

# *Tompkins County Industrial Development Agency*

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Administration provided by 

## **TOMPKINS COUNTY INDUSTRIAL DEVELOPMENT AGENCY BOARD OF DIRECTORS MEETING**

**• Wednesday, September 11, 2019 • 2:30 PM  
Legislative Chambers  
121 E. Court Street, Ithaca NY**

### **AGENDA**

- 1. CALL TO ORDER**
- 2. PRIVILEGE OF THE FLOOR**
- 3. ADDITIONS TO AGENDA**
- 4. BUSINESS** **Page**
  - Old Business**
    - Ithaca Beer – PILOT Extension – Final Approval
      - Authorizing Resolution 2
      - Public Hearing Minutes (to be distributed at meeting)
    - Lansing Renewables – Sales Tax Abatement – Final Approval
      - Authorizing Resolution 7
      - Public Hearing Minutes 13
  - New Business**
    - TCIDA Energy Policy Background Presentation**
      - Ian Shapiro – Taitem Engineering
- 5. CHAIR’S REPORT**
- 6. STAFF REPORT**
- 7. APPROVAL OF MEETING MINUTES – August 14, 2019** 14
- 8. ADJOURNMENT**

## **AUTHORIZING RESOLUTION**

*(Nut Brown Realty, LLC Project)*

A regular meeting of the Tompkins County Industrial Development Agency was convened in public session on Wednesday, September 11, 2019, at 2:30 p.m., local time, at 121 E. Court Street, Ithaca, New York 14850.

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

PRESENT:

ABSENT:

ALSO PRESENT:

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

RESOLUTION AUTHORIZING THE TOMPKINS COUNTY INDUSTRIAL DEVELOPMENT AGENCY TO (i) AMEND THE PILOT AGREEMENT BY MODIFYING THE PARTIAL REAL PROPERTY TAX ABATEMENT SCHEDULE AND EXTENDING THE REAL PROPERTY TAX ABATEMENT BENEFITS FOR THREE (3) YEARS; (ii) AMEND THE LEASE AGREEMENT, MEMORANDUM OF LEASE, LEASEBACK AGREEMENT AND MEMORANDUM OF LEASEBACK TO COINCIDE WITH THE END OF THE TERM OF THE AMENDED PILOT AGREEMENT; AND (iii) TO EXECUTE AND DELIVER RELATED DOCUMENTS.

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 of New York 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, pursuant to a resolution duly adopted on November 13, 2014, **NUT BROWN REALTY, LLC** (the "Company"), as agent of the Agency, undertook a certain project (the "Project"), consisting primarily of the acquisition, construction and equipping on certain property located at 122 Ithaca Beer Drive in the Town of Ithaca, Tompkins County, New York (the "Land") of an approximately 15,000 square-foot building and an approximately 23,800 square foot addition thereto to house the packaging department of tenant Ithaca Beer Company, Inc., including a new bottling line, a new canning packaging line, shipping and receiving, office space, lab, barrel aging room, and larger cooler (the "Improvements"; and, collectively with the Land and the Improvements, the "Facility"); and

WHEREAS, in connection with the Project, the Agency and the Company entered into (i) a certain Lease Agreement, dated December 21, 2011 (the "Lease Agreement"), together with a certain related memorandum of lease (the "Memorandum of Lease"), whereby the Company leased the Facility to the Agency; (ii) a certain Leaseback Agreement, dated December 21, 2011, as amended by that certain First Addendum to Leaseback Agreement, dated as of December 17, 2015 (as so amended, the "Leaseback Agreement"), together with a certain memorandum of leaseback (the "Memorandum of Leaseback"), whereby the Agency leased the Facility back to the Company; and (iii) a certain Payment-in-Lieu-of-Tax Agreement, dated as of December 17, 2015 (the "PILOT Agreement"), by which the Company agreed to make payments in lieu of real property taxes pursuant to the terms and conditions contained therein (the "PILOT Agreement; and, collectively with the Lease Agreement, Memorandum of Lease, Leaseback Agreement and Memorandum of Leaseback, the "Documents"); and

WHEREAS, by correspondence dated July 22, 2019, the Company requested the Agency modify the financial assistance provided under the PILOT Agreement by modifying the real property tax abatement amounts and extending the real property tax abatement benefits for three (3) years to accommodate the Company's shifting business strategy, which will allow it to succeed in an increasingly competitive craft beer market; and

WHEREAS, pursuant to Section 859-a of the Act, on Friday, September 6, 2019, at 5:00 p.m., local time, at South Hill Business Campus, 950 Danby Road, Ithaca, New York 14850, the Agency held a public hearing with respect to the Project and the proposed financial assistance as provided through the amended PILOT Agreement being contemplated by the Agency (the "Public Hearing"), whereat interested parties were provided a reasonably opportunity, both orally and in writing, to present their views; and

WHEREAS, the Company has therefore requested the PILOT Agreement be modified by amending the real property tax abatement schedule under the PILOT Agreement and the Documents to extend their respective terms so as to coincide with the end of the amended PILOT Agreement; and

WHEREAS, the Company is seeking an amended exemption from real property taxes with respect to the Facility that constitutes a deviation from the Agency's Uniform Tax Exemption Policy (the "UTEP"); and

WHEREAS, notice of such deviation, and the reasons therefor, was duly given to the Tompkins County, the Town of Ithaca, and the Ithaca City School District (collectively, the

"Affected Tax Jurisdictions") in accordance with Section 874 of the General Municipal Law of the State of New York (the "GML"); and

WHEREAS, the Agency desires to adopt a resolution authorizing the amendment to the Documents by amending the real property tax abatement under the PILOT Agreement and to extend the term of the Documents through the end of the term of the amended PILOT Agreement, all with respect to the Project.

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

Section 1. The Agency is hereby authorized to execute and deliver any amendment to the Documents pursuant to this resolution and to extend the term of the Documents through the end of the term of the amended PILOT Agreement.

Section 2. The Public Hearing held by the Agency on September 6, 2019, concerning the Project and the proposed financial assistance provided through the amended PILOT Agreement, was duly held in accordance with the Act, including, but not limited to, the giving of at least ten (10) days published notice of the Public Hearing, affording interested parties a reasonable opportunity, both orally and in writing, to present their views with respect to the Project.

Section 3. The terms of the amended PILOT Agreement contain a deviation from the Agency's UTEP. Specifically, the Agency contemplates providing the Company with a partial tax abatement of real property taxes under the amended PILOT Agreement that deviates from the Agency's standard exemption schedule. Upon due consideration of the Company's request, and the continued progress of the Project, which will positively impact the community and economy of the residents of Tompkins County, New York, the Agency desires to execute and deliver the amended PILOT Agreement and provide for a deviation from its UTEP.

Section 4. The Agency shall cause an amended PILOT Agreement and related Form RP-412-a to be filed with the Affected Tax Jurisdictions. The abatement schedule shall be modified as follows:

<b>Year of Exemption</b>	<b>Taxes</b>	<b>Payment-in-lieu-of-tax for assessed value of improvements</b>
1	2016-17 School; 2017 Town & County	10%
2	2017-18 School; 2018 Town & County	23%
3	2018-19 School; 2019 Town & County	36%
4	2019-20 School; 2020 Town & County	30%
5	2020-21 School; 2021 Town & County	40%
6	2021-22 School; 2022 Town & County	50%
7	2022-23 School; 2023 Town & County	60%
8	2023-24 School; 2024 Town & County	70%
9	2024-25 School; 2025 Town & County	80%
10	2025-26 School; 2026 Town & County	90%
11	2026-27 School; 2027 Town & County	100% (full taxes paid)

Section 5. 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 6. This Resolution shall take effect immediately.

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

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Rich John	[ ]	[ ]	[ ]	[ ]
Martha Robertson	[ ]	[ ]	[ ]	[ ]
Jennifer Tavares	[ ]	[ ]	[ ]	[ ]
Mike Sigler	[ ]	[ ]	[ ]	[ ]
Leslyn McBean-Clairborne	[ ]	[ ]	[ ]	[ ]
John Guttridge	[ ]	[ ]	[ ]	[ ]
Laura Lewis	[ ]	[ ]	[ ]	[ ]

The Resolution was thereupon duly adopted.

**SECRETARY'S CERTIFICATION**  
*(Nut Brown Realty, LLC Project)*

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

I, the undersigned, Secretary of the TOMPKINS COUNTY INDUSTRIAL DEVELOPMENT AGENCY, DO HEREBY CERTIFY:

That I have compared the minutes of the meeting of the TOMPKINS COUNTY INDUSTRIAL DEVELOPMENT AGENCY (the "Agency"), including the resolution contained therein, held on September 11, 2019, with the original thereof on file in the offices of the Agency, 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 said 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 members 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 September, 2019.

\_\_\_\_\_  
Secretary

**SUPPLEMENTAL RESOLUTION**

*(Lansing Renewables, LLC Project – Sales and Use Tax Exemption Benefits)*

A regular meeting of the Tompkins County Industrial Development Agency was convened in public session on Wednesday, September 11, 2019, at 2:30 p.m., local time, at 121 E. Court Street, Ithaca, New York 14850.

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

PRESENT:

ABSENT:

ALSO PRESENT:

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

RESOLUTION OF THE TOMPKINS COUNTY INDUSTRIAL DEVELOPMENT AGENCY (i) ACKNOWLEDGING, WITH RESPECT TO THE PROJECT (AS DEFINED BELOW), (a) THE ACCEPTANCE OF THE SUPPLEMENTAL APPLICATION (AS DEFINED BELOW) AND (b) THE AUTHORIZATION OF THE PUBLIC HEARING (AS DEFINED BELOW); (ii) AUTHORIZING THE CONTINUED NEGOTIATION, EXECUTION AND DELIVERY OF A PROJECT AGREEMENT, LEASE AGREEMENT, LEASEBACK AGREEMENT, TAX AGREEMENT AND RELATED DOCUMENTS; (iv) DESCRIBING AND AUTHORIZING ADDITIONAL FINANCIAL ASSISTANCE TO THE COMPANY IN THE FORM OF (A) A SALES AND USE TAX EXEMPTION FOR PURCHASES AND RENTALS RELATED TO THE ACQUISITION, CONSTRUCTION, RECONSTRUCTION, RENOVATION AND EQUIPPING OF THE PROJECT AND (B) AN INCREASED MORTGAGE RECORDING TAX EXEMPTION; AND (v) AUTHORIZING THE EXECUTION AND DELIVERY OF RELATED DOCUMENTS.

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, **LANSING RENEWABLES, LLC**, for itself or on behalf of an entity formed or to be formed by it or on its behalf (the "Company"), previously submitted an application (as the same may be modified or supplemented from time to time, the "Original 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: (A) the acquisition by the Agency of a leasehold interest in a parcel of land located at 339 Jerry Smith Road, Town of Lansing, Tompkins County, New York (or other property located in Tompkins County) (the "Land"); (B) the construction on the Land of a 5-megawatt (MW) community solar array to be used to generate electricity that will allow residential and commercial subscribers to receive renewable energy that will offset traditional power sources for the equivalent of approximately 1,000 homes and small businesses ("the Improvements"); and (C) the acquisition and installation in, on and around the Improvements of certain items of machinery, equipment and other tangible personal property (collectively, the "Equipment"; and, together with the Land and the Improvements, the "Facility"); all to generate clean electricity to be sold to residential and commercial customers; and

WHEREAS, pursuant to Article 18-A of the Act, the Agency desires to adopt a resolution describing the Project and the additional financial assistance that the Agency is contemplating with respect to the Project; and

WHEREAS, by resolution adopted on April 10, 2019 (the "Authorizing Resolution"), the Agency, among other things, (i) acknowledged and adopted the "negative declaration" (as such term is defined under the hereafter defined SEQRA) issued by the Planning Board of the Town of Lansing pursuant to Article 8 of the Environmental Conservation Law and 6 N.Y.C.R.R. Part 617, as amended (collectively referred to as SEQRA); (ii) authorized the negotiation, execution and delivery of a project agreement (the "Project Agreement"), a lease agreement (the "Lease Agreement"), a leaseback agreement (the "Leaseback Agreement"), a payment-in-lieu-of-tax agreement (the "Tax Agreement") and related documents with the Company, (iii) authorized to take or retain title to, or a leasehold interest in, the Land, the Improvements, the Equipment and the personal property constituting the Project (once the Lease Agreement, the Leaseback Agreement and the Tax Agreement were negotiated), and (iv) to provide financial assistance to the Company in the form of (a) a real property tax abatement structured through the Tax Agreement and (b) an exemption from mortgage recording taxes imposed on the financing related to the Project by the State (but not as to those taxes imposed on the financing related to

the Project by Tompkins County, New York) (collectively, (a) and (b) are hereinafter referred to as the "Original Financial Assistance"); and

WHEREAS, following the adoption of the Authorizing Resolution and pursuant to the submission to the Agency of a supplemental application, dated as of August 1, 2019 (the "Supplemental Application"), the Company requested the Agency provide additional financial assistance in the form of a sales and use tax exemption for purchases and rentals related to the acquisition, construction and equipping of the Project; and

WHEREAS, the Company previously requested the Agency approve a mortgage amount of \$3,572,162, which would result in mortgage recording tax savings through the Agency of \$8,930; and

WHEREAS, the Company has now requested the Agency approve a mortgage amount of \$5,792,582, which would result in mortgage recording tax savings through the Agency of \$14,481; and

WHEREAS, on August 14, 2019, the Agency, by duly approved motion, accepted the Supplemental Application and directed that a public hearing be held; and

WHEREAS, pursuant to Section 859-a of the Act, on Tuesday, September 3, 2019, at 11:00 a.m., local time, at the Town Hall, Town of Lansing, 29 Auburn Road, Lansing, New York 14882, the Agency held a public hearing with respect to the Project and the proposed additional financial assistance being contemplated by the Agency (the "Public Hearing"), whereat interested parties were provided a reasonable opportunity, both orally and in writing, to present their views; and

WHEREAS, the Agency desires to adopt a resolution to (i) designate the Company as agent of the Agency for the purpose of undertaking the Project pursuant to the Project Agreement (ii) provide financial assistance to the Company in the form of a sales and use tax exemption for purchases and rentals related to the acquisition, construction, reconstruction, renovation and equipping of the Project, (iii) authorizing an increase in the mortgage recording tax exemption, (iv) ratifying and confirming the findings made by the Agency in the Authorizing Resolution previously adopted, and (v) if necessary, authorizing the execution and delivery of related documents.

WHEREAS, the Project Agreement, the Lease Agreement, the Leaseback Agreement, the Tax Agreement and related documents are being negotiated to include the sales and use tax exemption and increased mortgage recording tax exemption and will be presented to the Chair, Vice Chair and/or Administrative Director of the Agency for execution subject to approval of this resolution.

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

Section 1. The Public Hearing held by the Agency on September 3, 2019, concerning the Project and the additional financial assistance, was duly held in accordance with the Act, including, but not limited to, the giving of at least ten (10) days published notice of the Public Hearing, affording interested parties a reasonable opportunity, both orally and in writing, to present their views with respect to the Project.

Section 2. Based upon representations and warranties made by the Company in the Supplemental Application, the Agency is hereby authorized to provide to the Company the Financial Assistance in the form of a sales and use tax exemption for purchases and rentals related to the acquisition, construction and equipping of the Project.

Section 3. Based upon the representation and warranties made by the Company in the Supplemental Application, the Agency hereby authorizes and approves a mortgage in the amount of \$5,792,582, which results in mortgage recording tax savings through the Agency of \$14,481.

Section 4. Based upon representations and warranties made by the Company in the Supplemental 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 State and local sales and use tax in an amount up to \$9,969,193, which result in State and local sales and use tax exemption benefits ("Sales and Use Tax Exemption Benefits") not to exceed \$797,535. The Agency agrees to consider any requests by the Company for an 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. Pursuant to Section 875(3) of the Act, 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, 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 of 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 Project Agreement and the delivery to the Agency of a binder, certificate or other evidence of liability insurance policy for the Project satisfactory to the Agency, the Agency hereby authorizes the Company to proceed with the acquisition, construction and equipping of the Project and hereby appoints the Company as the true and lawful agent of the Agency: (i) to acquire, construct and equip the Project; (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 Project Agreement shall expire on **January 31, 2020** (unless extended for good cause by the Chair, Vice Chair or Administrative Director of the Agency) if the Lease Agreement, the Leaseback Agreement and the Tax Agreement contemplated have not been executed and delivered.

Section 6. Unless amended by the terms hereof, the Agency hereby ratifies, confirms and reaffirms the findings made in the Authorizing Resolution.

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

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

Section 9. These Resolutions shall take effect immediately.

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

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Rich John	[ ]	[ ]	[ ]	[ ]
Martha Robertson	[ ]	[ ]	[ ]	[ ]
Jennifer Tavares	[ ]	[ ]	[ ]	[ ]
Mike Sigler	[ ]	[ ]	[ ]	[ ]
Leslyn McBean-Clairborne	[ ]	[ ]	[ ]	[ ]
John Guttridge	[ ]	[ ]	[ ]	[ ]
Laura Lewis	[ ]	[ ]	[ ]	[ ]

The Resolution was thereupon duly adopted.

**SECRETARY'S CERTIFICATION**

*(Lansing Renewables, LLC Project – Sales and Use Tax Exemption Benefits)*

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 September 11, 2019, 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 September, 2019.

\_\_\_\_\_  
Secretary

[SEAL]

# Tompkins County Industrial Development Agency

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Administration provided by  **TCAD**

## MINUTES OF PUBLIC HEARING

Lansing Renewables, LLC  
September 3, 2019, 11:00 AM  
Lansing Town Hall  
29 Auburn Road, Lansing NY

Present: Martha Armstrong (Tompkins County Area Development), Laura Lewis, Jennifer Tavares, (TCIDA Board), Joe Fiori (Nexamp)

1. Martha Armstrong called the public hearing to order at 11:00 AM
2. Public hearing notice was read.

Ms. Armstrong gave a brief overview of the projects and incentives contemplated by the TCIDA.

3. Call for comments.

There were no comments from the public.

4. The hearing was adjourned at 11:15 AM

**Tompkins County Industrial Development Agency  
Board of Directors Meeting DRAFT Minutes  
August 14, 2019  
2:30 PM  
Tompkins County Legislative Offices  
121 E. Court Street, Ithaca, NY**

**Present:** Rich John, Jennifer Tavares, Martha Robertson, Leslyn McBean-Clairborne, Laura Lewis

**Absent:** John Guttridge, Mike Sigler

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

**Guests:** Rick Snyder (TC Finance), Joe Fiori (Nexamp), Amanda McGonical (Ithaca Beer), Amina Omari (FoodBIP)

**CALL TO ORDER**

Rich John called the meeting of the **Tompkins County Industrial Development Agency** to order at 2:30 pm.

**PRIVILEGE OF THE FLOOR**

None.

**ADDITIONS TO THE AGENDA**

None.

**NEW BUSINESS**

Ithaca Beer – PILOT Extension Request

Heather McDaniel introduced the request from Ithaca Beer. The request is for a five-year freeze of the PILOT Agreement at its current exemption amount. This would provide assistance while the company stabilizes operations. The five year request coincides with the restructuring plan Ithaca Beer has put in place. The company has been dealing with a downturn in business due to increased competition in the market, which on its own would not have triggered any significant issues. However, the substantial cost of a new wastewater pre-treatment facility that was not originally required by the Ithaca Area Wastewater Treatment has impacted the financial situation. Had Ithaca Beer been notified of the need for the wastewater pretreatment facility when the building was built or during the expansion four years later, the company would have likely scaled back project costs to accommodate the significant cost of this facility. There was a failure in public notification somewhere along the line. The company has restructured its debt, established a five year plan that provides stability for the company and is asking for support from the IDA to further phase in the new property taxes on the building. As this request would

increase the amount of incentive, a new public hearing would be required. Ms. McDaniel recommended sending the request to a public hearing.

Amanda McGonical, CFO of Ithaca Beer, addressed the board briefly talking about the cost of the wastewater pretreatment facility and market conditions.

Laura Lewis asked what the company is doing to address the market changes. Ms. McGonical stated that they are creating up to 15 new brands a year to keep up with the need to continually provide new opportunities. They are also not replacing staff when someone leaves employment.

Martha Robertson stated that she is hesitant to support this request as competition is to be expected. Also, she is uncomfortable with asking the taxpayers to pay for an unexpected cost.

Heather McDaniel added that Ithaca Beer is a company that has been growing by 20% each year for a number of years. The wastewater treatment facility costs were truly significant and if they had known initially the costs could have been considered under the original application for incentives.

**Leslyn McBean Clairborne moved to send the Ithaca Beer PILOT Extension Request to a public hearing. Laura Lewis seconded the motion. The motion was approved 5-0.**

#### Lansing Renewables – Sales Tax Exemption Request

Joe Fiori of Nexamp addressed the Board regarding the updated application from Lansing Renewables, LLC. This application includes a sales tax exemption and slightly increased mortgage recording tax exemption for the project. Originally the project did not ask for the sales tax exemption as some parts of a solar project are already tax exempt in NYS. However, it was determined that the sales tax exemption offered by the IDA would also include ancillary equipment, which the State would not exempt.

Heather McDaniel pointed out that the amount of sales tax exemption exceeds the \$100,000 public hearing threshold. Therefore she asked that the Board move the application to a public hearing.

**Martha Robertson moved to send the Lansing Renewable Solar Sales Tax Exemption application to a public hearing. Laura Lewis seconded the motion. The motion was approved 5-0.**

#### **OLD BUSINESS**

#### TCIDA Bylaws Update

Heather McDaniel reported that the TCIDA Governance Committee met on July 9, 2019 to again review the IDA Bylaws updates, specifically the membership section of the document, per the request of the Board. The Governance Committee recommends updating the bylaws as recommended by the attorney and removing the additional requirements as set out in the membership section. As the IDA does not appoint the Board, it does not make sense to set requirements in the Bylaws.

**Martha Robertson moved to accept the updates to the TCIDA Bylaws as recommended by the TCIDA Governance Committee. Laura Lewis seconded the motion. The motion was approved 5-0.**

## **Food Business Incubation Program (FoodBIP) - Presentation**

Amina Omari, Director of the Food Business Incubation Program (FoodBIP) gave a presentation on the program and progress to date (PILOT year of the program). The program received funding from the TCDC to include Tompkins County in the PILOT program.

## **EXECUTIVE SESSION**

None.

## **CHAIRS REPORT**

Rich John thanked Heather McDaniel for her follow up on the Arrowhead project and the information regarding the progress on the foundation for the first three of the housing units. The project is working on renewing its permit with the Army Corps of Engineers, which is needed prior to foundation work on the remaining units begins. The deadline on the IDA's request for financial data has past. Russ Gaenzle has been in touch with the project's attorney and will remind them of the deadline.

## **STAFF REPORT**

IDA members were notified of the grand opening event for City Centre.

## **APPROVAL OF MEETING MINUTES**

**Martha Robertson moved to approve the draft minutes from the July 10, 2019 TCIDA Board meeting. Leslyn McBean Clairborne seconded the motion. The motion was approved 5-0.**

## **ADJOURNMENT**