact Address: 293 PECK RD HILTON, NY 14468
 Contact Email: rlemcke@rmlandscape.co Contact Phone: 585-202-9805

Employment in Monroe County: 23 63 3/4/24
 Full Time Part Time As of Date

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

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

Assistance Requested: Check all that apply.

Property Tax Abatement Mortgage Tax Exemption Sales Tax Exemption

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

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

12/31/2023 12/31/2024 \$ 61,130
 Current Expiration Date Requested Expiration Date Amount of Exemptions Taken to Date

Reason for Extension:
 Delay in get utility's installed, delay in construction materials

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 Lemcke* Date: 03/04/2024

Print Name and Title: RICHARD LEMCKE

Staff Use Only:
 Date Received 3/5/24 Date of Original Approval: 6/21/22 New Code 2602 22 018 B ^{2/20}

WORKFORCE DEVELOPMENT FUND APPLICATION

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

Organization and/or Program Name: _____

Contact Name: _____ Contact Phone: _____

Contact Email: _____ Year program started: _____

Address: _____ City: _____ State: _____ Zip: _____

Tax EIN: _____

Please attach to this page your proposal for program funding. Please note, you must address each of the questions below to be considered for funding

- A brief overview of your program including your program's mission and target audience.
- 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.
- 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.
- 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.
- Amount of funding requested and how these dollars would be used.
- A copy of the operating budget and statement of financial position (balance sheet).
- 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.
- Copy of your most recent audit.



COMIDA Application

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

See executive summary attached.

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.

RCCI has partnered with multiple organizations including but not limited to:

- North American Building Trades Council (NABTU)
- Trades Futures (financially supportive)
- The Urban League of Rochester
- Rochester Building Trades Council – all trades individually
- Construction Industry Association of Rochester
- New York State Workforce Development Institute (financially supportive)

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 program works directly with the organized labor unions as well as contractors to ensure our participants are being placed into careers through the union apprenticeship programs. Our training provides participants with the skills needed to become successful in the apprenticeship program. In a report provided to Rochester Careers in Construction, Inc. from Rochester Works using Lightcast Data software, the construction industry in the Rochester and Finger Lakes region has a supply of about 23,732 jobs with a projected growth of about 13% over the next 3 years. Our community is also experiencing record growth from business development which will require construction skills to meet the demand. In addition, the construction industry is reporting over 5,600 retirements in the next few years. We also face disparities in diversity in our local construction industry with less than 12% of our construction workforce coming from minority communities.

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.

As a new program, our success goals include graduating 60 individuals from our program each calendar year. We hope to achieve a graduation rate of 85% or better of the individuals who enroll. Our pilot program had a graduation rate of 83% and our current program is on track to exceed that rate. We then hope to achieve 85% of graduates either applying or enrolling into union apprenticeship programs. Of our current graduates, 80% of them have applied to union apprenticeship programs.

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

Our request to COMIDA is \$250,000 a year for the next three years. We have attached to this application our annual budget. This funding will support the 60 participants we plan to graduate from our program and assist in providing case management for all participants. This funding will ensure full-time programming, full-time support, and post-graduation follow-up to empower our participants with the resources they need to have a successful and financially stable future in the union trades.

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

See operating budget and statement of financial position attached.

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.

UNiCON Rochester provides all administrative support for Rochester Careers in Construction, Inc. Attached, please find the organizational chart and job descriptions of potential staff. All finances for Rochester Careers in Construction, Inc. are handled by Flaherty Salmin CPA's.

Copy of your most recent audit.

No recent audits have been performed.



Pre-Apprenticeship Program Partnership with Trades Futures

Executive Summary

TRACS (Training Rochester Adults in Construction Skills) is a new pre-apprenticeship program designed to provide interested individuals the basics of a union construction career. In partnership with the North American Building Trades Union (NABTU), TRACS is an eight-week program teaching Trades Futures Multi-Craft Core Curriculum (MC3) in nine key areas.

- Construction Industry Orientation
- Tools & Materials
- Construction Health & Safety
- Basic Math for Construction
- Heritage of the American Worker
- Diversity in the Construction Industry
- Green Construction
- Financial Literacy

In addition, TRACS provides participants with certifications and resources they need to be preferred candidates of union contractors such as OSHA-30, traffic control training, scaffold training, first-aid and CPR training, as well as laptops, basic tools and tool belt (donated by Construction Industry Association of Rochester), and a stipend of \$2,400 paid throughout the course.

To recruit candidates from diverse backgrounds, TRACS has signed an agreement with the Urban League of Rochester to offer trades opportunities and wrap around services. A full-service program that meets the needs of individuals looking to advance their career and create generational wealth.

TRACS is working directly with the Rochester Building Trades Council to ensure participants are exposed to union trades and are aware of the post-graduation opportunities, establishing connections with organizers before actively looking for work.

UNiCON Rochester has a vision of a thriving community with a dynamic construction industry promoting quality jobs and a growing workforce. TRACS' utilization of a nationally recognized curriculum, additional certifications, and wrap around services works to support the Rochester community.



TRACS Pilot Program

Overview – 2 Cohorts

- Cohort 1 November 2023 – January 2024
- Cohort 2 February 2024 – March 2024
- Classes are 3-4 nights a week from 5:00pm – 9:00pm
- Training is held at Local 435 Laborers Hall
- John Guilford – TRACS Instructor
- Participants:
 - 26 individuals enrolled
 - 22 individuals graduated or currently in program
 - 21 males; 5 females
 - 96% self-identify BIPOC
 - Average age: 30
 - Age Range: 18 – 55
 - Living in 14605, 14606, 14609, 14611, 14612, 14613, 14616, 14618, 14619, 14621, 14620, 14624 zip codes
- **Curriculum**
 - MC3 (Multi-Craft Core Curriculum) Trades Futures – 120 hours
 - 4-hour Traffic Control Training (Flagger)
 - OSHA 30 Hour
 - 4-hour Scaffold Training
 - First-aid/CPR/AED Certification
- **Highlights**
 - 18 Interactions with local union halls - Visits to training centers or representatives visit
 - Contractor Night – Supported by the Construction Industry Association of Rochester (CIAR)
 - Participants received laptops, stipend of \$2,400, and safety equipment
 - Participants receive wrap around services through Urban League of Rochester
 - UNICON is working directly with local contractors to place these graduates into jobs

TRACS

2024-2025 Proposed Budget

Revenues

Governmental		
	Local	\$ 250,000.00
	State	\$ 195,000.00
	Federal	\$ -
Unions		
	NABTU	\$ 25,000.00
	RCCI	\$ 10,000.00
Business		\$ -
Grant Funds		\$ -
	Total Revenue	\$ 480,000.00

Expenses

TRACS Director	\$ 100,000.00
Program Manager	\$ 80,000.00
Administrative Assistant	\$ 25,000.00
Total Payroll Expenses	\$ 205,000.00

Administrative/General

Insurance	\$ 3,500.00
Legal	\$ 1,000.00
Accounting	\$ 3,500.00
NABTU Fees	\$ 6,000.00
Rental Lease	\$ 15,000.00
Utilities	\$ 15,000.00
Telephone	\$ 1,000.00
Tools/Equipment	\$ 25,000.00
Technology	\$ 5,500.00
Instructor Training	\$ 3,000.00
Other	\$ -
Total Administrative / General	\$ 78,500.00

Marketing Expenses

Printed Marketing Materials	\$ 2,500.00
Promotion/Advertising	\$ 2,500.00
Internet Marketing	\$ 2,000.00
Trades Shows	\$ 2,000.00
Networking Events	\$ 500.00
Other	\$ -
Total Marketing Expenses	\$ 9,500.00

Participant Expenses

Stipends	\$ 144,000.00
Total Participant Expenses	\$ 144,000.00

Total Annual Expense	\$ 437,000.00
	Start-Up Expenses
Furniture	\$ 10,000.00
Permits	\$ 2,500.00
Space Construction	\$ 20,000.00
Tolls/Equipment	\$ 75,000.00
Other	\$ -
Total Start-Up Expenses	\$ 107,500.00
Total 2024-2025 Expenses	\$ 544,500.00
Net Income	\$ (64,500.00)

ROCHESTER CAREERS IN CONSTRUCTION, INC.
 STATEMENT OF ASSETS, LIABILITIES AND NET ASSETS -
 MODIFIED CASH BASIS
 ALL DISCLOSURES OMITTED
 AS OF JANUARY 31, 2024

	Jan 31, 24
ASSETS	
Current Assets	
Checking/Savings	
1015 · Commerce Bank - Savings	2,500.00
1010 · GRB Checking	63,201.98
Total Checking/Savings	65,701.98
Total Current Assets	65,701.98
TOTAL ASSETS	65,701.98
LIABILITIES & EQUITY	
Equity	
3000 · Unrestricted Net Assets	54,550.27
Net Income	11,151.71
Total Equity	65,701.98
TOTAL LIABILITIES & EQUITY	65,701.98

NO ASSURANCE PROVIDED ON THESE FINANCIAL STATEMENTS

ROCHESTER CAREERS IN CONSTRUCTION, INC.
STATEMENT OF INCOME AND EXPENSES - MODIFIED CASH BASIS
ALL DISCLOSURES OMITTED
JULY 1, 2023 - JANUARY 31, 2024

	Jul '23 - Jan 24
Ordinary Income/Expense	
Income	
4100 · Grants	
4160 · NABTU Reimbursement	44,965.61
Total 4100 · Grants	44,965.61
4200 · PLA	
4205 · Innovative Field PLA	3,775.00
4210 · Seneca Park Zoo PLA	25,150.00
Total 4200 · PLA	28,925.00
4300 · Programs	
4305 · Career Day	44,750.00
Total 4300 · Programs	44,750.00
4900 · Other Income	
4925 · Interest Income	14.72
Total 4900 · Other Income	14.72
Total Income	118,655.33
Gross Profit	118,655.33
Expense	
6210 · Bank Service Charges	34.72
6215 · Career Day Program Expenses	26,931.46
6225 · Equipment Purchases	1,350.00
6235 · Insurance	1,337.28
6245 · Office Expenses	154.00
6250 · Professional Fees	9,320.00
6270 · Sponsorships	2,000.00
6280 · TRACS Program Expenses	
6281 · Equipment	5,027.77
6282 · Materials	2,452.00
6283 · Meals	804.94
6285 · Payroll Reimbursement	6,081.48
6286 · Stipends	26,400.00
6287 · Supplies	1,451.36
6288 · Training	13,800.00
6289 · Travel	73.85
Total 6280 · TRACS Program Expenses	56,091.40
6290 · Travel	6,238.29
6295 · Workforce Development Expenses	4,046.47
Total Expense	107,503.62
Net Ordinary Income	11,151.71
Net Income	11,151.71

NO ASSURANCE PROVIDED ON THESE FINANCIAL STATEMENTS

Rochester Careers in Construction, Inc.

Board of Director's Profile

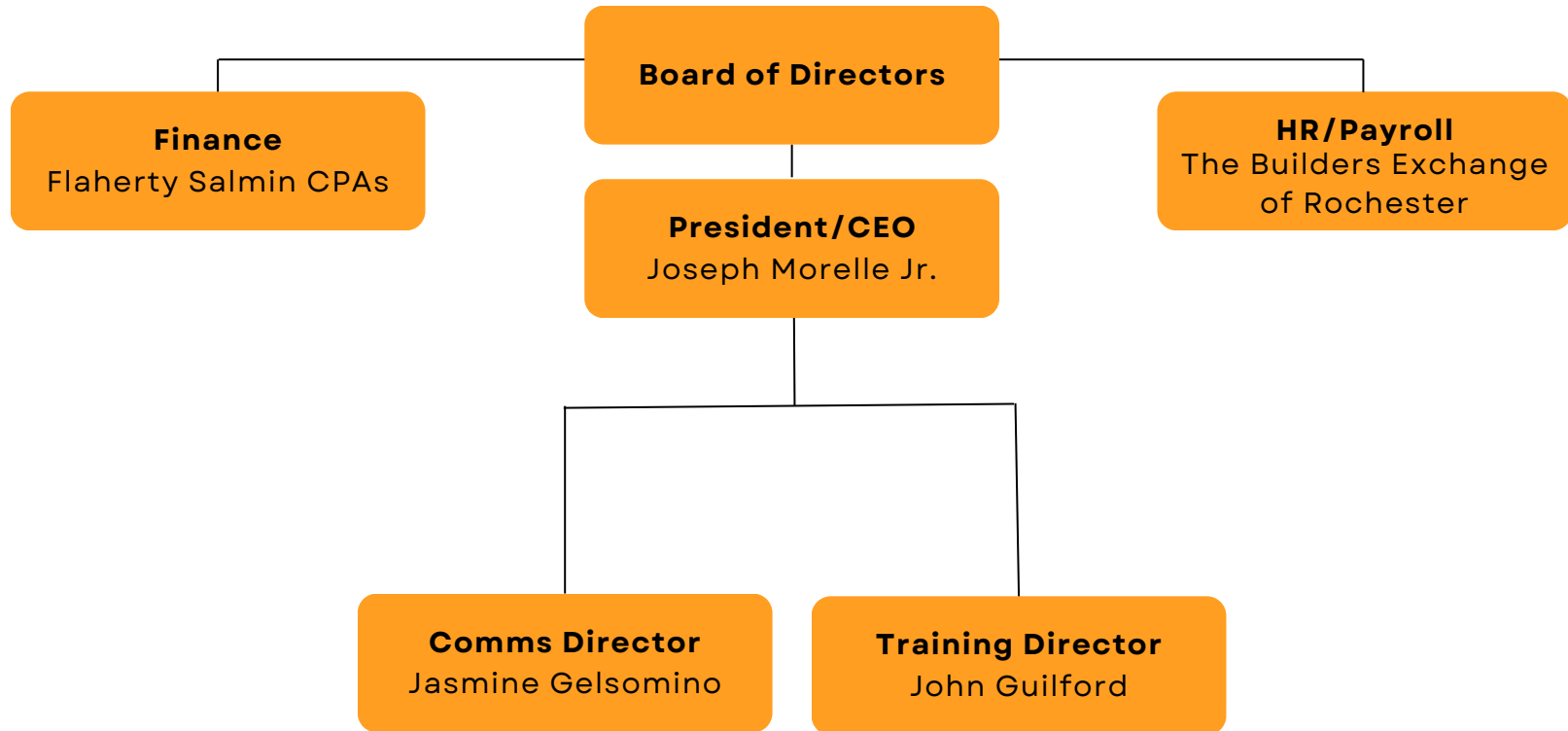
Organization Name: Rochester Careers in Construction, Inc.

Chairperson of the Board: Joseph Morelle Jr.

Board Member Name	Position Held on Board	Committee Assignment(s)	Employer or other Affiliation	Years Served on the Board
Joseph Morelle Jr.	President/CEO	N/A	UNICON Rochester, 180 Linden Oaks, Suite 150, Rochester, NY 14625	2
Dan Kuntz	Vice President	N/A	Laborers Local 435, 20 4th St, Rochester, NY 14609	12
Grant Malone	Treasurer	N/A	International Union of Operating Engineers Local 158, 3174 Brighton Henrietta Town Line Rd, Rochester, NY 14623	10
Kim Gaylord	Secretary	N/A	Construction Industry Association of Rochester, 180 Linden Oaks, Suite 100, Rochester, NY 14625	2
Daniel Hogan	Board Member	N/A	Crane-Hogan Structural Systems, 3001 Brockport Rd, Spencerport, NY 14559	6 Months

Rochester Careers in Construction, Inc.

Organizational Chart





Kathy Hochul, Governor
Roberta Reardon, Commissioner

CHRIS PINHEIRO

Director
Apprenticeship and Infrastructure

New York State Department of Labor
W. Averell Harriman State Office Campus
Building 12, Room 450, Albany, NY 12226
www.dol.ny.gov

March 7, 2024

Mr. Joseph Morelle Jr.

Executive Director
TRACS-Training Rochester Adults in Construction Skills
180 Linden Oaks, Suite 150
Rochester, NY 14625

Dear Joseph Morelle:

Your request for approval of the TRACS-Training Rochester Adults in Construction Skills training program as a Direct Entry Provider is hereby provisionally granted. This approval is contingent upon your program demonstrating an articulation agreement with apprenticeship program sponsor(s). This can be accomplished by having a New York State Registered sponsor identify TRACS-Training Rochester Adults in Construction Skills as a Direct Entry Provider on its Affirmative Action Plan (Form AT 603).

I commend TRACS-Training Rochester Adults in Construction Skills for providing this pre-apprenticeship program that will help apprenticeship program sponsors enhance diversity within their programs and increase the number of women and minorities in their workforce.

If you have any questions, please don't hesitate to contact me at (518) 457-1996. Thank you for your on-going interest in preparing your students for Registered Apprenticeship.

Sincerely,

A handwritten signature in blue ink, appearing to read "CP", written over the word "Sincerely,".

Chris Pinheiro
Director
Apprenticeship and Infrastructure

TRADEFUTURES

March 13, 2024

Ann Liss, Executive Director
County of Monroe Industrial Development Agency (COMIDA)
City Place
50 West Main Street
Rochester, NY 14614

Dear Ms. Liss,

As the Executive Director of TradesFutures, a non-profit corporation dedicated to developing, promoting, and improving Apprenticeship Readiness Programs (ARPs) in the construction industry, I am writing to express our enthusiastic support for the Rochester Careers in Construction (RCCI) initiative and their request for funding of \$250,000 per year for the next three years to be allocated towards their new pre-apprenticeship program, TRACS (Training Rochester Adults in Construction Skills). TradesFutures is committed to assisting women, veterans, and people from communities of color in establishing and maintaining careers in the construction industry.

Our organization develops courses and curriculum to be used by local ARPs, helps community-based organizations establish and maintain ARPs, and supports a broad range of efforts to assist historically underrepresented and underserved communities in entering the construction workforce.

ARPs, such as TRACS, are educational programs that provide students with the fundamental skills and knowledge necessary to choose, obtain, and succeed in a formal, Registered Apprenticeship in the construction industry. By promoting on-ramps to quality careers in construction, TradesFutures seeks to create lasting stability for families and their communities.

The TRACS program, built upon the nationally recognized Multi-Craft Core Curriculum (MC3), aligns perfectly with our mission and values. By providing comprehensive training, support, and pathways to certification, TRACS not only prepares participants for immediate entry into the construction workforce but also lays the foundation for long-term career advancement and success.

TRADEFUTURES

Investing in the TRACS program is an investment in the future of Rochester. By supporting RCCI's request for funding, COMIDA can make a meaningful impact on the community's economic vitality and resilience. TRACS can help ensure that Rochester remains a vibrant and inclusive city where individuals from all backgrounds can thrive and succeed in the construction industry.

Sincerely,

A handwritten signature in black ink, appearing to read "Nicole Schwartz", with a long horizontal flourish extending to the right.

Nicole Schwartz
Executive Director
TradesFutures



Rochester Building and Construction Trades Council

Grant Malone

President

3174 Brighton-Henrietta Townline Rd.
Rochester, NY 14623
585.272.9890 · Fax: 585.272.7785
gmalone@uoe158.org

Joseph Comfort

Vice President

6605 Pittsford Palmyra Rd., Suite E6
Fairport, NY 14450
585.727.6228
jcomfort@dc4.org

Troy Milne

Recording Secretary

244 Paul Road
Rochester, NY 14624
585.254.9151 · Fax: 585.254.8584
tmilne@smw46.com

Daniel Kuntz

Secretary-Treasurer

20 Fourth Street
Rochester, NY 14609
585.454.5800 · Fax: 585.454.5411
dan.kuntz@local435.org

March 13, 2024

Ann Liss, Executive Director
County of Monroe Industrial Development Agency (COMIDA)
City Place
50 West Main Street
Rochester, NY 14614

Dear Ms. Liss,

I am writing to you in my capacity as President of the Rochester Building Trades to express our full support for the request made by Rochester Careers in Construction (RCCI) for funding of \$250,000 annually over the next three years to be allocated to their new pre-apprenticeship program, TRACS (Training Rochester Adults in Construction Skills).

The construction industry in Rochester and across Monroe County is facing significant challenges, particularly regarding workforce diversity and the ageing population of construction workers. These challenges underscore the urgent need for initiatives like TRACS, which aim to address both the current and future needs of our industry.

A more diverse construction workforce is essential for the continued growth and prosperity of our community. By providing targeted training and support to individuals from underrepresented communities, TRACS has the potential to create pathways to meaningful and sustainable careers in construction, thereby fostering greater diversity and inclusivity within our industry.

Furthermore, as the ageing population of construction workers in Rochester and Monroe County continues to grow, it is imperative that we take proactive steps to ensure a steady pipeline of skilled workers to meet future demand. TRACS represents an invaluable opportunity to attract and train the next generation of construction professionals, equipping them with the skills and knowledge needed to fill the shoes of retiring workers and sustain the vitality of our industry.

Boilermakers Lodge 7
Bricklayers Local 3
Cement Finishers Local 111
Electrical Workers Local 86

Elevator Constructors Local 27
Glaziers & Glassworkers Local 677
Insulators & Allied Workers, Local 26
Iron Workers Local 33

Laborers Local 435
Operating Engineers Local 832
Painters Local 150
Plasterers Local 9

Plumbers & Steamfitters Local 13
Road Sprinkler Fitters Local 669
Roofers Local 22
Sheet Metal Workers Local 46
Teamsters Local Union No. 118



Rochester Building and Construction Trades Council

Grant Malone

President

3174 Brighton-Henrietta Townline Rd.
Rochester, NY 14623
585.272.9890 · Fax: 585.272.7785
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Daniel Kuntz

Secretary-Treasurer

20 Fourth Street
Rochester, NY 14609
585.454.5800 · Fax: 585.454.5411
dan.kuntz@local435.org

The Rochester Building Trades fully recognizes the importance of investing in initiatives like TRACS to secure the future of our industry and our community. We believe that COMIDA's support for this program is not only an investment in the individuals who participate in TRACS but also an investment in the continued growth and prosperity of Rochester and Monroe County as a whole.

In conclusion, I urge COMIDA to strongly consider allocating the requested funding to support the TRACS program. By doing so, we can take meaningful steps towards building a more diverse, skilled, and sustainable construction workforce for the benefit of all residents of our community.

Thank you for your attention to this matter. If you require any further information or would like to discuss this request in more detail, please do not hesitate to contact me.

Sincerely,

Grant Malone

President Rochester Building Trades



1199SEIU League Training and Employment Fund
1199SEIU League Training and Upgrading Fund
1199SEIU League Job Security Fund
1199SEIU League Registered Nurse Training and Job Security Fund
1199SEIU League Labor Management Initiatives, Inc.
1199SEIU Greater New York Education Fund
1199SEIU Greater New York Job Security Fund
1199SEIU Greater New York Worker Participation Fund
1199SEIU Home Care Industry Education Fund
Healthcare Industry Grant Corporation

County of Monroe Industrial Development Agency (COMIDA)

February 21, 2024

To Whom it May Concern:

The Training and Upgrading Fund would like to request a no-cost contract extension for our Healthcare Workforce Resiliency project. Specifically, we are requesting a six (6) month contract extension from the current expiration date of **March 31, 2024**.

The Reasons for this request include:

- Tuition expenses are lower than expected due to a new partnership with the Rochester Educational Opportunity Center on certain classes, including Phlebotomy;
- Expenses for tutoring and case management, to date, have been lower than anticipated due to the availability of additional leveraged resources, and other grant funding;
- The process of coordinating a new cohort class requires adequate time and resources. The coordination process includes scheduling with the school, participant recruitment, assessment, student preparation, enrollment, and case management. From start to finish, this process may take up to three months depending on the capacity of the school with whom we are working.

To date, fifty-three (53) Monroe County residents have completed programs and obtained certifications in titles such as Patient Care Technician, Phlebotomist, Pharmacy Technician, and Certified Nurse Assistant. We are still in the process of working with students to place them with an employer and obtain information about continued employment for those who have already been placed. A comprehensive report on these outcomes will be available by the end of March 2024.

Based on all the above, the additional time will allow us to run an additional class for Monroe County residents and spend the remaining funds. We are actively engaged in placement discussions with the University of Rochester and multiple long-term care facilities with the express purpose of placing those graduates into good jobs.

Please do not hesitate to contact us with questions, concerns, or requests for additional information.

Sincerely,

Nina Chambers-Bates

Nina Chambers-Bates



COUNTY OF MONROE
COMIDA
 INDUSTRIAL DEVELOPMENT AGENCY

Dashboard

March 2024

Incentives Summary

Sales Tax Exemptions		Mortgage Recording Tax Exemption		PILOTS		Total Company Investment	
Year To Date	Prior Year End	Year To Date	Prior Year End	Year To Date	Prior Year End	Year To Date	Prior Year End
7	31	3	13	2	13	\$24,160,418	\$1,151,621,436

Jobs Summary

Number of Total Projects		Existing Jobs Retained per Application		New Jobs Projected by Applicant		New Jobs Required*	
Year To Date	Prior Year End	Year To Date	Prior Year End	Year To Date	Prior Year End	Year To Date	Prior Year End
6	28	545	321	159	518	49	120

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

Total		Paid to Date		Outstanding	
2024 Projects YTD	2023 Projects YE	2024 Projects YTD	2023 Projects YE	2024 Projects YTD	2024 Projects YE
\$154,158	\$10,158,340	\$1,400	\$5,639,718	\$152,758	\$4,518,621

Workforce Development Fund
 Beginning Balance \$2,500,000

Allocated Fee income		Committed Funds		Fund Balance	
2024 YTD	2023 YE	2024 YTD	2023 YE	2024 YTD	2023 YE
\$10,463	\$1,774,162	\$970,000	\$2,970,000	\$1,590,479	\$1,304,162

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

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