

**Tompkins County Industrial Development Agency  
Board of Directors Meeting Final Minutes  
December 12, 2018  
2:30 PM  
Tompkins County Legislative Offices  
121 E. Court Street, Ithaca, NY**

**Present:** Rich John, Jennifer Tavares, Mike Sigler, John Guttridge, Laura Lewis, Martha Robertson, Leslyn McBean-Clairborne (joined the meeting at 3:30 PM)

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

**Guests:** Mark Macera (Longview/Ithacare), Rick Snyder

**CALL TO ORDER**

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

**PRIVILEGE OF THE FLOOR**

Theresa Alt – Ms. Alt spoke to the board to remind them that well paying jobs for the local population should be the primary mission of any industrial development organization. Also when people drive 50 miles each way to work, it is not good for them nor the environment.

Todd Bruer, IBEW Local 241 – Mr. Bruer spoke in favor of local labor language. He saw that the Maple Wood project up the hill was a disaster. Shop local, buy local, wish we could work local.

David Marsh – Laborers Local 785 and Tompkins Cortland Building Trade Council. There are thousands of local union construction worker in addition to non-union workers in this area. He states that 85-90% of the workers on the three downtown projects are not local. The IDA has an opportunity to get the developers to tell their construction managers to hire local. Construction managers for these projects are not local, but they have set up office fronts here. Tyler the Builder is from Rochester and Purcell is from Watertown NY. He feels that the projects can be built with local labor.

Alex Hyland – Electrician with Local IBEW 241 and is a City of Ithaca licensed electrician – we need a local labor policy and we need it now. He spoke to a job that he is working on now that does not have a lot of local laborers. He spoke of unsafe practices and the fear of workers of taking a break without impunity. We need local labor with accountability. Local workers will spend locally. It is just good economic policy.

**ADDITIONS TO THE AGENDA**

Rich John requested that the Records Retention Resolution be added to the agenda.

**OLD BUSINESS**

## Longview/Ithacare PILOT Agreement Extension

Heather McDaniel reviewed the summary of the Longview annual service subsidy versus the annual property tax liability. Each year administrative staff makes sure that the subsidy is greater than the tax liability as stipulated in the PILOT agreement.

Mark Macera asked that the IDA Board consider extending the length of the PILOT agreement extension beyond 10 years; perhaps up to 30 years.

Rich John thanked Mr. Macera for the additional information he had provided as the history of Longview and the PILOT agreement.

Martha Robertson asked about the assessment amount. This amount is determined by the County Assessor. Ms. Robertson asked that the assessor submit a memo to the Board outlining how he determines the assessment amount, just for the record. She also stated that she would like to keep the extension to 10 years so that future IDA Boards would have an opportunity to review and make their own determination. It may also be possible that State law may change so that the facility could be tax exempt.

Laura Lewis asked about the fluctuation from year to year in the subsidy amount. Mr. Macera responded that has to do with the number of residents that receive a subsidy; the size of the unit and the level of care the resident receives.

John Guttridge asked about the “market rate” cost for the units and what is included in this. Mr. Macera stated that it does involve the size of the unit, but also included in what is part of the cost is: rent, meals, utilities, 24/7 on call service, transportation, cleaning, bathing, supervision, dressing changing etc. This is the nature of residential care.

Jennifer Tavares asked about how the report is formatted and if this is truly a reflection of what is subsidized.

Mr. Macera stated that the format was agreed to when the original PILOT agreement was developed and it does reflect that his staff uses to report to other authorities. However, the format can be updated and/or changed.

Ms. McDaniel reiterated the request to extend the PILOT length beyond 10 years. This would be reasonable in line with other longer PILOT agreement such as 210 Hancock.

John Guttridge stated that he feels this situation is different as this is subsidizing care versus subsidizing housing.

**Martha Robertson moved to send the Longview/Ithacare PILOT agreement extension request to a public hearing. John Guttridge seconded the motion. The motion was approved 6-0.**

## Local Labor reporting – Discussion

Heather McDaniel reminded all that this was brought to the Board last month to discuss how we would like to start reporting on the information on local labor that is being reported. The current policy does not require a percentage of local labor but asks for information so that real data could be gathered that

could be used to set a future percentage for this area. Local laborer worker numbers were what were agreed upon in terms of reporting. There are two downtown projects that are complying with reporting. The general contractor requires the subcontractors to fill out the reports monthly. She passed out a sample of what could be reported when a project is complete – name, location, when approved, completed and specific local labor information (average local laborers on site and wages paid to local laborers and a percentage of hours worked.) She has reviewed other IDA's policies – some do have a percentage requirement and waivers can be given. For example the Monroe County IDA has a 100% requirement. They also utilize a third party accounting firm to check on compliance.

Martha Robertson said that she thinks the reporting form is good. She asked about the policy asking for gross wages and the reporting form asking for net wages paid. Ms. McDaniel stated that the form was changed at the request of a few of the projects, as this would then match what is already reported to the State.

Ms. Robertson asked is we could get interim reports before the final report? Yes, we do receive monthly reports and the numbers do vary from month to month. She also asked if we could get proof of bids being sent to local contractors. Ms. McDaniel commented that how to show this has been problematic.

John Guttridge stated that Main Street Grants have to give proof – provide list of bidders that are solicited etc. It should be doable. Ms. McDaniel stated that information on this would be helpful and that she could use it to ask for proof.

Ms. Robertson asked if we could start by looking at the information on the bids going out.

Ms. McDaniel stated that the policy says that you have to report on the labor – there is no labor percentage requirement. She really would like to get guidance on reporting as the City has been asking for reports. Her recommendation is that this is done when the project is completed. Perhaps reporting quarterly could be done. She would not want to open up a developer to unnecessary scrutiny.

John Guttridge asked if trade information is being collected? It would be helpful to know what local trades are represented at higher numbers Yes; the worker classification is being filled out.

Gross wages versus net wages and reporting was discussed – it seems like the general contractors could be doing more in terms of reporting on this.

Jennifer Tavares stated that bring data to the Board quarterly would be a good thing. She also feels that reporting gross wages is also desirable. What someone makes an hour is still that amount no matter what deductions are taken out (retirement, insurance, taxes, etc.) She also stated that she thinks tracking whom bids are being sent to and who is awarded the work can be tracked and reported on.

Mike Sigler asked what we are going to do with all the information we are collecting? What is the ultimate goal?

Rich John stated that this phase would educate us to see if we want to set a hard percentage of local labor to be used on projects.

Laura Lewis stated that our goal is to encourage the use of local labor and to be transparent.

Rich John stated that perhaps the general contractor could provide a narrative each month to talk about their efforts in finding local labor and what will be coming up. This might help further good dialogue with developers.

Martha Robertson stated that this is a good discussion and agrees with Ms. Tavares comments on gross wages being reported. She asked about the reporting form. Are the contractors submitting paper forms? It is sent as a pdf as it needs to be signed. John Guttridge suggested that perhaps spreadsheets should be sent and then certified that they are true. This would still result in many spreadsheets being submitted. The policy states that compliance is submitting reports on labor. The time for staff to analyzing the reports was mentioned. Compliance is met by submitting the reports. Yes, but there is a purpose for gathering the information. Currently the form the reports are coming in makes it somewhat unusable.

We are receiving information on the percentage of local labor and Ms. McDaniel feels that this is usable.

John Guttridge commented on how gathering this information will be useful in the future when figuring out what trades can have high percentages of local labor and which ones cannot.

Mike Sigler asked why the IDA is not moving forward with codifying a percentage of local labor use for projects?

Rich John stated that changing the local labor policy could be a future discussion.

Russ Gaenzle stated that having the IDA Governance Committee consider any changes first would be good practice. Though the Board could make a motion today to make changes if they so desired. Rich John stated that the board could also hold a public hearing if there is interest in doing so.

#### Records Retention Resolution

Heather McDaniel introduced a resolution regarding adopting records retention and disposition of files policy. The resolution outlines that Records Retention and Disposition Schedule MI-1 issued pursuant to Article 57-A of the Arts and Cultural Affairs Law would be used.

**Laura Lewis moved to approve the resolution adopting use of records retention and disposition schedule MI-1 to determine legal minimum retention periods for the IDA's records and legally disposing of valueless records listed therein. Leslyn McBean-Clairborne seconded the motion. The motion was approved 7-0.**

#### 2017 Project Report – Follow up on Job Creation

Rich John stated that he has put a board response after each project in the 2017 Project Report memo. These comments are a summary of the Board's position and will serve to show that the Board did review each project that did not make job creation goals in 2017. The IDA Board needs to decide if they will move forward with any recapture on incentives or not. The recommendation from the Administrative Director is not to move forward with recapture of funds at this time.

**Martha Robertson moved to accept the 2017 Project Report – Revised Memo and to accept the recommendation not to commence recapture of funds at this time. John Guttridge seconded the motion.**

Leslyn McBean-Clairborne asked for clarification of what exactly the vote would be for. Heather McDaniel stated that for any project that has not met the job creation totals that they set out in their application that the board is not recommending a recapture of funds at this time. These are the same project that were presented at the last meeting.

**A vote was taken on the motion and the motion was approved. 7-0.**

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

Rich John reminded all on the board to remember to fill out their annual board self evaluation form and return it to the administrative staff.

#### **STAFF REPORT**

None.

#### **APPROVAL OF MEETING MINUTES**

**Mike Sigler moved to approve the minutes from the November 14, 2018 TCIDA Board meeting. Laura Lewis seconded the motion. The motion was approved 7-0.**

The meeting was adjourned at 4:00 PM

**Minutes were approved at February 13, 2019 Board meeting**