

FOR CONSIDERATION

November 18, 2010

TO: The Directors

FROM: Dennis M. Mullen

SUBJECT: Non-Discretionary Projects

REQUEST FOR: Findings and Determinations Pursuant to Sections 10 (g) of the Act; Land Use Improvement Project Findings and Determinations Pursuant to Sections 10 (c) and 10 (g) of the Act; Authorization to Adopt the Proposed General Project Plans; Authorization to Adopt the First Amendment the GPP, Grantee, Project Scope, and Budget; Authorization to Add a Beneficiary Company; Authorization to Make Grants and to Take Related Actions; Determination of No Significant Effect on the Environment

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

Arts and Cultural Projects (Executive)				
	Project Name	Proj #	Grantee	Assistance up to
A	Franklin D. Roosevelt Four Freedoms Park Capital	X162	Franklin D. Roosevelt Four Freedoms Park, LLC	2,000,000
	1 project		Sub-total	\$2,000,000

Economic and Community Development Projects (Executive)					
	Project Name	Proj #	Grantee	Assistance up to	
B	Nassau County HDFC – Village Lofts Capital	W901	Nassau County Housing Development Fund Corporation	0 ¹	
	1 – this \$1M grant was approved by the ESD Directors on September 14, 2010. The subject request is to add a beneficiary company, and does not involve new funding.				
	1 project			Sub-total	\$0
New York State Economic Development Program and Upstate City-by-City Projects (Executive)					
	Project Name	Proj #	Grantee	Assistance up to	
C	Town of Stillwater - Luther Forest Infrastructure Capital II	X043, X044	Town of Stillwater	0 ²	
	2 – these grants (\$8.1M NYSEDP and \$3.736M Upstate City-by-City) were approved by the ESD Directors on March 26, 2010. The subject request is to adopt the first amendment to the GPP, grantee, project scope, and budget, and does not involve new funding.				
	1 project			Sub-total	\$0
Community Projects Fund and Local Assistance (Senate)					
	Project Name	Proj #	Grantee	Assistance up to	
D	Trivision Tek Group – Managed Medicaid Information System	X199	Trivision Tek Group, Inc. d/b/a Trivision Group Inc.	350,000	
E	SCIDA - Seneca Knit	V116	Seneca County Industrial Development Agency	22,800	
	2 projects			Sub-total	\$372,800

New York State Economic Development Program (Senate)				
	Project Name	Proj #	Grantee	Assistance up to
F	Nassau County HDFC – Village Lofts Capital	X247	Nassau County Housing Development Fund Corporation	1,000,000
	1 project		Sub-total	\$1,000,000
	TOTAL NON-DISCRETIONARY – 6 PROJECTS		TOTAL	\$3,372,800

I. Statutory Basis

The projects are sponsored by the Executive Office, Assembly or Senate, and were authorized or reappropriated in the 2010-2011 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.

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

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.

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.

Also, pursuant to s.2879-a of the Public Authorities Law, the Office of the State Comptroller (“OSC”) has notified the Corporation that it will review all grant agreements of more than one million dollars that are supported with funds from the Community Projects Fund (007). Such grant agreements, therefore, will not become valid and enforceable unless approved by the OSC. A clause providing for OSC review will be included in all grant agreements that are subject to such approval.

VII. Additional Submissions to Directors

New York State Maps
Resolutions
Project Summaries

November 18, 2010

Arts and Cultural Projects - Findings and Determinations Pursuant to Section 10 (g) of the Act; Authorization to Adopt the Proposed General Project Plan; Authorization to Make a Grant and to Take Related Actions; Determination of No Significant Effect on the Environment

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 Arts and Cultural Projects (the "Project"), 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; and be it further

RESOLVED, that the Corporation does hereby adopt, subject to the requirements of Section 16(2) of the Act, the proposed General Project Plan (the "Plan") for the Project submitted to this meeting, together with such changes therein as the Chairman and Chief Executive Officer of the Corporation or his designee(s) may deem appropriate, a copy of which Plan, together with such changes, are hereby ordered filed with the records of the Corporation; and be it further

RESOLVED, that upon written finding of the Chairman and Chief Executive Officer of the Corporation or his designee(s) that no substantive negative testimony or comment has been received at the public hearing held on the Plan, such Plan shall be effective at the conclusion of such hearing, and that upon such written finding being made, Chairman and Chief Executive Officer 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 Arts and Cultural Projects, 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 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 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

Arts and Cultural Projects - Project Summary Table

	Project Name	Proj #	Grantee	Assistance up to
A	Franklin D. Roosevelt Four Freedoms Park Capital	X162	Franklin D. Roosevelt Four Freedoms Park, LLC	1,000,000
			TOTAL	\$1,000,000

RESOLVED, that the Chairman and Chief Executive Officer 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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November 18, 2010

Economic and Community Development Projects - Findings and Determinations
Pursuant to Section 10 (g) of the Act; Authorization to Add a Beneficiary Company;
Authorization to Make a Grant and to Take Related Actions

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 Economic and Community Development Projects (the "Project"), 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 of the Corporation or his designee(s) be, and each of them hereby is, authorized to add a beneficiary company to the project; and be it further

RESOLVED, that Chairman and Chief Executive Officer 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 Economic and Community Development Projects, 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 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 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

Economic and Community Development Projects - Project Summary Table

	Project Name	Proj #	Grantee	Assistance up to
B	Nassau County HDFC – Village Lofts Capital	W901	Nassau County Housing Development Fund Corporation	0 ¹
	1 – this \$1M grant was approved by the ESD Directors on September 14, 2010. The subject request is to add a beneficiary company, and does not involve new funding.			
			TOTAL	\$0

RESOLVED, that the Chairman and Chief Executive Officer 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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November 18, 2010

New York State Economic Development Program and Upstate City-by-City Projects – Findings and Determinations Pursuant to Section 10 (g) of the Act; Authorization to Adopt the First Amendment the GPP, Grantee, Project Scope, and Budget; Authorization to Make a Grant and to Take Related Actions

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 New York State Economic Development Program and Upstate City-by-City Projects (the “Project”), 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 of the Corporation or his designee(s) be, and each of them hereby is, authorized to adopt the first amendment to the GPP, grantee, project scope, and budget; and be it further

RESOLVED, that the Chairman and Chief Executive Officer 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 amounts listed below from the New York State Economic Development Program and Upstate City-by-City Projects, 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 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 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

New York State Economic Development Program/Upstate City-by-City Projects –
Project Summary Table

	Project Name	Proj #	Grantee	Assistance up to
C	Town of Stillwater - Luther Forest Infrastructure Capital II	X043, X044	Town of Stillwater	0 ²
	2 – these grants (\$8.1M NYSEDP and \$3.736M Upstate City-by-City) were approved by the ESD Directors on March 26, 2010. The subject request is to adopt the first amendment to the GPP, grantee, project scope, and budget, and does not involve new funding.			
			TOTAL	\$0

RESOLVED, that the Chairman and Chief Executive Officer 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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November 18, 2010

Community Projects Fund and Local Assistance - Findings and Determinations Pursuant to Section 10 (g) of the Act; Authorization to Make Grants and to Take Related Actions

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 Community Projects Fund and Local Assistance 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 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 the Community Projects Fund and Local Assistance, 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 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 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

Community Projects Fund – Senate – Project Summary Table

	Project Name	Proj #	Grantee	Assistance up to
D	Trivision Tek Group – Managed Medicaid Information System	X199	Trivision Tek Group, Inc. d/b/a Trivision Group Inc.	350,000
			TOTAL	\$350,000

Local Assistance – Senate – Project Summary Table

	Project Name	Proj #	Grantee	Assistance up to
E	SCIDA – Seneca Knit	V116	Seneca County Industrial Development Agency	22,800
			TOTAL	\$22,800

RESOLVED, that the Chairman and Chief Executive Officer 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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November 18, 2010

New York State Economic Development Program – Land Use Improvement Project
Findings and Determinations Pursuant to Sections 10 (c) and (g) of the Act;
Authorization to Adopt the Proposed General Project Plan; Authorization to Make a
Grant and to Take Related Actions

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 New York State Economic Development Program (the “Project”), 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

Land Use Improvement Project

- 1) That the area in which the project is to be located is a substandard or insanitary area, or is in danger of becoming a substandard or insanitary area and tends to impair or arrest the sound growth and development of the municipality;
- 2) That the project consists of a plan or undertaking for the clearance, replanning, reconstruction, and rehabilitation of such area and for recreational and other facilities incidental or appurtenant thereto;
- 3) That the plan or undertaking affords maximum opportunity for participation by private enterprise, consistent with the sound needs of the municipality as a whole;
- 4) That the proposed facilities or project is consistent with any existing local or regional comprehensive plan;

and be it further

RESOLVED, that the Corporation does hereby adopt, subject to the requirements of Section 16(2) of the Act, the proposed General Project Plan (the “Plan”) for the Project submitted to this meeting, together with such changes therein as the Chairman and Chief Executive Officer of the Corporation or his designee(s) may deem appropriate, a copy of which Plan, together with such changes, are hereby ordered filed with the records of the Corporation; and be it further

RESOLVED, that upon written finding of the Chairman and Chief Executive Officer of the Corporation or his designee(s) that no substantive negative testimony or comment has been received at the public hearing held on the Plan, such Plan shall be effective at the conclusion of such hearing, and that upon such written finding being made, Chairman and Chief Executive Officer 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 New York State Economic Development Program, 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 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 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

New York State Economic Development Program - Project Summary Table

	Project Name	Proj #	Grantee	Assistance up to
F	Nassau County HDFC – Village Lofts Capital	X247	Nassau County Housing Development Fund Corporation	1,000,000
			TOTAL	\$1,000,000

RESOLVED, that the Chairman and Chief Executive Officer 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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