

**Tompkins County Industrial Development Agency  
Board of Directors Meeting Final Minutes  
July 14, 2021 – 2:30 - 4:00 PM**

**Tompkins County Legislative Chambers  
121 E. Court Street, Ithaca NY  
and  
Via Zoom Conference Call and LiveStream**

**Present:** Martha Robertson, Laura Lewis, Jeff Gorsky, John Guttridge, Mike Sigler

**Guests:** David Norbut (NSF Enfield), Barry Carrigan (Nixon Peabody, PLLC)

**Staff Present:** Heather McDaniel, Ina Arthur (IAED), Russ Gaenzle (Harris Beach)

**CALL TO ORDER**

Martha Robertson called the meeting of the **Tompkins County Industrial Development Agency** to order at 2:35 pm.

**PRIVILEGE OF THE FLOOR**

**Robert Lynch, Town of Enfield**

I am here representing the Town of Enfield Board which has taken a position at its last meeting regarding the Norbut Solar Farm Enfield solar project. We do not favor a PILOT agreement for NSF unless it contains a Host Community Agreement (HCA) that benefits the Town of Enfield directly. We have asked that a HCA provide \$1,200 per MW to the Town of Enfield. We have done the math – with just a PILOT, the town would suffer financially, receiving only \$17,800 in year one. A hybrid of PILOT and HCA would benefit the Town which would receive \$30,730 in year one. Without a HCA the Town would get 28% of a PILOT – we feel that the tax payers cannot take it on the chin. We want solar and the project but we feel the applicant should pay the HCA – the amount of money going into the project shows they can afford it. With a PILOT, NSF would pay only 12% of what a tax payer would pay.

**Theresa Alt, 206 Eddy Street, Ithaca**

As you know, I follow the IDA. You may not even know how often I simply lurked on the livestream last year. So, I was very aware, as confirmed in the minutes, that the IDA passed its Workforce Housing Policy a year ago at its July meeting. You won't be surprised that I stated then that the in-lieu fee at \$5,000 per unit in a whole market-rate development was totally inadequate to make up for 20% workforce units. But we were supposed to be consoled by the fact that the fee would be revisited in a year.

I was surprised that revising this fee wasn't on the agenda for today's meeting. So, to check my memory, I went back to last year's minutes. Yes, the Policy had passed in July, to be revised in one year. But the actual policy was not part of the minutes. So, I looked in the Policies section of the

website. I found the Workforce Housing Policy, but to my surprise it was dated December 2020. Just by changing the date, you force the community to put up with an ill-advised, way-too-low fee for an extra five months! I'm sure you have an excuse, but I feel cheated.

Heather McDaniel commented that the Policy was revised December 2020 thus the updated date on the Policy on the website. The IDA's Housing Committee will be meeting soon to review the Policy.

## **ADDITIONS TO THE AGENDA – None**

## **BUSINESS**

### NSF Enfield 1, 2, 3 (off-site community solar) - Discussion

Heather McDaniel reminded all that in 2018 the IDA modified its community solar project policy to allow for a \$4,200 - \$4,800 payment per megawatt based on research and NYSERDA calculators available at the time. This range accommodates different financing models and declining NYS incentives for community solar projects. The most recent solar project approved was Lansing Renewables at \$4,200 per megawatt.

Host Community Agreements (HCA) are not a requirement of IDA policy. These are between the community and developer/applicant. However, the IDA could make the negotiation of a HCA a condition of the PILOT agreement. The negotiation of an amount would be between the Town and the developer.

John Guttridge commented that without the PILOT the taxes on the land that go to the Town of Enfield are \$5,000 annually. With the proposed PILOT the taxes going to the Town of Enfield would be \$16,800 in year one.

Mike Sigler pointed out that this conversation has to do with what NYS is doing to support community solar projects. He sees the State dropping its support of community solar and backing larger commercial solar projects. He respects the Town of Enfield for coming up with the HCA they have presented. He is concerned that NYS will follow the lead of IDAs in terms of the payment amount per megawatt.

David Norbut thanked that IDA for listening. This project will link up to the smaller electric lines to the Town of Enfield and will offer community members a significant discount on their electric bills. Norbut Solar Farms has 23 solar projects in NYS and only one of them has a HCA. He discussed how over the 30 years of the PILOT, the Town of Enfield will receive more money versus the taxes on the land alone. Mr. Norbut also highlighted the building difficulties due to wetland issues with the proposed project sites.

**John Guttridge made a motion to move the NSF Enfield 1, 2 and 3 project applications to a public hearing. The TCIDA will consider the \$4,200/mw PILOT only. The Host Communication Agreement should be made between the developer and the Town of Enfield. Jeff Gorsky seconded the motion.**

Russ Gaenzle commented that the HCA could be viewed as a tax payment by the other taxing jurisdictions. They could then demand their share of the HCA.

Jeff Gorsky asked if the IDA should revisit the PILOT amounts per mw for future solar projects. Heather McDaniel stated that she would like to wait to see what direction NYSERDA will take in the fall when they are expected to provide a new, valuation model for solar development.

**A vote on the motion was called. The motion was approved 5-0.**

#### Policies – Approval

Heather McDaniel presented the updates to the TCIDA Uniform Tax Exemption Policy (UTEP) specifically the sections on fee structure and PILOT transfer. The majority of the updates are grammatical updates. The PILOT transfer information just adds specific language to the policy for practices that were already in place and were usually found in the Lease/Leaseback documents.

**Mike Sigler made a motion to approve the updates to the TCIDA Uniform Tax Exemption Policy as it relates to fee structure and PILOT transfer. John Guttridge seconded the motion. The motion was approved 5-0.**

#### 2020 Project Report and Memo – Approval

Heather McDaniel presented the 2020 Project Report and memo. This information is presented in accordance with State rules and regulations governing IDA's along with the TCIDA's Recapture Policy. The IDA annually assesses the progress of all active projects toward achieving job retention or creation.

The project report chart highlighted projects that have either not yet met job creation goals or have experienced declines in job retention. 2020 was a year like no other due to the COVID-19 pandemic. The job numbers reflect declines in business operations as a result of the pandemic. As a result, she does not recommend commencing recapture proceedings for any of the businesses highlighted on the Project Report Chart.

Laura Lewis agreed that most of the businesses impacted were in the hospitality or commercial sectors, ones that were heavily impacted by the pandemic.

**Laura Lewis made a motion to accept the recommendation from the 2020 Project Report and not commence any recapture proceedings for any of the businesses highlighted in the project report chart. John Guttridge seconded the motion. The motion was approved 5-0.**

#### **CHAIR'S REPORT**

Martha Robertson stated that the Workforce Housing Policy review is on the radar.

#### **STAFF REPORT**

Heather McDaniel reported that there was a groundbreaking earlier this week for the medial office building portion of the Carpenter Park project.

Construction on the Ex Libris/Library Place project is queing up to resume in the next several weeks after pausing during the pandemic.

The Asteri Ithaca project closed.The sales tax exemption portion of the Ithacan project should close soon, with the PILOT to follow shortly thereafter.

The update to the Construction Labor Policy will be reviewed by committee and local developers before a recommendation is presented to the full board.

The audit of the IDA by the NYS Office of the State Comptroller is still underway with a field visit being held last month.

## **MINUTES**

**Laura Lewis made a motion to approve the TCIDA Board minutes from the June 9, 2021 meeting. John Guttridge seconded the motion.**

Martha Robertson referenced edits she has previously sent to Heather McDaniel. These were seen as friendly to the motion.

**The motion was approved 5-0.**

## **ADJOURNMENT**

The meeting adjourned at 3:45 pm.

**Minutes were approved at the August 11, 2021 Board meeting.**