

Tompkins County Industrial Development Agency

Administration provided by Ithaca Area Economic Development

**TOMPKINS COUNTY INDUSTRIAL DEVELOPMENT AGENCY
BOARD OF DIRECTORS MEETING
Wednesday, October 11, 2023 • 2:00 – 4:00 PM**

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

THIS MEETING WILL BE LIVESTREAMED
Link to live stream channel: <https://tinyurl.com/weo3tkk>

AGENDA

1. CALL TO ORDER	
2. PRIVILEGE OF THE FLOOR	
3. ADDITIONS TO AGENDA	
4. BUSINESS	Page
Conifer Reality, LLC (200 Conifer Drive) – Application	
- Request letter	2
- Application	3
- Benefit memo and incentive information	18
2024 Draft TCIDA Budget – Approval	21
5. CHAIR’S REPORT	
6. STAFF REPORT	
7. CONSTRUCTION WAIVERS – INFORMATIONAL	22
8. COMMITTEE MINUTES – INFORMATIONAL	
Construction Labor Committee – September 6, 2023	23
9. MINUTES - APPROVAL	
August 9, 2023 Board Meeting	24
10. EXECUTIVE SESSION	
11. ADJOURNMENT	

Chair Shawna Black
Tompkins County Legislature
121 E. Court Street
Ithaca, NY 14850

RE: Request for extension of PILOT – Conifer Village

Dear Chair Black:

I'm writing to request that Tompkins County extend the term of the existing Payment in Lieu of Tax Agreement (PILOT) for the Conifer Village project in the Town of Ithaca. Conifer Village was approved for a PILOT pursuant to Section 577 of the New York State Private Housing Finance Law (PHFL) in 2007. Paragraph 3 of the PILOT Agreement, "Term of Exemption", specifies an initial 15-year term and allows for the extension of the agreement for an additional twenty-five years upon mutual agreement of the parties, as long as the Project continues to adhere to the low-income use restrictions required in the agreement.

Fee ownership of Conifer Village is held by Conifer Village Ithaca Housing Development Fund Corporation (CVHDFC). Better Housing Development Corporation (BHDC) is the sole shareholder of CVHDFC. The existing PILOT Agreement for Conifer Village is between the Town of Ithaca and CVHDFC, and it is in my capacity as President of the Board of Directors of BHDC, sole shareholder of CVHDFC, that I am requesting the extension of the PILOT Agreement.

Included with this letter is a draft agreement that would extend the existing PILOT Agreement at Conifer Village for 25 years. Thank you for your consideration of this request. We look forward to the continuation of Conifer Village as affordable housing that will serve our community for many years to come.

Sincerely,



Michael Cannon
President
Better Housing Development Corporation

**Tompkins County Industrial Development Agency /
Tompkins County Development Corporation**
Application for Incentives

Date: 9/27/2023

I. APPLICANT INFORMATION (company receiving benefit)

Name of Company/Applicant: Conifer Realty, LLC

Owner: Conifer Realty, LLC

Address: 1000 University Avenue, Suite 500

City: Rochester State: NY Zip: 14607

Primary Contact (First, Last): Kevin Day

Phone: (646)584-8352 Email: kday@coniferllc.com Fax: (585)510-5925

If a separate company will hold title to/own the property, please provide the name and contact information for that entity:

Name of (Holding) Company: Conifer Village Ithaca Housing Development Fund Corporation

Owner: _____

Address: 1000 University Avenue, Suite 500

City: Rochester State: NY Zip: 14607

Primary Contact (First, Last): Kevin Day

Phone: (646)584-8352 Email: kday@coniferllc.com Fax: (585)510-5925

Describe the terms and conditions of the lease between the applicant and the owner of the property:

Applicant is the managing member of the holding company.

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

- Tax-Exempt Bonds Taxable Bonds
- Real Property Tax Exemption
- Standard Tax Exemption (7-year)
- Other (attach justification)
- CIITAP: 7-year
- CIITAP: 10-year (requires determination of financial need – see CIITAP for details)
- Sales Tax Exemption Mortgage Recording Tax Exemption

Applicant Attorney: Lillian Plata

Address: 1000 University Avenue, Suite 500

City: Rochester State: NY Zip: 14607

Primary Contact (if different from above): N/A

Phone: (585)324-0564 Email: Lillian.plata@coniferllc.com Fax: N/A

Applicant Accountant: Flaherty Salmin

Address: 2300 Buffalo Road, Building 200

City: Rochester State: NY Zip: 14624

Primary Contact (if different from above): Michael Hays

Phone: (585)397-1350 Email: mhay@fs-cpa.com Fax: N/A

Applicant Engineer/Architect (if known): N/A

Address: _____

City: _____ State: _____ Zip: _____

Primary Contact (if different from above): _____

Phone: () - Email: _____ Fax: () -

Applicant Contractor (if known): N/A

Address: _____

City: _____ State: _____ Zip: _____

Primary Contact (if different from above): _____

Phone: () - Email: _____ Fax: () -

II. BUSINESS HISTORY

Year company was founded: 1975 NAICS Code: 624229

Type of ownership (i.e. C-Corp, LLC): LLC

Describe in detail company background, products, customers, goods and services:

Throughout our history, Conifer has developed more than 21,000 apartment homes through the northeast and mid-Atlantic, currently owning and managing nearly 15,000. Our extensive resume has allowed us to be experts in affordable, mixed income and market rate housing. As a fully integrated, full-service developer, management agent, general contractor and owner, Conifer develops sustainable and transformative communities contributing to the stabilization of neighborhoods throughout the Northeast.

As an industry pioneer with portfolio management, asset management, legal, finance, design and construction services inhouse, Conifer is uniquely situated to take a full 360° development approach that allows us to better manage projects. This holistic approach ensures every property Conifer designs, builds, and manages complements the community while providing residents with lasting quality.

Major Customers: Affordable and Senior Housing Residents

Major Suppliers: Contracted services (trash, landscaping, plumbing, etc.), utilities, etc.

Has your business every received incentives that required job creation? Yes No

If yes, please describe: Conifer often receives funding with associated requirements, the company always meet and/or exceed requirements.

Were the goals met? Yes No

If no, why were the goals not met? N/A

Annual sales to customers in Tompkins County: \$8,650,000

Percent of annual sales subject to local sales tax: 0%

Value of annual supplies, raw materials and vendor services that are purchased from firms in Tompkins County: \$1,500,000

III. PROJECT DESCRIPTION AND DETAILS

Project Location (all addresses and tax parcels): 200 Conifer Dr. Ithaca, NY 14850 – 503089-27-1-13.121

Property Size (acres): existing: 8.91 proposed: N/A

Building Size (square feet): existing: 88,221 proposed: N/A

Proposed Dates: start: N/A end: N/A

Please provide a narrative of the Project and the purpose of the Project (new build, renovations, and/or equipment purchases, etc.). Identify specific uses occurring within the Project. Describe any and all tenants and end users:

Completed in 2008, Conifer Village at Ithaca offers a total of 72 affordable housing units to seniors at income levels of 80%, 65%, and 50% of area median income (AMI). The average age of our current residents is 74.5 and the average total income is just \$26,120. Across the United States, there is a critical shortage of affordable homes for this population, and it is of paramount importance to Conifer that we continue to provide an affordable option in an increasingly costly market.

In recent years, increased expenses have put extra strain on the property's operations. Due to the affordable rents, the property struggles to cover these expenses through operations revenue alone. Additionally, as the property ages, operating costs will only increase, making it more difficult to provide a quality, affordable home to our residents.

The current PILOT became active at the time of construction, with a term of 15 years, meaning that it will expire at the end of this year. Should the PILOT agreement expire without renewal, Conifer will not be able to cover expenses or reinvest in the property to address impending capital needs.

Conifer is requesting that the TCIDA authorize a new PILOT agreement that is coterminous with the affordability period (2058), so that the project can continue to operate and provide a high quality, affordable home for our senior residents.

Is there a likelihood that the Project would not be undertaken but for the financial assistance provided by the Agency? Yes No

If yes, describe the reasons why the Agency's financial assistance is necessary and the effect the Project will have on the Applicant's business or operations. Focus on competitiveness issues, project shortfalls, etc.:

The property currently struggles to cover its expenses on operations alone and has begun to show signs of age which will require a significant amount of capital to remedy. Instituting a PILOT agreement that is coterminous with the affordability period (2058), would allow Conifer to better address the needs of our residents and the property. Without such an agreement, the property will struggle, and may be forced to cease operation.

If no, provide a narrative indicating why the Project should be undertaken by the Agency:

N/A

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

The property will be unable to address the needs of our residents, or the impending capital needs of the property, and could leave seniors in Ithaca with fewer options for quality affordable housing.

Describe what green building practices you plan to use:

While there is not currently a building plan in place, Conifer has a history of and remains committed to implementing green practices, specifically with the installation of high efficiency water fixtures, lighting, appliances, and solar.

Will this project result in a regular increase in overnight visitors to your facility (e.g. for training programs)? Yes No

If yes, number of visitors per year: N/A

Average duration of stays (days): N/A

Occupancy

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 checked="" type="checkbox"/> Housing | <input type="checkbox"/> Mixed use |
| <input checked="" 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 service to customers who personally visit the project location.

** If Applicant checked "retail" or "service," complete the Retail Questionnaire contained in Section X.

List the name(s), nature of business of proposed tenant(s), and percentage of total square footage to be used for each tenant (additional sheets may be attached, if necessary):

Business	Nature of Business	% of total square footage
1. <u>Multi-Family Residents</u>	<u>Housing</u>	<u>100%</u>
2. _____	_____	_____
3. _____	_____	_____

IV. PROJECT COSTS AND FINANCING

Project Costs

	Amount (\$)
Land and/or Building Acquisition: <u>0</u> acres <u>0</u> square feet	<u>\$0</u>
New Building Construction: <u>0</u> square feet	<u>\$0</u>
Building Addition(s): <u>0</u> square feet	<u>\$0</u>
Infrastructure Work:	<u>\$0</u>
Reconstruction/Renovation: <u>0</u> square feet	<u>\$0</u>
Manufacturing Equipment:	<u>\$0</u>
Non-Manufacturing Equipment (furniture, fixtures, etc.):	<u>\$0</u>
Soft Costs (professional services, etc.):	<u>\$0</u>
Other (Specify): <u>0</u>	<u>\$0</u>
TOTAL:	<u>\$N/A</u>

Have any of the above costs been paid or incurred as of the date of this application? Yes No

If yes, describe particulars: N/A

Sources of Funds for Project Costs

Bank Financing	<u>\$0</u>
Equity	<u>\$0</u>
Tax Exempt Bond Issuance (if applicable)	<u>\$0</u>
Taxable Bond Issuance (if applicable)	<u>\$0</u>
Public Sources (Include sum total of all state and federal grants and tax credits)	<u>\$0</u>

Identify each State and federal grant/credit:

_____	<u>\$</u>
_____	<u>\$</u>
_____	<u>\$</u>

Total sources of funds for Project costs: \$N/A

Project refinancing of existing debt only (estimated): \$N/A

Amount of anticipated financing from a lending institution: \$ N/A

Note: The applicant must inform the TCIDA/TCDC at the time of issuance of commitment letter if the financing will exceed the amount stated here.

V. VALUE OF INCENTIVES

Property Tax Exemption: (Agency staff will fill out property tax exemption information based on information submitted by the applicant).

SEE ATTACHED

Assumptions: \$ ____ Value of increase in assessment
____ Annual increase in assessment/tax rate

New taxes paid: \$ _____ Taxes Abated: \$ _____

Year	County	School	City/Town	Village	Total	County	School	City/Town	Village	Total
1										
2										
3										
4										
5										
6										
7										
Totals										

If the applicant is requesting incentives that are greater than the Agency's Standard Tax Exemption (7 years), please provide a description of the incentive and a justification:

The current PILOT became active at the time of construction, with a term of 15 years, meaning that it will expire at the end of this year. Conifer is requesting that the TCIDA authorize a new PILOT agreement that is coterminous with the affordability period of the property (2058) to allow Conifer to better address the needs of our residents and reinvest in the property to remedy any current and future capital needs.

In recent years, increased expenses have put extra strain on the property's operations. Due to the affordable rents, the property struggles to cover these expenses through operations revenue alone. Additionally, as the property ages, operating costs will only increase, making it more difficult to provide a quality, affordable home to our residents. A PILOT agreement will allow the property to remain viable as affordable senior housing through the entirety of its term and beyond.

Sales and Use Tax Benefit:

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: \$ 0

Estimated State and local sales and use tax benefit (product of sales and use tax amount as indicated above multiplied by 8%) \$ 0

Note: The estimate provided above will be provided to the New York State Department of Taxation and Finance and represents the maximum amount of sales and use tax benefit that the Agency may authorize with respect to the application.

Mortgage Recording Tax Benefit:

Mortgage Amount (include construction/permanent/bridge financing/refinancing): \$N/A

Estimated mortgage recording tax exemption benefit
(product of mortgage amount as indicated above multiplied by .0025): \$0

Complete for bond applicants only: (Projected 25 year borrowing term)

	Without Bonds	With Bonds
First Year Debt Service	\$N/A	\$N/A
Total Debt Service	\$N/A	\$N/A

Percentage of Project costs financed from public sector:

A. Total Project Cost	\$0
B. Estimated Value of PILOT	<u>\$2,507,764</u>
C. Estimated Value of Sales Tax Incentive	\$0
D. Estimated Value of Mortgage Tax Incentive	\$0
E. Total Other Public Incentives (tax credits, grants, ESD incentives, etc.)	\$0

Calculation of percentage of Project costs financed from public sector: N/A%
(Total B + C + D + E above / Total Project Cost)

VI. EMPLOYMENT INFORMATION

Note: Annual employment reporting will be required during the course of the abatement.

Describe the benefits you offer to your employees:

CORE BENEFITS

- Medical Insurance
- Dental Insurance
- Vision Insurance
- Dependent Care Flexible Spending Account
- Commuter Benefits
- Company Paid Short-Term Disability
- Company Paid Long-Term Disability
- Company Paid Life Insurance
- Employee Assistance Program (EAP)

401(K) SAVINGS PLAN

- 401(k) Retirement Plan with Employer Match

VOLUNTARY BENEFITS

- Identity Theft Protection

- Additional Life Insurance
- Additional Spousal/Child(ren) Life Insurance

TIME AWAY

- Paid Time Off
- Holiday Pay
- Volunteerism Program
- PTO Donation Program

WELLBEING PROGRAM

APARTMENT DISCOUNT

COMPETITIVE PAY

DIRECT DEPOSIT

EMPLOYEE REFERRAL PROGRAM

CAREER DEVELOPMENT + TRAINING

Describe the internal training and advancement opportunities you offer to your employees:

Conifer leverages software to assess the skill set of our prospective employees to insure they are a good fit for the role and help position them for career success. Through quarterly conversations with immediate supervisors, employees are provided the opportunity to regularly communicate their career aspirations. Conifer offers DISC Behavior Training to all employees, including interns, to help them develop a greater sense of self-awareness that will allow them to collaborate more effectively within their teams as well as with our customers. Additional professional development training opportunities include Emotional Intelligence, Motivators, Resiliency and Project Management. In addition to trainer led sessions, Conifer has a robust online library with a wide breadth of learning opportunities that employees have access to upon hire.

Employment Plan - N/A

Occupation in Company	Current (Retained) Permanent FTE* Jobs		Projected New Permanent FTE* Jobs			
	Average Annual Salary Ranges/ Hourly Wage	Number of Employees	Year 1	Year 2	Year 3	Total New Jobs
Professional						
Clerical						
Sales						
Services						
Construction						
Manufacturing						
High Skilled						
Medium Skilled						
Basic Skilled						
Other (describe)						

Total						

* Full Time Equivalent (FTE) employee is equal to 40 hours a week worked. Two or more Part-time employees whose total weekly hours add up to 40 hours are counted as one FTE.

What percentage of your current positions are occupied by women? 49.5 %

What percentage of your current positions are occupied by minorities? 41.9 %

Estimated percentage of new hires who would be unemployed at time of hire: N/A%

Estimate the number of residents of the labor market area in which the Project is located that will fill the projected new jobs to be created. (The Agency defines the labor market area as Tompkins County and the contiguous counties; Cayuga, Seneca, Schuyler, Chemung, Tioga, and Cortland Counties) N/A

Are you willing to pay a livable wage, as defined by the Alternatives Federal Credit union (AFCU) of Ithaca, NY to all employees for the duration of the abatements? Yes No

If no, estimate the percentage of the current workforce whose wages meet or exceed the livable wage, as defined by AFCU. N/A%

Please describe your strategy for ensuring diversity in hiring: N/A

VII. CONSTRUCTION LABOR

Note: Applicants will be required to comply with the Agency's Local Labor Utilization Policy.

N/A

Will you use contractors who:

- Have a certified apprenticeship program Yes N/A % No
- Pay a prevailing wage Yes N/A % No
- Use local labor Yes N/A % No

Estimate the number of construction jobs N/A

VIII. ENVIRONMENTAL REVIEW AND PERMITTING

Environmental Assessment Form - Short Form Long Form N/A

Submitted to: _____
 Agency Name: _____
 Agency Address: _____
 City: _____ State: _____ Zip: _____
 Date of submission: _____ Status of submission: _____

The Applicant must comply with the State Environmental Quality Review Act (SEQRA) before the Agency can vote on proposed financial incentives. It is the applicant's responsibility to provide a copy of the SEQRA determination by another entity.

Please describe any short-term construction impacts or other long-term impacts to existing or adjacent businesses/tenants as well as any mitigations that were identified as part of the environmental review and or permitting process:

N/A

Permits: Describe other permits required and status of approval process. N/A

Permit	Status
1. _____	_____
2. _____	_____
3. _____	_____

IX. OTHER

Do you have anything else you would like to tell the TCIDA regarding this project?

Conifer currently owns and operates 10 affordable multi-family and senior properties, with a total of 655 units in Tompkins County. We are committed to providing quality, affordable homes to all of our Tompkins County residents, and hope that we are able to continue doing so through the implementation of this PILOT agreement.

X. RETAIL QUESTIONNAIRE (Fill out if end users are "retail" or "service" as identified in Section III)

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) consist 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 service 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 33.33% 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. Will the Project make available goods or services which are not currently reasonably accessible to the residents of the municipality within which the proposed Project would be located? 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: _____

XI. 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 area of the State to another area of the State or in the abandonment of one or more plants or facilities of the project occupant located within the State, 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:

N/A

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 above, please explain: N/A

XII. PAYMENT IN LIEU OF PROVIDING AFFORDABLE HOUSING UNITS

If this project is subject to a payment in lieu of providing affordable housing units on site per the Workforce Housing Policy, when will the payment be made?

At PILOT closing

Equal installments over the first three years of operation (subject to a deferral fee of 20% of the payment amount due at closing)

REPRESENTATIONS, CERTIFICATIONS AND INDEMNIFICATION

Kevin Day (name of CEO or other authorized representative of Applicant) confirms and says that he/she is the Senior Vice President, Portfolio Management (title) of Conifer Realty, LLC (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) ("JTPA") 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 JTPA 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 Project Agreement between the Agency and Applicant.
- D. Local 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 Local Labor Utilization Policy, which requires providing documentation that construction bids were solicited from local firms and monthly construction labor reporting as outlined in the Policy.
- E. Diversity and Inclusion. The Applicant understands and agrees that, if the proposed Project receives Financial Assistance from the Agency, the Applicant agrees to comply with the Diversity and Inclusion Policy, which requires owner-occupied facilities and facilities with on-site employees to join the Tompkins County Diversity Consortium and provide annual reports on the make up of the workforce and efforts to increase diversity and inclusion as outlined in the Policy.
- F. 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.

- G. 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.

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

- (i) A non-refundable application fee of \$1,000 due at time of application submission.
- (ii) An Administrative Fee in accordance with the "fees" section of the Agency's Uniform Tax Exemption Policy (UTEP) effective as of the date of this application, to be paid at transaction closing (unless otherwise outlined in the Project Agreement or authorizing resolution). This fee (unless otherwise outlined in the UTEP) will be equal to 1% of the project costs that are positively impacted by IDA incentives. This includes the value of construction or renovations of improvements to property that is impacted by property and sales tax abatement and the value of machinery, furniture, fixtures and equipment that are impacted by the sales tax abatement.
- (iii) 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; Agency transaction counsel fees shall be an amount equal to one-third (1/3) of the Agency's Administrative Fee set forth in (ii) above with a minimum fee of \$20,000 plus out of pocket expenditures unless otherwise agreed to in writing for smaller projects.
- (iv) 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 cost 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.

- I. 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.
- J. Financial Review. The Applicant acknowledges that 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.
- K. 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.
- L. 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.
- M. 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.
- N. 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.
- O. 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.

Signature: 

Print Name: Brian Ivy

Title: Senior Vice President, Property Finance

Company: Conifer Realty, LLC

Date: 10/2/2023

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

On the 2nd day of October in the year 20 , before me, the undersigned, personally appeared Brian Ivy, 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.

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.

Signature: 

Print Name: Brian Ivy

Title: Senior Vice President, Property Finance

Company: Conifer Realty, LLC

Date: 10/2/2023

Tompkins County Industrial Development Agency

Administration provided by Ithaca Area Economic Development

Conifer Realty, LLC (200 Conifer Drive)- Community Benefits Overview **October 11, 2023**

Project Overview

Completed in 2008, Conifer Village at Ithaca offers a total of 72 affordable housing units to seniors at income levels of 80%, 65%, and 50% of area median income (AMI). The average age of our current residents is 74.5 and the average total income is just \$26,120. The Town of Ithaca originally provided a PILOT agreement when the property was completed, with a term of 15 years with options to renew at the end of that term. The end of that first 15-year PILOT has been reached. However, Tompkins County has directed the applicant to the TCIDA as the appropriate entity to deliver a new PILOT agreement. The TCIDA has a long history of delivering PILOTS, a method in place for billing, and legal counsel that specializes in PILOT agreements.

I reviewed the original PILOT agreement, which provided for a payment equal to 10% of net rents, which were to be calculated each year based on the previous year's financial reports. This is similar to the method that the TCIDA used in the first affordable housing PILOT it delivered (210 Hancock Street). The TCAD has since moved to a methodology that provides for more certainty for the taxing jurisdictions, eliminates an off-tax-cycle review of financials, and an off-tax-cycle annual payment to the affected taxing jurisdictions that previously made it difficult to predict payment amounts and thus annual budgets.

It is recommended that a new PILOT agreement be put in place by the TCIDA under the new criteria for affordable housing PILOTS....

(per the Tompkins County Uniform Tax Exemption Policy) Multi-family rental housing projects that are subject to a regulatory agreement from a local, state or federal agency for a period 20 years or more and that would otherwise be eligible under section 581-a of the Real Property Tax Law in which all housing units are subject to an income test and are affordable to households earning 100% of area median income or less. The PILOT payment amount would be equal to 12% of projected net operating income as defined in RPT 581-a in year one with an annual increase of 2% each year. The incentive would be coterminous with the regulatory period requiring the affordable units.

The proposed PILOT schedule is included at the end of this memo.

This project does not fit within the TCIDA's fee schedule as there are no "project costs" to assess the fee. It is recommended that a flat administrative fee of \$5,000 be assessed along with legal fees commensurate with the time it requires to provide the documents along with waiving the \$1,000 application fee.

Cost-Benefit Analysis

- Extent to which project would create and/or retain private sector jobs – This is an affordable housing project – there are no direct jobs associated with housing projects.
- Estimated value of tax exemption – \$2,507,764 over 35 years
- Estimate of private sector investment to be generated by the project – N/A. The project was put in place in 2008 and the original PILOT is being extended.

- Likelihood of completing project in a timely manner - NA
- Extent to which project would generate additional sources of revenue for local taxing jurisdictions – Tax revenue projected at \$2,732,428 over 35 years.
- Other benefits that might result from the project:
Affordable Housing – The incentive will preserve 72 units of existing affordable housing for seniors at income levels of 80%, 65%, and 50% of area median income.

Year	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033
Net Operating Income (before taxes and debt service)	\$ 455,455	\$ 464,564	\$ 473,855	\$ 483,332	\$ 492,999	\$ 502,859	\$ 512,916	\$ 523,175	\$ 533,638	\$ 544,311
PILOT Proposed	\$ 54,655	\$ 55,748	\$ 56,863	\$ 58,000	\$ 59,160	\$ 60,343	\$ 61,550	\$ 62,781	\$ 64,037	\$ 65,317
581-a Estimated Tax	\$ 104,815	\$ 106,912	\$ 109,050	\$ 111,231	\$ 113,456	\$ 115,725	\$ 118,039	\$ 120,400	\$ 122,808	\$ 125,264
Difference	\$ 50,161	\$ 51,164	\$ 52,187	\$ 53,231	\$ 54,296	\$ 55,382	\$ 56,489	\$ 57,619	\$ 58,771	\$ 59,947

Year	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043
Net Operating Income (before taxes and debt service)	\$ 555,197	\$ 566,301	\$ 577,627	\$ 589,180	\$ 600,963	\$ 612,982	\$ 625,242	\$ 637,747	\$ 650,502	\$ 663,512
PILOT Proposed	\$ 66,624	\$ 67,956	\$ 69,315	\$ 70,702	\$ 72,116	\$ 73,558	\$ 75,029	\$ 76,530	\$ 78,060	\$ 79,621
581-a Estimated Tax	\$ 127,769	\$ 130,325	\$ 132,931	\$ 135,590	\$ 138,302	\$ 141,068	\$ 143,889	\$ 146,767	\$ 149,702	\$ 152,696
Difference	\$ 61,146	\$ 62,369	\$ 63,616	\$ 64,888	\$ 66,186	\$ 67,510	\$ 68,860	\$ 70,237	\$ 71,642	\$ 73,075

Year	2044	2045	2046	2047	2048	2049	2050	2051	2052	2053
Net Operating Income (before taxes and debt service)	\$ 676,782	\$ 690,318	\$ 704,124	\$ 718,207	\$ 732,571	\$ 747,222	\$ 762,167	\$ 777,410	\$ 792,958	\$ 808,817
PILOT Proposed	\$ 81,214	\$ 82,838	\$ 84,495	\$ 86,185	\$ 87,908	\$ 89,667	\$ 91,460	\$ 93,289	\$ 95,155	\$ 97,058
581-a Estimated Tax	\$ 155,750	\$ 158,865	\$ 162,042	\$ 165,283	\$ 168,589	\$ 171,961	\$ 175,400	\$ 178,908	\$ 182,486	\$ 186,136
Difference	\$ 74,536	\$ 76,027	\$ 77,548	\$ 79,099	\$ 80,681	\$ 82,294	\$ 83,940	\$ 85,619	\$ 87,331	\$ 89,078

Year	2054	2055	2056	2057	2058
Net Operating Income (before taxes and debt service)	\$ 824,994	\$ 841,493	\$ 858,323	\$ 875,490	\$ 893,000
PILOT Proposed	\$ 98,999	\$ 100,979	\$ 102,999	\$ 105,059	\$ 107,160
581-a Estimated Tax	\$ 189,859	\$ 193,656	\$ 197,529	\$ 201,479	\$ 205,509
Difference	\$ 90,859	\$ 92,677	\$ 94,530	\$ 96,421	\$ 98,349

PILOT Proposed \$ 2,732,428
 581-a Total \$ 5,240,192
Total Difference \$ 2,507,764

PILOT proposed is a fixed amount based on 12% of NOI in year one with a 2% increase each year

**Tompkins County Industrial Development Agency
October 11, 2023**

	2023 Budget Approved 10/12/22	2023 Budget w/carryover & Modifications	2023 Budget YTD	2023 Budget Projected YE	2024 Budet DRAFT
Starting Balance	\$ 2,308,755	\$ 2,308,755	\$ 2,625,750 *	\$ 2,625,750 *	\$ 1,661,181
INCOME					
Fees	\$ 286,854	\$ 286,854	\$ 214,415	\$ 281,082	\$ 460,274
Interest	\$ 800	\$ 800	\$ 436	\$ 628	\$ 650
Total	\$ 287,654	\$ 287,654	\$ 214,851	\$ 281,710	\$ 460,924
EXPENSES					
Administration mod 12/14/22	\$ 452,226	\$ 459,770	\$ 344,828	\$ 459,770	\$ 467,500
Contract svc/equipment from 2021 (Knickerbocker)		\$ 500,000	\$ 500,000	\$ 500,000	
D&O Insurance	\$ 2,154	\$ 2,154	\$ 1,474	\$ 1,474	\$ 1,500
Contract svc/Broadband from 2021		\$ 350,000	\$ 94,500	\$ 94,500	\$ 255,500
Contract svc/Wayfinding mod 11/9/22		\$ 100,000	\$ -	\$ 100,000	
Attorney Fees	\$ 8,000	\$ 8,000	\$ 82,035	\$ 82,035	\$ 8,000
Misc. Studies	\$ 20,000	\$ 20,000	\$ -		\$ 20,000
Audit	\$ 8,000	\$ 8,000	\$ 8,500	\$ 8,500	\$ 8,500
Total	\$ 490,380	\$ 1,447,924	\$ 1,031,336	\$ 1,246,279	\$ 761,000
Projected Ending Balance	\$ 2,106,029	\$ 1,148,485	\$ 1,809,265	\$ 1,661,181	\$ 1,361,105

* actual balance

TCIDA Local Labor Waivers
 Last Updated 10/2/2023

PROJECT NAME	APPLICANT				DATE		REVIEW
	Name	Affiliation	Reason	Notes	Requested	Approved	Admin/Board
The Dean	Emily Zehr	Purcell Construction	Lack of qualified local bids or available workers Need for specialized skills not available locally	Demolition; 4 invitations, 2 bids (none local)	7/25/23	8/8/23	Admin
The Dean	Emily Zehr	Purcell Construction	Lack of qualified local bids or available workers Need for specialized skills not available locally	No local elevator contractors	8/1/23	8/8/23	Admin
The Dean	Emily Zehr	Purcell Construction	Lack of qualified local bids or available workers Need for specialized skills not available locally	6 invitations, 1 bid (none local); selected contractor (Burns Bros.) uses local labor	8/1/23	8/8/23	Admin
The Dean	Emily Zehr	Purcell Construction	Lack of qualified local bids or available workers Need for specialized skills not available locally	No qualified local welders; six invitations, 1 bid; decided to self-perform work	8/1/23	8/8/23	Admin

IDA Labor Committee Meeting Minutes
Wednesday, September 6, 2023

In Person @ IAED Office

Present: Rich John, Nels Bohn, Todd Bruer, Deborah Dawson, Anne Koreman

Staff: Heather McDaniel, Kurt Anderson

POLICY & REPORTING REVIEW

Mr. John called the meeting to order at 1:06p.

Mr. John noted that this is the annual policy review as outlined in the policy.

Ms. McDaniel provided overview of TCIDA labor policy.

Ms. McDaniel provided the list of administrative approvals. All agreed that waivers can be approved administratively as outlined in the policy, but that any TCIDA member can review the file folder at IAED's office at any time.

Mr. Bruer raised concerns about subcontractors not bidding because they don't get paid by certain contractors and/or developers. All agreed it is not the authority of the TCIDA to police payment on past projects to encourage future bidding. However, past performance can be considered when reviewing future applications submitted to the TCIDA by delinquent contractors and/or developers.

There was some discussion about having recently revised the policy to require certified mail notification within five days of TCIDA approval, which developers are following. Ms. Dawson noted that a comprehensive list of local contractors and/or contractors that hire locally would support developers and general contractors in meeting the local labor requirements. Mr. Bruer offered to collate and curate the list.

The meeting adjourned at 1:52 pm.

**Tompkins County Industrial Development Agency
Board of Directors Meeting DRAFT Minutes
August 9, 2023 – 2:00 – 4:00 PM
TC Legislative Chambers
121 E. Court Street
Ithaca NY 14850**

Present: Jeff Gorsky, John Guttridge, Anne Koreman, Ducson Nguyen, Deborah Dawson

Staff: Heather McDaniel, Ina Arthur (IAED), Stephen Maier, Russ Gaenzle – remote (Harris Beach, PLLC)

Excused: Rich John, Todd Bruer

CALL TO ORDER

Jeff Gorsky called meeting to order at 3:01 pm.

PRIVILEGE OF THE FLOOR

Theresa Alt – 206 Eddy Street

1. The Stately is the type of project you should be supporting.
2. Notices for public hearings should go beyond those who read the Ithaca Journal
3. The TCIDA was created to create good jobs. The organization should help attract and retain businesses with good jobs. Perhaps it should also work to raise wages for existing jobs. For example, the local Starbucks and its picket line should be supported.

ADDITIONS TO THE AGENDA

John Guttridge made a motion to add consideration of a modification to the TCIDA Uniform Tax Exempt Policy (UTE) concerning 1) the definition of an affordable housing project and 2) a reduction in the administrative fee for affordable housing project. Anne Koreman seconded the motion. The motion was approved 5-0.

Anne Koreman made a motion to add a discussion about public hearings advertisement and inclusion issues. John Guttridge seconded the motion. The motion was approved 5-0.

BUSINESS

TCIDA Uniform Tax Exemption Policy Modification

John Guttridge made a motion to approve the modifications to the TCIDA Uniform Tax Exemption Policy as outlined in red:

Eligibility

10. Affordable Housing Projects – Multi-family rental housing projects that are subject to a regulatory agreement from a local, state, or federal agency for a period 20 years or more and that would otherwise be eligible under section 581-a of the Real Property Tax Law **in which all housing units are subject to an income test**

and are affordable to households earning 100% of area median income or less. The PILOT payment amount would be equal to 12% of projected net operating income as defined in RPT 581-a in year one with an annual increase of 2% each year. The incentive would be coterminous with the regulatory period requiring the affordable units. Affordable housing projects are eligible anywhere in Tompkins County and will be considered based on a review of financial need.

Fees

Administrative Fees: The applicant is responsible for paying the IDA Administrative Fee at the time of closing. Unless otherwise outlined below, the fee will be equal to 1% of the total value of project costs that are positively impacted by IDA incentives. This includes the value of construction or renovations of improvements to property that is impacted by property and sales tax abatement and the value of machinery, furniture, fixtures and equipment that are impacted by the sales tax abatement. Administrative fees for specific types of projects are as follows:

Not for Profit Project – The fee will be equal to ½% of the total value of expenses that are positively impacted by IDA incentives as outlined in the standard fee structure.

Affordable Housing Project – The fee will be equal to ½% of the total value of expenses that are positively impacted the IDA incentives as outlined in the standard fee structure.

Deborah Dawson seconded the motion. The motion was approved 5-0.

Public Hearings – Inclusion

The Board discussed opportunities to include the public and board members in public hearings via zoom. It was agreed that a Zoom link will be provided to board members for public hearings.

510 W State Street (The Stately) – Final Approval

Deborah Dawson made a motion to approve the authorizing resolution for The Stately Apartments subject to the newly amended TCIDA UTEP as to reduction of the TCIDA administrative fee. John Guttridge seconded the motion. The motion was approved 5-0.

CHAIRS REPORT

Jeff Gorsky stated that Rich John recommends the creation of an Ad Hoc Construction Labor Committee of the TCIDA to review the current labor utilization policy. The committee would be comprised of the following members: Rich John, Deborah Dawson, Anne Koreman, Todd Bruer and Nels Bohn of the City of Ithaca.

Anne Koreman made a motion to appoint an Ad Hoc Construction Labor Committee of the TCIDA with the following members: Rich John, Deborah Dawson, Anne Koreman, Todd Bruer and Nels Bohn. John Guttridge seconded the motion. The motion was approved 5-0.

The committee will meet to review the current TCIDA Local Labor Policy. The IDA's attorney will attend the meeting and/or review the local labor policy changes to ensure their legality.

STAFF REPORT

Heather McDaniel reported that the Ithacan project has opened as well as the attached parking garage. 100% of the market rate apartments have been leased. The affordable rate apartments are not fully leased.

2Q 2023 financial reports were provided for information.

MINUTES

Deborah Dawson made a motion to approve the minutes of the July 12, 2023 board of directors meeting. Anne Koreman seconded the motion. The motion was approved.

EXECUTIVE SESSION

John Guttridge made a motion to take the meeting into executive session to discuss pending litigation. Deborah Dawson seconded the motion. The motion was approved 5-0.

Deborah Dawson made a motion to bring the meeting out of executive session. John Guttridge seconded the motion. The motion was approved 5-0.

The meeting adjourned at 4:04 pm.