

FOR CONSIDERATION

January 21, 2010

TO: The Directors

FROM: Dennis M. Mullen

SUBJECT: Non-Discretionary Projects

REQUEST FOR: Authorization to Make Grants and to Take Related Actions; Authorization to Adopt Findings Pursuant to the State Environmental Quality Review Act

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Attached are the summaries of projects sponsored by the New York State Executive and Legislative Branches:

<b>Empire Opportunity Fund (Governor)</b>				
	<b>Project Name</b>	<b>Proj #</b>	<b>Grantee</b>	<b>Assistance up to</b>
A	Open Space Institute Capital	U574	Open Space Institute	0 <sup>1</sup>
	1– this \$25M grant was approved by the ESD Directors on November 15, 2006. The subject request is to adopt findings pursuant to the State Environmental Quality Review Act, and does not involve new funding.			
	<b>1 project</b>		<b>Sub-total</b>	<b>\$0</b>
<b>Aid to Localities – Community Projects Fund (Assembly)</b>				
	<b>Project Name</b>	<b>Proj #</b>	<b>Grantee</b>	<b>Assistance up to</b>
B	The Arsenal Business and Technology Partnership	W689	The Arsenal Business and Technology Partnership, Ltd.	158,000
C	Bronx Business Alliance	W666	Bronx Business Alliance, Inc.	115,000

D	Sunnyside Chamber of Commerce – Marketing Campaign	W253	Sunnyside Chamber of Commerce	15,000
	<b>3 projects</b>		<b>Sub-total</b>	<b>\$288,000</b>
	<b>TOTAL NON-DISCRETIONARY – 4 PROJECTS</b>		<b>TOTAL</b>	<b>\$288,000</b>

I. Statutory Basis

The projects are sponsored by the Executive Office, Assembly or Senate, and were authorized (and in some cases, reappropriated) in the 2009-2010 New York State budget. No residential relocation is required as there are no families or individuals residing on the sites.

II. Environmental Review

Unless otherwise noted on a project summary, ESD staff has determined that the projects constitute Type II actions as defined by the New York State Environmental Quality Review Act and the implementing regulations for the New York State Department of Environmental Conservation. No further environmental review is required in connection with the projects.

III. Affirmative Action

ESD's Non-Discrimination and Affirmative Action policy will apply to the projects. Unless otherwise noted on a project summary, grantees and/or the beneficiary companies, as applicable, are encouraged to provide for the meaningful participation of minorities and women in any job or training opportunities created by the projects and to solicit and utilize Minority and Women-owned Businesses for any contractual opportunities generated in connection with the projects.

IV. ESD Employment Enforcement Policy

Unless otherwise noted on a project summary, the ESD Employment Enforcement Policy will not apply since the projects will not directly create or retain jobs.

V. ESD Financial Assistance Subject to Availability of Funds and Additional Approval

The provision of ESD\* financial assistance is contingent upon the availability of funds and the approval of the State Division of the Budget.

\* The New York State Urban Development Corporation doing business as the Empire State Development Corporation ("ESD" or the "Corporation")

VI. Additional Requirements

Pursuant to direction received from the New York State Office of the Attorney General (“OAG”), individual project summaries may be subject to comment and approval by the OAG.

Due diligence has been exercised by ESD staff in reviewing information and documentation received from grantees/borrowers and other sources, in preparation for bringing projects to the ESD Directors for approval. The due diligence process also involves coordination with a number of external constituents, including the OAG, and grantees have provided ESD with the required Disclosure and Accountability Certifications.

VII. Additional Submissions to Directors

New York State Maps  
Resolutions  
Project Summaries

January 21, 2010

Empire Opportunity Fund - Authorization to Make a Grant and to Take Related Actions;  
Adoption of Findings Pursuant to the State Environmental Quality Review Act

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RESOLVED, that on the basis of the materials presented to this meeting, a copy of which is hereby ordered filed with the records of the Corporation, relating to the Empire Opportunity Fund Project (the "Project"), that the Chairman and Chief Executive Officer-Designate of the Corporation or his designee(s) be, and each of them hereby is, authorized to adopt the findings pursuant to the State Environmental Quality Review Act; and be it further

RESOLVED, that the Chairman and Chief Executive Officer-Designate of the Corporation or his designee(s) be, and each of them hereby is, authorized to make a grant to the party and for the amount listed below from the Empire Opportunity Fund, for the purposes, and substantially on the terms and conditions, set forth in the materials presented to this meeting, with such changes as the Chairman and Chief Executive Officer-Designate of the Corporation or his designee(s) may deem appropriate, subject to the availability of funds and the approval of the State Division of the Budget; and be it further

RESOLVED, that the Chairman and Chief Executive Officer-Designate of the Corporation or his designee(s) be, subsequent to the making of the grant, and each of them hereby is, authorized to take such actions and make such modifications to the terms of the grant as he or she may deem necessary or appropriate in the administration of the grant; and be it further

RESOLVED, that the provision of ESD financial assistance is expressly contingent upon: (1) the approval of the Public Authorities Control Board, if applicable, and (2) receipt of all other necessary approvals; and be it further

Empire Opportunity Fund - Project Summary Table

	<b>Project Name</b>	<b>Proj #</b>	<b>Grantee</b>	<b>Assistance up to</b>
A	Open Space Institute Capital	U574	Open Space Institute	0 <sup>1</sup>
	1- this \$25M grant was approved by the ESD Directors on November 15, 2006. The subject request is to adopt findings pursuant to the State Environmental Quality Review Act, and does not involve new funding.			
			<b>TOTAL</b>	<b>\$0</b>

RESOLVED, that the Chairman and Chief Executive Officer-Designate of the Corporation or his designee(s) be, and each of them hereby is, authorized in the name and on behalf of the Corporation to execute and deliver any and all documents and to take all actions as he or she may in his or her sole discretion consider to be necessary or proper to effectuate the foregoing resolutions.

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January 21, 2010

Aid to Localities – Community Projects Fund – Findings and Determinations Pursuant to Section 10 (g) of the Act; Authorization to Make Grants and to Take Related Actions

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RESOLVED, that on the basis of the materials presented to this meeting, a copy of which is hereby ordered filed with the records of the Corporation, relating to the Aid to Localities – Community Projects Fund Projects (the “Projects”), the Corporation hereby determines pursuant to Section 10 (g) of the New York State Urban Development Corporation Act of 1968, as amended (the “Act”), that there are no families or individuals to be displaced from the project area(s); and be it further

RESOLVED, that the Chairman and Chief Executive Officer-Designate of the Corporation or his designee(s) be, and each of them hereby is, authorized to make grants to the parties and for the amounts listed below from Aid to Localities – Community Projects Fund, for the purposes, and substantially on the terms and conditions, set forth in the materials presented to this meeting, with such changes as the Chairman and Chief Executive Officer-Designate of the Corporation or his designee(s) may deem appropriate, subject to the availability of funds and the approval of the State Division of the Budget; and be it further

RESOLVED, that the Chairman and Chief Executive Officer-Designate of the Corporation or his designee(s) be, subsequent to the making of the grants, and each of them hereby is, authorized to take such actions and make such modifications to the terms of the grants as he or she may deem necessary or appropriate in the administration of the grants; and be it further

RESOLVED, that the provision of ESD financial assistance is expressly contingent upon: (1) the approval of the Public Authorities Control Board, if applicable, and (2) receipt of all other necessary approvals; and be it further

Aid to Localities – Community Projects Fund – Project Summary Table

	<b>Project Name</b>	<b>Proj #</b>	<b>Grantee</b>	<b>Assistance up to</b>
B	The Arsenal Business and Technology Partnership	W689	The Arsenal Business and Technology Partnership, Ltd.	158,000
C	Bronx Business Alliance	W666	Bronx Business Alliance, Inc.	115,000
D	Sunnyside Chamber of Commerce – Marketing Campaign	W253	Sunnyside Chamber of Commerce	15,000
			<b>TOTAL</b>	<b>\$288,000</b>

RESOLVED, that the Chairman and Chief Executive Officer-Designate of the Corporation or his designee(s) be, and each of them hereby is, authorized in the name and on behalf of the Corporation to execute and deliver any and all documents and to take all actions as he or she may in his or her sole discretion consider to be necessary or proper to effectuate the foregoing resolutions.

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