


# *Tompkins County Industrial Development Agency*

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Administration provided by 

## **TOMPKINS COUNTY INDUSTRIAL DEVELOPMENT AGENCY BOARD OF DIRECTORS MEETING**

**• Thursday, May 12, 2016 •  
4:00 – 5:30 PM**

**Legislative Chambers  
Governor Daniel D. Tompkins Building  
121 E. Court Street, Ithaca NY**

### **AGENDA**

- 1. CALL TO ORDER**
- 2. PRIVILEGE OF THE FLOOR**
- 3. BUSINESS**
  - 2015 Jobs Report
  - Compliance with new NYS IDA Legislation – Discussion
    - Application
    - Recapture Policy
    - Uniform Evaluation and Selection Criteria
  - Quarterly Budget Update
- 4. STAFF REPORT**
- 5. APPROVAL OF MEETING MINUTES – April 14, 2016**
- 6. ADJOURNMENT**

**Next Meeting: June 9, 2016**

# Tompkins County Industrial Development Agency

ADMINISTRATION PROVIDED BY 

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## Memorandum

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To: TCIDA Board

From: Heather McDaniel, TCAD

Date: May 12, 2016

Re: Follow up to 2015 Jobs Report / Companies that failed to meet job projections

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As a follow up to the 2015 Jobs Report, TCAD contacted each of the current project representatives where job creation goals were not met. The following are reasons for not meeting goals. There are a number of projects where 2015 was the last year of the PILOT, so at this time, they are no longer under PILOT and thus not subject to recapture. There are two companies that are just in the first year of occupying their new buildings, so job creation has not been completed yet. The remainder of the projects have reasonable justifications for not meeting job creation goals and continue to provide benefit to the community. I am not recommending recapture of incentives from any of the projects at this time.

1. **AutoDesk** - projected  $20+15 = 35$  / actual 23 (-12)

The company is doing very well and has renewed its lease twice and has made significant investments in equipment. The company has fewer employees than expected on site because some are remotely located and they have been able to meet or exceed revenue goals with fewer people. **No change since last year and no change expected.**

2. **10 Brown Road** – projected  $109+90 = 199$  / actual 91 (-108)

This 40,000 sq. ft. building at the CU B&T Park was built and is still owned by a local developer. It was built for two anchor tenants, each occupying half of the space: AutoDesk and Pathlight. AutoDesk has since moved to another building and Pathlight was acquired and subsequently closed the Ithaca unit. Tetrattech renovated and operated the building until downsizing. Current tenants are Tetrattech on the second floor and Rheonix and Advion on the first floor. **Total job numbers are up by 3 since last year. No significant changes expected.**

This building is a very positive example of TCAD's facility development strategy. Unlike many communities, we keep local government out of the speculative real estate business. The risk is borne by the private sector although we help reduce occupancy cost to tenants using a variety of incentives. The facility has provided much needed space for Rheonix and will likely be filled up by other growing tech companies.

3. **35 Thornwood** projected  $31 + 50 = 81$  / actual 64 (-17)

Current tenants include International Food Network and Cornell University (Finance). This property was acquired by a private developer (from Cornell) in 2015. The building has 5,000 square feet of vacant space and the developer is actively negotiating with several companies to fill that space. We will likely see increases in jobs at the facility in 2016.

# Tompkins County

## Industrial Development Agency

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4. **Seneca Place on the Commons** projected  $230 + 305 = 535$  / actual 379 (-156)

The developer made an error projecting the job growth on the original application over ten years ago. Employment fluctuates from year to year but only in a small percentage of the facility in the ground floor retail space. **Employment by the hotel and Cornell is very stable and not expected to change.** This project is considered a big success from the early days of the downtown Density Program.

5. **F&T Distributing Company** - projected  $15 + 12 = 27$  / actual 17 (-10)

The majority of growth in the company was projected on existing, long term contracts with Cornell Dining Services. These contracts were abruptly cancelled, representing a **loss of a major customer**. The **economic downturn** had negative impacts on the company as well, further decreasing revenues. F&T has diversified its customer base and is financially stable, but has not had enough increase in business to justify hiring additional employees. **Job numbers are the same as last year. This number is not expected to change.** The PILOT ends in 2017.

6. **Taughannock Aviation** – projected  $48+11 = 59$  / actual 46 (-13)

Taughannock lost business in 2008 and beyond as corporations permanently changed their corporate travel policies, moving away from private aircraft and the recession saw less corporate travel overall. Job numbers are up 5 over 2014. **2015 was the last year of the PILOT.**

7. **19 Brown Rd (Quintiles)** – projected  $125 + 40 = 165$  / actual 123 (-42)

This project originally received incentives directly tied to Advion. Over 165 jobs were created, however Advion split off into two entities and one of those was later sold to Quintiles. Advion moved into other space in the Cornell Business and Technology Park. Quintiles continues to occupy the building and reports that **the building is full**. They are seeking additional space in the Park to support planned growth. Both Advion and Quintiles are local company success stories. It is unlikely that any additional employees will be added in this building and it is considered to be fully occupied.

8. **Cayuga Green** – projected 79 / actual 69 (-10)

The developer had a difficult time leasing up the ground floor of the parking garage. Coltivare opened in the end of 2014 and brought numbers up significantly, but not enough to meet originally projected goals. Job numbers are up by 15 over the past year. **This number is not expected to change significantly.** The PILOT ends in 2019.

9. **C&D Assembly** projected  $20 + 10 = 34$  / actual 24 (-10)

The company continues to struggle after the economic downturn in 2008. Employment trend has been stable over the past three years. A significant amount of business comes from BorgWarner. This company will likely stay the same over the long term. **2015 was the last year of the PILOT.**

10. **Plastisol** - projected 27 / actual 0

This was a new unit of a Danish company that would serve the US market. The demand in the United States for the precast fire truck bodies they manufacture was significantly overestimated partly due to the recession. The company likely vacated the premises at year end 2015. Repeated attempts to contact the company have gone unanswered. **The PILOT ended as of the 3/1/16 tax status date.**

# Tompkins County

## Industrial Development Agency

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11. **Cortland Produce** - projected  $26 + 12 = 38$  / actual 28 (-10)

The company had higher than anticipated operating costs in the new building in 2010 and 2011 including a need to replace one of the coolers at a significant cost. This impacted their ability to grow business (lack of capitol). In 2012, **sales decreased industrywide** and they were forced to lay off employees. In 2013 and 2014 they did see some increase in sales and hired staff back to past levels but have not increased sales to justify

adding staff. **Employment levels grew by 1 in 2015 and are not expected to grow significantly in the future. PILOT ends in 2016.**

12. **Diary One** - projected  $255 + 15 = 270$  / actual 259 (-11)

Expansion project was completed in 2015. Employment goals were projected over three years, and the company is in the first year of occupying the new building. **No recommendation at this time.**

13. **Incodema 3D** - projected  $9 + 26 = 35$  / actual 9 (-26)

The company was formed and began occupancy of the building in 2015. As of April 2016, the company had actually hired 6 employees. The company is in the first year of occupying the new building. **No recommendation at this time.**


## IDA Project Report

12/31/15

| Project Name                              | Closing Date | Existing (Retained) Jobs | Projected New Jobs | 2015 FTE Jobs | Projected VS Actual | County Resident | Payroll               | Average Wage (hrly) | Property Tax* Abated | Property Tax* Paid   |
|---|--------------|--------------------------|--------------------|---------------|---------------------|-----------------|-----------------------|---------------------|----------------------|----------------------|
| Kionix (36 Thornwood)                     | 2001         | 35                       | 53                 | 95            | 113%                | 69%             |                       |                     | \$ 631,536           | \$ 619,699           |
| AutoDesk/Moldflow                         | 2001         | 20                       | 15                 | 23            | 20%                 | 65%             | \$ 2,195,115          | \$ 47.72            | \$ 279,940           | \$ 343,346           |
| 10 Brown Road (Tetra Tech/Advion/Rheonix) | 2001         | 109                      | 90                 | 91            | -20%                | 60%             | \$ 8,600,729          | \$ 48.32            | \$ 636,294           | \$ 652,968           |
| 35 Thornwood Drive                        | 2004         | 31                       | 50                 | 64            | 66%                 | 83%             | \$ 7,134,054          | \$ 55.73            | \$ 517,275           | \$ 561,125           |
| Seneca Place on the Commons               | 2004         | 230                      | 305                | 379           | 49%                 | 78%             | \$ 29,370,318         | \$ 50.64            | \$ 7,107,695         | \$ 4,821,485         |
| IMR Test Labs - 4                         | 2004         | 56                       | 23                 | 84            | 122%                | 75%             | \$ 4,467,000          | \$ 26.59            | \$ 40,901            | \$ 115,270           |
| Inlet Island Health                       | 2005         | 16                       | 21                 | 117           | 479%                | 94%             | \$ 2,622,981          | \$ 18.74            | \$ 1,762,582         | \$ 1,409,958         |
| South Hill Business Campus                | 2005         | 130                      | 120                | 296           | 138%                |                 |                       |                     | \$ 261,963           | \$ 510,616           |
| F&T Distributing                          | 2006         | 15                       | 12                 | 17            | 17%                 | 100%            | \$ 721,784            | \$ 21.23            | \$ 90,660            | \$ 171,646           |
| MPL                                       | 2006         | 20                       | 10                 | 31            | 110%                | 37%             | \$ 1,533,616          | \$ 24.74            | \$ 83,170            | \$ 232,950           |
| Taughanock Aviation                       | 2007         | 48                       | 11                 | 46            | -18%                | 65%             | \$ 2,852,380          | \$ 31.00            | \$ 104,505           | \$ 105,301           |
| 19 Brown Road (Quintiles)                 | 2007         | 125                      | 40                 | 123           | -5%                 | 52%             | \$ 8,347,166          | \$ 33.93            | \$ 768,082           | \$ 189,760           |
| Cayuga Green                              | 2008         | 0                        | 79                 | 69            | 87%                 |                 |                       |                     | \$ 1,596,140         | \$ 1,106,545         |
| Global PCT                                | 2008         | 5                        | 14                 | 38            | 236%                | 65%             | \$ 866,503            | \$ 11.40            | \$ 496,425           | \$ 360,667           |
| C&D Assembly                              | 2008         | 20                       | 10                 | 24            | 42%                 | 46%             | \$ 1,294,209          | \$ 26.96            | \$ 58,531            | \$ 42,724            |
| Plastisol                                 | 2008         | 0                        | 27                 | 0             | 0%                  | 0%              |                       |                     | \$ 229,995           | \$ 187,824           |
| Cortland Produce                          | 2010         | 26                       | 12                 | 28            | 17%                 | 36%             | \$ 1,036,872          | \$ 18.52            | \$ 105,925           | \$ 104,532           |
| Lansing Market                            | 2011         | 0                        | 17                 | 36            | 212%                | 60%             |                       |                     | \$ 89,233            | \$ 25,927            |
| Nut Brown (Ithaca Beer)                   | 2011         | 14                       | 8                  | 48            | 422%                | 71%             | \$ 2,734,804          | \$ 28.49            | \$ 57,788            | \$ 29,942            |
| Italthai (Mia Restaurant)                 | 2011         | 0                        | 22                 | 25            | 114%                | 100%            | \$ 398,000            | \$ 7.96             | \$ 95,716            | \$ 27,355            |
| Beechtree Nursing Rehabilitation Center   | 2013         | 118                      | 0                  | 163           | n/a                 | 60%             | \$ 4,203,980          | \$ 12.90            | \$ 108,750           | \$ 7,768             |
| 20 Thornwood & 9 Brown Road (Macom)       | 2014         | 91                       | 53                 | 150           | 111%                | 56%             |                       |                     | PILOT Starts in 2016 |                      |
| Dairy One                                 | 2014         | 255                      | 15                 | 259           | 27%                 | 25%             | \$ 12,167,328         | \$ 23.49            | PILOT Starts in 2016 |                      |
| CBORD - sales tax only                    | 2015         | 224                      | 6                  | 244           | 325%                |                 | \$ 12,062,042         | \$ 24.72            | no PILOT             |                      |
| Incodema3D                                | 2015         | 9                        | 26                 | 9             | 0%                  | 75%             | \$ 651,000            | \$ 36.17            | PILOT Starts in 2016 |                      |
| <b>25 Active Projects</b>                 |              | <b>1597</b>              | <b>1039</b>        | <b>2458</b>   | <b>83%</b>          |                 | <b>\$ 103,259,881</b> | <b>\$ 28.49</b>     | <b>\$ 15,123,106</b> | <b>\$ 11,627,408</b> |

\* Tax paid through 2015 town/county tax and 2014-2015 school tax

# Tompkins County Industrial Development Agency

Administration provided by 

## Memorandum

To: Tompkins County Development Corporation  
From: Heather McDaniel, Administrative Director  
Date: 5/12/16  
Re: Proposed Application Modifications – Draft for discussion

Following are the sections of the new IDA legislation (relevant section cited in parenthesis) that need to be complied with along with suggested additions, which are based on best practice documents provided by the IDA section of the New York State Economic Development Council. At the end of the document there are also other suggested changes that are either best practices or are suggested to clarify or clean up the language in the current application.

**1. (Page 1, line 17-19) – Type of Project for which incentives are being requested (with Project description and location)...type of financial assistance being requested.**

**Proposed:**

**Select Project type for all end users at project site (select all that apply):**

- |   |  |
|---|--|
| <input type="checkbox"/> Industrial                       | <input type="checkbox"/> Service*, **                    |
| <input type="checkbox"/> Acquisition of existing facility | <input type="checkbox"/> Back office                     |
| <input type="checkbox"/> Housing                          | <input type="checkbox"/> Mixed use                       |
| <input type="checkbox"/> Multi-tenant                     | <input type="checkbox"/> Facility for aging              |
| <input type="checkbox"/> Commercial                       | <input type="checkbox"/> Civic facility (not for profit) |
| <input type="checkbox"/> Retail*, **                      | <input type="checkbox"/> Other                           |

\* For Purposes of this question, the term “retail sales” means (1) sales by a registered vendor under Article 28 of the Tax Law of New York (the “Tax Law”) primarily engaged in the retail sale of tangible personal property (as defined in Section 1101(b)(4)(i) of the Tax Law, or (2) sales of a services to customers who personally visit the project location.

\*\* If Applicant checked “retail” or “services,” complete the Retail Questionnaire contained in Section **XX** of the Application.

**Select the type of incentives being requested (select all that apply):**

- |  |  |
|--|--|
| <input type="checkbox"/> Tax-Exempt Bonds  | <input type="checkbox"/> Taxable Bonds |
| <input type="checkbox"/> Real Property Tax Exemption   |  |
| <input type="checkbox"/> Standard Industrial Exemption (7-year)                                    |  |
| <input type="checkbox"/> Other (attach justification) _____  |  |
| <input type="checkbox"/> CIITAP: <input type="checkbox"/> 7-year <input type="checkbox"/> 10-year* |  |

Sales Tax Exemption

Mortgage Recording Tax Exemption

\* *The CIITAP, 10-year property tax exemption requires financial need (See CIITAP Program for additional requirements)*

**2. (Page 1, line 22- Page 2, line 3) – A statement that there is a likelihood that the project would not be undertaken but for the financial assistance provided by the agency or, if the project could be undertaken without financial assistance provided by the agency, a statement indicating why the project should be undertaken by the agency.**

**Proposed:**

Please confirm by checking the box below, if there is a likelihood that the Project would not be undertaken but for the financial assistance provided by the Agency?

Yes  No

If the Project could be undertaken without financial assistance provided by the Agency, then provide a statement in the space provided below indicating why the Project should be undertaken by the Agency: \_\_\_\_\_

If the Applicant is unable to obtain financial assistance for the Project, what will be the impact on the Applicant and the County/City/Town/Village? \_\_\_\_\_

**3. (Page 2, lines 4-9) – (e) an estimate of capital costs of the project, including all costs of real property and equipment acquisition and building construction or reconstruction, financed from private sector sources, an estimate of the percentage of project costs financed from public sector sources, and an estimate of both the amount to be invested by the Applicant and the amount to be borrowed to finance the project.**

**Existing:**

|   | <u>Amount</u> | <u>%<br/>subject to sales<br/>tax</u> |
|---|---------------|---------------------------------------|
| Value of land to be acquired (if any):        | _____         | N/A                                   |
| Value of building to be acquired (if any):    | _____         | N/A                                   |
| Cost of new construction:                     | _____         | %                                     |
| Value of improvements to existing building: — | _____         | %                                     |
| Value of equipment to be acquired:            | _____         | %                                     |
| Other:  | _____         | %                                     |
| <b>TOTAL:</b>                                 | _____         | N/A                                   |

**Proposed:**

**Estimated Costs in connection with the Project:**





E. Total Other Public Incentives (tax credits, grants, ESD incentives, etc.) \$\_\_\_\_\_

Calculation of percentage of Project costs financed from public sector: \_\_\_\_\_%  
(Total B + C + D + E above / Total Project Costs)

**Sales and Use Tax:** Gross amount of costs for goods and services that are subject to State and local sales and use tax – said amount to benefit from the Agency’s Sales and use Tax exemption benefit:

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

Estimated State and local sales and use tax benefit (product of 8% multiplied by the figure above)

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

*\*\* Note that the estimate provided above will be provided to the New York State Department of Taxation and Finance. The Applicant acknowledges that the estimate above represents the maximum amount of sales and use tax benefit that the Agency may authorize with respect to the application. The Agency may utilize the estimate above, as well as the proposed total Project costs as contained within this application, to determine the financial assistance that will be offered.*

**Mortgage Recording Tax Benefit:** Amount of mortgage that would be subject to mortgage recording tax:

Mortgage Amount (include construction/permanent/bridge financing): \$\_\_\_\_\_

Estimated mortgage recording tax exemption benefit  
(product of mortgage amount as indicated above multiplied by .0025%) \$\_\_\_\_\_

**4. (Page 2, line 15) an estimate of the number of residents of the ...labor market area defined by the agency.**

Estimate the number of residents of the labor market area in which the Project is located that will fill the projected new jobs created \_\_\_\_\_

*\*\* The IDA defines the labor market area as Tompkins County and contiguous counties (Cayuga, Seneca, Schuyler, Chemung, Tioga, and Cortland Counties)*

**5. IDA Best practice recommendation regarding retail**

**Section “XX” Retail Questionnaire**

To ensure compliance with Section 862 of the New York general Municipal Law, the Agency requires additional information if the proposed Project is one where customers personally visit the project site to undertake either a retail sale transaction or to purchase services.

A. Will any portion of the Project (including that portion of the cost to be financed from equity or other sources) consists of facilities or property that are or will be primarily used in making sales of goods or services to customers who personally visit the project site?

Yes No. If yes, please continue. If no, do not complete the remainder of the retail questionnaire and proceed to the next section of the application

*For Purposes of this question, the term “retail sales” means (1) sales by a registered vendor under Article 28 of the Tax Law of New York (the “Tax Law”) primarily engaged in the retail sale of tangible personal property (as defined in Section 1101(b)(4)(i) of the Tax Law, or (2) sales of a services to customers who personally visit the project location.*

- B. What percentage of the cost of the Project will be expended on such facilities or property primarily used in making sales of goods or services to customers who personally visit the Project? \_\_\_\_\_%. If the answer is less than 33% do not complete the remainder of the retail determination and proceed to the next section of the application.

If the answer to Question A is Yes AND the answer to Question B is greater than 33.33%, indicate which of the following questions below apply to the Project:

1. Will the Project be operated by a not-for-profit corporation? Yes No
2. Is the Project location or facility likely to attract a significant number of visitors from outside Tompkins County? Yes No

If yes, please provide a third party market analysis or other documentation supporting your response.

3. Is the predominant purpose of the Project to make available goods or services which would not, but for the Project, be reasonably accessible to the residents of the municipality within which the proposed Project would be located because of a lack of reasonably accessible retail trade facilities offering such goods or services? Yes No

If yes, please provide a third party market analysis or other documentation supporting your response.

4. Will the Project preserve permanent, private sector jobs or increase the overall number of permanent, private sector jobs in the State of New York? Yes No

If yes, explain \_\_\_\_\_  
\_\_\_\_\_

**6. IDA Best practice recommendation - inter-municipal move determination**

**Section “XX” Inter-Municipal Move Determination**

The Agency is required by State law to make a determination that, if completion of a Project benefiting from the Agency financial assistance results in the removal of an industrial or manufacturing plant of the Project occupant from one are 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, Agency financial assistance is required to prevent the Project occupant from relocating out of the State, or is reasonably necessary to preserve the Project occupant’s competitive position in its respective industry.

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, notwithstanding the aforementioned closing or activity reduction, the Agency’s financial assistance is required to prevent the Project from relocating out of the

State, or is reasonably necessary to preserve the Project occupant's competitive position in its respective industry:

Does the Project involve relocation or consolidation of a Project occupant from another municipality?

Within New York State Yes No

Within County/City/Town/Village Yes No

If yes to either question, please explain: \_\_\_\_\_  
\_\_\_\_\_

**7. Recommended to clean up existing IDA application – combine TCDC and IDA application into one application “TCIDA and TCDC application for incentives”**

Add the following from TCDC bond application to “Financing Section”

Complete for bond applicants only:

|   | <b>Without Bonds</b> | <b>With Bonds</b> |
|---|----------------------|-------------------|
| First Year Debt Service   | \$ _____             | \$ _____          |
| Total Debt Service<br><i>(Projected 25 year borrowing term)</i> | \$ _____             | \$ _____          |

Amount of anticipated borrowing from a lending institution \$ \_\_\_\_\_  
*(Applicant must notify the TCDC/TCIDA at the time of issuance of commitment letter if the financing will exceed the amount state here).*

**8. New Certification Statement that complies with the new law and is based on IDA best practices:**

**Representations, Certifications and Indemnification**

\_\_\_\_\_ (name of CEO or other authorized representative of Applicant)  
confirms and says that he/she is the \_\_\_\_\_ (title) of \_\_\_\_\_ (name of corporation or other entity) named in the attached Application (the “Applicant”), that he/she has read the foregoing Application and knows the contents thereof, and hereby represents, understands, and otherwise agrees with the Agency and as follows:

- A. Job Listings In accordance with Section 858-b(2) of the New York General Municipal Law, the applicant understands and agrees that, if the proposed Project receives any Financial Assistance from the Agency, except as otherwise provided by collective bargaining agreements, new employment opportunities created as a result of the proposed Project must be listed with the New York State Department of Labor Community Services Division (the "DOL") and with the administrative entity (collectively with the DOL, the "JTPA Entitle") of the service delivery area created by the federal job training partnership act (Public Law 97-300) ("JPTA") in which the proposed Project is located.
- B. First Consideration for Employment. In accordance with Section 858-b(2) of the General Municipal Law, the applicant understands and agrees that, if the proposed Project receives any Financial Assistance from the Agency, except as otherwise provided by collective bargaining agreements, where

practicable, the applicant must first consider persons eligible to participate in JTPA programs who shall be referred by the JPTA Entities for new employment opportunities created as a result of the proposed Project.

- C. Employment Reports. The Applicant understands and agrees that, if the proposed Project receives any Financial Assistance from the Agency, the Applicant agrees to file, or cause to be filed, with the Agency, at least annually or as otherwise required by the Agency, reports regarding the number of people employed at the project site, salary levels, contractor utilization, local construction labor utilization and such other information (collectively, "Employment Reports") that may be required from time to time on such appropriate forms as designated by the Agency. Failure to provide Employment Reports within 30 days of an Agency request shall be an Event of Default under the PILOT Agreement between the Agency and Applicant and, if applicable, an Event of Default under the Agent Agreement between the Agency and Applicant.
- D. Labor Utilization Reporting. The Applicant understands and agrees that, if the proposed Project receives any Financial Assistance from the Agency, the Applicant agrees to comply with the Labor Utilization Policy, which essentially requires providing documentation that construction bids were solicited from local firms and monthly construction labor reporting as outlined in the Policy.
- E. Hold Harmless Provision. The Applicant acknowledges and agrees that the Applicant shall be and is responsible for all costs of the Agency incurred in connection with any actions required to be taken by the Agency in furtherance of the Application including the Agency's costs of general counsel and/or the Agency's bond/transaction counsel whether or not the Application, the proposed Project it describes, the attendant negotiations, or the issue of bonds or other transaction or agreement are ultimately ever carried to successful conclusion and 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: (i) the Agency's examination and processing of, and action pursuant to or upon, the attached Application, regardless of whether or not the Application or the Project described therein or the tax exemptions and other assistance requested therein are favorably acted upon by the Agency, (ii) the Agency's acquisition, construction and/or installation of the Project described therein and (iii) 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.
- F. Sales Tax. In accordance with Section 874(8) of the General Municipal Law, the Applicant understands and agrees that, if the proposed Project receives any sales tax exemptions as part of the Financial Assistance from the Agency, in accordance with Section 874(8) of the General Municipal Law, the applicant agrees to file, or cause to be filed, with the New York State Department of Taxation and Finance, the annual form prescribed by the Department of Taxation and Finance, describing the value of all sales tax exemptions claimed by the applicant and all consultants or subcontractors retained by the applicant. Copies of all filings shall be provided to the Agency.

Applicant hereby understands and agrees, in accordance with Section 875(3) of the New York General Municipal Law and the policies of the Agency 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 and/or termination by the Agency under such terms and conditions as will be established by the Agency and set forth in transaction documents to be entered into by and between the Agency and the Applicant.

- G. Fees. By executing and submitting this Application, the applicant covenants and agrees to pay the following fees:

- (i) An Administrative Fee in accordance with the Administrative Fee Policy effective as of the date of this application, to be paid at transaction closing (unless otherwise outlined in the Project agreement or authorizing resolution);
- (ii) All fees, costs and expenses incurred by the Agency for (1) legal services, including but not limited to those provided by the Agency's general counsel or bond/transaction counsel, and (2) other consultants retained by the Agency in connection with the proposed Project; with all such charges to be paid by the Applicant at the closing or, if the closing does not occur, within ten (10) business days of receipt of the Agency's invoices therefore please note that the Applicant is entitled to receive a written estimate of fees and costs of the Agency's bond/transaction counsel;
- (iii) The cost incurred by the Agency and paid by the Applicant, including bond/transaction counsel and the Agency's general counsel's fees and the processing fees, may be considered as a costs of the Project and included in the financing of costs of the proposed Project, except as limited by the applicable provisions of the Internal Revenue Code with respect to tax-exempt bond financing.

If the Applicant fails to conclude or consummate necessary negotiations, or fails, within a reasonable or specified period of time, to take reasonable, proper or requested action, or withdraws, abandons, cancels or neglects the Application, or if the Applicant is unable to find buyers willing to purchase the bond issue requested, or if the Applicant is unable to facilitate the sale/leaseback or lease/leaseback transaction, then, upon presentation of an invoice, the Applicant shall pay to the Agency, its agents or assigns, all costs incurred by the Agency in the processing of the Application, including attorneys' fees, if any.

- H. FOIL. The Applicant acknowledges that the Agency is subject to New York State's Freedom of Information Law (FOIL). Applicant understands that all Project information and records related to this application are potentially subject to disclosure under FOIL subject to limited statutory exclusions.
- I. The Applicant represents and warrants that the information contained in this Application, to the best of the Applicant's knowledge, is true, accurate and complete.
- J. 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.
- K. The Applicant confirms and hereby acknowledges that as of the date of this Application, the Applicant is in substantial compliance with all provisions of Article 18-A of the New York General Municipal Law, including, but not limited to, the provisions of Section 859-a(5) and Section 862(1) of the New York general Municipal Law.
- L. 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 in the Project.
- M. The Applicant and the individual executing this application on behalf of Applicant acknowledge that the Agency and its counsel will rely on the representations and covenants made in this application when acting hereon and hereby represents that the statements made herein do not contain any untrue statement of a material fact and do not omit to state a material fact necessary to make the statements contained herein not misleading.

By:

Name:

Title:

\_\_\_\_\_

\_\_\_\_\_

STATE OF NEW YORK            )  
  ) SS.:  
COUNTY OF TOMPKINS        )

On the \_\_ day of \_\_\_\_\_ in the year 20\_\_, before me, the undersigned, personally appeared \_\_\_\_\_, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signatures on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

\_\_\_\_\_  
Notary Public

**NEW YORK STATE FINANCIAL REPORTING  
REQUIREMENTS FOR INDUSTRIAL DEVELOPMENT AGENCIES**

Please be advised that the New York General Municipal Law imposes certain reporting requirements on IDAs and recipients of IDA financial assistance. Of particular importance to IDA applicants is Section 859 (copy attached). This section requires IDAs to transmit financial statements within 90 days following the end of an Agency’s fiscal year ending December 31, prepared by an independent, certified public accountant, to the New York State Comptroller, the Commissioner of the New York State Department of Economic Development. These audited financial statements shall include supplemental schedules listing the following information:

1. All straight-lease (“sale-leaseback”) transactions and whether or not they are obligations of the Agency.
2. All bonds and notes issued, outstanding or retired during the period and whether or not they are obligations of the Agency.
3. All new bond issues shall be listed and for each new bond issue, the following information is required:
  - a. Name of the project financed with the bond proceeds.
  - b. Whether the project occupant is a not-for-profit corporation.
  - c. Name and address of each owner of the project.
  - d. The estimated amount of tax exemptions authorized for each project.
  - e. Purpose for which the bond was issued.
  - f. Bond interest rate at issuance and, if variable, the range of interest rates applicable.
  - g. Bond maturity date.
  - h. Federal tax status of the bond issue.
  - i. Estimate of the number of jobs created and retained for the project.
4. All new straight lease transactions shall be listed and for each new straight lease transaction, the following information is required:
  - a. Name of the project.
  - b. Whether the project occupant is a not-for-profit corporation.
  - c. Name and address of each owner of the project.
  - d. The estimated amount of tax exemptions authorized for each project.
  - e. Purpose for which each transaction was made.
  - f. Method of financial assistance utilized for each project, other than the tax exemptions claimed by the project.

- g. Estimate of the number of jobs created and retained for the project.

Please sign below to indicate that you have read and understood the above.

Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Company: \_\_\_\_\_  
Date: \_\_\_\_\_

Draft - to replace existing policy – for discussion 5/12/16

**TOMPKINS COUNTY INDUSTRIAL DEVELOPMENT AGENCY  
PROJECT RECAPTURE POLICY**

Adopted \_\_\_\_\_, 2016

Pursuant to and in accordance with Section 874 (10)-(12) of the General Municipal Law (“GML”), the Tompkins County Industrial Development Agency (the “Agency”) hereby establishes a Project Recapture and Termination Policy for the suspension, discontinuance and/or recapture of Financial Assistance (as defined herein), or for the modification of any Payment in lieu of Tax Agreement (“PILOT Agreement”) to require increased payments under circumstances as specified herein, which may include but shall not be limited to events of material violation of the terms and conditions of any Project Agreement (as defined herein).

The Agency in its discretion reserves the right pursuant to this policy and any applicable Project Agreement to suspend, discontinue and/or recapture any financial assistance granted for a project that may include: (i) sales and use tax exemptions; (ii) mortgage recording tax exemptions; and (iii) real property tax abatements governed by a PILOT Agreement (collectively, “Financial Assistance”). The Agency’s provision of Financial Assistance shall be administered and governed pursuant to one or more Project Agreements, which shall include (i) an Agent, Financial Assistance and Project Agreement, (ii) Leaseback Agreement, and/or (iii) PILOT Agreement, along with related documents and herein, each a “Project Agreement.”

**I. Sales and Use Tax Benefits – Mandatory Recapture**

In accordance with GML Section 875(3), if the Agency grants any sales and use tax exemptions to any applicant (hereinafter, the “Company”) and it is determined that: (i) the Company 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 by the Agency to be taken by the Company; (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 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, then the Agency is bound and shall recapture the sales and use tax benefits from the Company and the Agency, in its sole discretion, may terminate all applicable Project Agreements. The Agency’s Project Agreements shall include provisions whereby the Company will (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 in connection therewith. The Agency shall cooperate with the New York State Tax Commissioner in connection with any efforts by the State of New York to assess and determine New York State and local sales and use taxes due from the Company, together with any relevant penalties and interest due on such amounts. Upon receipt, the Agency shall remit any recaptured sales and use tax benefits to applicable affected tax jurisdiction(s).

**II. Recapture and Cessation of Financial Assistance**

Recapture of Financial Assistance: The Agency reserves the right to undertake and enforce the recapture of Financial Assistance previously conferred to a Company where it is determined through the process specified below, that:



i. Financial Assistance was obtained as a result of a knowing, misstatement of a material fact where such misstatement occurred in the Application for Financial Assistance, in any written submission, or in any on the record verbal statement made to the Agency or Agency staff.

ii. An applicant failed to achieve the goals identified as Material Factors by the Agency at the time that the Financial Assistance was approved. Such recapture of Financial Assistance, to the extent provided by law, may consider extenuating and mitigating circumstances and may consider the extent to which the Applicant failed to achieve and maintain the Material Factors.

For purposes of this Policy, "*Material Factors*" are factors determined by the Agency as being so significant that without such factors at the level specified, it is unlikely that the Agency would have agreed to grant the Financial Assistance. Such factors generally include, but are not limited to, the number of net new permanent jobs, the dollar value of net new investment, the use of local labor and in some circumstances the number of construction jobs. The quantity of such Material Factors (said Material Factors typically determined at the time a Project is granted Financial Assistance) and the threshold for the termination of Financial Assistance and for the recapture thereof shall be determined by the Agency and Agency staff, as appropriate (and as further identified, below), on a case by case basis.

iii. An applicant shifts production activity to a facility outside of Tompkins County.

Cessation of Financial Assistance: The Agency further reserves the right to undertake the cessation of Financial Assistance to be conferred by the Agency to any Company without undertaking termination of a Project Agreement (including, but not limited to any PILOT Agreement), where any Material Factor is identified by the Agency as having been violated and/or not satisfied by a Company within any particular reporting period. Specifically, the Agency reserves the right and shall require within all Project Agreements that the Company acknowledge and agree that the Agency may in its unilateral discretion cease and curtail all or portions of Financial Assistance to be conferred where a Company fails to achieve or maintain job creation and retention goals as set forth within a Company's Application for Financial Assistance.

### **III. Termination of Project Agreements**

The Agency further reserves the right to terminate any Project Agreement in the event that a Company incurs any uncured event of default thereunder. In such an event, all prospective Financial Assistance will be terminated by the Agency for a violation of any material term contained within an Application for Financial Assistance and/or any Project Agreement. Any such termination shall be undertaken upon prior notice delivered to the Company in accordance with the provisions hereof and of the applicable Project Agreement(s). In addition, the Agency further reserves the right to terminate any Project Agreement upon submission by a Company of any knowingly false or knowingly misleading information within any Application for Financial Assistance or within any Project Agreement. Upon termination of Project Agreements, all prospective Financial Assistance shall cease as of the date of such termination and the Agency reserves the right to undertake recapture of prior Financial Assistance conferred in accordance with this policy and the provisions of the Project Agreements.

### **IV. Due Process for Termination, Recapture or Cessation of Financial Assistance**

Knowledge of Potential Termination of Benefits or Recapture Issue: When Agency staff become aware of a potential issue with respect to a Material Factor(s) related to the provision of Financial Assistance to an Applicant and is unable to otherwise remedy the issue, staff shall notify the Agency board. It is understood that this due process policy shall not apply to termination of Financial Assistance related to the typical/standard events of default (not otherwise involving a Material Factor) as so identified within Project Agreements.

Annual Reporting. Annually, a report of all projects shall be prepared and submitted to the board along with an analysis of all Projects who have violated or otherwise failed to satisfy any Material Factor(s) related to the Provision of Financial Assistance particular as it related to job retention and creation. The Agency shall then make a decision to commence a proceeding.

The following criteria will be used to determine if a valid explanation exists for failure to satisfy Material Factors:

- a. Natural Disaster: if a natural disaster such as a fire, flood, or tornado disrupts the business
- b. Industry Trends: An evaluation of industry trends will be made relevant to the company, and a determination reached as to whether the company is in a market that is declining. International and national data will be used in the evaluation. An industry is considered in decline when, measured by the appropriate SIC code, it experiences employment or revenue declines--beyond its control--of 10% or more over 3 years.
- c. Loss of Major Supplier or Customer: if the loss of a customer or supplier represents 15% or more of the sales of the company
- d. Productivity Improvements: if new technology, equipment or general productivity improvements result in the need for less than projected employees or investment
- e. Unfair Competition: if an international competitor utilizes an unfair competitive advantage to acquire market share

Agency Decision to Commence a Proceeding. The Chair of the Agency shall cause a proceeding to be commenced to determine if Financial Assistance should be recaptured.

Notice to the Applicant. If a decision is made to commence a proceeding to recapture Financial Assistance, then the Applicant shall be provided written notice ("Notice") of: (i) the alleged Material Factor(s) violation, (ii) the potential for recapture of Financial Assistance as may be considered with respect to the commencement of such a proceeding, (iii) their rights to be heard and to appeal any such determination, and (iv) the date and time where a meeting will take place to consider the matter.

Due Process Provisions.

- (i) Sufficient Time to Prepare a Response: An Applicant shall be given ten (10) business days from the date said Notice is received or deemed received to prepare and submit a written response to any alleged Material Factor(s) violation.
- (ii) Opportunity to be Heard: An Applicant will be provided an opportunity to make a written or written and oral presentation to the Agency following the ten (10) day Notice period.

- (iii) Representation: An Applicant shall have the right to be represented by counsel, or to appear without counsel.
- (iv) Creation of Written Record: The Agency shall create a full written or electronic record that includes a statement of the alleged Material Factor(s) violation, the response, all evidence that has been submitted and a transcript or summary of any oral presentations that have been made. The record shall also include the vote, if any, taken by the Agency.
- (v) Executive Session: To the extent allowed by the New York State Open Meetings Law, at the request of an Applicant, the Agency may go into executive session to receive certain confidential information that pertains to the considerations being made by the Agency.
- (vi) Agency Recommendation: The Agency shall vote on a resolution recommending a recapture of Financial Assistance.

## **V. Recapture Payments**

Interest Payments. Interest shall be due from the date when the Company failed to achieve the economic benefits projected by the Company to the date of payment, at the rate of interest for judgments set forth in New York Civil Practice Law and Rules §5004 and any future amendments thereof. The taxing jurisdictions will receive the recaptured property tax, plus the estimated interest income the taxing jurisdictions would have earned if they had collected the taxes when due, as calculated and determined by the Finance Director of Tompkins County. The remainder of the interest shall constitute an Administrative Fee of the Agency and shall be retained by the Agency and used for future economic development activities.

Sales Tax and Mortgage Recording Tax Recapture. If a determination is made to recapture New York State and local sales and use tax exemptions and mortgage recording tax exemptions, in accordance with GML and Agency policies, the amount the Agency shall recapture shall be equal to 100% of the amount of New York State and local sales and use tax exemption and/or mortgage recording tax exemption benefit so obtained and utilized.

PILOT Payment Recapture. If a determination is made to recapture an abated amount of real property tax payment or payments provided by and through the Agency to an Applicant under the terms of a PILOT Agreement, the maximum amount that may be recaptured is equal to, but may be less than, the sum total of real property tax abatement received by the Applicant in the year or years that the violation(s) of Material Factors occurred as so determined by the Agency and as provided in the related inducement resolution authorizing the provision of Financial Assistance to the Applicant.

## **VI. Flexible Application of Termination of Agency Benefits and Recapture of Agency Benefits**

To the extent permitted by law and Agency policies, the Agency Board shall have broad discretion in recommending how to implement the termination of Project Agreements, Cessation of Financial Assistance and recapture of Financial Assistance. Such recommendation related thereto shall be based upon the circumstances that trigger such action. The Agency Board shall consider the

extent of the violation of a Material Factor, the duration of such violation, the cause of such violation and the extent to which there was a creation of net new jobs, new investment, the use of local labor and such other Material Factors as may have been considered at the time of the inducement.

All determinations by the Agency with respect to recapture shall be final. The Agency reserves all rights and remedies pursuant to applicable law, including the right to enforce payment of all recaptured sums through applicable provisions of the Project Agreement(s) and to institute legal actions to recover any recaptured sums.

Draft – for discussion - 5/12/16

**TOMPKINS COUNTY INDUSTRIAL DEVELOPMENT AGENCY  
UNIFORM PROJECT EVALUATION POLICY**

Adopted \_\_\_\_\_, 2016

Pursuant to and in accordance with Section 859-a(5) of the General Municipal Law (“GML”), the Tompkins County Industrial Development Agency (the “Agency”) hereby establishes a Uniform Project Evaluation Policy for the evaluation and selection for all qualifying categories of projects for which the Agency may provide Financial Assistance in accordance with its Uniform Tax Exemption Policy (“UTEF”).

For each Application for Financial Assistance received by the Agency, the following must occur prior to authorizing the project and provision of Financial Assistance:

- 1) The Agency shall undertake an assessment of all material information included in connection with the Application for Financial Assistance as necessary to afford a reasonable basis for the decision by the Agency to provide Financial Assistance for the Project, including, but not limited to qualification of the proposed project under the GML (including any retail analysis, as applicable), conducting a full application review, review of applicant financial history and project pro-formas, and consideration of all local development priorities;
- 2) A written cost-benefit analysis shall be developed by the Agency that identifies
  - a. The extent to which a project will create or retain permanent, private sector jobs,
  - b. The estimated value of any tax exemptions to be provided,
  - c. The amount of private sector investment generated or likely to be generated by the proposed project,
  - d. The likelihood of accomplishing the proposed project in a timely fashion,
  - e. The extent to which the proposed project will provide additional sources of revenue for municipalities and school districts,
  - f. Any other public benefits that might occur as a result of the project, including the economic condition of the area at the time of the application, the effect of the proposed project upon the environment and surrounding property, and the extent to which the proposed project will provide a benefit (economic or otherwise) not otherwise available within the municipality in which the project is located;
- 3) The Agency’s Application for Financial Assistance shall include a statement by the applicant that the project, as of the date of the application, is in substantial compliance with all provisions of GML Article 18-A, including, but not limited to, the provisions of GML Section 859-a(5) and 862(1)

**Tompkins County Industrial Development Agency  
Quarter #1 Financial Report**

|                                 | <b>2016<br/>Budget</b> | <b>January - March<br/>2016</b> |
|---------------------------------|------------------------|---------------------------------|
| <b>Starting Balance</b>         | \$ 543,623             |                                 |
| <b>Income</b>                   |                        |                                 |
| Fees from Projects              | \$ 108,570             |                                 |
| Interest                        | \$ 250                 | \$ 94                           |
| <b>Total</b>                    | \$ 108,820             | \$ 94                           |
| <b>Expenses</b>                 |                        |                                 |
| Administration                  | \$ 262,088             | \$ 65,522                       |
| Energy Efficiency               | \$ 19,998              | \$ -                            |
| Energy Focus                    | \$ 19,998              | \$ -                            |
| Food Processing Incubator Study | \$ 9,950               | \$ -                            |
| Attorney Fees                   | \$ 4,000               | \$ -                            |
| Audit                           | \$ 7,000               | \$ 4,000                        |
| <b>Total</b>                    | \$ 323,034             | \$ 69,522                       |
| <b>Projected Ending Balance</b> | \$ 329,409             |                                 |

**Tompkins County Industrial Development Agency  
Board of Directors Meeting DRAFT Minutes  
April 14, 2016  
Tompkins County Legislative Offices  
121 E. Court Street, Ithaca, NY**

**Present:** Jim Dennis, Jennifer Tavares, Will Burbank, Martha Robertson, Rich John

**Staff Present:** Ina Arthur, Heather McDaniel

**Guests Present:** Rick Snyder (TC Finance), Stacy Black, Marcus Williamee (Union Representatives), David Hill (Ithaca Journal), Robert Sprole III, Leo McGratten (Therm, Inc.)

**CALL TO ORDER**

Jim Dennis called to order the meeting of the **Tompkins County Industrial Development Agency** at 4:40 pm

**PRIVILEGE OF THE FLOOR**

None.

**BUSINESS**

Therm, Inc. Application

Ms. McDaniel commented that this is an application for a 20,000 s.f. new building behind the existing building of the company. This building will consolidate all the employees of the company into one location. No jobs will be lost and it is anticipated that jobs will be created. She is asking that the board accept the application as complete and to move it to a public hearing.

Mr. John stated that he has recently joined a law firm that has represented the company in the past and will recuse himself from the discussion and vote.

Mr. Sprole commented that this is the first application from the company to the IDA in its 80 years of business.

Mr. Burbank had a question on the wages for the jobs. Mr. McGratten commented that the wages are a total for all the positions for each level listed. It looks like an entry level position which is unskilled starts at \$10.50 to \$11.50/hr – the company offers a full benefit package to employees and opportunities for advancement.

The new job column totals were corrected.

Ms. Robertson commented on use of energy efficient building programs. Mr. Sprole commented that there are ongoing discussions with the project engineers about this – the building also has existing solar panels in use.

Mr. Burbank commented about the use of local labor – the application indicates “no.” If the Board approve a local labor utilization policy later in this meeting, would the applicant be comfortable with the new policy. Ms. McDaniel commented that it was her understanding that current applicants would not be subject to a new policy that was adopted after the application process began.

Mr. Dennis commented that he would encourage the applicant to look at the policy as it will help with the data collection.

**Jennifer Tavares moved to accept the Therm Inc. application as complete and to move it to a public hearing. Martha Robertson seconded the motion. The motion passed 4 – 1 abstention (Rich John).**

Audit Committee Report – Acceptance of 2015 TCIDA Audit and Certification of PARIS Reports

**Jim Dennis moved to accept the 2015 TCIDA Annual Audit and to certify the PARIS reports. Martha Robertson seconded the motion. The motion was approved 5-0.**

Hotel Ithaca, LLC (Marriott) – Sales Tax Exemption Increase Final Approval

Ms. McDaniel commented that a public hearing for this request has been held.

**Rich John moved to approve the sales tax exemption increase for the Hotel Ithaca, LLC project. Martha Robertson seconded the motion. The motion passed 5-0.**

Hilton Canopy Inn/Ithaca Downtown Associates – Sales Tax and Mortgage Recording Tax Exemption Increase Request and Approval

Ms. McDaniel commented that the project is close to closing on a mortgage and is requesting an increase in the sales tax exemption of \$72,000 and an increase in the mortgage recording tax exemption of \$7,000. The total combined amount is less than \$100,000 so there is no need to send this to a public hearing.

**Jennifer Tavares moved to approve the Hilton Canopy Inn/Ithaca Downtown Associates request for a sales tax and mortgage recording tax exemption increase. Martha Robertson seconded the motion. The motion passed 5-0.**

Mr. John asked about the use of energy efficient building standards. The project will be held to the new NYS energy code.

Ms. Robertson asked about why the costs have gone up. Ms. McDaniel commented that actual project costs have not increased, but what will be subject to sales tax has increased.



Ms. Tavares asked if in the future a project can have a range for the sales tax exemption and mortgage recording tax exemption approved so that they do not have to come back as often. Ms. McDaniel said she would look into that.

Mr. Burbank commented that he feels that the project is not doing enough in terms of energy efficient building practices and will be voting no on this request.

**A vote was taken. The motion passed 4 yes, 1 no (Burbank).**

#### Local Labor Utilization Policy

**Jim Dennis moved to approve the local labor utilization policy. Will Burbank seconded the motion.**

Mr. Dennis commented that this policy will require proof of solicitation of local companies for bids to build a project and will also gather data on use of local labor by tracking residence zip codes. This is in line with the City of Ithaca's CIITAP policy.

Mr. Burbank thanked all who worked on this policy and stated that he sees this as only a first step in the process. Ms. Robertson agreed and hoped that the data gathered would help move the policy closer to more use of local labor.

**A vote was held and the motion passed 5-0.**

#### **STAFF REPORT**

Ms. McDaniel stated that next month's meeting will include some house keeping – proposed changes in the IDA application and other documents to bring them in line with the NYS legislation that goes into effect June 30<sup>th</sup>. There will also be information on the annual job report and a review of projects that have not met their job creation goals.

Ms. McDaniel gave an update on Hayner Hoyt, a general contracting company that was recently in the news, having settled federal allegations surrounding an affiliated company and veteran ownership status. Hayner Hoyt was the contractor for INHS's 210 Hancock Project and some other IDA projects. She met with the company, developers who have used them and also INHS. There is still a legal investigation going so they are not able to speak about the entire matter, but she believes that they had no intent to defraud. They company was given bad legal and consultant advice. Once they found out their error, they took steps to correct the matter and the company in question was closed in 2012.

Ms. McDaniel reminded all of the Marriott's topping off ceremony on May 4<sup>th</sup> at 4:30 pm just outside the building.

Tompkins Trust Company Headquarters project is still working on its construction costs.

#### **MINUTES**

**Jim Dennis moved to approve the draft minutes from the February 11, 2016 TCIDA Board meeting. Martha Robertson seconded the motion. The motion was approved 5-0.**

Ms. McDaniel commented that she will have staff review the minutes and make sure the vote on the first motion is included.

The meeting was adjourned at 5:20 pm