

Tompkins County Industrial Development Agency

Administration provided by Ithaca Area Economic Development

**TOMPKINS COUNTY INDUSTRIAL DEVELOPMENT AGENCY
BOARD OF DIRECTORS MEETING
Wednesday, December 11, 2024 • 2:00 – 4:00 PM**

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

THIS MEETING WILL BE LIVESTREAMED: <https://tinyurl.com/weo3tkk>

Mission Statement: The Tompkins County Industrial Development Agency delivers economic incentives to business and industry to diversify and strengthen Tompkins County's tax base and enhance community vitality, by supporting job creation, business and industrial development, and community revitalization. We strive to develop the local economy in an organized, sustainable and environmentally beneficial manner.

AGENDA

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

Date: 12/02/2024

I. APPLICANT INFORMATION (company receiving benefit)

Name of Company/Applicant: TETmedical, Inc.

Owner: TETmedical is a Delaware C corporation with multiple shareholders.

Address: 22 Thornwood Drive

City: Ithaca State: NY Zip: 14850

Primary Contact (First, Last): David R. Fischell PhD - CEO

Phone: 732-567-5300 Email: drfischell@tetmedical.com Fax: 732-747-6579

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: N/A - requesting sales tax only.

Owner: _____

Address: _____

City: _____ State: _____ Zip: _____

Primary Contact (First, Last): _____

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

Describe the terms and conditions of the lease between the applicant and the owner of the property: The company has a 5 year lease attached for the property.

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: Paul Wellington,

Address: Honigman

City: Kalamazoo State: MI Zip: _____

Primary Contact (if different from above:): _____

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

Applicant Accountant: Scott Frankenfield CPA

Address: 116 FreedomRider Trail

City: Glen Mills State: PA Zip: 19342

Primary Contact (if different from above:): _____

Phone: (484)315-8795 Email: scott@slf-cpa.com Fax: () -

Applicant Engineer/Architect (if known): _____

Address: _____

City: _____ State: _____ Zip: _____

Primary Contact (if different from above:): _____

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

Applicant Contractor (if known): _____

Address: _____

City: _____ State: _____ Zip: _____

Primary Contact (if different from above:): _____

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

II. BUSINESS HISTORY

Year company was founded: 2021 NAICS Code: 325413

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

Describe in detail company background, products, customers, goods and services: TETmedical, Inc. was founded in 2021 by Drs. David R. Fischell, Alex Travis and Roy Cohen to license patents from Cornell University for in-vitro and point of care diagnostic medical and veterinary products. The company is currently an R&D and clinical testing stage company developing diagnostic tests with its first product to be a first of a kind blood test for strokes. Under Federal and NY ESD grants TETmedical is also developing point of care/at home liver enzyme tests and in-vitro diagnostics for viruses and canine cancers. TETmedical is already a NY Hotspot company and still maintains a presence in the Center for Life Science Ventures (CSLV) incubator in Weill Hall on the Cornell Campus. On November 1, 2024 the company expanded into the facility at 22 Thornwood Drive in the Cornell Industrial Park near Tompkins County Airport in the city of Ithaca.

Major Customers: N/A TET is an R&D stage company

Major Suppliers: Genscript, Fisher Scientific, VWR, Roy fill in more

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

If yes, please describe: _____

Were the goals met? Yes No

If no, why were the goals not met? _____

Annual sales to customers in Tompkins County: \$0

Percent of annual sales subject to local sales tax: N/A

Value of annual supplies, raw materials and vendor services that are purchased from firms in Tompkins County: \$ _____ Roy help here

III. PROJECT DESCRIPTION AND DETAILS

Project Location (all addresses and tax parcels): 22 Thornwood Drive, Ithaca, NY 14850

Property Size (acres): existing: N/A building leased proposed: _____

Building Size (square feet): existing: 10,000 proposed: _____

Proposed Dates: start: 12/15/2024 end: 12/14/2027

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: 22 Thornwood is a facility vacated in the 3rd quarter of 2024 and TETmedical's lease began on November 1. The building needs to be upgraded and re-certified including its clean room for manufacturing and equipment to produce in-vitro and point of care diagnostic tests need to be purchased. In the next three years as many as 20,000 tests will be manufactured for clinical trials and potential sales following FDA approval likely in mid 2027. Additional projects now being supported on grants should move to clinical stage during this 3 year period including an at home blood test for liver enzymes ALT and AST and an in-vitro test for a number of viruses. New R&D will also likely be started on dog cancer, endometriosis and avian flu detection.

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.: Supporting the expensive facility will stress the start-up company finances and any support even in tens of thousands of dollars will be helpful.

If no, provide a narrative 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 County/City/Town/Village? TETmedical's ability to hire into the facility will be directly related to the available funding available to the company. Hence impact on the local County and Town.

Describe what green building practices you plan to use: The company plans to use high efficiency LED lighting as part of its renovation and improvement efforts for the facility at 22 Thornwood Drive, Ithaca, NY

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: _____

Average duration of stays (days): _____

Occupancy

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

- | | |
|-----------------------------------------------------------|----------------------------------------------------------|
| <input checked="" 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 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. TETmedical, Inc	Diagnostic Products	100%
2. _____	_____	_____
3. _____	_____	_____

IV. PROJECT COSTS AND FINANCING

Project Costs

	Amount (\$)
Land and/or Building Acquisition: _____ acres _____ square feet	\$0
New Building Construction: _____ square feet	\$0
Building Addition(s): _____ square feet	\$0
Infrastructure Work:	\$100,000
Reconstruction/Renovation: <u>2,000</u> square feet	\$100,000
Manufacturing Equipment:	\$600,000
Non-Manufacturing Equipment (furniture, fixtures, etc.):	\$50,000
Soft Costs (professional services, etc.): Including GMP certifications	\$50,000
Other (Specify): _____	\$0
TOTAL:	\$900,000

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

If yes, describe particulars: _____

Sources of Funds for Project Costs

Bank Financing	\$0
Equity	\$900,000
Tax Exempt Bond Issuance (if applicable)	\$0
Taxable Bond Issuance (if applicable)	\$0
Public Sources (Include sum total of all state and federal grants and tax credits)	\$0

Identify each State and federal grant/credit:

_____	\$ _____
_____	\$ _____
_____	\$ _____

Total sources of funds for Project costs: \$900,000

Project refinancing of existing debt only (estimated): \$0

Amount of anticipated financing from a lending institution: \$ 0

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).

Assumptions: \$0 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:

Sales and Use Tax Benefit:

\$ 900,000

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 sales and use tax amount as indicated above multiplied by 8%)

\$ 72,000

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):

\$ 0

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	\$ _____	\$ _____
Total Debt Service	\$ _____	\$ _____

Percentage of Project costs financed from public sector:

A. Total Project Cost	<u>\$900,000</u>
B. Estimated Value of PILOT	\$ _____
C. Estimated Value of Sales Tax Incentive	<u>\$72,000</u>
D. Estimated Value of Mortgage Tax Incentive	\$ _____
E. Total Other Public Incentives (tax credits, grants, ESD incentives, etc.)	\$ _____

Calculation of percentage of Project costs financed from public sector: 12.5%
(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: Medical, Dental & Vision

Describe the internal training and advancement opportunities you offer to your employees: Employees will be trained on ISO Quality and GMP manufacturing as required

Employment Plan

Occupation in Company	Current (Retained) Permanent FTE* Jobs in NYS		Projected New Permanent FTE* Jobs			
	Average Annual Salary Ranges/ Hourly Wage	Number of Employees	Year 1	Year 2	Year 3	Total New Jobs
Professional	\$80,000	4	1	2	2	5
Clerical			1	0	0	1
Sales						
Services						
Construction						
Manufacturing	\$75,000	2	1	2	2	5
High Skilled						
Medium Skilled						
Basic Skilled						
Other (describe)						
Total	\$78,000	6	3	4	4	11

* 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? 50 %

What percentage of your current positions are occupied by minorities? 0 %

Estimated percentage of new hires who would be unemployed at time of hire: 20%

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) 75%

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? X Yes No

If no, estimate the percentage of the current workforce whose wages meet or exceed the livable wage, as defined by AFCU. 100%

Please describe your strategy for ensuring diversity in hiring: Where possible we seek quality employees with diverse backgrounds

VII. CONSTRUCTION LABOR

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

Will you use contractors who:

Have a certified apprenticeship program	<input type="checkbox"/> Yes	_____ %	<input type="checkbox"/> No
Pay a prevailing wage	X Yes	<u>TBD</u> %	<input type="checkbox"/> No
Use local labor	X Yes	TBD %	<input type="checkbox"/> No

Estimate the number of construction jobs _____

VIII. ENVIRONMENTAL REVIEW AND PERMITTING

Environmental Assessment Form – Short Form Long Form

Submitted to: N/A – Type II Action – no review required
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:

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

<i>Permit</i>	<i>Status</i>
1. _____	_____

2. _____
3. _____

IX. OTHER

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

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? 0 %

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 Yes No

11 number of permanent, private sector jobs in the State of New York? 11 over 3 years

If yes, explain: Expansion of manufacturing for R&D and Clinical testing of in-vitro and point of care diagnostics will required additional personnel.

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:

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: _____

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

David R. Fischell, PhD (name of CEO or other authorized representative of Applicant) confirms and says that he/she is the CEO (title) of TETmedical, Inc. (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.

**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: David R. Fischell

Print Name: David R. Fischell, PhD

Title: CEO

Company: TETmedical, Inc.

Date: 12/2/24

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: David R. Fischell

Print Name: David R. Fischell, PhD

Title: CEO

Company: TETmedical, Inc.

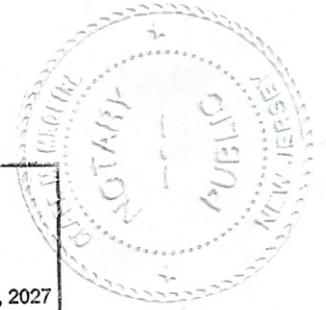
Date: 12/2/24

STATE OF NEW JERSEY)
) SS.:
COUNTY OF MONMOUTH)

On the 25th day of November in the year 2024, before me, the undersigned, personally appeared David R. Fischell, 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.

Clare M. Maguire

Notary Public



CLARE M. MAGUIRE
NOTARY PUBLIC
STATE OF NEW JERSEY
MY COMMISSION EXPIRES MARCH 19, 2027

Tompkins County Industrial Development Agency

Administration provided by Ithaca Area Economic Development

TETmedical, Inc. – Community Benefits Overview

12/11/24

Project Overview

TETmedical, Inc. is an R&D and clinical testing stage company founded in 2021. The first product will be a diagnostic blood test for strokes. The company is also developing point of care/at home liver enzyme tests and in-vitro diagnostics for viruses and canine cancers. The company is a member of the Center for Life Science Ventures incubator at Cornell and is expanding into a vacant facility at 22 Thornwood Drive in the Cornell Business and Technology Park where they plan to manufacture diagnostic tests for clinical trials and potential sales following FDA approval in 2027. The company plans additional clinical stage products to detect cancer in dogs, endometriosis and avian flu.

The project includes building upgrades and various certifications in the clean room for manufacturing and equipment purchase to produce in-vitro and point of care diagnostic tests to perform clinical trials.

The applicant is requesting a sales tax exemption valued at \$72,000 to assist with fit out and renovation of the facility. An incentive under \$100,000 can be approved without a public hearing.

Cost-Benefit Analysis

- Extent to which project would create and/or retain private sector jobs – 11 new jobs over three years.
- Estimated value of tax exemption – \$72,000 in state and local sales tax exemption
- Estimate of private sector investment to be generated by the project – \$900,000
- Likelihood of completing project in a timely manner – lease has been signed; private investment and R&D funding is secured; the landlord is currently providing upgrades to the building and TETmedical is ready to begin upgrades, equipment purchases and the clean room certification process.
- Extent to which project would generate additional sources of revenue for local taxing jurisdictions – the building is fully on the tax rolls.
- Other benefits that might result from the project – a new business is graduating out of the incubator which fills a vacant building and creates jobs locally.

AUTHORIZING RESOLUTION
(TETmedical, Inc. Project)

A regular meeting of the Tompkins County Industrial Development Agency was convened in public session on Wednesday, December 11, 2024.

The following resolution was duly offered and seconded, to wit:

Resolution No. 12/2024 - _____

RESOLUTION OF THE TOMPKINS COUNTY INDUSTRIAL DEVELOPMENT AGENCY (i) ACCEPTING AN APPLICATION FROM TETMEDICAL, INC. (THE "COMPANY") WITH RESPECT TO A CERTAIN PROJECT (DESCRIBED BELOW), (ii) APPOINTING THE COMPANY AS AGENT OF THE AGENCY TO UNDERTAKE THE PROJECT, (iii) AUTHORIZING THE EXECUTION AND DELIVERY OF A PROJECT AGREEMENT AND RELATED DOCUMENTS WITH RESPECT TO THE PROJECT, (iv) MAKING A DETERMINATION PURSUANT TO ARTICLE 8 OF THE ENVIRONMENTAL CONSERVATION LAW AND 6 N.Y.C.R.R. PART 617 IN CONNECTION WITH THE PROJECT, AND (v) AUTHORIZING FINANCIAL ASSISTANCE FOR THE BENEFIT OF THE COMPANY IN THE FORM OF A SALES AND USE TAX EXEMPTION FOR PURCHASES AND RENTALS RELATED TO THE PROJECT.

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, **TETMEDICAL, INC.**, for itself and/or on behalf of an entity formed or to be formed by it or on its behalf (the "Company"), has submitted an application (as the same may be modified or supplemented from time to time, the "Application") to the Agency, a copy of which is on file with the Agency, requesting the Agency's assistance with respect to a certain project (the "Project") consisting of: (i) the redevelopment of a certain 2.81 acre parcel of land located at 22 Thornwood Drive, Village of Lansing, Tompkins County, New York (the "Land", being more particularly identified as tax parcel No. 45.1-1-55.15) along with the existing improvements located thereon consisting of an approximately 10,000 square foot commercial building and related site and parking improvements (collectively, the "Existing Improvements"),

(ii) the planning, design, engineering and reconstruction of the Existing Improvements, along with various utility improvements (collectively, the "Improvements"), and (iii) the acquisition and installation in and around the Land and Improvements of certain machinery, equipment and other items of tangible personal property (the "Equipment", and collectively with the Land, the Existing Improvements and the Improvements, 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 a certain project agreement, pursuant to which the Agency will appoint the Company as its agent for the purpose of undertaking the Project (the "Project Agreement") and (ii) provide financial assistance to the Company in the form of a sales and use tax exemption for purchases and rentals related to the renovation of the Facility and the acquisition and installation and equipping of the Equipment (the "Financial Assistance"); and

WHEREAS, the Financial Assistance to be provided to the Company by the Agency shall not exceed \$100,000 and, therefore, no public hearing is required; 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 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 develop 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) as the Project constitutes the replacement, rehabilitation and reconstruction of a structure or facility, in kind, on the same site; therefore, no further action is required under SEQRA.

Section 2. The Agency is hereby authorized to provide to the Company the Financial Assistance in the form of an exemption from sales and use tax for the purchase or rentals of goods and services in connection with the Project.

Section 3. Based upon representations and warranties made by the Company in the Application, the Agency hereby authorizes and approves the Company, as its agent, to make purchases of goods and services relating to the Project, that would otherwise be subject to New York State and local sales and use tax in an amount up to **\$900,000.00**, which result in New York State and local sales and use tax exemption benefits ("Sales and Use Tax Exemption Benefits") not to exceed **\$72,000.00**. The Agency agrees to consider any requests by the Company for increase to the amount of Sales and Use Tax Exemption Benefits authorized by the Agency upon being provided with appropriate documentation detailing the additional purchases of property or services.

Section 4. Pursuant to Section 875(3) of the New York General Municipal Law, the Agency may recover or recapture from the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, any Sales and Use Tax Exemption Benefits taken or purported to be taken by the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, if it is determined that: (i) the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, 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 to be taken by the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project; (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, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, 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.

As a condition precedent to receiving Sales and Use Tax Exemption Benefits, the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, shall (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.

Section 5. 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 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, 2027** (unless extended for good cause by the Administrative Director or other authorized representative of the Agency).

Section 6. The Administrative Director, Chair and/or Vice Chair of the Agency are hereby authorized, on behalf of the Agency, to negotiate and enter into the Project Agreement.

Section 7. The Financial Assistance provided by the Agency to the Company shall not exceed \$100,000 and, therefore, a public hearing is not required to be held by the Agency.

Section 8. 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 necessary to undertake the Project, to acquire, construct and/or equip the Facility and/or finance or re-finance equipment and other personal property and related transactional costs (hereinafter, with the Project Agreement, 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 9. 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 officer, 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 10. 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	[]	[]	[]	[]
Todd Bruer	[]	[]	[]	[]
Jerry Dietz	[]	[]	[]	[]
Ducson Nguyen	[]	[]	[]	[]

SECRETARY'S CERTIFICATION
(TETmedical, Inc. 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 December 11, 2024, 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 _____, 2024.

Secretary

[SEAL]



November 6th, 2024

Tompkins County IDA
c/o Heather McDaniel
Ithaca Area Economic Development
119 E. Seneca Street
Suite 200
Ithaca NY 14850

Dear IDA,

I am writing to request a modification of the tax abatement for The Ex Libris, LLC Project Number 5003-19-02A, at 105 West Court Street, aka Library Place so that it starts when the property was actually placed in service.

I am also seeking relief from the 55+ age restriction. Lease up is going slower than expected and our current tenants have expressed strong interest and support for creating intergenerational housing. While we expect that the preponderance of our residents will be older than 55, we feel that removing the age restriction will make the project more economically viable as well as more vibrant. We intend to preserve the dignity and decorum of the building.

Thank you for your consideration.

Regards,

A handwritten signature in blue ink that reads 'Frost Travis'.

Frost Travis
Manager, Ex Libris, LLC

Request to Remove the Age Restriction at Library Place

Current Situation and Financial Challenges

Overview of Library Place

- Mixed-use residential/commercial development for 55+ Active Adults
 - Goal: provide Life Care amenities at a lower cost than traditional Life Care.
- The 55+ age restriction limits the tenant pool.
 - The original investment thesis assumed the age restriction would benefit the lease-up process because of demographic demand; the first baby boomers turned 70 in 2021.
 - Additional units were added to the design to benefit from this investment thesis.
- The age restriction has resulted in a slower lease-up, which has impacted the property's financial stability.
 - +55 Adults have many obstacles to making their decision to move into an independent living facility:
 - Selling their home.
 - Downsizing.
 - Uprooting from their community.

Current Situation and Financial Challenges

- The Library Place development project has been in progress for over 10 years:
 - First Request for Expressions of Interest from Tompkins County Legislature: October 2013
 - Final Certificate of Occupancy: June 9, 2024
- Sources of Project Delays:
 - Lengthy Entitlement Process
 - The Pandemic
 - Supply Chain Issues
 - Design Errors
 - Labor Shortages
- Construction costs increased by over **\$3 million** due to repricing caused by inflation.
- Federal Reserve **interest rate hikes raised debt service payments**, leading to an additional shortfall in the project budget.
- Interest rate hikes have also made it difficult to pay debt service payments.
- Rents had to be increased to meet debt obligations at stabilization.

Request to Lift Age Restrictions

- We request IAED remove 55+ age restrictions as a requirement for the tax abatement.
- This will broaden our pool of potential tenants to target and hopefully result in improved financial viability.
- Expanding the market to younger adults shortens the decision cycle to move into the building, which has the potential to increase occupancy.

Benefits of Intergenerational Housing

- Enhanced community engagement and diversity.
- Better health for residents
- Creates a dynamic, vibrant community with mixed-age interactions.
- Economic impact: increased foot traffic, boosts local businesses.
- More diverse age group supports a thriving local economy.

Community Support

- Our Residents:

To Whom It May Concern,

We, the undersigned residents of Library Place, are writing to express our support for Travis Hyde Properties' proposal to lift the current age restriction of 55 and older within our community, allowing residents of all ages to reside here. As current tenants, we believe that this change will have significant benefits for our community.

This has been a place where many of us have enjoyed a sense of comfort and camaraderie. However, we believe that lifting the age restriction would foster greater diversity, enrich the community, and better reflect the needs and desires of a broader range of residents. By allowing younger residents to live in our community, we will create a more vibrant, inclusive environment that promotes interaction between people of all ages.

In addition to the social benefits, lifting the age limit would likely attract more residents, ensuring the financial health of the complex and helping it to thrive. This is beneficial not only for our community but for Ithaca as a whole. More diverse housing options can make our town more welcoming and appealing to a wider range of people from young professionals to families, ultimately contributing to its growth and economic development.

We respectfully ask that the town consider the positive impact this change would have on both our apartment community and the broader town. We hope you will support the decision to lift the age restriction and allow people of all ages to call Library Place their home.

Thank you for your time and consideration. We look forward to the opportunity to discuss this proposal further and hope for your favorable response.

Sincerely,
Residents of Library Place

Fred A. Wilcox 415
Ann Halpern, 418
Susan Morgan 405
Joan Johnston 221
Harold Kugelmas, 419
Margaret Lay-Doppner 414
Bobby Lovenheim 304

William D. Highland
William D. Highland #404

Phyllis Harritt Highland, 404
Dile Elvira #205



Community Support



Lifelong

November 11, 2024

Our Partner:

To Whom It May Concern,

I am Liza Burger, Executive Director of Lifelong, a community center for adults 50+, whose mission is to enhance the lives of older adults in our community. Lifelong's neighbor is Library Place, and a few months ago we were delighted to finalize a 10-year agreement with Travis Hyde Properties for the non-exclusive use of the community room in Library Place, with the option to renew this agreement for years to come. Since that time, we have enjoyed a fruitful collaboration with Travis Hyde Properties as both of us have been actively programming the space ever since. We are hopeful for a positive working relationship with Travis Hyde Properties for the foreseeable future, and older adults and others in our community have already benefited greatly from the use of this shared space.

Today I am writing to express my support for Travis Hyde Properties' proposal to alter the current age restriction of 55 and older at Library Place. As a community partner with Travis Hyde Properties, we see the change to a more intergenerational housing option for this space as a potential benefit to our community and to the residents currently living at Library Place.

Loneliness in older adults is correlated with a decline in function, lower self-reported health scores, and overall mortality. One way to address these challenges is with intergenerational housing, in which older adults live in communities that foster connection with younger generations. Having neighbors of varied ages can serve as a method of improving the health and well-being of older adults while providing benefits to society at large.

In addition to the benefits noted above, removing the existing age restriction at Library Place, or at least limiting this requirement for a certain percentage of residents, would help increase occupancy in this building and help stabilize the building financially with an increase in tenants. The financial success of Library Place serves to benefit Lifelong in our relationship regarding the use of the Library Place Community Room as well, being that we hope to use this space long into the future. Please consider allowing the age restriction to be removed or altered so that Library Place may become a home for different generations moving forward.

Sincerely,

A handwritten signature in blue ink that reads "Liza Burger".

Liza Burger, Executive Director
Lifelong

Enhancing the Second Half

119 West Court Street, Ithaca, New York 14850 Phone: 607-273-1511 Fax: 607-272-8060
Email: frontdesk@tclifelong.org Web: www.tclifelong.org



Long-Term Sustainability of Library Place

- Lifting the age restriction ensures financial viability.
- Project can meet obligations, including property taxes and maintenance.
- Library Place sets a model for flexible, adaptive housing in Ithaca.

Thank you

By removing the age restriction, you will help secure financial success and a more diverse tenant base for Library Place.

We appreciate your consideration and hope to continue our fruitful partnership with the TCIDA.



MEMORANDUM

To: Tompkins County IDA Board Members
From: Heather McDaniel, President
Date: November 13, 2024
Re: Recommendations to Increase Payments for Commercial Solar Projects in Prime Agricultural Areas

The Tompkins County IDA was one of the first IDA's in the State to develop a solar incentive policy and has provided incentives that made possible over 70 megawatts of commercial solar development throughout the County. The current policy provides for a Payment in Lieu of Tax (PILOT) payment that ranges from \$4,200 to \$4,800 per megawatt output of the solar facility. Projects approved since 2021 have paid an amount closer to the \$4,200 per megawatt for a number of reasons which included a declining value of State incentive and the State transitioning methods for compensating energy generated by renewable resources- both of which reduced anticipated revenue for commercial solar projects. At the same time, the State provided a common assessment, or valuation, model for solar assets and provided a calculator so that solar developers, assessors and other interested parties could readily ascertain the value that would be used for determining tax payments.

As a result of the implementation of the new State valuation model, the most recent solar projects are paying a PILOT amount of \$4,200 per megawatt, which is nearly the same as what they would be paying if fully on the tax rolls. Caramoor Solar which was approved earlier this year, is projecting a \$28,000 savings over the 25-year term of the PILOT. The solar developers continue to request PILOT agreements because they provide certainty over the long term for both the developer and the taxing jurisdictions.

The IDA asked me to propose a payment structure that would prioritize preserving prime farmland. Given that current projects are paying about what they would be if there were no PILOT, I am first recommending that this \$4,200 per megawatt be established as the PILOT amount per megawatt. I am also recommending that the \$4,200 per megawatt payment be increased 30% if: 1. The land is actively farmed; and another 30% increase if 2. If the land is designated Prime Farmland by the United States Department of Agriculture (USDA) Soil Survey.

The USDA provides the Prime Farmland designation, defining Prime Farmlands as "land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops and is available for these uses. It could be cultivated land, pastureland, forestland, or other land, but it is not urban or built-up land or water areas." In Tompkins County there are 23 soil types designated as Prime Farmland at this time. The Tompkins County Prime Farmland types can be found using the [USDA's Soil Data Access Data Tool](#). The USDA Prime Farmland designation is used in the County Agriculture and Farmland Protection Plan (2015) and is the bases for County designated High Priority Farmland Protection Areas and Agricultural Focus Areas. I consulted with the Tompkins County Department of Planning and Sustainability, and they indicated that using the USDA Prime Farmland designation would be the most universally recognized approach. I am also including a map of Prime Farmland in Tompkins County for reference.

Attached are drafted edits to the Commercial Solar Policy that I believe would achieve the goal of requiring a premium payment to encourage farmland preservation.

Tompkins County Industrial Development Agency

Off-Site Commercial Solar Photovoltaic Policy

Adopted: October 12, 2017

[Draft edits 11/13/24; Draft updated 12/3/24](#)

Purpose

The Tompkins County Industrial Development Agency (IDA) wishes to adopt an off-site commercial solar photovoltaic policy to encourage solar development for the following purposes:

1. Support New York State’s “Reforming the Energy Vision” Initiative, which is intended to encourage renewable energy development that will spur economic growth and develop new energy business models. The initiative sets statewide goals of cutting greenhouse gas emissions by 80% by 2050 and generating 50% of New York’s electricity from renewables by 2030.
2. Support Tompkins County’s energy and greenhouse gas emissions policy to “meet community needs without contributing additional greenhouse gases to the atmosphere.” The policy includes goals to:
 - Reduce greenhouse gas emissions to reach a minimum 80 percent reduction from 2008 levels by 2050 and reduce reliance on fossil fuels across all sectors.
 - Increase the use of local and regional renewable energy sources and technologies.
3. Support consumer choice for renewable energy generation.
4. [Preserve land actively farmed and prime farmland for agricultural purposes.](#)
- 3-5. [Preserve Prime Farmland as designated by the United States Department of Agriculture \(USDA\) Soil Survey.](#)
- 4-6. Administer a single countywide uniform tax exemption policy allowing municipalities to collect long-term predictable payments in lieu of taxes without the burden of developing and administering PILOT agreements at the municipal level.
- 5-7. Assist project developers by offering a single countywide tax exemption policy, eliminating the need to negotiate PILOTS with multiple taxing jurisdictions.
- 6-8. To enhance developers’ prospects for financing community distributed generation projects by offering a uniform PILOT structure that is simple, predictable, and more appealing to lenders.

Policy

This policy provides incentives for off-site solar projects that provide renewable energy benefits to residential and commercial customers. Eligible projects are commercial scale projects, generally two megawatts or less, as outlined in state law. Types of eligible projects include:

- Community distributed solar /shared solar
- Off-site generation projects that have a wholesale power purchase agreement with one or more users.

Tompkins County Industrial Development Agency

To respect variations in local municipal policy, each project application must include a letter from the host municipality endorsing the proposed payment in lieu of tax agreement with the IDA. It is strongly encouraged that applicants provide a preference or pre-offering to Tompkins County residents.

The following standard incentives will be offered:

Property Tax:

Real estate taxes on the increased value resulting from improvements are partially abated over a twenty-~~five (2025)~~ year period. The annual payment in lieu of taxes (PILOT) will ~~range from~~ ~~be~~ ~~\$4,200~~ ~~to~~ ~~\$4,800~~ per megawatt (MW) of the facility's nameplate capacity in year one, with a 2% increase each year. PILOT payments replace local, county, and school district taxes only; special district taxes are not eligible under the PILOT. The actual amount will depend on projected annual revenue.

1. If the solar project is located on land actively farmed for agricultural purposes and the PILOT amount established in year one will increase by 30%. Actively farmed land is defined as land that is currently supporting commercial enterprises or has been supporting commercial enterprises within the prior eighteen (18) months.
2. If the solar project is located on Prime Farmland that has been designated as such by the United States Department of Agriculture (USDA) Soil Survey, the PILOT amount established in year one will increase by 30%.
3. The TCIDA may take into account the amount of Prime Farmland present as a percentage of the entire solar project acreage when determining the PILOT amount increase established in year one.
4. The TCIDA may waive the increased fees on actively farmed or Prime Farmland if 100% of the area is engaged in an agrivoltaics project.
5. In no event shall the increase in PILOT amount in year one exceed 60%.

The USDA provides the Prime Farmland designation, defining Prime Farmlands as "land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops and is available for these uses. It could be cultivated land, pastureland, forestland, or other land, but it is not urban or built-up land or water areas." In Tompkins County there are 23 soil types designated as Prime Farmland at this time. The Tompkins County Prime Farmland types can be found using the USDA's Soil Data Access Data Tool.

Tompkins County Industrial Development Agency

Sales Tax: Exemption from State and local sales tax on project costs outlined in the IDA Policies and Procedures.

Mortgage Recording Tax: Exemption from the State share of the mortgage recording tax as outlined in the IDA policies and Procedures.

Fees

The applicant is responsible for paying the IDA Administrative Fee at the time of closing. The fee will be equal to .50% of the total value of expenses that are positively impacted by IDA incentives. The applicant is also responsible for paying the IDA for all legal costs it incurs including IDA Counsel.

Other

Unless specifically outlined in this policy, the applicant will be responsible for complying with all other rules and regulations as set forth in the IDA's Policies and Procedures.

Tompkins County Soils Map

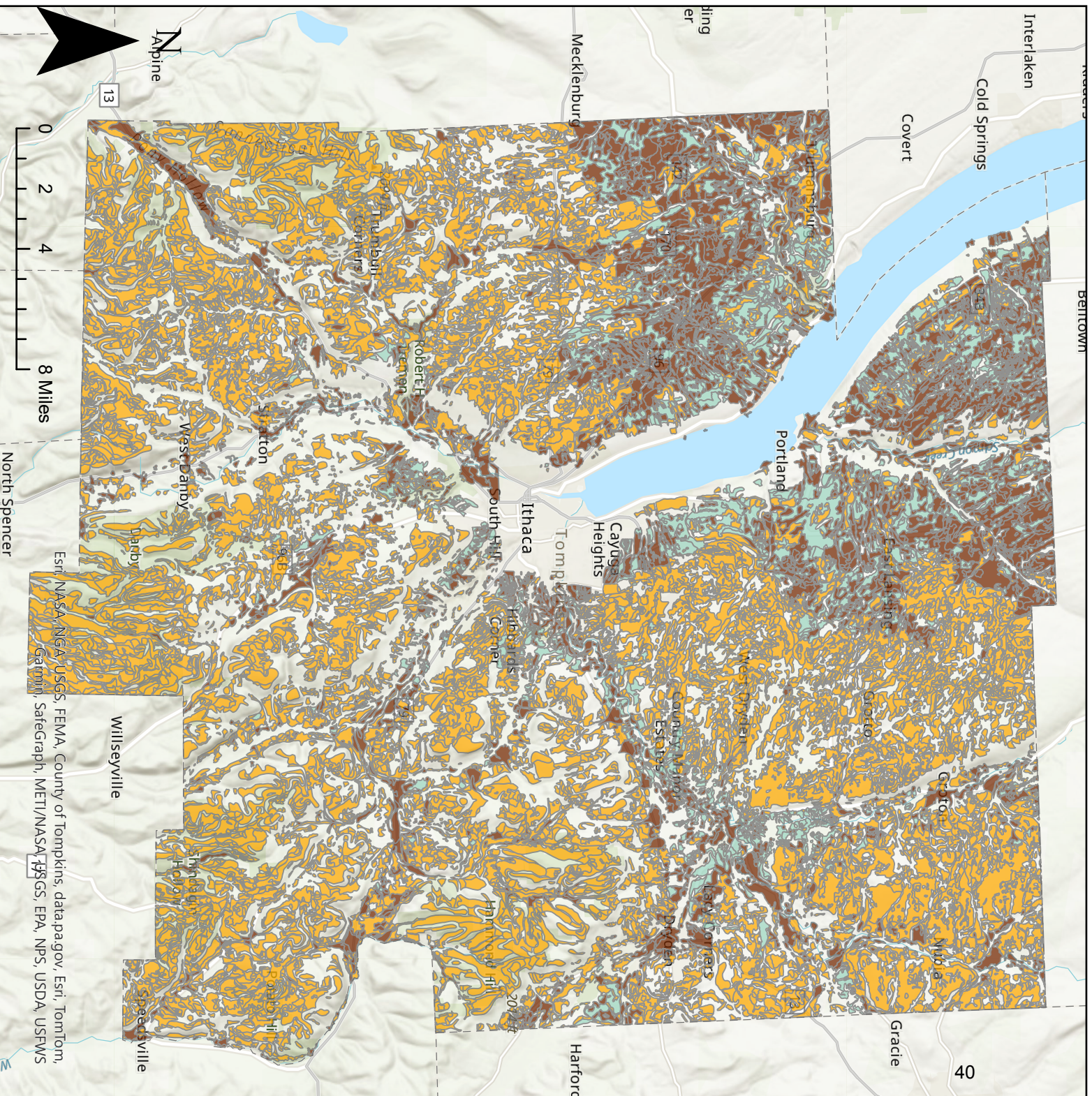
Tompkin County Soils

- All Areas Prime Farmland
- Farmland of Statewide Importance
- Prime Farmland if Drained

Data Sources:

Soils: Tompkins County GIS

Map prepared October 31, 2024
 by the Tompkins County
 Department of Planning and
 Sustainability, 121 East Court
 Street, Ithaca, NY 14850.



Esri, NASA, NGA, USGS, FEMA, County of Tompkins, datapagov, Esri, TomTom, Garmin, SafeGraph, METI/NASA, USGS, EPA, NPS, USDA, USFWS

Memorandum of Agreement
Tompkins County Area Development, Inc.
D/B/A Ithaca Area Economic Development &
Tompkins County Industrial Development Agency

AGREEMENT

AGREEMENT, made by and between Tompkins County Area Development, Inc. D/B/A Ithaca Area Economic Development, a not-for-profit corporation of the State of New York, having offices at 119 E. Seneca Steet, Suite 200, Ithaca, New York, 14850, hereinafter referred to as "IAED", and Tompkins County Industrial Development Agency, hereinafter referred to as "TCIDA."

WITNESSETH

WHEREAS, IAED, as the community's lead economic development agency, offers financial assistance, technical assistance and real estate development services. IAED administers a revolving loan program, the Tompkins County Development Corporation, the Tompkins County Industrial Development Agency, and Tourism Capital Grant Program. IAED is responsible for creating and implementing the comprehensive economic development strategy for the county that provides leadership to create a supportive economic environment. IAED provides oversight for studies related to infrastructure and other issues necessary to support economic development. IAED is a growing capacity, through industry partnerships and internal operations, to provide direct workforce training for area employers.

WHEREAS, the TCIDA delivers economic incentives to business and industry to diversify and strengthen Tompkins County's tax base and enhance community vitality, by supporting job creation, business and industrial development, and community revitalization. The TCIDA strives to develop the local economy in an organized, sustainable and environmentally beneficial manner.

PURPOSE

WHEREAS, the purpose of the Memorandum of Agreement (MOA) is to establish a framework for cooperation and collaboration between IAED and the TCIDA to provide technical and administrative services to support the mission of the TCIDA and further economic development in Tompkins County. By formalizing this agreement, both parties seek to leverage their respective expertise, resources and networks to achieve shared objectives and foster meaningful outcomes for mutual benefit. This MOA serves as a statement of intent and commitment to work together toward common goals in good faith and operation.

SCOPE

WHEREAS, this MOA outlines the scope of collaboration between the IAED and TCIDA. It is understood that this MOA does not encompass all possible areas of collaboration and may be supplemented by additional agreements or arrangements as deemed necessary by the parties.

ROLES AND RESPONSIBILITIES

WHEREAS, this MOA outlines the specific duties and obligations of IAED and the TCIDA, in alignment with the shared objectives outlined in this agreement as follows:

1. IAED is tasked with the following:

- Organize meetings of the Board of Directors and Committees of the Board
- Staff and take minutes of meetings
- **Prepare action item list after each meeting, send to the TCIDA chair for review and approval, and follow up in a timely manner**
- Facilitate live streaming of Board meetings and public hearings as outlined under NYS law
- Maintain IDA files and archives
- Distribute applications and supporting documents to the IDA
- Distribute PILOT agreements and other documents and information to County Assessor, County Finance Department, and appropriate taxing authorities
- Comply with project public hearing and taxing authority notification requirements
- Respond to questions about projects
- Assist attorney with closings
- Comply with NYS Public Authority Accountability Act regulations including filing of annual reports and other required information. Ensure Board certifies reports
- Compile information for annual audit, work with auditors in this regard, update information online as required by NYS, and keep IDA Board informed of process
- Create and maintain a web site as required by law
- Monitor legislation impacting the IDA
- Educate appropriate elected officials and their staff about the TCIDA's position on current or proposed legislation impacting IDAs and their projects
- Recommend and advise the Board concerning changes to applications, policies, and by-laws
- Educate board members on duties of public authorities
- Promote the availability of IDA incentives to potential applicants
- Meet with potential applicants to discuss IDA incentives, policies and procedures.
- Prepare applicants for IDA meetings
- Create community benefit analysis to accompany each project application
- Create job and wage report and annually review with IDA Board
- Document and review with IDA Board all projects that fall short of performance goals
- Ensure project compliance with IDA policies
- Implement recapture policy as necessary
- Review PILOT payments to ensure accurate PILOT billing by taxing jurisdictions
- Periodically compare actual assessments with those projected at time of application to help guide future tax payment and abatement estimates
- Meet with current customers on a periodic basis to monitor status of projects and provide updates to TCIDA Semi-Annually.

2. The TCIDA is tasked with the following:

- **Define what reports and information are needed and how frequently such reports and information should be shared at TCIDA meetings and whether there needs to be specific time allotted on the agenda for report review**
- **The TCIDA Chair will consult with the IAED Chair prior to the Administrative Director's 2024 annual review to provide feedback from TCIDA members no later than January 15, 2025.**

- The TCIDA Chair will consult with the IAED Chair to provide TCIDA member feedback on the Administrative Director’s 2025 annual review no later than December 15, 2025.

3. Mutual tasks between IAED and the TCIDA:

- Administrative Director, IDA Chair, IDA Vice Chair and additional IAED staff members to meet before all IDA board meetings to set the agenda together and review open action items from prior board meeting(s).

NOW, THEREFORE, in consideration of the agreements contained herein, the parties agree as follows:

1. The term of this agreement shall be from **January 1, 2025 through December 31, 2025**.
2. Heather McDaniel will serve as the Administrative Director until June 30,2025 and Kellea Bauda will serve as the Administrative Director from July 1, 2025 through December 31, 2025. They will co-manage the role during the onboarding phase through June 2025.
3. TCIDA agrees to pay IAED a sum of \$475,314. Payments shall be made quarterly upon submission of an invoice.
4. The parties also acknowledge that payment is for the above referenced services to the TCIDA, administration of the Tompkins County Development Corporation, and economic development services provided for Tompkins County. **IAED’s 2025 workplan further outlines the economic development services provided for Tompkins County.**
5. It is mutually agreed between the parties that an independent contractor relationship is hereby established under the terms and conditions of this Agreement.
6. The provision of this agreement shall be construed under the laws of the State of New York.

DATE: _____
_____ Jodi Lee Denman for IAED

DATE: _____
_____ Rich John for TCIDA



Ithaca Area Economic Development 2025 DRAFT Work Plan

Presentation to Housing & Econ. Dev. Com.
November 6, 2024



**ACCREDITED
ECONOMIC
DEVELOPMENT
ORGANIZATION**

International Economic Development Council

The Economic Development Agency



Mission

Dedicated to building a thriving and sustainable economy that improves the quality of life in Tompkins County by fostering the growth of business and employment

Vision

A diverse and inclusive economy with innovative businesses, entrepreneurs, and partnerships that foster employment pathways and promote economic prosperity for all



Ithaca Area
Economic
Development

Traded Sector Focus



Manufacturing & High Tech



Software, Mobile & Technology Development



Real Estate Development



F&B Production & Distribution



Healthcare



Tourism & Hospitality



Ithaca Area
Economic
Development

Core Activities

Direct Services



Administer incentives, loan, and technical support to businesses

Workforce Development



Align career readiness and pathways with employer needs

Economic Development Leadership



Strategic planning, special projects and initiatives

Community Awareness ties them all together!



Ithaca Area
Economic
Development

Core Activities

Direct Services



**Administer incentives,
loan, and technical support
to businesses**

- Administer four core programs:
 - Tompkins County Industrial Development Agency
 - Tompkins County Development Corporation
 - Revolving Loan Fund Program
 - Tourism Capital Grants Program (on-hold for 2025, but performance tracking will continue)
- Connect businesses with incentives, services, and technical assistance
- Promote regional, state, and federal economic development programs
- Assist key sector businesses with grants and administration
- Work with the Center for Regional Economic Advancement and other Cornell programs to help technology-related businesses start, grow, and stay in Tompkins County
- Build relationships with key referral partners to increase customer pipeline for core programs and services
- Undertake annual BR&E visits with customers to establish and maintain strategic relationships and deliver targeted services
- Initiate and/or support business attraction strategies with key sector stakeholders
- Provide site location assistance to existing and prospective traded sector industry projects

Core Activities

Workforce Development



Align career readiness and pathways with employer needs

- Collaborate with employers, educational partners, Tompkins County Workforce Development Board, and community-based organizations to address workforce needs of key sector businesses in Ithaca and Tompkins County
- Work with local traded sector employers to determine need and develop worker candidate profiles that align to targeted jobs
- In partnership with education and community partners, develop an inclusive recruitment strategy that refers individuals from social service agencies and other various community-based organizations into training opportunities
- Develop an enhanced referral and assessment process to help evaluate the job-related skills of candidates
- Work with resource partners to identify and mitigate barriers to worker success
- Contribute to larger diversity, equity, inclusion, and racial justice efforts in Tompkins County
- Participate in regional conversations and efforts related to semiconductor and construction trades (Future Ready Workforce Innovation Consortium).

Core Activities

Economic Development Leadership



**Strategic planning,
special projects and
initiatives**

- Support and evaluate implementation of the Tompkins County Economic Development Strategy and the Tompkins County Recovery Strategy
- Monitor the IDA's local labor, workforce housing, diversity and inclusion, and enhanced energy incentive policies and continue to identify opportunities to achieve benefits for the community
- Build and maintain relationships with key sector stakeholders to advance economic development objectives; convene regular meetings of Economic Development Resource Providers (EDRP)
- Participate on the Tompkins County Community Housing Development Fund and provide leadership in the development of housing to support existing and new workforce
- Participate in initiatives that support business growth and expansion (energy, housing, air service/transportation, infrastructure, childcare)
- Convey business and industry needs to policy makers
- Maintain a strong role with regional and State economic development leadership professionals
- Act as the County's economic information resource; provide labor, business sector, and other economic data analysis to keep stakeholders informed of trends
- Develop an annual work plan that achieves progress toward the goals in IAED's 5-year strategy

Core Activities

Community Awareness

- Promote core programs
- Increase public awareness through storytelling and sharing successes
- Ensure long-term and diverse funding of IAED
- Hold regular Investor Council meetings and events to engage IAED investors
- Communicate our objectives and accomplishments to our investors, the businesses we serve, and the community in general by utilizing the annual report to the community, annual meeting, monthly newsletter, construction site signage, advertisements, media relations, sponsorships, social media, and the website
- Maintain and promote the IAED website, with a focus on keeping content up to date and highlighting recent accomplishments
- Participate in creating an environment in Tompkins County, the region, and New York State that is supportive of sustainable growth
- Promote Tompkins County as a place to live and do business



Special Projects - 2025

Direct Services

- Early Stage & Technology Business Retention
- Site Readiness for Business Growth & Attraction
- Stakeholder Roundtables: Succession Planning & Business Resources

Internal Operations

- Implement New CRM System

Workforce Development

- Direct to Work (Manufacturing IP)
- Tompkins Build (Construction IP)
- Vehicles to Work!

Economic Development Leadership

- Economic Development Strategy Implementation
- Infrastructure (Broadband; Sewer/Water)
- Marketing & Communications Plan

Outcomes - 2025

Direct Services

- \$150M Private Investment
- 100 New Jobs
- \$5.2M New Payroll
- \$8.6M New Property Taxes

Workforce Development

- 45 Trainees / 75% LMI
- 36 Full Time Placements
- 75% Retention

Community Benefits

- 75% Local Construction Labor
- 160 New Housing Units / 37 Affordable
- 32 MW Renewable Energy
- 30% MWBE Businesses Served

Board & Committee Service

- Tompkins County Chamber of Commerce
- Tompkins County Community Housing Development Fund Oversight Committee
- Tompkins County Planning Advisory Board
- Tompkins County Strategic Tourism Planning Board
- Tompkins County Workforce Development Board
- Tompkins County Air Services Board
- Cornell Jumpstart
- Future Ready Workforce Innovation Consortium
- Southern Tier Regional Economic Development Corporation
- Southern Tier Regional Economic Development Council
- Southern Tier 8 Regional Planning Board
- Southern Tier 8 Regional Broadband Collaborative
- STEED Loan Fund Committee
- New York State Economic Development Council
- International Economic Development Council
- Ithaca Business Women's Networking Board



RESOLUTION REQUESTING A SCHOOL BOARD VOTING SEAT ON THE TOMPKINS COUNTY INDUSTRIAL DEVELOPMENT AGENCY BOARD

WHEREAS the Ithaca City School District (ICSD) is committed to providing a high-quality education to all students, which relies on adequate and stable funding, particularly through property taxes; and

WHEREAS the Tompkins County Industrial Development Agency (TCIDA) has the authority to grant tax abatements and incentives to businesses as part of its economic development strategy, which directly affects the property tax revenues collected by local governments and school districts, including the ICSD; and

WHEREAS decisions made by the TCIDA regarding tax incentives can reduce the amount of school tax revenue available to support public education, creating financial challenges for the ICSD and potentially shifting the tax burden to other property owners or resulting in reduced educational services for students; and

WHEREAS the ICSD has a vested interest in the decisions made by the TCIDA, as these decisions impact the cost of and the funding for essential educational programs, services, and infrastructure; and

WHEREAS several Industrial Development Agencies (IDAs) in New York State include school district representatives as voting members to ensure that the perspectives of educational institutions are considered in decisions that affect public school funding; and

WHEREAS providing a voting seat for a representative from the ICSD on the TCIDA Board would ensure that the interests of public education are appropriately represented in the decision-making process and would promote more equitable and transparent economic development practices; and

NOW, THEREFORE, BE IT RESOLVED that the Ithaca City School District Board of Education respectfully requests that the Tompkins County Legislature amend the structure of the Tompkins County Industrial Development Agency to provide a school board representative, selected by local school boards, with a permanent voting seat on the TCIDA Board; and

BE IT FURTHER RESOLVED that such representation would allow for the active participation of school districts in decisions that impact school tax revenues, ensuring that economic development initiatives do not disproportionately affect public education funding and promote the long-term well-being of the community; and

BE IT FURTHER RESOLVED that copies of this resolution be sent to the Tompkins County Legislature, the Tompkins County Industrial Development Agency, Governor Kathy Hochul, Senator Lea Webb, Assemblymember Anna Kelles, and other relevant state and local officials.

ADOPTED by the Board of Education on this 12th day of November, 2024.

STATE OF NEW YORK

89

2023–2024 Regular Sessions

IN SENATE

(Prefiled)

January 4, 2023

Introduced by Sen. RYAN -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

AN ACT to amend the general municipal law, in relation to waiving school taxes by a town, city, or county industrial development agency

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The general municipal law is amended by adding a new
2 section 889 to read as follows:

3 § 889. Special provisions applicable to town, city, or county agency.
4 A town, city, or county agency shall not enter into agreements requiring
5 payment in lieu of taxes or waive any other tax where such tax would be
6 received by a school district.

7 § 2. This act shall take effect immediately.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

LBD01784-01-3

New York State Economic Development Council DRAFT Fact Sheet on IDAs and School taxes

A recently completed report issued by Camoin Associates utilizing publicly available data through the public reporting information system (PARIS) and the [2023 Annual Comptrollers Report on IDAs](#) shows that for fiscal year 2021, the total tax exemptions issued by IDAs was \$1.9 billion dollars. This was offset by \$830 million in payments in lieu of taxes (PILOTS) to local taxing jurisdictions. According to the OSC Report, abated school taxes represented 39% of the total abated taxes, meaning \$732 million in gross school taxes was abated. This is offset by an estimated \$415 Million in PILOTS paid to school via IDAs. The net exemption (gross abatement minus PILOTS) is about \$317 million. Put another way, schools did not lose out on \$317 million in revenue, they gained at least \$415 million in new revenue in 2021.

In addition, New York's return on investment of \$6.57 for every dollar of IDA tax exemptions means that for the next exemptions provided by IDAs, the state receives approximately \$2.7 billion back in new tax revenue.

There is no data available that shows the 4200 active projects supported by IDAs would have happened without IDA assistance. In fact, the increased assessment in value of the property coupled with the PILOT payments significantly increases the revenue being generated by the property if no project had occurred.

This is especially true when it comes to renewable energy projects which represents at least 10% of all active IDA projects in New York State. If these projects were to utilize [New York's Real Property Tax Law 487](#), they would pay NO taxes to any municipality or school district. This has led to millions of dollars in new revenue that otherwise would not have existed without the IDA.

According to a report by the [Citizens Budget Commission](#), funding per pupil reached \$37,136 in 2022, nearly double the amount of the next closest state. Overall K-12 spending equaled \$81.1 billion in New York, meaning the amount of taxes abated due to IDA projects equaled less than .5% of total funding school districts receive/spend.

Critics of IDAs point to a [report issued by Good Jobs First](#) saying New York State schools lost \$1.8 billion in revenue to school tax abatements in 2021. The report lays the blame on IDAs for this lost revenue. However, their report and data is deeply flawed. First and foremost, the report sites data collected from about 318 school districts, which represents less than half the total number of school districts there are in New York State. The report estimates data for the remaining 400+ school districts without any criteria. We already know from publicly available data from the OSC that the net taxes abated by IDAs for the fiscal year 2021 is nearly 80% less than what this report shows. Who would you trust, the NYS Comptroller's office or a Washington DC based advocacy organization?

The data this report did collect comes from a GASB Statement 77 form school districts are required to submit which asks them to report/estimate how much revenue they forego due to abatements. The challenge is this form doesn't differentiate between the plethora of tax abatement programs that exist in NYS. These programs include but are not limited to: 421a, 485a, 485b, 487, Brownfield cleanup programs, and Startup NY. Based on actual data from the OSC, we can deduct that a majority of exemptions to local taxing jurisdictions come from other sources than IDAs.

Additionally, [publicly available data](#) shows that school enrollment statewide has declined 12% over the last decade. In fact only one county (Saratoga) has seen enrollment increase over the last ten years.

Despite declining enrollments, spending per student has **increased by 89%** during that same time frame (school spending in [2012](#) and school spending in [2022](#)).

Finally critics of IDAs point to states like Florida, Alabama, and Louisiana who cut school tax abatement programs. Let's put this into context.

- Alabama spends \$10K a year per student or \$7.6 Billion annually. Alabama Ranks 46th in the nation for education
- Louisiana spends \$11K a year per student or \$8.4 Billion annually. Louisiana Ranks 49th in the nation for education
- Florida spends 9,800 a year per student or \$28 Billion annually. Florida Ranks 42th in the nation for education
- NYS spends \$35,095 a year per student or \$85.1 Billion annually. New York Ranks 6th in the nation for education <https://scholaroo.com/report/state-education-rankings/>

Do we really want to be more like Florida, Louisiana and Alabama? They don't abate school taxes in those states because they don't spend anything on education in those states. Even with PILOTS businesses pay more to schools in NYS than they would in any of those three states COMBINED!

If legislation [S89/A351](#) were to become law, this would prohibit IDAs from abating school taxes. Supporters of the bill would tell you this would mean more money to school districts. Nothing could be further from the truth. The reality is this bill would do nothing to offset the existing abatements provided by IDAs since those projects would not be impacted by this. It would mean moving forward on any new project, school taxes could no longer be abated. This would lead to a reduction of anywhere from 40-70% of the value of the tax benefit. Projects will no longer be financially viable, meaning they will no longer move forward. This would mean no increase in the assessed value of the property and no new revenue to school districts.

IDA Workforce Housing Policy (adopted July 8, 2020)

project may not move forward due to financial constraints

Status 11/20/24

Project	Approval	Capital Investment	Square Feet	Total Units	Affordable Units	CHFD Payment	CHDF Payments Received (to date)	Notes
Carpenter Park (residential/mixed use/offi	11/11/20	\$89,439,718	367,255	169	42	\$0	na	
Arnot Ithaca 2 - Iron Works	12/9/20	\$39,258,169	132,288	129	0	\$645,000	\$215,000	3 equal installments (\$215,000) due at end of each of the 1st 3 yrs after completion. CofO issued 1/16/23 (1st payment 1/15/2024)
The Ithacan (residential/garage)	12/9/20	\$64,300,000	254,000	200	20	\$500,000	\$166,666.67	3 equal installments (\$166,666.67) due at end of each of the 1st 3 yrs after completion. CofO issued 7/31/23 (1st payment 7/30/2024)
Asteri Ithaca (residential/conf center/garag	2/10/21	\$104,795,152	375014	181	181	\$0	na	
SERED407, LLC (Cliff Street Retreat)	11/9/22	\$9,680,264	43,085	10	0	\$50,000		payable at closing
GPA Management (Lofts @ 401 E State)	11/9/22	\$19,558,226	47,285	46	0	\$230,000	\$230,000	Paid in full at closing 3/23/23
121 - 125 Lake Street, LLC (The Breeze)	3/8/23	\$38,634,655	104,575	77	0	\$385,000	\$385,000	Paid in full at closing 6/20/24
BVSHF III - 401 E State Street (372 units)	modified 5/10/2023	\$166,367,389	391,499	372	0	\$1,860,000		modified 5/11/23 - payable at closing of MRT exemption
602 W Buffalo (The Citizen)	7/12/23	\$26,371,808	92,800	80	0	\$528,000		\$88,000 (convenience fee) payable at closing. Remainder payable in 3 equal installments (\$146,666.66) at end of each of the 1st 3 years after completion
510 W State St (The Stately)	8/9/23	\$29,588,550	60,480	57	57	\$0	na	
Meadow on Seneca (RSS)	6/12/24	\$34,575,043	80,754	70	70	\$0	na	
SouthWorks	10/9/24	\$587,936,000	1,700,000	915	183	\$0	na	
TOTALS		\$1,210,504,974	3,649,035	2,306	553	\$4,198,000	\$996,667	

Community Housing Development Fund - IDA Awarded Funds

Updated 12/2/24

Year	Project-Applicant	Location	# of Units	IDA Funds Awarded	Award Total
Round 23 (2023)	Dart Drive & Plain St. Scatter Site - Habitat for Humanity	City of Ithaca & V. Lansing	4	\$70,000	\$170,000
Round 23 (2023)	CHT Trumansburg For-Sale Townhomes Phase II - INHS	V. Trumansburg	6	\$160,000	\$360,000
Round 24 (2024)	Cayuga St. Redevelopment - Urban Encore, LLC	City of Ithaca	18	\$180,000	\$300,000
Round 24 (2024)	Compass Redevelopment Phase II - BHTC	V. Trumansburg	2	\$35,000	\$120,135
		TOTALS	30	\$445,000	\$950,135

Tompkins County Industrial Development Agency

Administration provided by Ithaca Area Economic Development

December 3, 2024

Frost Travis
GPA Management, LLC
306 North Cayuga Street
Ithaca, NY 14850

RE: TCIDA Local Labor Compliance

Dear Mr. Travis:

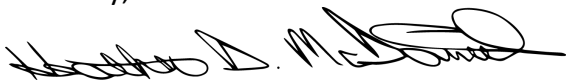
This letter is to confirm that GPA Management has satisfied the terms and conditions of the TCIDA's *Local Labor Utilization Policy* at the project located at 401 E. State Street, Ithaca, NY 14850 (aka The Dean). Specifically:

1. Notification – The Tompkins Cortland Building Trades Council received a description of the project and anticipated financial assistance in a letter dated November 9, 2022.
2. Proof of Local Bids – The TCIDA received the bid package (deadline September 2, 2022), bid list, and written justification for types of work for which no local bid was solicited in July 2023.
3. Local Labor Reporting – The General Contractor, Purcell Construction Corporation, was accurate and timely in its monthly reporting for those firms performing work on site. The final percent local labor utilization was 75.6%, which is above the minimum required threshold of 75%.

Copies of the documentation referenced above, along with any waiver requests and approvals, will be retained on file at Ithaca Area Economic Development, 119 E. Seneca St., Ste. 200, Ithaca, NY 14850.

Thank you for choosing the IDA to support your project, and congratulations on its completion! Should you have any comments or questions regarding the TCIDA's *Local Labor Utilization Policy* or your project, please contact Kurt Anderson at (607) 273-0005 or kurta@IthacaAreaED.org.

Sincerely,



Heather D. McDaniel, CEcD, AICP, EDFP
Administrative Director

Cc: Sara Hayes, Hayes Strategy
Emily Zehr, Purcell Construction Corporation

**Tompkins County Industrial Development Agency
Board of Directors Meeting DRAFT Minutes
November 13, 2024 2:00 – 4:00 PM
TC Legislative Chambers
121 E. Court Street
Ithaca NY 14850**

Present: Rich John, Jeff Gorsky, Jerry Dietz, Ducson Nguyen, Anne Koreman (remote)

Admin: Heather McDaniel, Ina Arthur Kellea Bauda (IAED), Russ Gaenzle (remote),
Stephen Maier (Harris Beach)

Guests: Frost Travis, Elsa Hyde (Travis Hyde Properties)

CALL TO ORDER

Rich John called meeting to order at 2:06 pm.

Board member Anne Koreman will be attending the November 13, 2024 meeting via video conference due to an extraordinary circumstance as outlined in section 4e of the Organization’s Public Meeting Videoconference Policy. This determination was made by IDA Chair Rich John. Ms. Koreman will be attending at a location that is not open to the public and thus will not count towards quorum but will be able to vote on any motions on the floor.

PRIVILEGE OF THE FLOOR

Jill Tripp – 112 1st Street, Ithaca

Jill Tripp read a resolution from the TCSD Board of Education as follows:

WHEREAS the Ithaca City School District (ICSD) is committed to providing a high-quality education to all students, which relies on adequate and stable funding, particularly through property taxes; and

WHEREAS the Tompkins County Industrial Development Agency (TCIDA) has the authority to grant tax abatements and incentives to businesses as part of its economic development strategy, which directly affects the property tax revenues collected by local governments and school districts, including the ICSD; and

WHEREAS decisions made by the TCIDA regarding tax incentives can reduce the amount of school tax revenue available to support public education, creating financial challenges for the ICSD and potentially shifting the tax burden to other property owners or resulting in reduced educational services for students; and

WHEREAS the ICSD, has a vested interest in the decisions made by the TCIDA, as these decisions impact the funding available for essential educational programs, services, and infrastructure; and

WHEREAS several Industrial Development Agencies (IDAs) in New York State include school district representatives as voting members to ensure that the perspectives of educational institutions are considered in decisions that affect public school funding; and

WHEREAS providing a voting seat for a representative from the ICSD on the TCIDA Board would ensure that the interests of public education are appropriately represented in the decision-making process and would promote more equitable and transparent economic development practices; and

NOW, THEREFORE, BE IT RESOLVED that the Ithaca City School District Board of Education respectfully requests that the Tompkins County Legislature amend the structure of the Tompkins County Industrial Development Agency to provide a school board representative, selected by local school boards, with a permanent voting seat on the TCIDA Board; and

BE IT FURTHER RESOLVED that such representation would allow for the active participation of school districts in decisions that impact school tax revenues, ensuring that economic development initiatives do not disproportionately affect public education funding and promote the long-term well-being of the community; and

BE IT FURTHER RESOLVED that copies of this resolution be sent to the Tompkins County Legislature, the Tompkins County Industrial Development Agency, Governor Kathy Hochul, Senator Lea Webb, Assemblymember Anna Kelles, and other relevant state and local officials.

Theresa Alt – 206 Eddy Street, Ithaca

You probably think that I'm going to be talking about Library Place coming hat in hand again but that is so predictable. No, I'm not talking about that. I noticed the resolution about solar seems to assume that solar farms are in opposition to agriculture, but it doesn't have to be so. It so happens that I learned about this 2 and a half years ago when I interviewed Anna Kelles thinking I would be hearing about other things but to my surprise she was really excited about the fact that a bill that she had introduced had passed with the budget. This is two years ago and it was to fund research into what she called agrivoltaics. I would have it agrovoltaics but it's the idea that the same land can be used both for a solar farm and for productive agriculture. The idea of the fund is that the risk that you experiment with something that doesn't grow. This crop we try it, it doesn't work that shouldn't bankrupt the farmer that should be part of research and if another crop succeeds nicely, great a farmer could have just tried it but now they know that it is a good deal. So I strongly suggest that you look into the promise of agrivoltaics and don't assume that there is a big conflict between farming and solar.

Amanda Kirchgessner – Town of Ulysses

I've been saying we need a school board rep for years and I'm so glad they've finally taken the initiative to ask for their rightful place at the table. But I am here today to talk about clawback protocols and having clear agreements with project that when they sell before the PILOT has expired, the PILOT agreement would be rescinded or renegotiated and clawback would happen. Particularly I can refer to the City Centre project which I know so many of us spoke against, and it sold for \$25 million more than they estimated it would be worth. I think three or four years after the project was completed and what broke my heart about that situation, it would have been very east for them to pay back several millions of dollars into the local school budget into the City's budget and into the County's budget. I know that the County Legislature is debating, I'm not sure if it passed, an endorsement of a state bill that would exempt school taxes from being abated. I mean you guys are the IDA you can set the rules you don't have to abate school taxes at all or you could adjust those numbers in your negotiations also if IAED continues to not be capable of pursuing aggressive clawback on projects that don't meet the terms of their agreement I do suggest that you look for an alternate agency to handle the financials of the IDA because if they don't have the interest of the taxpayers at heart that's not truly in our communities best interest. So please take these remarks into consideration and lets ease the burden on tax payers in this community.

ADDITIONS TO THE AGENDA – None

BUSINESS

Library Place Modifications

(Jeff Gorsky recused himself from this discussion due to a business conflict)

Frost Travis presented the request for modifications to the Library Place project.

He requested a modification of the PILOT tax abatement for the project so that the start date of the incentive coincides with the first year the new building was placed in service. Construction was delayed due to COVID and cost increases. He also requested relief from the 55+ age restriction. Lease up is going slower than expected and the current tenants have expressed strong interest and support for creating intergenerational housing. Removing the age restriction will make the project more economically viable as well as more vibrant.

The board expressed support for modifying the PILOT start date. There was discussion as to reasons and need on lifting the age requirement.

The legality of having a set percentage of 55+ tenants and giving preference to that age group was discussed. The developer will check on the legality of this option under the Fair Housing Act.

A vote on the project amendments will be considered at the December 11, 2024 board meeting.

Labor Reporting and Compliance Recommendation

Heather McDaniel reviewed the IDA’s Local Labor Utilization Policy and the increasing time constraints to monitor and track compliance. Staff does an admirable job of administering. However, staff does not have the capacity to conduct regular inspections, review records at the contractor’s office, or the skill sets to thoroughly identify and address irregularities. Many IDA’s throughout the State have turned to third party consultants to provide compliance and oversight.

A proposal for local labor monitoring services from Loewke Brill Consulting Group has been requested and received. The firm has been in operation for over 20 years and has provided construction labor monitoring services for IDAs across the State since 2007.

Services included in their proposal include on-site monitoring, 1099 monitoring, weekly, monthly and annual reporting, attending IDA meetings, managing the waiver and exemption process, and collecting paperwork from sub-contractors. Fees are based on a tiered system that accounts for the project size and duration of construction. All compliance fees are passed on to the project sponsors directly.

Selecting a third-party contractor is a prudent approach to ensuring that the goals of the local labor utilization policy are met, developers and labor representatives are both held accountable, and the IDA maintains its credibility.

Ducson Nguyen made a motion to hire Loewke Brill Construction Group to handle local labor monitoring and compliance for new and existing TCIDA projects subject to the local labor polity. Jerry Dietz seconded the motion. The motion was approved 5-0.

Solar Policy – Primer Agricultural Soils Recommendation

Heather McDaniel reviewed her recommendations to increase payments for commercial solar projects on prime agricultural land.

The Tompkins County IDA was one of the first IDA's in the State to develop a solar incentive policy and has provided incentives that made possible over 70 megawatts of commercial solar development throughout the County. The current policy provides for a Payment in Lieu of Tax (PILOT) payment that ranges from \$4,200 to \$4,800 per megawatt output of the solar facility. Projects approved since 2021 have paid an amount closer to the \$4,200 per megawatt for a number of reasons which included a declining value of State incentive and the State transitioning methods for compensating energy generated by renewable resources- both of which reduced anticipated revenue for commercial solar projects. At the same time, the State provided a common assessment, or valuation, model for solar assets and provided a calculator so that solar developers, assessors and other interested parties could readily ascertain the value that would be used for determining tax payments.

As a result of the implementation of the new State valuation model, the most recent solar projects are paying a PILOT amount of \$4,200 per megawatt, which is nearly the same as what they would be paying if fully on the tax rolls. Caramoor Solar which was approved earlier this year, is projecting a \$28,000 savings over the 25-year term of the PILOT. The solar developers continue to request PILOT agreements because they provide certainty over the long term for both the developer and the taxing jurisdictions.

The IDA asked me to propose a payment structure that would prioritize preserving prime farmland. Given that current projects are paying about what they would be if there were no PILOT, I am first recommending that this \$4,200 per megawatt be established as the PILOT amount per megawatt. I am also recommending that the \$4,200 per megawatt payment be increased 30% if: 1. The land is actively farmed; and another 30% increase if 2. The land is designated Prime Farmland by the United States Department of Agriculture (USDA) Soil Survey.

Rich John commented that the policy edits are in line with the County's desire to preserve farmland.

It was requested that language around agrivoltaics be included with the edits to the policy.

A vote on the updated policy will be considered at the December 11, 2024 board meeting.

2025 Draft Memorandum of Understanding IAED & TCIDA

This agenda item will be considered at the December 11, 2024 board meeting.

At-Large Member Seats – Discuss Staggering Renewals

Heather McDaniel reported that currently all four of the at-large director seats will be expiring at the end of 2024. In the past, the end dates for these four seats were staggered and it is desirable to have them staggered again. In order to achieve this, she recommended appointing two of the seats for a one-year term followed by a two-year term appointment. As the County Legislature appoints the board directors, this would be a recommendation to that body.

Jeff Gorsky made a motion to recommend to the Tompkins County Legislature that two of the expiring at-large board director seats (building trade seat and City of Ithaca seat) be appointed for 1 year beginning in 2025 and then be appointed for 2 years beginning in 2026. Ducson Nguyen seconded the motion. The motion was approved 5-0.

CHAIRS REPORT

Rich John requested that the ICSD Resolution and request be discussed at the next board meeting.

STAFF REPORT

Heather McDaniel reported that in December the Housing and Economic Development Committee of the County Legislature will discuss a resolution in support of State legislation that would prohibit IDAs from abating school taxes. She reported that she did provide talking points and information on this to the chair of the committee as well as Rich John and Deborah Dawson. She updated on the status of the legislation as follows: the NYS legislative session has ended for this year and there was no action on the proposed legislation. It may be reintroduced again next year with new bill numbers.

It was clarified that with the sale of a property, the PILOT agreement is terminated. The new owner can request the transfer of the agreement before the sale is final. The IDA board has the option to reduce, recapture or continue the project incentives. In response to comments during privilege of the floor, she clarified that the city Centre project developer did request and received approval for the transfer of the incentive to the new owner.

The project status dashboard was reviewed. An update on the payments made to date to the Community Housing Development Fund was requested for the next meeting.

The shared commercial kitchen is progressing and anticipates meeting the agreed upon contingencies before funds are disbursed.

The 3Q 2024 financial report was reviewed.

The Stately is planning to close by the end of the year.

MINUTES

Jeff Gorsky made a motion to approve the minutes from the October 9, 2024 board meeting. Jerry Dietz seconded the motion. The motion was approved 5-0.

EXECUTIVE SESSION

Jeff Gorsky made a motion to take the meeting into executive session to discuss potential litigation and a separate personnel matter. Ducson Nguyen seconded the motion. The motion was approved 5-0.

The meeting went into executive session at 3:37 pm.

Action/Follow Up Items

- Report on other IDA Housing incentive information
- Community Housing Development Fund payment dashboard
- Library Place – follow up on Fair Housing – legality of giving preference to 55+ or maintaining a percentage of such
- Library Place modifications request
- Solar Policy modifications and request to add language about agrivoltaics
- IAED/TCIDA memorandum of understanding
- ICSD School Board Representative Seat for discussion