

# Tompkins County Industrial Development Agency

Administration provided by Ithaca Area Economic Development

**TOMPKINS COUNTY INDUSTRIAL DEVELOPMENT AGENCY  
BOARD OF DIRECTORS MEETING  
Wednesday, November 8, 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

- |   |             |
|---|-------------|
| <b>1. CALL TO ORDER</b>   |             |
| <b>2. PRIVILEGE OF THE FLOOR</b>                                |             |
| <b>3. ADDITIONS TO AGENDA</b>                                   |             |
| <b>4. BUSINESS</b>  | <b>Page</b> |
| Conifer Reality, LLC (200 Conifer Drive) – Final Approval       |             |
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| <b>5. CHAIR’S REPORT</b>  |             |
| <b>6. STAFF REPORT</b>  |             |
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**AUTHORIZING RESOLUTION**  
*(Conifer Realty, LLC Project)*

A regular meeting of the Tompkins County Industrial Development Agency was convened in public session on Wednesday, November 8, 2023, at 2:00 p.m., local time, at 121 E. Court Street, Ithaca, New York 14850.

The meeting was duly called to order by the Chair, with the following members being:

PRESENT:

ABSENT:

ALSO PRESENT:

On motion duly made and seconded, the following resolution was placed before the members of the Tompkins County Industrial Development Agency:

RESOLUTION OF THE TOMPKINS COUNTY INDUSTRIAL DEVELOPMENT AGENCY (THE "AGENCY"): (i) ACKNOWLEDGING THE PUBLIC HEARING HELD BY THE AGENCY WITH RESPECT TO THE PROEJCT AS DESCRIBED BELOW; (ii) MAKING A DETERMINATION WITH RESPECT TO THE PROJECT PURSUANT TO ARTICLE 8 OF THE ENVIRONMENTAL CONSERVATION LAW AND 6 N.Y.C.R.R. PART 617 IN CONNECTION WITH THE PROEJCT AS DESCRIBED BELOW; (iii) APPOINTING THE COMPANY AS AGENT OF THE AGENCY; (iv) AUTHORIZING THE NEGOTIATION, EXECUTION AND DELIVERY OF AN AGENT, FINANCIAL ASSISTANCE AND PROJECT AGREEMENT, LEASE AGREEMENT, LEASEBACK AGREEMENT, TAX AGREEMENT AND RELATED DOCUMENTS; (v) DESCRIBING AND AUTHORIZING THE FINANCIAL ASSISTANCE TO BE PROVIDED BY THE AGENCY TO THE COMPANY IN THE FORM OF A PARTIAL REAL PROPERTY TAX ABATEMENT STRUCTURED THROUGH A TAX AGREEMENT.

WHEREAS, by Title I of Article 18-A of the General Municipal Law of the State of New York (the "State"), duly enacted into law as Chapter 1030 of the Laws of 1969 of the State, as amended, and Chapter 535 of the Laws of 1971 of the State as amended and codified as Section

895-b of the General Municipal Law (collectively, the "Act"), the **TOMPKINS COUNTY INDUSTRIAL DEVELOPMENT AGENCY** (the "Agency") was created with the authority and power to acquire, construct, renovate, reconstruct, lease, improve, maintain, equip and sell land and any building or other improvement, and all real and personal properties, including, but not limited to, machinery and equipment deemed necessary in connection therewith, whether or not now in existence or under construction or renovation, which shall be suitable for manufacturing, warehousing, research, commercial or industrial facilities, in order to advance job opportunities, health, general prosperity and the economic welfare of the people of the State and to improve their standard of living; and

WHEREAS, **CONIFER REALTY, LLC**, a New York limited liability company, for itself and/or on behalf of an entity or entities formed or to be formed (the "Company"), has submitted an application (the "Application") to the Agency requesting the Agency's assistance with a certain project (the "Project") consisting of the acquisition by the Agency of a leasehold or other interest in approximately 8.90 acres of certain real property located at 200 Conifer Drive, Town of Ithaca, Tompkins County, New York (the "Land", being more particularly identified as tax parcel No. 27.-1-13.121) and the existing improvements thereon consisting principally of an approximately 88,221 square foot, seventy-two (72) affordable housing facility targeting seniors at income levels of 80%, 65% and 50% of area median income, together with certain items of machinery, equipment and other items of tangible personal property (the "Existing Improvements"; and, together with the Land, the "Facility"); and

WHEREAS, pursuant to Article 18-A of the Act, the Agency desires to adopt a resolution describing the Project and the Financial Assistance (as such term is defined below) that the Agency is contemplating with respect to the Project; and

WHEREAS, it is contemplated that the Agency will (i) negotiate and enter into an agent, financial assistance and project agreement (the "Project Agreement"), a lease agreement (the "Lease Agreement"), a leaseback agreement (the "Leaseback Agreement"), a payment-in-lieu-of-tax agreement (the "Tax Agreement") and related documents with the Company, (ii) take title to or a leasehold interest in, the Land, the Existing Improvements, the Equipment and the personal property constituting the Project (once the Lease Agreement, the Leaseback Agreement and the Tax Agreement have been negotiated), and (iii) provide financial assistance to the Company in the form of a partial real property tax abatement structured through the Tax Agreement (the "Financial Assistance"); and

WHEREAS, on October 11, 2023, the Agency, by duly approved motion, accepted the Application and directed that a public hearing be held; and

WHEREAS, pursuant to Section 859-a of the Act, on Monday, November 6, 2023, at 10:00 a.m., local time, at the Town of Ithaca Town Hall at 215 N. Tioga Street, Ithaca, New York 14850, the Agency held a public hearing with respect to the Project and the proposed Financial Assistance being contemplated by the Agency (the "Public Hearing"), whereat interested parties were provided a reasonable opportunity, both orally and in writing, to present their views; and

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

WHEREAS, the Project Agreement, the Lease Agreement, the Leaseback Agreement, the Tax Agreement and related documents are being negotiated and will be presented to the Agency for execution upon approval of this resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE TOMPKINS COUNTY INDUSTRIAL DEVELOPMENT AGENCY AS FOLLOWS:

Section 1. The Company has presented the Application in a form acceptable to the Agency. Based upon representations made by the Company to the Agency in the Application, the Agency hereby finds and determines that:

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

B. The Agency has the authority to take the actions contemplated herein under the Act; and

C. The action to be taken by the Agency will induce the Company to maintain the Project in Tompkins County, New York, and otherwise further the purposes of the Agency as set forth in the Act; and

D. The Project will not result in the removal of a civic, commercial, industrial or manufacturing plant of the Company or any other proposed occupant of the Project from one area of the State to another area of the State or result in the abandonment of one (1) or more plants or facilities of the Company or any other proposed occupant of the Project located within the State; and the Agency hereby finds that, based on the Company's Application, to the extent occupants are relocating from one plant or facility to another, the Project is reasonably necessary to discourage the Project occupants from removing such plant or facility to a location outside the State and/or is reasonably necessary to preserve the competitive position of the Project occupants in their respective industries; and

E. Based upon the representations made by the Company to the Agency in the Application, the Agency hereby finds and determines that the Project constitutes a "Type II Action" (as such term is defined in SEQRA); therefore, no further action is required under SEQRA.

Section 2. The Public Hearing held by the Agency on November 6, 2023, concerning the Project and the Financial Assistance, was duly held in accordance with the Act, including, but not limited to, the giving of at least ten (10) days published notice of the Public Hearing,

affording interested parties a reasonable opportunity, both orally and in writing, to present their views with respect to the Project.

Section 3. The Agency is hereby authorized to provide to the Company the Financial Assistance in the form of a partial real property tax abatement structured through the Tax Agreement.

Section 4. Subject to the Company executing the Agency Documents and the delivery to the Agency of a binder, certificate or other evidence of a liability insurance policy for the Facility satisfactory to the Agency, the Agency hereby authorizes the Company to proceed with the undertaking of the Project and hereby appoints the Company as the true and lawful agent of the Agency, pursuant to the provisions of the Agency Documents: (i) to construct, reconstruct, renovate, refurbish, maintain and equip the Facility; (ii) to make, execute, acknowledge and deliver any contracts, orders, receipts, writings and instructions as the stated agent for the Agency with the authority to delegate such agency, in whole or in part, to agents, subagents, contractors, and subcontractors of such agents and subagents and to such other parties as the Company chooses; and (iii) in general, to do all things which may be requisite or proper for completing the Project, all with the same powers and the same validity that the Agency could do if acting in its own behalf; provided, however, the Company's status as agent of the Agency and related sales tax exemption letter shall expire on **December 31, 2024** (unless extended for good cause by the Administrative Director or other authorized representative of the Agency).

Section 5. The Chair, Vice Chair and/or Administrative Director of the Agency is hereby authorized, on behalf of the Agency, to negotiate and enter into (A) the Project Agreement, (B) the Lease Agreement, pursuant to which the Company leases the Project to the Agency, (C) the related Leaseback Agreement, pursuant to which the Agency leases its interest in the Project back to the Company, and (D) the Tax Agreement, *provided, that* (i) the rental payments under the Leaseback Agreement include payments of all costs incurred by the Agency arising out of or related to the Project and indemnification of the Agency by the Company for actions taken by the Company and/or claims arising out of or related to the Project; and (ii) the terms of the Tax Agreement are consistent with the Agency's Policy or the procedures for deviation have been complied with.

Section 6. The Chair, Vice Chair and/or Administrative Director of the Agency are hereby authorized, on behalf of the Agency, to execute and deliver any mortgage, assignment of leases and rents, security agreement, UCC-1 Financing Statements and all documents reasonably contemplated by these resolutions or required by any lender/financial institution identified by the Company (the "Lender") up to a maximum principal amount of necessary to undertake the Project, acquire the Facility and/or finance or re-finance equipment and other personal property and related transactional costs (hereinafter, with the Lease Agreement, Leaseback Agreement and Tax Agreement, collectively called the "Agency Documents"); and, where appropriate, the Secretary or Assistant Secretary of the Agency is hereby authorized to affix the seal of the Agency to the Agency Documents and to attest the same, all with such changes, variations, omissions and insertions as the Chair, Vice Chair and/or Administrative Director of the Agency shall approve, the execution thereof by the Chair, Vice Chair and/or Administrative Director of

the Agency to constitute conclusive evidence of such approval; provided in all events recourse against the Agency is limited to the Agency's interest in the Project.

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

Section 8. All actions heretofore undertaken by the Agency with respect to the foregoing are hereby ratified and approved.

Section 9. These Resolutions shall take effect immediately.

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

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Rich John	[ ]	[ ]	[ ]	[ ]
Deborah Dawson	[ ]	[ ]	[ ]	[ ]
Anne Koreman	[ ]	[ ]	[ ]	[ ]
Jeff Gorsky	[ ]	[ ]	[ ]	[ ]
John Guttridge	[ ]	[ ]	[ ]	[ ]
Todd Bruer	[ ]	[ ]	[ ]	[ ]
Ducson Nguyen	[ ]	[ ]	[ ]	[ ]

The Resolution was thereupon duly adopted.

**SECRETARY'S CERTIFICATION**  
*(Conifer Realty, LLC Project)*

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

I, the undersigned Secretary of the Tompkins County Industrial Development Agency, DO HEREBY CERTIFY:

That I have compared the annexed extract of the minutes of the meeting of the Tompkins County Industrial Development Agency (the "Agency"), including the resolution contained therein, held on November 8, 2023, with the original thereof on file in the Agency's office, and that the same is a true and correct copy of the proceedings of the Agency and of such resolution set forth therein and of the whole of said original insofar as the same related to the subject matters therein referred to.

I FURTHER CERTIFY, that all members of the Agency had due notice of said meeting, that the meeting was in all respects duly held and that, pursuant to Article 7 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public, and that public notice of the time and place of said meeting was duly given in accordance with such Article 7.

I FURTHER CERTIFY, that there was a quorum of the Directors of the Agency present throughout said meeting.

I FURTHER CERTIFY, that as of the date hereof, the attached resolution is in full force and effect and has not been amended, repealed or modified.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Agency this \_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Secretary

[SEAL]

## NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a public hearing pursuant to Article 18-A of the New York General Municipal Law will be held by the Tompkins County Industrial Development Agency (the "Agency") on Monday, November 6, 2023, at 10:00 a.m., local time, at the Town of Ithaca Town Hall at 215 N. Tioga Street, Ithaca, New York 14850, in connection with the following matter:

**CONIFER REALTY, LLC**, a New York limited liability company, for itself and/or on behalf of an entity or entities formed or to be formed (the "Company"), has submitted an application (the "Application") to the Agency requesting the Agency's assistance with a certain project (the "Project") consisting of the acquisition by the Agency of a leasehold or other interest in approximately 8.90 acres of certain real property located at 200 Conifer Drive, Town of Ithaca, Tompkins County, New York (the "Land", being more particularly identified as tax parcel No. 27.-1-13.121) and the existing improvements thereon consisting principally of an approximately 88,221 square foot, seventy-two (72) affordable housing facility targeting seniors at income levels of 80%, 65% and 50% of area median income, together with certain items of machinery, equipment and other items of tangible personal property (the "Existing Improvements"; and, together with the Land, the "Facility").

The Agency will acquire title to or a leasehold interest in the Facility and lease the Facility back to the Company. The Company will own and operate the Facility during the term of the lease. At the end of the lease term, the Company will purchase the Facility from the Agency, or if the Agency holds a leasehold interest, the leasehold interest will be terminated. The Agency contemplates that it will provide financial assistance (the "Financial Assistance") to the Company in the form of a partial real property tax abatement structured under an agreement or agreements between the Company and the Agency regarding payments in lieu of real property taxes for the benefit of each municipality having taxing jurisdiction over the Facility.

At the public hearing, the Agency will consider the Project, the Financial Assistance and the reduction in the Agency's Administrative Fee, which, if granted, will constitute a deviation under the Agency's Uniform Tax Exemption Policy (the "Policy").

A representative of the Agency will be at the above-stated time and place to present a copy of the Company's Application and hear and accept written and oral comments from all persons with views in favor of, opposed to or otherwise relevant to the proposed Financial Assistance.

The Agency will broadcast the public hearing live on YouTube at the following LIVE STREAM LINK: <https://tinyurl.com/weo3tkk>.

The Agency also encourages all interested parties to submit written comments to the Agency, which will be included within the public hearing record. Any written comments may be sent to the Agency at: Tompkins County Industrial Development Agency, Attention: Ina Arthur, 119 East Seneca Street, Suite 200, Ithaca, New York 14850 and/or via email at



[info@ithacaareaed.org](mailto:info@ithacaareaed.org), with the subject line being "Conifer Realty, LLC", no later than 1:00 p.m. on Friday, November 3, 2023.

Dated: October 24, 2023

TOMPKINS COUNTY INDUSTRIAL  
DEVELOPMENT AGENCY

# Tompkins County Industrial Development Agency

Administration provided by Ithaca Area Economic Development

## Local Labor Utilization Policy

Adopted: December 9, 2021

Updated: July 13, 2023

It is the goal of the Tompkins County Industrial Development Agency (TCIDA) to maximize the use of local labor. The Local Labor Policy (Policy) described herein applies to all general contractors, subcontractors, trade professionals, and their employees (collectively, the “workers”). The TCIDA encourages the use of workers enrolled in a New York State certified apprenticeship program. It also encourages the use of local suppliers whenever possible and can provide applicants with a vendor list upon request.

Project applicants who receive financial assistance from the TCIDA (e.g., sales tax exemption, mortgage recording tax exemption, real property tax abatement, or bond proceeds) are required to solicit bids from local contractors and use [three-quarters \(75%\) local workers \(measured in number of workers, not their hours or wages\)](#) for ~~three-quarters (75%) of the cumulative~~ construction of new, expanded, or renovated facilities. The local catchment area is defined as Tompkins County and the six contiguous counties of Cortland, Cayuga, Seneca, Schuyler, Chemung, and Tioga, as determined by zip code analysis\*.

Applicants are required to comply with the following requirements:

1. **Notification** – Within five (5) business days of TCIDA approval, the applicant must submit a description of the project and the anticipated financial assistance via certified mail to the following agency:

Tompkins-Cortland Building and Construction Trades Council  
Todd Bruer, President  
134 Cecil A. Malone Drive  
Ithaca, NY 14850  
businessmanager@ibewlocal241.com  
(607) 272-2809

2. **Proof of Local Bids** – The applicant will provide, as early as possible and in a format acceptable to the TCIDA, a bid list with the name, address, contact information, and detailed type of work for all of the companies it solicited, along with corresponding documentation that an invitation to bid was sent. If there are types of work for which no bid was solicited from a local company (i.e., no local companies provide that service), a written explanation must be attached.
3. **Construction Labor Reporting** – The applicant will provide monthly payroll reports for all workers on site during that month, certified by an authorized representative. The reporting form is provided by the TCIDA and must include the name of the worker and/or associated identification numbers, total hours, net wages, zip code of residence, and worker classification. Reports must be submitted within 60 days of the end of each month in which work was performed for the duration of construction.

*\*The IDA recognizes that some zip codes extend into other, non-contiguous counties but has determined this method to be an acceptable indicator of local labor utilization.*

### **Waiver**

The TCIDA may on a case-by-case basis waive the local labor requirement for all or portions of a project. Warranty issues, documented lack of qualified local bids or available workers, documented need for specialized skills not available locally, or a cost differential of ten percent (10%) or more will receive an administrative review; other extenuating circumstances are subject to review and approval by the TCIDA board of directors. [Waivers are subcontractor-specific; those that receive a waiver still report monthly but are removed from the cumulative total percentage of workers on the project.](#)

To obtain a waiver, the applicant must submit to the TCIDA's Administrative Director a waiver request form (provided by the TCIDA), certified by an authorized representative and accompanied by an explanation for the request and evidence of the inability to satisfy the requirements of the Policy. Administrative reviews will be conducted within fifteen (15) days of receipt of a waiver request. For other extenuating circumstances, the TCIDA board of directors will issue a determination within thirty (30) days of receipt of a waiver request; failure to act within either period is equivalent to an automatic waiver. If a waiver request is denied during administrative review, the applicant may appeal to the TCIDA board of directors. All determinations issued by the TCIDA board of directors are final.

The TCIDA Administrative Director will provide a monthly report of all recent waiver requests at each regular meeting of the TCIDA.

### **Exemptions**

Affordable housing, defined as those projects where at least seventy-five percent (75%) of units are made available to households earning eighty percent (80%) or less of area median income and are subject to a regulatory compliance agreement by a local, state, or federal agency for a period of at least twenty (20) years, are exempt from this Policy.

### **Default**

If the applicant fails to comply with any of the requirements of the Policy the TCIDA, shall, at its discretion and in compliance with its Recapture Policy, have the authority to terminate and/or recapture all financial assistance provided to the project.

### **Prevailing Wage**

The TCIDA is a public authority and as such, covered projects are subject to prevailing wage requirements contained in Section 200 and 220-b of the New York State Labor Law. Covered projects are defined as "construction work done under contract which is paid for in whole or in part out of public funds where the amount of all such public funds, when aggregated, is at least thirty percent (30%) of the total construction project costs and where project costs are over \$5 million."

### **Acknowledgment**

By accepting financial assistance from the TCIDA, the applicant acknowledges the Policy outlined above and agrees to comply with the requirements included herein.

**Contact Information**

Heather McDaniel, Administrative Director  
Ithaca Area Economic Development  
119 E Seneca Street, Suite 200  
Ithaca, NY 14850  
(607) 273-0005  
heatherm@IthacaAreaED.org

The TCIDA will review the Policy annually and revise as needed.

**Tompkins County Industrial Development Agency  
Board of Directors Meeting DRAFT Minutes  
October 11, 2023 – 2:00 – 4:00 PM  
TC Legislative Chambers  
121 E. Court Street  
Ithaca NY 14850**

**Present:** Rich John, Todd Bruer, Jeff Gorsky, John Guttridge, Anne Koreman, Ducson Nguyen, Deborah Dawson

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

**Guests:** Griffen Weigle, Keven Day (Conifer Realty, LLC)

**CALL TO ORDER**

Rich John called meeting to order at 2:10 pm.

**PRIVILEGE OF THE FLOOR**

**Theresa Alt** – 206 Eddy Street

1. Conifer Realty and its building for low-income seniors should get a PILOT.
2. She has issues with wealthy owners/developers and the lack of good public transportation at these apartments.
3. The TCIDA should only support affordable housing projects and projects that create good jobs.

**ADDITIONS TO THE AGENDA**

Heather McDaniel asked that the agenda include an executive session to discuss ongoing litigation and a matter regarding contract negotiations.

**BUSINESS**

Conifer Realty, LLC (200 Conifer Drive) - Application

The application and request for the existing PILOT agreement to be extended for 35 years using the TCIDA affordable housing incentive was presented and discussed.

**John Guttridge made a motion to move the Conifer Realty, LLC application to a public hearing. Anne Koreman seconded the motion. The motion was approved 7-0.**

2024 Draft TCIDA Budget – Approval

**Jeff Gorsky made a motion to approve the 2024 Draft TCIDA Budget. Deborah Dawson seconded the motion. The motion was approved 7-0.**

Action Item: TCIDA/IAED funding history to be presented at the November meeting.

**CHAIRS REPORT** – none

**STAFF REPORT**

Administrative Construction waivers were presented (the Dean).

**COMMITTEE MINUTES**

Clarification was requested as to what the 75% in the local labor policy measures – local workers or contracts. Clarification will be provided.

**MINUTES**

**Deborah Dawson made a motion to approve the minutes of the August 9, 2023 board of directors meeting. Jeff Gorsky seconded the motion. The motion was approved 7-0.**

**EXECUTIVE SESSION**

**John Guttridge made a motion to take the meeting into executive session to discuss pending litigation and contract negotiations. Deborah Dawson seconded the motion. The motion was approved 7-0.**

**Deborah Dawson made a motion to bring the meeting out of executive session. John Guttridge seconded the motion. The motion was approved 7-0.**

The meeting adjourned at 4:00 pm.