



Business Incubator Association  
of New York State, Inc.



March 1, 2021

The Hon. Carl Heastie  
New York State Assembly Speaker  
LOB 932  
Albany, NY 12248

Dear Speaker Heastie:

We write to bring to your attention a conflict in the law between the requirements of the START-UP NY program to have company employees report to their START-UP NY location, and Executive Order 202 last year requiring non-essential employees and businesses to remote work to curb the spread of the COVID-19 virus. This conflict is creating confusion and harm to member companies who are also our clients.

We are the Business Incubator Association of New York State (BIANYS), comprised of over 100 incubators and accelerators across New York, housing over 3,000 startup companies. We are joined in raising this concern by a coalition of over 200 START-UP NY companies.

Companies participating in START-UP NY have been informed that because of their adherence to the Executive Order to allow their employees to work from home, they will be deemed to not have met START-UP NY program requirements, and 1) will be removed or suspended from the program, 2) will owe back taxes from last year, and 3) that their employees will also receive a tax bill that they have not planned for.

This news could not come at a worse time. Startup companies have a difficult time just by their very nature of navigating the obstacles of launching a new company with new products and services, COVID-19 has made the startup climate much worse, and this hiccup in the program can spell disaster for many companies and their employees in the program.

We applaud the Legislature's creation of the START-UP NY program and its success in helping to establish over 200 START-UP companies across the State and the 2,500 technology jobs that these companies helped to create to date. We also applaud the leadership our State Legislators have demonstrated in the difficult and decisive actions you have taken to stop the spread of the pandemic.

We need your help to eliminate this conflict between a good program and a well-intended Executive Order. We seek legislation to waive the requirement of having START-UP-NY employees report to their START-UP NY location if they do so in order to comply with the Executive Order. The waiver should be retroactive to the beginning of the pandemic and the date of Executive Order 202 and remain in effect until the pandemic is over.

Sincerely,

Marc Alessi  
Executive Director-BIANYS



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*Marc Alessi*

Marc Alessi  
Executive Director-BIANYS  
CEO of SynchroPET  
Stony Brook, NY

Jeff Rathman  
CEO, Silo City  
Buffalo, NY

Gene Wickes  
President-Liazon Corporation  
Buffalo, NY

David Hershberg  
CEO- STS Global  
Stony Brook, NY

Howard Loonan  
CFO-TruWeather Solutions, Inc.  
Syracuse, NY

Balaji Sitharaman, PhD  
Pres.Theragnostic Technologies  
Pres.Millennial Materials & Devices  
Stony Brook, NY

David Aaronson  
CEO-Get Peanut Butter  
Buffalo, NY

Bob Bedard  
CEO- deFacto Global  
Troy, NY

Francois Kress  
CEO  
Feelmorelabs  
NYC

Kerry Coffey  
CFO-Velan Studios  
Troy, NY

Janelle Collins  
Dir. of Operations  
Certerra- Farmingdale, NY

Kelly Lincoln  
Exec. Dir. Magnusmode  
Buffalo, NY

Nicole Sampson  
Pres.-Chronus Pharmaceuticals  
Stony Brook, NY

Kevin Siskar  
CEO-Fintar  
Buffalo, NY

Michael Blumenson  
President-Digital Service  
Solutions, Buffalo, NY

Yakov Balakhovsky  
CEO-Vivax Bio  
NYC

Heidi Reale  
CEO  
Sparkshoppe, Ltd  
Cohoes, NY

Chloe Kosinski  
Operations Mgr- C16 Biosci  
NYC

Nicole Snow  
CEO-Passport for Good  
Troy, NY

Joel Ryba  
CEO-Xchangeworx  
Albany, NY

Ravi Prasad, PhD  
President, Helios-NRG

Karen Wu  
Lucerna  
Brooklyn, NY

David Halladay  
CEO-Precision Optical  
Transceivers-Rochester, NY

Ashish Agarwal  
CEO- Solvuu  
NYC



Business Incubator Association  
of New York State, Inc.



Niya Gupta  
CEO- Fork & Goode  
NYC-Brooklyn

Colleen Muncy  
Founder-Star Pro  
Buffalo, NY

Nina Tandon  
CEO-EpiBone  
NYC-Brooklyn

Yevgen Borodin, PhD  
CEO-Charmtech Labs  
Stony Brook, NY

Lori O'Connor  
Controller-Key Capture  
Energy- Albany, NY

Angelique Mercurio  
CEO- Enerknol  
NYC-Brooklyn