

Date: October 28, 2019

At a meeting of the Ontario County Industrial Development Agency (the “**Agency**”), held on October 28, 2019, at 5:00 p.m., local time, at 20 Ontario Street, Canandaigua, New York, the following members of the Agency were:

Present: Michael L. Davis, Chair  
Kelly Mittiga, Vice Chair  
Lewis C. Zulick, MD, Treasurer  
Laura Pedersen, Secretary  
Jeffery Gallahan, Member  
Don Culeton, Member  
Andy Molodetz, Member

Absent:  
Excused:

Also Present: Michael Manikowski, Executive Director  
Michael Wojcik, CFO  
Suzanne Vary, Economic Development Specialist  
Jessica Kazmark, Staff  
Brigitte Larson, Staff  
Bob Mincer, Staff  
James Coniglio, Esq., IDA Counsel  
Barry Carrigan, Esq., IDA Transaction Counsel  
Brian Young, Deputy County Administrator

After the meeting had been duly called to order, the Chairman announced that among the purposes of the meeting was to consider and take action on certain matters pertaining to acquisition of a leasehold interest in and title to a certain industrial development facility more particularly described below (High Point 300, LLC 2019 Facility) and the leasing of the facility to High Point 300, LLC.

The following resolution was duly moved, seconded, discussed and adopted with the following members voting:

Voting Aye

Voting Nay

RESOLUTION OF THE ONTARIO COUNTY INDUSTRIAL DEVELOPMENT AGENCY APPROVING THE APPOINTMENT OF HIGH POINT 300, LLC, A NEW YORK LIMITED LIABILITY COMPANY, ON BEHALF OF ITSELF AND/OR THE PRINCIPALS OF HIGH POINT 300, LLC, AND/OR AN ENTITY FORMED OR TO BE FORMED ON BEHALF OF ANY OF THE FOREGOING AS AGENT OF THE AGENCY FOR THE PURPOSE OF ACQUIRING, CONSTRUCTING AND EQUIPPING THE FACILITY, APPROVING THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF SUCH INDUSTRIAL DEVELOPMENT FACILITY MAKING CERTAIN FINDINGS AND DETERMINATIONS WITH RESPECT TO THE FACILITY AND APPROVING THE FORM, SUBSTANCE AND EXECUTION OF RELATED DOCUMENTS

WHEREAS, by Title 1 of Article 18-A of the General Municipal Law of the State of New York, as amended, and Chapter 533 of the Laws of 1971 of the State of New York, as may be amended from time to time (collectively, the “**Act**”), the Ontario County Industrial Development Agency (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, High Point 300, LLC, a New York limited liability company, on behalf of itself and/or the principals of High Point 300, LLC and/or an entity formed or to be formed on behalf of any of the foregoing (collectively, the “**Company**”), has applied to the Agency for assistance in connection with the acquisition of an approximately 20.77 acre parcel of land located at 211 High Point Drive, Victor, New York 14564 (the “**Land**”), and the construction and equipping of an approximately four-story approximately 150,530 square foot office building, together with an underground parking garage located thereon and to be known as Building 300 (the “**Improvements**”), including, but not limited to, the equipping and furnishing of the building (the “**Equipment**” and, together with the Land and the Improvements, the “**Facility**”), all to be leased by the Agency to the Company for further sublease by the Company to, and used by First American Commercial Bancorp Inc., an Illinois corporation (the “**Tenant**”) in its business as a nationwide equipment finance business including sales, marketing, information technology, operations, finance, credit underwriting, asset and portfolio management and executive management (collectively, the “**Project**”); and

WHEREAS, the Agency will acquire a leasehold interest in the Facility pursuant to a certain Company Lease Agreement, dated as of November 1, 2019, or such other date as the Chairman, the Executive Director, the Deputy Executive Director of the Agency and counsel to the Agency shall agree (the “**Company Lease**”), by and between the Company and the Agency; and

WHEREAS, the Agency will sublease and lease the Facility to the Company pursuant to a certain Lease and Project Agreement, dated as of November 1, 2019, or such other date

as the Chairman, the Executive Director, the Deputy Executive Director of the Agency and counsel to the Agency shall agree (the “**Lease Agreement**”), by and between the Agency and the Company; and

WHEREAS, upon completion of the Facility, the Agency consents to the sublease of the Facility by the Company to the Tenant and will enter into a Tenant Agency Compliance Agreement with the Tenant, dated a date not yet determined (collectively, the “**Tenant Agency Compliance Agreement**”), by and between the Agency and the Tenant, whereby the Tenant will provide certain assurances to the Agency with respect to the Facility; and

WHEREAS, the Agency contemplates that it will provide financial assistance to the Company consistent with the policies of the Agency, in the form of (i) exemptions from mortgage recording taxes for one or more mortgages securing the principal amount presently estimated to be \$25,000,000 but not to exceed \$28,000,000 in connection with the financing of the acquisition, construction and equipping of the Facility and any future financing, refinancing or permanent financing of the costs of acquiring, constructing and equipping of the Facility, (ii) exemptions from sales and use taxes in an amount not to exceed \$776,000, in connection with the purchase or lease of equipment, building materials, services or other personal property with respect to the Facility, and (iii) abatement of real property taxes (as set forth in the PILOT Schedule attached as Exhibit C hereof), consistent with the policies of the Agency; and

WHEREAS, as security for a loan or loans, the Agency and the Company will execute and deliver to a lender or lenders not yet determined (collectively, the “**Lender**”), a mortgage or mortgages, and such other loan documents satisfactory to the Agency, upon advice of counsel, in both form and substance, as may be reasonably required by the Lender, to be dated a date to be determined, in connection with the financing, any refinancing or permanent financing of the costs of the acquisition, construction and equipping of the Facility (collectively, the “**Loan Documents**”); and

WHEREAS, the Company has represented to the Agency that the approval of the Project and the transactions contemplated by the Lease Agreement will result in the abandonment of a facility located at 255 Woodcliff Drive, Fairport, New York 14450 and the Agency would otherwise be prohibited from granting benefits pursuant to the provisions of Section 862 of the Act; and

WHEREAS, based upon the representations of the Company in the Application for financial assistance filed by the Company with the Agency (the “**Application**”), the Project is reasonably necessary to preserve the competitive position of the Facility occupant(s) in its respective industry and therefore not subject to the prohibitions contained in Section 862 of the Act; and

WHEREAS, in accordance with Section 859-a(5)(d) of the Act, the Agency has notified the chief executive officer of the Town of Perinton of the abandonment of the Company’s facility in Fairport, New York and its relocation to the Town of Victor, Ontario County; 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, the Agency held a public hearing (the “**Hearing**”) on October 22, 2019, so that all persons with views in favor of or opposed to either the financial assistance contemplated by the Agency or the location or nature of the Facility, could be heard; and

WHEREAS, notice of the Hearing was given on October 11, 2019, and such notice (together with proof of publication), was substantially in the form annexed hereto as Exhibit A; and

WHEREAS, the report of the Hearing is annexed hereto as Exhibit B; and

WHEREAS, the Agency has given due consideration to the application of the Company and to representations by the Company that the proposed Facility is either necessary to the Company to maintain and expand the Facility in Ontario County or is necessary to maintain the competitive position of the Company in its industry; and

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law and the regulations adopted pursuant thereto by the Department of Environmental Conservation of the State of New York (collectively, the “**SEQR Act**” or “**SEQR**”), the Agency constitutes a “State Agency”; and

WHEREAS, the Facility is part of a larger Action under review under SEQR; and

WHEREAS, the Town of Board of the Town of Victor, New York (the “**Town Board**”), as an Involved Agency under SEQR, declared its intent to act as Lead Agency for purposes of review of the Facility under SEQR, and coordinated review with Involved and Interested Agencies; and

WHEREAS, the Agency constitutes an “Involved Agency” (as defined in SEQR); and

WHEREAS, no Involved Agency objected to the Town Board acting as Lead Agency for purposes of review of the Facility under SEQR, and therefore, the Town Board is the Lead Agency; and

WHEREAS, at its meeting of June 14, 2004, the Town Board adopted a resolution (a) accepting the Draft Environmental Impact Statement (“**DEIS**”), as adequate with respect to scope and content for the purpose of commencing public review; and (b) scheduling a public hearing to receive comments on the DEIS; and

WHEREAS, the Town Board held a public hearing on August 4, 2004 and accepted comments on the DEIS; and

WHEREAS, on May 9, 2005 the Town Board adopted a resolution accepting a Final Environmental Impact Statement (“**FEIS**”), for the Action; and

WHEREAS, on July 25, 2005, the Town Board adopted a Findings Statement with respect to the Action; and

WHEREAS, the Company has agreed to indemnify the Agency against certain losses, claims, expenses, damages and liabilities that may arise in connection with the transaction contemplated by the transfer of title to or a leasehold interest in the Facility to the Agency and the lease or sublease of the Facility to the Company; and

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

Section 1. The Issuer hereby finds and determines:

(a) The Action is a Type 1 Action pursuant to SEQR.

(b) The Agency's jurisdiction over the Facility is the provision of financial and other assistance as authorized under Article 18-A of the General Municipal Law of the State of New York and Chapter 1030 of the Laws of 1969 of the State of New York; together with Chapter 533 of the Laws of 1971 of the State of New York for certain components of the Action.

(c) Based upon an independent review by the Agency of the DEIS, FEIS, and the Lead Agency's Findings Statement, as well as such other documents as the Agency felt necessary and appropriate to review in arriving at this decision, the Agency hereby concurs in the Lead Agency's findings and decisions contained in the Findings Statement and hereby adopts the Findings Statement attached hereto as Exhibit D as its own Findings Statement under SEQR.

(d) Having considered the DEIS, FEIS, the Findings Statement and such other documents as may be necessary or appropriate, the Agency certifies that:

(i) The requirements of 6 NYCRR Part 617 have been met;

(ii) Consistent with the social, economic and other essential considerations, from among the reasonable alternatives thereto, the Action is one which minimizes or avoids adverse environmental effects to the maximum extent practicable, including effects disclosed in the DEIS, FEIS, and the Findings Statement; and

(iii) Consistent with social, economic, and other essential considerations, to the maximum extent practicable, adverse environmental effects revealed in the DEIS, FEIS, and the Findings Statement will be minimized or avoided by incorporating as conditions those mitigation measures which were identified as practicable.

(e) The basis for this decision is set forth in the Findings Statement attached as Exhibit D hereto and incorporated by reference herein, and therefore all of the provisions of SEQR have been complied with.

Section 2. The Agency hereby finds and determines:

(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) The Facility preserves the public purposes of the Act by preserving or increasing the number of permanent private sector jobs in Ontario County. The Company has represented to the Agency that it will create and maintain approximately two hundred eighty-four (284) full-time employees within two (2) years of project completion; and

(d) The acquisition, construction and equipping of the Facility and the leasing of the Facility to the Company, will promote and maintain the job opportunities, health, general prosperity and economic welfare of the citizens of Ontario County, and the State of New York and improve their standard of living and thereby serve the public purposes of the Act; and

(e) The acquisition, construction and equipping of the Facility is reasonably necessary to induce the Company to maintain and expand its business operations in the State of New York; and

(f) Based upon the representations of the Company, the transactions contemplated by the Lease Agreement shall result in the removal of a plant from one area of the State to another area of the State, but the Project and the related financial assistance is reasonably necessary to preserve the competitive position of the Facility occupant(s) in its respective industry.

(g) Based upon representations of the Company and counsel to the Company, the Facility conforms with the local zoning laws and planning regulations of Ontario County and all regional and local land use plans for the area in which the Facility is located; and

(h) The Facility and the operations conducted therein do not have a significant effect on the environment, as determined in accordance with Article 8 of the Environmental Conservation Law of the State of New York and the regulations promulgated thereunder; and

(i) It is desirable and in the public interest for the Agency to lease the Facility to the Company; and

(j) The Company Lease will be an effective instrument whereby the Agency leases the Land and the Improvements from the Company; and

(k) The Lease Agreement will be an effective instrument whereby the Agency leases the Facility to the Company, the Agency and the Company set forth the terms and conditions of their agreement regarding payments-in-lieu of taxes, the Company agrees to comply with all Environmental Laws (as defined therein) applicable to the Facility and will

describe the circumstances in which the Agency may recapture some or all of the benefits granted to the Company; and

(l) The Tenant Agency Compliance Agreement will be an effective instrument whereby the Tenant will provide certain assurances to the Agency with respect to the Facility; and

(m) The Loan Documents to which the Agency is a party will be effective instruments whereby the Agency and the Company agree to secure the Loan made to the Company by the Lender.

Section 3. The Agency has assessed all material information included in connection with the Company's application for financial assistance, including but not limited to, the cost-benefit analysis prepared by the Agency and such information has provided the Agency a reasonable basis for its decision to provide the financial assistance described herein to the Company.

Section 4. In consequence of the foregoing, the Agency hereby determines to: (i) lease the Land and the Improvements from the Company pursuant to the Company Lease, (ii) execute, deliver and perform the Company Lease, (iii) lease and sublease the Facility to the Company pursuant to the Lease Agreement, (iv) execute, deliver and perform the Lease Agreement, (v) execute and deliver the Tenant Agency Compliance Agreement, (vi) grant a mortgage on and security interests in and to the Facility pursuant to the Loan Documents, and (vii) execute, deliver and perform the Loan Documents to which the Agency is a party.

Section 5. The Agency is hereby authorized to acquire the real property and personal property described in Exhibit A and Exhibit B, respectively, to the Lease Agreement, and to do all things necessary or appropriate for the accomplishment thereof, and all acts heretofore taken by the Agency with respect to such acquisition are hereby approved, ratified and confirmed.

Section 6. The Agency is hereby authorized to acquire the Facility and to do all things necessary or appropriate for the accomplishment thereof, and all acts heretofore taken by the Agency with respect to such acquisition are hereby approved, ratified and confirmed. The Agency is hereby further authorized to execute and deliver the Loan Documents in connection with the financing of the costs of acquiring, constructing and equipping the Facility and any future Loan Documents in connection with any future refinancing or permanent financing of such costs of acquiring, constructing and equipping of the Facility without the need for any further or future approvals of the Agency.

Section 7. The Agency hereby authorizes and approves the following economic benefits to be granted to the Company in connection with the acquisition, construction and equipping of the Facility in the form of (i) exemptions from mortgage recording taxes for one or more mortgages securing an amount presently estimated to be \$25,000,000 but not to exceed \$28,000,000, in connection with the financing of the acquisition, construction and equipping of the Facility and any future financing, refinancing or permanent financing of the costs of acquiring, constructing and equipping the Facility, (ii) exemptions from sales and

use taxes in an amount not to exceed \$776,000, in connection with the purchase or lease of equipment, building materials, services or other personal property, and (iii) abatement of real property taxes (as set forth in the PILOT Schedule attached as Exhibit C hereof), consistent with the policies of the Agency.

Section 8. Subject to the provisions of this resolution, the Company is herewith and hereby appointed the agent of the Agency to acquire, construct and equip the Facility. The Company is hereby empowered to delegate its status as agent of the Agency to its agents, subagents, contractors, subcontractors, materialmen, suppliers, vendors and such other parties as the Company may choose in order to acquire, construct and equip the Facility. The Agency hereby appoints the agents, subagents, contractors, subcontractors, materialmen, vendors and suppliers of the Company as agents of the Agency solely for purposes of making sales or leases of goods, services and supplies to the Facility, and any such transaction between any agent, subagent, contractor, subcontractor, materialmen, vendor or supplier, and the Company, as agent of the Agency, shall be deemed to be on behalf of the Agency and for the benefit of the Facility. This agency appointment expressly excludes the purchase by the Company of any motor vehicles, including any cars, trucks, vans or buses which are licensed by the Department of Motor Vehicles for use on public highways or streets. The Company shall indemnify the Agency with respect to any transaction of any kind between and among the agents, subagents, contractors, subcontractors, materialmen, vendors and/or suppliers and the Company, as agent of the Agency. The aforesaid appointment of the Company as agent of the Agency to acquire, construct and equip the Facility shall expire at the earlier of (a) the completion of such activities and improvements, (b) a date which the Agency designates, or (c) the date on which the Company has received exemptions from sales and use taxes in an amount not to exceed \$776,000 in connection with the purchase or lease of equipment, building materials, services or other personal property; provided however, such appointment may be extended at the discretion of the Agency, upon the written request of the Company if such activities and improvements are not completed by such time. The aforesaid appointment of the Company is subject to the completion of the transaction and the execution of the documents contemplated by this resolution.

Section 9. The Company hereby agrees to comply with Section 875 of the Act. The Company further agrees that the exemption of sales and use tax provided pursuant to the Act and the appointment of the Company as agent of the Agency pursuant to this Authorizing Resolution is subject to termination and recapture of benefits pursuant to Section 875 of the Act and the Lease Agreement.

Section 10. The form and substance of the Company Lease, the Lease Agreement, the Tenant Agency Compliance Agreement and the Loan Documents to which the Agency is a party (each in substantially the forms presented to or approved by the Agency and which, prior to the execution and delivery thereof, may be redated and renamed) are hereby approved.

Section 11.

(a) The Chairman, the Executive Director, the Deputy Executive Director of the Agency or any member of the Agency are hereby authorized, on behalf of the Agency, to

execute and deliver the Company Lease, the Lease Agreement, the Tenant Agency Compliance Agreement and the Loan Documents to which the Agency is a party, all in substantially the forms thereof presented to this meeting with such changes, variations, omissions and insertions as the Chairman, the Executive Director, the Deputy Executive Director of the Agency or any member of the Agency shall approve, and such other related documents as may be, in the judgment of the Chairman and counsel to the Agency, necessary or appropriate to effect the transactions contemplated by this resolution (hereinafter collectively called the “**Agency Documents**”). The execution thereof by the Chairman, the Executive Director, the Deputy Executive Director of the Agency or any member of the Agency shall constitute conclusive evidence of such approval.

(b) The Chairman, the Executive Director, the Deputy Executive Director of the Agency or any member of the Agency are further hereby authorized, on behalf of the Agency, to designate any additional Authorized Representatives of the Agency (as defined in and pursuant to the Lease Agreement).

Section 12. The officers, employees and agents 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 or provided for by the provisions of the Agency Documents, and to execute and deliver all such additional certificates, instruments and documents, 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 the officer, employee or agent acting, desirable and proper to effect the purposes of the foregoing resolution and to cause compliance by the Agency with all of the terms, covenants and provisions of the Agency Documents binding upon the Agency.

Section 13. Any expenses incurred by the Agency with respect to the Facility shall be paid by the Company. By acceptance hereof, the Company agrees to pay such expenses and further agree to indemnify the Agency, its members, directors, employees and agents and hold the Agency and such persons harmless against claims for losses, damage or injury or any expenses or damages incurred as a result of action taken by or on behalf of the Agency in good faith with respect to the Facility.

Section 14. This resolution shall take effect immediately.



EXHIBIT A

---

**NOTICE OF PUBLIC HEARING**

---

NOTICE IS HEREBY GIVEN that a public hearing pursuant to Title 1 of Article 18-A of the New York State General Municipal Law will be held by the Ontario County Industrial Development Agency on the 22nd day of October, 2019, at 9:00 a m., local time, at Town of Victor Town Hall, Main Meeting Room, 85 East Main Street, Victor, New York 14564, in connection with the following matters:

High Point 300, LLC, a New York limited liability company, on behalf of itself and/or the principals of High Point 300, LLC and/or an entity formed or to be formed on behalf of any of the foregoing (collectively, the “**Company**”), has applied to the Ontario County Industrial Development Agency (the “**Agency**”), for assistance in connection with the acquisition of an approximately 20.77 acre parcel of land located at 211 High Point Drive, Victor, New York 14564 (the “**Land**”), and the construction and equipping of an approximately four-story approximately 150,530 square foot office building, together with an underground parking garage located thereon and to be known as Building 300 (the “**Improvements**”), including, but not limited to, the equipping and furnishing of the building (the “**Equipment**” and, together with the Land and the Improvements, the “**Facility**”), all to be leased by the Agency to the Company for further sublease by the Company to, and used by First American Commercial Bancorp Inc., an Illinois corporation (the “**Tenant**”) in its business as a nationwide equipment finance business including sales, marketing, information technology, operations, finance, credit underwriting, asset and portfolio management and executive management. The Facility will be initially owned, operated and/or managed by the Company.

The Agency will acquire a leasehold interest in the Facility and will lease or sublease the Facility to the Company. The Agency contemplates that it will provide financial assistance to the Company in the form of exemptions from mortgage recording taxes in connection with the financing or any subsequent refinancing of the Facility, exemptions from sales and use taxes and abatement of real property taxes, consistent with the policies of the Agency.

A representative of the Agency will, at the above-stated time and place, hear and accept written comments from all persons with views in favor of or opposed to either the proposed financial assistance to the Company or the location or nature of the Facility. At the hearing, all persons will have the opportunity to review the application for financial assistance filed by the Company with the Agency and an analysis of the costs and benefits of the proposed Facility.

Dated: October 11, 2019

ONTARIO COUNTY INDUSTRIAL  
DEVELOPMENT AGENCY

By: Michael J. Manikowski  
Title: Executive Director

## EXHIBIT B

### REPORT OF PUBLIC HEARING

REPORT OF THE PUBLIC HEARING OF THE ONTARIO COUNTY INDUSTRIAL DEVELOPMENT AGENCY HELD ON TUESDAY, OCTOBER 22, 2019 AT 9:00 A.M. AT THE TOWN OF VICTOR TOWN HALL, MAIN MEETING ROOM, 85 EAST MAIN STREET, VICTOR, NEW YORK 14564 REGARDING THE HIGH POINT 300, LLC 2019 FACILITY

---

#### I. **ATTENDANCE:**

Evelyn Esch, Victor resident  
Muriel Nado, Victor resident  
Robin Johnson, Ontario County Real Property Tax  
Stephanie Holtz, Town of Victor Assessor  
Sue Vary, OCIDA  
Mike Manikowski, OCIDA  
Alan Sikora, First American Equipment Finance  
Susan Stehling, Victor resident  
Joe Gauge, First American Equipment Finance  
Dave Anderson, Victor resident  
Fred Rainaldi, Jr., High Point 300  
Kim Kinsella, Town of Victor Planning  
Randy Shea, Victor resident  
Jack Marren, Town of Victor Supervisor  
Kathy Rayburn, Town of Victor Economic Development

Mike Manikowski convened the public hearing at 9:00 a.m.

A Notice of Public Hearing describing the project was published in the *Canandaigua Daily Messenger* on October 11, 2019, a copy of which is attached hereto and is an official part of this transcript.

#### II. **PROJECT SUMMARY**

High Point 300, LLC, a New York limited liability company, on behalf of itself and/or the principals of High Point 300, LLC and/or an entity formed or to be formed on behalf of any of the foregoing (collectively, the “**Company**”), has applied to the Ontario County Industrial Development Agency (the “**Agency**”), for assistance in connection with the acquisition of an approximately 20.77 acre parcel of land located at 211 High Point Drive, Victor, New York 14564 (the “**Land**”), and the construction and equipping of an approximately four-story approximately 150,530 square foot office building, together with an underground parking garage located thereon and to be known as Building 300 (the “**Improvements**”), including, but not limited to, the equipping and furnishing of the building

(the “**Equipment**” and, together with the Land and the Improvements, the “**Facility**”), all to be leased by the Agency to the Company for further sublease by the Company to, and used by First American Commercial Bancorp Inc., an Illinois corporation (the “**Tenant**”) in its business as a nationwide equipment finance business including sales, marketing, information technology, operations, finance, credit underwriting, asset and portfolio management and executive management (collectively, the “**Project**”). The Facility will be initially owned, operated and/or managed by the Company.

The Agency will acquire a leasehold interest in the Facility and will lease or sublease the Facility to the Company. The Agency contemplates that it will provide financial assistance to the Company in the form of exemptions from mortgage recording taxes in connection with the financing or any subsequent refinancing of the Facility, exemptions from sales and use taxes and abatement of real property taxes, consistent with the policies of the Agency.

### III. COMMENTS

The hearing was opened for comments from the floor for or against the proposed transaction, the other financial assistance proposed by the Agency and the location and nature of the Facility.

The following is a listing of the persons heard and a summary of their views:

Evelyn Esch expressed concern over traffic in the Town. Between vacant buildings being filled and new construction, she believes there will be too much traffic. She suggested the project be built in Canandaigua as it is more in the center of the County and would draw more Ontario County residents for the jobs.

Robin Johnson asked if it was a standard PILOT. Mike Manikowski confirmed that it is. She also asked when construction would take place. Fred Rainaldi told her second quarter of 2020.

Susan Stehling asked if it was going to be a call center. Alan Sikora described the type of work First American Equipment Finance will do there. Susan then stated her concern is traffic. Mike pointed out that this is the last development site at High Point Office Park and Fred stated this use was approved in 2005 and updated as Town plans updated.

Evelyn Esch asked why the development had to be at that location. Mike pointed out that the infrastructure was there. Evelyn stated it’s too hard to go east/west in that area and the development should be in a rural area.

Randy Shea introduced himself as a member of Victor Neighbors United. He believes studies show intersections in the project area are failing. He wants companies building in the project area to pay additional taxes, not receive tax breaks. He believes tax payers in Victor will be hurt in a few years. Evelyn Esch agreed with Randy and said the location is “lousy.”

Dave Anderson asked for a description of the project. Mike pointed out the cost-benefit analysis to him. He asked why they were receiving a tax break. He believes the Town is growing at an alarming rate, and the growth needs to stop. Mike responded that tax breaks are to retain and grow jobs and the tax base for Ontario County and the region. Randy stated the time of the public hearing was not conducive to public participation and should be scheduled for evenings. He went on to ask for a show of hands of who wants the applicant to pay more in taxes, not receive a tax break.

#### **IV. ADJOURNMENT**

After hearing comments and consideration thereof, Mike Manikowski closed the public hearing at 9:15 a.m.

Name	Representing	Address	Phone or email
Evelyn Esch	resident	138 E Main St Victor	924-5479
MURIEL NADO	RESIDENT	261 E MAIN VICTOR	924-2349
Robin Johnson	OCRPTS	20 Ontario St edga	396-4387
Stephanie Holtz	Assessor	85 E. Main St. Victor	742-5010
Sue Vary	OCIDA	20 Ontario St Canandaigua	396-4846
ALAN SIKORA	FIRST AMERICAN	255 WOODCLIFF DR. FAIRPORT NY	585 643 3293
SUSAN STEHLING		930 RACCOON RUN, VICTOR	924- <del>3410</del> <sup>3409</sup>
JOE GAUGE	FIRST AMERICAN	255 Woodcliff Dr. FAIRPORT NY	585-643-3393
Dave Anderson	RESIDENT	359 Mandarlock Lane	585-259-3608
Fred Rainaldi	Rainaldi Brothers	205 St. Paul St	585-232-4408
Kim Kinsella	Town of Victor	85 East Main St. Victor	585-742-5040
RANDY STEA	RESIDENT	50 W. MAIN ST. VICTOR, NY 14564	(585) 259-4356
Jad Marren	Town of Victor	85 E. Main St	585-739-4744
Kathy Rayburn	"	"	585-259-5059

## EXHIBIT C

### Proposed PILOT Schedule

Formula for In-Lieu-of-Taxes Payment: Ontario County (including any existing incorporated village and any village which may be incorporated after the date hereof, within which the Facility is wholly or partially located), Town of Victor, Victor Central School District and Appropriate Special Districts

Property Address: 211 High Point Drive, Victor, New York 14564  
Tax Map Nos.: 1.07-1-3.110 and 1.07.-1-1.110  
School District: Victor Central

#### Definitions

X = assessment based on a transfer of leasehold interest in the Land (as defined in the Lease Agreement) and those improvements existing as of October 28, 2019

Y = increase in assessment above X resulting from the acquisition, construction and equipping of the Facility.

Normal Tax Due = Those payments for taxes and assessments, other than special ad valorem levies, special assessments and service charges against real property located in the Town of Victor which are or may be imposed for special improvements or special district improvements, that the Company would pay without exemption.

#### Payment

Tax Year (following first taxable status date after the election by the Company, more specifically set forth in paragraph 1(c) of this PILOT Agreement)

#### Formula

1 100% normal tax due on X and 0% normal tax due on Y  
2 100% normal tax due on X and 0% normal tax due on Y  
3 100% normal tax due on X and 0% normal tax due on Y  
4 100% normal tax due on X and 0% normal tax due on Y  
5 100% normal tax due on X and 0% normal tax due on Y  
6 100% normal tax due on X and 20% normal tax due on Y  
7 100% normal tax due on X and 40% normal tax due on Y  
8 100% normal tax due on X and 60% normal tax due on Y  
9 100% normal tax due on X and 80% normal tax due on Y  
10 and 100% normal tax due on X and 100% normal tax due on Y thereafter

EXHIBIT D

Findings Statement