

FOR CONSIDERATION

February 19, 2010

TO: The Directors

FROM: Dennis M. Mullen

SUBJECT: Non-Discretionary Projects

REQUEST FOR: Authorization to Adopt the Proposed General Project Plan; Authorization to Amend the Project Scope and Budget; Authorization to Make Grants and to Take Related Actions

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

<b>New York State Economic Development Program (Governor)</b>				
	<b>Project Name</b>	<b>Proj #</b>	<b>Grantee</b>	<b>Assistance up to</b>
A	Albright-Knox Art Gallery - Building Expansion Feasibility	V456	Buffalo Fine Arts Academy d/b/a Albright-Knox Art Gallery	0 <sup>1</sup>
	1- this \$250,000 grant was approved by the ESD Directors on March 20, 2008. The subject request is to amend the project scope and budget, 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 and Senate)</b>				
	<b>Project Name</b>	<b>Proj #</b>	<b>Grantee</b>	<b>Assistance up to</b>
B	EHBCC – Business Development Center	W957	East Harlem Business Capital Corporation	75,000

C	NMCED – Bilingual Community Outreach	W958	Northern Manhattan Coalition for Economic Development, Inc.	75,000
D	NMCED – Business Outreach Center	W684	Northern Manhattan Coalition for Economic Development, Inc.	70,000
E	Ridgewood Local Development Corporation – Economic Development	W255	Ridgewood Local Development Corporation	5,000
F	LFTCEDC – Campus Trails Capital	W429	Luther Forest Technology Campus Economic Development Corporation	100,000
	<b>5 projects</b>		<b>Sub-total</b>	<b>\$325,000</b>
	<b>Community Capital Assistance Program (Senate)</b>			
	<b>Project Name</b>	<b>Proj #</b>	<b>Grantee</b>	<b>Assistance up to</b>
G	American Legion Maspeth Post No. 783 – Building Repairs	V975	The American Legion Maspeth Post No. 783	50,000
	<b>1 project</b>		<b>Sub-total</b>	<b>50,000</b>
	<b>TOTAL NON-DISCRETIONARY – 7 PROJECTS</b>		<b>TOTAL</b>	<b>\$375,000</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

February 19, 2010

New York State Economic Development Program - Authorization to Amend the 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 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 amend the project scope and budget; 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 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-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

New York State Economic Development Program - Project Summary Table

	<b>Project Name</b>	<b>Proj #</b>	<b>Grantee</b>	<b>Assistance up to</b>
A	Albright-Knox Art Gallery - Building Expansion Feasibility	V456	Buffalo Fine Arts Academy d/b/a Albright-Knox Art Gallery	0 <sup>1</sup>
	1– this \$250,000 grant was approved by the ESD Directors on March 20, 2008. The subject request is to amend the project scope and budget, 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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February 19, 2010

Aid to Localities – Community Projects Fund – Findings and Determinations Pursuant to Section 10 (g) of the Act; Authorization to Adopt the Proposed General Project Plan; 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 Corporation does hereby adopt, subject to the requirements of Section 16(2) of the Act, the proposed General Project Plan (the “Plan”) for the LFTCEDC – Campus Trails Capital Project submitted to this meeting, together with such changes therein as the Chairman and Chief Executive Officer-Designate of the Corporation or his designee(s) may deem appropriate, a copy of which Plan, together with such changes, is 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-Designate 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, 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 – Assembly - Project Summary Table

	<b>Project Name</b>	<b>Proj #</b>	<b>Grantee</b>	<b>Assistance up to</b>
B	EHBCC - Business Development Center	W957	East Harlem Business Capital Corporation	75,000
C	NMCED – Bilingual Community Outreach	W958	Northern Manhattan Coalition for Economic Development, Inc.	75,000
D	NMCED – Business Outreach Center	W684	Northern Manhattan Coalition for Economic Development, Inc.	70,000
E	Ridgewood Local Development Corporation – Economic Development	W255	Ridgewood Local Development Corporation	5,000
			<b>TOTAL</b>	<b>\$225,000</b>

Aid to Localities – Community Projects Fund – Senate - Project Summary Table

	<b>Project Name</b>	<b>Proj #</b>	<b>Grantee</b>	<b>Assistance up to</b>
F	LFTCEDC – Campus Trails Capital	W429	Luther Forest Technology Campus Economic Development Corporation	100,000
			<b>TOTAL</b>	<b>\$100,000</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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February 19, 2010

Community Capital Assistance Program – Authorization to Make a Grant 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 Community Capital Assistance Program Project (the “Project”), in accordance with Chapter 84 of the Laws of 2002 for the Community Capital Assistance Program, 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 Community Capital Assistance 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-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

Community Capital Assistance Program - Project Summary Table

	<b>Project Name</b>	<b>Proj #</b>	<b>Grantee</b>	<b>Assistance up to</b>
G	American Legion Maspeth Post No. 783 – Building Repairs	V975	The American Legion Maspeth Post No. 783	50,000
			<b>TOTAL</b>	<b>\$50,000</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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