

# Tompkins County Development Corporation

Administration provided by Ithaca Area Economic Development

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**TOMPKINS COUNTY DEVELOPMENT CORPORATION  
BOARD OF DIRECTORS MEETING  
• Wednesday, November 9, 2022 • 2:30 – 4:00 PM**

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

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

## AGENDA

1. **CALL TO ORDER**
2. **PRIVILEGE OF THE FLOOR**
3. **ADDITIONS TO AGENDA**
4. **BUSINESS** **Page**
  - TCDC Public Meeting Videoconference Policy - Approval
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5. **CHAIRS REPORT**
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8. **ADJOURNMENT**

**AUTHORIZING RESOLUTION**  
*(Videoconferencing Policy)*

A regular meeting of the Tompkins County Development Corporation was convened in public session on Wednesday, November 9, 2022, 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 Development Corporation:

RESOLUTION OF THE TOMPKINS COUNTY DEVELOPMENT CORPORATION (THE "CORPORATION") AUTHORIZING THE EXPANDED USE OF VIDEOCONFERENCING FOR MEETINGS OF THE CORPORATION.

WHEREAS, pursuant to the purposes and powers contained within Section 1411 of the Not-for-Profit Corporation Law ("N-PCL") of the State of New York (the "State"), as amended (hereinafter collectively called the "Act"), and pursuant to its Certificate of Incorporation (the "Certificate"), the Corporation was established as a not-for-profit local development corporation of the State with the authority and power to own, lease and sell personal and real property for the purposes of, among other things, acquiring, constructing and equipping certain projects exclusively in furtherance of the charitable or public purposes of relieving and reducing unemployment, promoting and providing for additional and maximum employment, bettering and maintaining job opportunities, instructing or training individuals to improve or develop their capabilities for such jobs, by encouraging the development of, or retention of, an industry in the community or area, and lessening the burdens of government and acting in the public interest; and

WHEREAS, the COVID-19 state disaster emergency, via Section 1 and 2 of Part E of Chapter 417 of the laws of 2021 which amended Article 7 of the Public Officers Law ("Open Meeting Law"), authorized public bodies to hold meetings without in-person access until the emergency declaration expired; and

WHEREAS, the state disaster emergency has expired; and

WHEREAS, the Governor signed legislation in April of 2022 amending the Open Meeting Law, Article 7, Chapter 56, Section 103-a regarding the use of videoconferencing by public bodies when a quorum of the board, committee or subcommittee is present in-person or at public locations; and

WHEREAS, the amendment sets forth that members of the board or committee may attend and participate in open meetings of the board or committee in a location that is not open to the public if an "extraordinary circumstance" is presented as cause for video attendance and is established in a written procedure; and

WHEREAS, these extraordinary circumstances are herein defined as physical disability, illness, caregiver responsibilities, work-related restrictions, or other such significant or unexpected factors or events which precludes the member's attendance in-person; and

WHEREAS, a member must report the exercise of "extraordinary circumstances" to the Administrative Director of the Corporation as soon as possible, in order to participate from a non-public venue via videoconference, ensuring that the member can be heard, seen and identified during the meeting; and

WHEREAS, when utilizing the "extraordinary circumstance", the public will also be given opportunity to attend via videoconference; and

WHEREAS, a public hearing was conducted in accordance with the Open Meeting Law regarding this resolution and required written procedures.

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

Section 1. The expanded use of videoconferencing under "extraordinary circumstances" for members to participate in a meeting of this public body will be utilized according to the laws of New York State.

Section 2. Members of the Board of Directors of the Corporation will follow the written procedures to conduct a meeting using videoconference attendance.

Section 3. 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	[ ]	[ ]	[ ]	[ ]
Shawna Black	[ ]	[ ]	[ ]	[ ]
Jeff Gorsky	[ ]	[ ]	[ ]	[ ]
Mike Sigler	[ ]	[ ]	[ ]	[ ]
Todd Bruer	[ ]	[ ]	[ ]	[ ]
John Guttridge	[ ]	[ ]	[ ]	[ ]
Faith Vavra	[ ]	[ ]	[ ]	[ ]

The Resolution was thereupon duly adopted.

**SECRETARY'S CERTIFICATION**  
*(Videoconferencing Policy)*

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

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

That I have compared the annexed extract of the minutes of the meeting of the Tompkins County Development Corporation (the "Corporation"), including the resolution contained therein, held on November 9, 2022, with the original thereof on file in the Corporation's office, and that the same is a true and correct copy of the proceedings of the Corporation 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 Corporation 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 Corporation 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 Corporation this \_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Secretary

[SEAL]

# Tompkins County Development Corporation

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## **Public Meeting Videoconference Policy**

**Adopted: month, day, 2022**

The Tompkins County Development Corporation (the "Corporation") hereby establishes this policy to allow for attendance by members of the board and members of the public via videoconference at any open meeting of the board of directors or any committee or subcommittee meeting and is established in accordance with the laws of 2022 of the State of New York within the Public Officers Law a.k.a. Open Meetings Law. <https://opengovernment.ny.gov/open-meetings-law>

This internal Corporation policy sets forth the options for attendance at public meetings of this public body either in person, via videoconference at a public location, or via videoconference at a non-public location due to "extraordinary circumstances" being experienced by a member who still wishes to attend.

This policy defines these "extraordinary circumstances" by which a member may participate in a meeting of the board or committee via videoconferencing in a non-public venue and establishes the procedures for notifying the Corporation staff in order to verify the extraordinary circumstance and sets forth a method for updating the public on opportunities to attend via videoconference.

1. Open Meeting Law states that a quorum of the board must be present in-person at a predetermined time and public location wherein the meeting will be conducted. Any member attending via videoconference in a predetermined and noticed public location may count toward quorum.
2. Any member attending via videoconference in a non-public setting under "extraordinary circumstances" will not be counted toward a quorum, but may nevertheless participate and vote. Any member attending via videoconference in a public setting under "extraordinary circumstances" will be counted toward a quorum, and may participate and vote.
3. When participating under "extraordinary circumstances" by which a member of the public body may request participation via videoconferences, they must notify the Corporation staff by phone or email as soon as the circumstance is presented. The staff will present the information to the chair of the board and the administrative director for final determination.
4. Extraordinary circumstances allowed by this Corporation are:
  - a. Physical Disability whereby they are unable to meet in a physical location.
  - b. Illness whereby they are under direct orders from a doctor not to attend in-person meetings.
  - c. Caregiver responsibilities whereby they are the only option for attending to the physical care of a minor or other dependent or family member.
  - d. Work-related restrictions whereby their place of business does not allow for participation at in-person meetings outside the parameters of their business location. Written policy for the employer or place of business must be signed by the member and on file with the Corporation.
  - e. Other significant or unexpected, unforeseen factors or events which preclude attendance must be presented to the Corporation staff within a reasonable amount of time before the meeting in order to approve a videoconference option and to give notice to the public for a videoconference option.
5. Public Notice of an Open Meeting will be posted online in the Corporation's website and on the public bulletin boards at the physical location.
6. Pre-established meetings will provide for meeting notice at least 72 hours prior to meeting to announce the time and physical or virtual locations whereby the public can attend and it must account for ADA accommodations or compliance for public attendance.

# Tompkins County Development Corporation

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7. In the event a member is allowed to participate via videoconference under "extraordinary circumstances," Corporation staff shall post a public notice on the website with a link to the same videoconference service by which the member will be participating as soon as reasonably possible.
8. Any member of board or committee participating via videoconferencing must be able to be seen, heard and identified, as well as all members attending in person. Members of the public attending in person or via videoconference will also be asked to identify themselves for the purpose of notation of the minutes.
9. Minutes of the meeting will delineate the attendance of each member and by what means they are attending, either in person or via videoconference and under which "extraordinary circumstance."
10. Any meeting of the Corporation or committee that is conducted with members via videoconference will be recorded and saved for five (5) years.

## NOTICE OF PUBLIC HEARING

**NOTICE IS HEREBY GIVEN** that a public hearing pursuant to Article 18-A of the New York General Municipal Law will be held by the Tompkins County Industrial Development Agency ("TCIDA") and its affiliated corporation, Tompkins County Development Corporation ("TCDC") (hereinafter collectively referred to as the "Agency") on Tuesday, November 1, 2022, at 2:00 p.m., local time, at the offices of Ithaca Area Economic Development at 119 East Seneca Street, Suite 200, Ithaca, New York 14850 in connection with the following matter:

The Agency shall review and consider proposed written procedures governing member and public attendance consistent with Section 103-a of the Public Officers Law, which in relevant part permits public bodies such as the Agency to authorize their members to attend meetings by videoconference from locations that are not open to the public ("private locations"), when necessitated by "extraordinary circumstances."

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

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

The Agency also encourages all interested parties to submit written comments to the Agency, which will be included within the public hearing record. Any written comments may be sent to the Agency at: Tompkins County Industrial Development Agency, Attention: Ina Arthur, 119 East Seneca Street, Suite 200, Ithaca, New York 14850 and/or via email at [info@ithacaareaed.org](mailto:info@ithacaareaed.org), with the subject line being "Videoconferencing Policy", no later than 12:30 p.m. on Tuesday, November 1, 2022.

Dated: October 21, 2022

TOMPKINS COUNTY INDUSTRIAL  
DEVELOPMENT AGENCY

TOMPKINS COUNTY DEVELOPMENT  
CORPORATION



# Tompkins County Development Corporation

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## **Minutes of Public Hearing**

TCIDA & TCDC Video Conference Policy

November 1, 2022 @ 2:00 pm

Ithaca Area Economic Development Offices

119 E Seneca Street, Suite 200, Ithaca NY

and

Via Zoom live streamed to YouTube

Present: Heather McDaniel (for Tompkins County IDA), Todd Bruer (TCIDA Board), Ina Arthur (IAED)

1. Heather McDaniel called the public hearing to order at 2:00pm.
2. Heather McDaniel gave an overview of the proposed policies. The Governance Committee did meet to review the policies and have recommended approval. The TCIDA and TCDC Boards will consider the policies for final approval at their November 9, 2022 meetings.
3. Public comment – None.
4. The hearing was adjourned at 2:05 pm.

**Tompkins County Development Corporation  
Board of Directors Meeting DRAFT Minutes  
October 12, 2022 – 2:30 PM  
TC Legislative Chambers  
121 E. Court Street  
Ithaca NY 14850**

- Present:** Rich John, Faith Vavra, Jeff Gorsky, Shawna Black (remotely; nonvoting), Mike Sigler, John Guttridge, Todd Bruer
- Guests:** Frost Travis (GPA Management, LLC), Lincoln Morse, Mike Panko, Kelly Panko, Brian Poulson (Cliff Street Retreat)
- Staff:** Heather McDaniel, Ina Arthur (IAED), Stephen Maier, Russ Gaenzle-remotely (Harris Beach), Rick Snyder (TC Finance)

**CALL TO ORDER**

Rich John called meeting to order at 2:30 pm.

**PRIVILEGE OF THE FLOOR** - None

**ADDITIONS TO THE AGENDA** – None

**BUSINESS**

2023 TCDC Draft Budget Approval

Heather McDaniel presented the 2023 TCDC draft budget. She stated that NYS Authority Budget Office requires public authorities to approve their budget for the following year no later than November 1<sup>st</sup>.

**John Guttridge made a motion to approve the 2023 TCDC Draft Budget as presented. Jeff Gorsky seconded the motion. The motion was approved 6-0 (Shawna Black did not vote as she was present via zoom).**

**CHAIRS REPORT** – none

**STAFF REPORT** – none

**MINUTES**

**John Guttridge made a motion to approve the draft minutes from the TCDC Board meetings on June 8, 2022 and July 21, 2022. Jeff Gorsky seconded the motion. The motion was approved 6-0**

John Guttridge asked about his request to create a separate TCDC application for bond projects as some of the TCIDA policies are not applicable to bond projects. Rich John asked Heather McDaniel to review the application and report back to the Board.

The meeting adjourned at 3:04 pm.