



## **AGENDA**

### **MEETING OF THE START-UP NY APPROVAL BOARD**

**THURSDAY, SEPTEMBER 25, 2014, 1:15 P.M.**

**STATE CAPITOL, ROOM 131  
ALBANY, NEW YORK**

- I. Welcome and Introductions
- II. Ratification of Minutes from START-UP NY Approval Board Meetings of 07/01/14 and 08/19/14
- III. Consideration of Canisius College Plan
- IV. Consideration of D'Youville College Plan
- V. Consideration of Iona College Plan
- VI. Consideration of Mount Saint Mary College Plan
- VII. Other issues



**DRAFT – SUBJECT TO REVIEW AND REVISION<sup>1</sup>**

## **START-UP NY Approval Board**

### **Meeting Minutes**

**State Capitol, Room 131, Albany**

**11:00 A.M., Tuesday, July 01, 2014**

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The following Board members were present: Andrew Kennedy (Chair), Governor’s Appointee, Governor’s Assistant Secretary for Economic Development; Abraham M. Lackman, Temporary President of the Senate’s Appointee, Senior Officer for Civic Affairs at the Simons Foundation; Edward M. Cupoli, Speaker of the Assembly’s Appointee, Professor Emeritus at the University at Albany and Trustee Emeritus at Cornell University.

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The meeting was called by Chairman Kennedy at 10:59. Chairman Kennedy informed the other members that the Board would be considering four plans submitted by Clarkson University, Columbia University, Keuka College, and the University of Rochester.

Prior to beginning consideration of the plans, Chairman Kennedy asked if there was a motion to vote on the adoption of the minutes from the prior meeting of the Board. Mr. Lackman so moved, and Mr. Cupoli seconded the motion. The motion was put to a vote, and the motion carried unanimously 3-0.

At 11:00, the Board turned to consideration of Clarkson University’s plan to designate a Tax-Free NY Area. Ms. Patricia Hartle of Empire State Development provided a summary of Clarkson University’s plan. Ms. Hartle noted that Clarkson University’s plan:

- Proposes for designation 28,000 square feet of vacant space located in three buildings on Clarkson University’s campus, including the Peyton Hall building which hosts the Clarkson University business incubator;
- Indicates that Clarkson University will pursue high-technology businesses, including those engaged in web development, nanoscience, and development of sustainable technologies, as well as businesses focused on resources such as produce, farm products, and wood products.

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<sup>1</sup> The video recording of this meeting of the START-UP NY Approval Board constitutes the official record of the meeting. To the extent of any conflict between these minutes and the video recording, the conflict should be resolved in favor of the video recording.



Ms. Hartle further noted that Clarkson University has received numerous inquiries from businesses interested in locating in the spaces proposed for designation, and that Clarkson University expects that the space proposed for designation as part of its plan can support about 75 jobs within the next three to five years.

At 11:03, Mr. Cupoli observed that, in light of the potential of START-UP NY to create jobs indirectly as a result of the investment of businesses accepted into the program, as well as the business development capabilities at the disposal of the universities participating in the START-UP NY program, Clarkson University's conservative estimate of 75 jobs does not fully reflect its capacity to support business growth and job creation.

At this point, hearing no further comments or questions, Chairman Kennedy asked if there was a motion to move to a vote on Clarkson University's plan. Mr. Lackman so moved, and Mr. Cupoli seconded the motion. By a vote of 3-0, the Board moved to a final vote on Clarkson University's plan.

At the direction of Chairman Kennedy, the secretary to the Board, Mr. Phillip Harmonick, proceeded to collect votes from the Board members by roll call. By a vote of 3-0, the Board approved Clarkson University's plan.

At 11:04, Chairman Kennedy indicated that the Board would proceed to consideration of Columbia University's plan to designate a Tax-Free NY Area. Ms. Judith Tholl of Empire State Development provided a summary of Columbia University's plan, including that:

- Columbia University proposes for designation 16,241 square feet of vacant space located on the Columbia University campus;
- Columbia University is seeking to attract and support high-technology start-up businesses.

Ms. Tholl further observed that Columbia University's bio park, which generates new bio-medical businesses, is the only of its kind in the State. Ms. Tholl noted that Columbia University expects to attract start-up businesses formed by its alumni, students, and faculty, many of whom have already expressed interest in the Program, and that Columbia University believes that the space proposed for designation will support about 150 jobs.

At 11:07, Mr. Lackman observed that the space proposed by Columbia University for designation at 69 Charlton St. is currently leased by Columbia University, and inquired as to the duration of the current lease. Ms. Tholl indicated that Columbia University is currently in the process of renegotiating the lease, but that she did not know the precise duration thereof. Mr.



Cupoli opined that Mr. Lackman’s observation was important to ensuring that businesses would not be affected by the expiration of the lease between Columbia University and the owner of the property.

Chairman Kennedy responded that leased property in New York State is treated as on-campus property for the purposes of START-UP NY, and that the fact that Columbia University leased the space in question should not be a barrier to the Board approving Columbia University’s plan. Chairman Kennedy further observed that the plan before the Board showed Columbia University’s commitment to renewing the lease pursuant to its strategy for participation in the START-UP NY program.

At 11:09, hearing no further questions or comments, Chairman Kennedy asked if there was a motion to move to a vote on Columbia University’s plan. Mr. Lackman so moved, and Mr. Cupoli seconded the motion. By a vote of 3-0, the Board moved to a final vote on Columbia University’s plan. The Board thereafter approved Columbia University’s plan, 3-0, by roll call vote.

At 11:10, Chairman Kennedy indicated that the Board would proceed to consideration of Keuka College’s plan to designate a Tax-Free NY Area. Ms. Tholl provided a summary of Keuka College’s plan, including that:

- Keuka College proposes for designation 2,530 square feet of vacant off-campus space;
- Keuka College is seeking applications from businesses engaged in software development, business analytics, healthcare technology, agribusiness, environmental science and technology, and bio-medical sciences to apply to locate in its proposed Tax-Free NY Area.

Ms. Tholl further observed that Keuka College has a proven track record of success in promoting job growth through its collaboration with the Finger Lakes Economic Development Center. Ms. Tholl added that Keuka College is vigorously promoting the START-UP NY program through its network of faculty and alumni to attract businesses, particularly international businesses, and is currently in discussions with a business prospect Keuka College believes will support 20 jobs.

At 11:12, Chairman Kennedy requested confirmation that the space proposed by Keuka College for designation is within one mile of a Keuka College campus. Ms. Tholl confirmed that the space proposed for designation is within one mile of a Keuka College campus.



Hearing no further questions or comments, Chairman Kennedy asked if there was a motion to move to a vote on Keuka College's plan. Mr. Lackman so moved, and Mr. Cupoli seconded the motion. By a vote of 3-0, the Board moved to a final vote on Keuka College's plan. The Board thereafter approved Keuka College's plan, 3-0, by roll call vote.

At 11:13, Chairman Kennedy indicated that the Board would move to consideration of the University of Rochester's plan to designate a Tax-Free NY Area. Ms. Hartle provided a summary of the University of Rochester's plan, including that:

- The University of Rochester proposes for designation 105,894 square feet of vacant space located at the High Tech Rochester Business Incubator and Eastman Business Park;
- The University of Rochester seeks to attract businesses located in industries aligning with its broad array of academic offerings, including businesses in the fields of advanced materials, bio-engineering, bio-technology, chemicals, communication electronics, energy technology, information technology, life sciences, manufacturing, medical device production, nanotechnology, optics, photonics and imaging, and semiconductors.

Ms. Hartle noted that the Board is directed by statute to prioritize for acceptance the University of Rochester's plan because the space proposed for designation is located in a county that contains a city with a population of one hundred thousand or more but does not host a State University of New York university center. Furthermore, Ms. Hartle stated that Eastman Business Park is a high regional priority for economic development. Lastly, Ms. Hartle stated that the University of Rochester has been in contact with 73 prospective businesses concerning its proposed START-UP NY plan.

At 11:15, Mr. Cupoli indicated that he had significant prior professional experience in the Rochester community, and with Eastman Business Park in particular, and that he considers the University of Rochester's plan to be a critical part of Rochester's redevelopment. Mr. Cupoli further added that increased measurement of the economic impact of the START-UP NY program is needed, and that he intended to work with his fellow Board members in the future to establish tools for such measurement.

At 11:16, Chairman Kennedy stated that the State of New York is committed to the redevelopment of Eastman Business Park following the departure of Kodak, and that the State has already provided assistance with the cleanup and upgrading of infrastructure at Eastman Business Park. Chairman Kennedy then asked the counsel to the Board, Ms. Jennifer Chung, what extent of preference the Board was directed by statute to confer upon the University of Rochester's plan in light of its location.



Ms. Chung responded that the Board is empowered to take into account the lack of a university center in counties containing a city with a population greater than one hundred thousand so as to ensure that these communities, despite their lack of a university center, may participate equally in the START-UP NY program.

At 11:17, Mr. Cupoli asked whether the space proposed for designation was included in the 2.4 million square foot cap that applies to private colleges and universities in Upstate New York. Chairman Kennedy responded that it did. Mr. Cupoli then proceeded to ask whether this square footage limit applied to all Upstate New York colleges and universities, or only private colleges and universities, and also what the role of Empire State Development is in applying this square footage limit. Ms. Chung responded that the 2.4 million square foot limit applies only to private colleges and universities, and that Empire State Development monitors the square footage allocated by the Board through the approval of the plans submitted by private colleges and universities.

At 11:19, Mr. Lackman requested that a running tally of space allocated against the square footage limit be provided to the Board with the next plan submitted for its consideration.

Hearing no further questions or comments, Chairman Kennedy asked if there was a motion to move to a vote on the University of Rochester's plan. Mr. Lackman so moved, and Mr. Cupoli seconded the motion. By a vote of 3-0, the Board moved to a final vote on the University of Rochester's plan. The Board thereafter approved the University of Rochester's plan, 3-0, by roll call vote.

At 11:20, hearing no further remarks, Chairman Kennedy requested a motion to adjourn the meeting. Mr. Cupoli so moved, and Mr. Lackman seconded the motion. By a vote of 3-0, the motion was approved and the meeting was adjourned.

Respectfully submitted,

Phillip Harmonick



**DRAFT – SUBJECT TO REVIEW AND REVISION<sup>1</sup>**

## **START-UP NY Approval Board**

### **Meeting Minutes**

**State Capitol, Room 131, Albany**

**2:30 P.M., Tuesday, August 19, 2014**

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The following Board members were present: Andrew Kennedy (Chair), Governor’s Appointee, Governor’s Assistant Secretary for Economic Development; Abraham M. Lackman, Temporary President of the Senate’s Appointee, Senior Officer for Civic Affairs at the Simons Foundation; Edward M. Cupoli, Speaker of the Assembly’s Appointee, Professor Emeritus at the University at Albany and Trustee Emeritus at Cornell University.

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The meeting was called by Chairman Kennedy at 2:34. Chairman Kennedy informed the other members that the Board would be considering three plans submitted by Long Island University (“LIU”), the College of New Rochelle, and New York University (“NYU”).

Prior to beginning consideration of the plans, Chairman Kennedy noted that the first order of business was to address the minutes from the prior meeting of the Board. Mr. Cupoli stated that he would like changes to be made to the minutes from the prior meeting of the Board. Jennifer Chung, Counsel to the Board, advised that adoption of the minutes be postponed until a revised draft could be provided to the Board members. Chairman Kennedy approved of Ms. Chung’s recommendation and indicated that consideration of the minutes for the Board meeting of July 01, 2014, would be postponed until the next meeting of the Board.

At 2:39, the Board turned to consideration of LIU’s plan to designate a Tax-Free NY Area. Ms. Patricia Hartle of Empire State Development provided a summary of LIU’s plan. Ms. Hartle noted that LIU’s plan:

- Proposes for designation 6,721 square feet of vacant space located at the Bush-Brown Hall on LIU’s campus;
- Indicates that LIU will pursue technology and technology-related businesses, high-tech manufacturing enterprises, and high-tech environmental sustainability enterprises.

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Ms. Hartle further noted that LIU has received three inquiries from businesses interested in locating in the space proposed for designation, including one inquiry from an out-of-state biotechnology business.

At 2:40, Mr. Lackman observed that a clear, well-crafted conflict of interest policy is an essential element of all plans submitted by sponsors to the Board. Mr. Lackman also expressed his desire that all conflict of interest policies submitted by sponsors provide for the coverage of members of sponsors' Boards of Trustees. Ms. Chung responded to Mr. Lackman that the LIU plan does in fact indicate under the definition of "official" that members of the LIU Board of Trustees are covered by the LIU START-UP NY conflict of interest policy. Mr. Lackman noted that members of the LIU Board of Trustees are covered by the LIU START-UP NY conflict of interest policy, but indicated his preference for the NYU START-UP NY conflict of interest policy in light of that policy's clear statement of covered individuals. Ms. Chung expressed her appreciation for Mr. Lackman's clarification, and noted that such guidance is instrumental to sponsors in preparing their plans.

At 2:43, Mr. Cupoli recommended that LIU's College of Management might make a significant contribution to demonstrating the effects and benefits of the START-UP NY program by measuring the economic activity, including indirect jobs, resulting from the LIU START-UP NY program.

At 2:44, Mr. Lackman responded that LIU may not have the capacity to conduct a study of this magnitude, and that such an undertaking might be better left to Cornell University or NYU.

Chairman Kennedy supported Mr. Lackman's recommendation as to Cornell, noting that Cornell University has collaborated with the New York State Department of Labor in producing the New York State Data Center.

At this point, hearing no further comments or questions, Chairman Kennedy asked if there was a motion to move to a vote on LIU's plan. Mr. Cupoli so moved, and Mr. Lackman seconded the motion. By a vote of 3-0, the Board moved to a final vote on LIU's plan.

At the direction of Chairman Kennedy, the Secretary to the Board, Mr. Phillip Harmonick, proceeded to collect votes from the Board members by roll call. By a vote of 3-0, the Board approved LIU's plan.

At 2:45, Chairman Kennedy indicated that the Board would proceed to consideration of the College of New Rochelle's plan to designate a Tax-Free NY Area. Ms. Hartle provided a summary of the College of New Rochelle's plan, including that:



- The College of New Rochelle proposes for designation 20,334 square feet of vacant space on the College of New Rochelle’s campus;
- The College of New Rochelle is seeking applications from businesses to locate in its proposed Tax-Free NY Area in the following industry areas: advanced materials, biotechnology, engineering, information technology, and re-manufacturing.

Ms. Hartle further observed that the College of New Rochelle has received inquiries from businesses engaged in information technology, software development, and research and development regarding the College of New Rochelle’s plan.

At 2:47, Mr. Cupoli requested clarification as to how the College of New Rochelle’s academic mission comported with the businesses it is seeking to attract.

Mr. Lackman responded that liberal arts colleges have produced significant companies, such as Bristol-Myers Squibb, and suggested that innovative approaches could emerge from sponsors that are not leaders in the fields in which they intend to attract businesses.

Mr. Cupoli then asked whether the College of New Rochelle has science programs. Mr. Lackman confirmed that the College of New Rochelle does have science programs, though it may not have schools devoted solely to science disciplines. Chairman Kennedy then commented that liberal arts colleges like the College of New Rochelle could provide support in demonstrating how to apply technology to real-world workplaces as opposed to actually developing the technology itself.

Mr. Lackman stated that he was impressed by the College of New Rochelle’s process for evaluating business applications. In particular, Mr. Lackman identified the College of New Rochelle’s factors for validating the alignment of businesses with the College of New Rochelle’s academic mission as exemplary.

At 2:50, hearing no further questions or comments, Chairman Kennedy asked if there was a motion to move to a vote on the College of New Rochelle’s plan. Mr. Lackman so moved, and Mr. Cupoli seconded the motion. By a vote of 3-0, the Board moved to a final vote on the College of New Rochelle’s plan. The Board thereafter approved the College of New Rochelle’s plan, 3-0, by roll call vote.

At 2:51, Chairman Kennedy indicated that the Board would move to consideration of NYU’s plan to designate a Tax-Free NY Area. Ms. Hartle provided a summary of NYU’s plan, including that:



- NYU proposes for designation 19,500 square feet of vacant on campus space located on NYU's Varick Street Incubator in Manhattan, DUMBO Incubator in Brooklyn, and Urban Future Lab in Brooklyn;
- NYU seeks to attract businesses engaged in a wide array of industries, including digital media, clean technology, healthcare information technology, cyber security, financial technology, education technology, and the development of mobile applications.

Ms. Hartle indicated that NYU has received inquiries from thirty companies in a variety of industries regarding locating at NYU's proposed Tax-Free NY Area.

At 2:53, Mr. Lackman asked which county's space allocation the space proposed in NYU's plan would be counted against. Ms. Hartle responded that the space proposed for designation would be counted against the allocation of space available in the county in which the space is located, meaning that NYU's plan would absorb space available for designation in both New York County and Kings County. Mr. Lackman further inquired as to NYU's plans to relocate its Tax-Free NY Area in the future. Ms. Hartle responded that those plans were still in the formative stage, but that any businesses accepted to locate in NYU's Tax-Free NY Area would be notified prior to any amendment to NYU's plan.

At 2:54, Mr. Lackman stated for the record that he had served as a consultant to the President of NYU in connection with NYU's campuses abroad. Mr. Lackman elaborated that he had served as a consultant for three years, that his consultancy for NYU had terminated two years ago, and that he did not feel that his prior relationship with NYU impacted his impartiality as a Board member in any way.

At this point, Chairman Kennedy asked if there was a motion to move to a vote on NYU's plan. Mr. Lackman so moved, and Mr. Cupoli seconded the motion. By a vote of 3-0, the Board moved to a final vote on NYU's plan. The Board thereafter approved NYU's plan, 3-0, by roll call vote.

Chairman Kennedy then indicated that he expected that the Board would reconvene by mid-September for its next meeting.



At 2:55, hearing no further remarks, Chairman Kennedy requested a motion to adjourn the meeting. Mr. Cupoli so moved, and Mr. Lackman seconded the motion. By a vote of 3-0, the motion was approved and the meeting was adjourned.

Respectfully submitted,

Phillip Harmonick



## **SUMMARY OF START-UP NY DESIGNATED LAND & SPACE**

Pursuant to Econ. Dev. L. § 432(2), private colleges and universities in New York State may designate up to 3 million ft<sup>2</sup> of vacant land or space. Of this 3 million ft<sup>2</sup>, 600,000 ft<sup>2</sup> is available for designation by certain colleges and universities in Nassau, Suffolk, and Westchester counties and the five boroughs of NYC. Each county is allocated 75,000 ft<sup>2</sup> of vacant land or space.

In any county where the allocated 75,000 ft<sup>2</sup> is designated as a Tax-Free NY Area, an additional 75,000 ft<sup>2</sup> shall be eligible for designation by the START-UP NY Approval Board as a Tax-Free NY Area.

### **DESIGNATED LAND & SPACE: DOWNSTATE**

To date, 62,796 ft<sup>2</sup> has been designated against the 600,000 ft<sup>2</sup> limit for private universities and colleges downstate. The following indicates the land or space designated to date against the 75,000 ft<sup>2</sup> available to each of the following counties:

Bronx County: No space designated

Kings County: 12,500 ft<sup>2</sup>

New York County: 23,241 ft<sup>2</sup>

Queens County: No space designated

Richmond County: No space designated

Nassau County: 6,721 ft<sup>2</sup>

Suffolk County: No space designated

Westchester County: 20,334 ft<sup>2</sup>

### **DESIGNATED LAND & SPACE: UPSTATE**

To date, 252,364 ft<sup>2</sup> has been designated against the 2.4 million ft<sup>2</sup> limit for private universities located upstate.



**MEETING OF THE START-UP NY APPROVAL BOARD**

**THURSDAY, SEPTEMBER 25, 2014, 1:15 P.M.**

**STATE CAPITOL, ROOM 131  
ALBANY, NEW YORK**

**Resolution 012**

**WHEREAS**, Canisius College has submitted a Plan to designate vacant land and space as a Tax-Free NY Area pursuant to Econ. Dev. L. § 435 and the Commissioner of Economic Development, having determined that the Plan meets the statutory and regulatory requirements for approval, has forwarded the Plan to the Board.

**WHEREAS**, the Board has determined that Canisius College's Plan, a copy of which is attached hereto, proposing to designate 45,200 ft<sup>2</sup> of vacant space at Science Hall, located at 1501 Main Street in Buffalo, and 4,216 ft<sup>2</sup> of vacant space at Demerly Hall, located at 2365 Main Street in Buffalo, complies with the eligibility criteria of 5 NYCRR § 220.5 and is eligible to be approved as a Tax-Free NY Area.

**NOW, THEREFORE, BE IT RESOLVED**, that the Board does hereby approve, pursuant to Econ. Dev. L. § 435(2), Canisius College's Plan to sponsor a Tax-Free NY Area, encompassing the abovementioned vacant space, of 49,416 ft<sup>2</sup>.

**Resolution 013**

**WHEREAS**, D'Youville College has submitted a Plan to designate vacant land and space as a Tax-Free NY Area pursuant to Econ. Dev. L. § 435 and the Commissioner of Economic Development, having determined that the Plan meets the statutory and regulatory requirements for approval, has forwarded the Plan to the Board.

**WHEREAS**, the Board has determined that D'Youville College's Plan, a copy of which is attached hereto, proposing to designate 11,150 ft<sup>2</sup> of vacant space at the D'Youville Academic Center, located at 555 Prospect Avenue in Buffalo, complies with the eligibility criteria of 5 NYCRR § 220.5 and is eligible to be approved as a Tax-Free NY Area.



**NOW, THEREFORE, BE IT RESOLVED**, that the Board does hereby approve, pursuant to Econ. Dev. L. § 435(2), D'youville College's Plan to sponsor a Tax-Free NY Area, encompassing the abovementioned vacant space, of 11,150 ft<sup>2</sup>.

#### **Resolution 014**

**WHEREAS**, Iona College has submitted a Plan to designate vacant land and space as a Tax-Free NY Area pursuant to Econ. Dev. L. § 435 and the Commissioner of Economic Development, having determined that the Plan meets the statutory and regulatory requirements for approval, has forwarded the Plan to the Board.

**WHEREAS**, the Board has determined that Iona College's Plan, a copy of which is attached hereto, proposing to designate 6,890 ft<sup>2</sup> of vacant space at McSpedon Hall, located at 715 North Avenue in New Rochelle, and 2,199 ft<sup>2</sup> of vacant space at Hagan Hall, located at 715 North Avenue in New Rochelle, complies with the eligibility criteria of 5 NYCRR § 220.5 and is eligible to be approved as a Tax-Free NY Area.

**NOW, THEREFORE, BE IT RESOLVED**, that the Board does hereby approve, pursuant to Econ. Dev. L. § 435(2), Iona College's Plan to sponsor a Tax-Free NY Area, encompassing the abovementioned vacant space, of 9,089 ft<sup>2</sup>.

#### **Resolution 015**

**WHEREAS**, Mount Saint Mary College has submitted a Plan to designate vacant land and space as a Tax-Free NY Area pursuant to Econ. Dev. L. § 435 and the Commissioner of Economic Development, having determined that the Plan meets the statutory and regulatory requirements for approval, has forwarded the Plan to the Board.

**WHEREAS**, the Board has determined that Mount Saint Mary College's Plan, a copy of which is attached hereto, proposing to designate 7,698 ft<sup>2</sup> of vacant space at a warehouse leased by Mount Saint Mary College, located at 337 Liberty Street in Newburgh, and 4,356 ft<sup>2</sup> of vacant land, located at 351 Liberty Street in Newburgh, complies with the eligibility criteria of 5 NYCRR § 220.5 and is eligible to be approved as a Tax-Free NY Area.

**NOW, THEREFORE, BE IT RESOLVED**, that the Board does hereby approve, pursuant to Econ. Dev. L. § 435(2), Mount Saint Mary College's Plan to sponsor a Tax-Free NY Area, encompassing the abovementioned vacant space, of 12,054 ft<sup>2</sup>.

## **Canisius College**

### **Proposed Designation Package**

**September 15, 2014**

Canisius College was founded by the Jesuits in 1870 in the city of Buffalo. The College offers more than 1,000 courses and more than 100 distinct majors, minors and special programs and is consistently ranked among the top regional universities in the Northeast. The student-faculty ratio is 11:1, which allows students to work closely with their instructors, often publishing or presenting scholarly articles based on joint research. Canisius not only provides students with knowledge and values to be responsible leaders, but also hands-on experiences that best prepare them for their personal and professional lives after graduation.

#### **SUMMARY OF TAX-FREE SPACE PROPOSED FOR DESIGNATION**

Canisius is applying to designate 45,200 ft<sup>2</sup> in their Science Hall and 4,216 ft<sup>2</sup> in Demerly Hall. Both spaces are “on campus”.

#### **TYPES OF BUSINESSES**

Health and Life Sciences  
Chemical Industry  
Advance Manufacturing  
Information Technology  
Biotechnology  
Software Development  
Alternative/Sustainability Technologies  
Robotics

#### **STATUTORY AND REGULATORY COMPLIANCE**

Pursuant to Econ. Dev. L. § 432(2), private colleges and universities in New York State may designate up to 3 million ft<sup>2</sup> of vacant land or space in New York. Of this 3 million, 2.4 million square feet is available for designation by private colleges and universities in upstate New York.

The 49,416 ft<sup>2</sup> of space proposed for designation by Canisius College would be applied against the 2.4 million square feet that may be designated by private colleges and universities in upstate New York. To date, 252,364 ft<sup>2</sup> has been applied against the 2.4 million ft<sup>2</sup> limit for private universities located upstate.

**D'YOUVILLE COLLEGE  
PROPOSED DESIGNATION PLAN  
SEPTEMBER 2014**

D'Youville College is an independent Catholic college located in Buffalo, NY, a few blocks from the international Peace Bridge. Its current enrollment is approximately 3,200 students. D'Youville enrolls approximately 500 Canadian students.

The College will seek to partner with businesses to collaborate and exchange opportunities to enhance and develop academic programs and grow and expand the research enterprise, providing students with field placement, internships, mentoring and training opportunities.

**SUMMARY OF TAX-FREE SPACE PROPOSED FOR DESIGNATION**

D'Youville College is proposing to designate 11,150 ft<sup>2</sup> on campus. This includes the entire 6<sup>th</sup> floor at the D'Youville Academic Center (DAC).

**TYPES OF BUSINESSES**

- Health sciences, Life sciences, Pharmaceutical sciences and services (administration, analytics, manufacturing, research and development, and technology);
- Information services and technology (IS/IT);
- International business and economic development;
- Manufacturing (pharmaceutical medical devices and therapeutics);
- Education and professional development services (assessment, curriculum and instruction, research, testing and training); and
- Research & Development (R&D)

**STATUTORY AND REGULATORY REQUIREMENTS**

Pursuant to Econ. Dev. L. § 432(2), private colleges and universities in New York State may designate up to 2.4 million ft<sup>2</sup> of vacant land or space in upstate New York.

The 11,150 ft<sup>2</sup> of space proposed for designation by D'Youville College would be applied against 2.4 million ft<sup>2</sup> that may be designated by private colleges and universities in upstate New York.

To date, 252,364 ft<sup>2</sup> has been designated and applied toward the 2.4 million ft<sup>2</sup> for private universities located upstate.

ESD has conducted a review of D'Youville College's designation package and has found it to be in compliance with all statutory and regulatory requirements.

## Iona College

### Proposed Designation Plan

September 15, 2014

Iona College opened its doors in 1940 with the goal to open new paths to economic and social advancement for the sons of New York's working class. The College's purpose is to foster intellectual inquiry, community engagement and an appreciation for diversity. Iona offers 45 undergraduate majors and 20 graduate programs, including a "Fast Track MBA" that shaves ten months off the length of a traditional MBA program. The School of Arts and Science has twenty-two academic departments that offer more than 40 BA, BS and BPS degrees and more than 25 master's degrees. The Hagan School of Business is accredited by AACSB International – a distinction awarded to only 30% of business schools worldwide.

#### SUMMARY OF TAX-FREE SPACE PROPOSED FOR DESIGNATION

Iona is applying to designate a total of 9,089 ft<sup>2</sup> of "campus" space located in McSpendon Hall (6,890ft<sup>2</sup>) and Hagan Hall (2,199 ft<sup>2</sup>).

#### TYPES OF BUSINESSES

High Tech companies specializing in large data analytics

#### STATUTORY AND REGULATORY COMPLIANCE

Pursuant to Econ. Dev. L. § 432(2), private colleges and universities in New York State may designate up to 3 million ft<sup>2</sup> of vacant land or space in New York. Of this 3 million, 600,000 ft<sup>2</sup> is available for designation by certain colleges and universities in Nassau, Suffolk, and Westchester counties and the five boroughs of NYC. Each county is allocated 75,000 ft<sup>2</sup> of space.

In any county where the allocated 75,000 ft<sup>2</sup> is designated as a Tax-Free NY Area, an additional 75,000 ft<sup>2</sup> shall be eligible for designation by the START-UP NY Approval Board as a Tax-Free NY Area.

The 9,089 ft<sup>2</sup> of space proposed for designation by Iona College would be applied against the 600,000 ft<sup>2</sup> limit for private universities and colleges downstate, as well as the 75,000 ft<sup>2</sup> limit in Westchester County. To date, 62,796 ft<sup>2</sup> has been applied against the 600,000 ft<sup>2</sup> limit for private universities and colleges downstate.

12,500 ft<sup>2</sup> has been designated and applied toward the 75,000 ft<sup>2</sup> limit in **Kings County**.  
6,721 ft<sup>2</sup> has been designated and applied toward the 75,000 ft<sup>2</sup> limit in **Nassau County**.  
23,241 ft<sup>2</sup> has been designated and applied toward the 75,000 ft<sup>2</sup> limit in **New York County**.  
20,334 ft<sup>2</sup> has been designated and applied toward the 75,000 ft<sup>2</sup> limit in **Westchester County**.

ESD has conducted a review of the Iona College's designation package and has found it to be in compliance with all statutory and regulatory requirements.



**Mount Saint Mary College  
Proposed Designation Plan  
September 16, 2014**

Mount Saint Mary College, founded by the Sisters of Saint Dominic in 1959, has its roots in education, and in the training as educators. The College offers strong academic undergraduate programs and three graduate programs. Mount students excel in their chosen fields by selecting internships and study abroad experiences that add dimension and value to their education. Mt. St. Mary was ranked Top-Tier Regional University (North) by U.S. News & World Report. Mt. St. Mary has joined together with the Hudson Valley Center for Innovation Inc. to implement StartUp Newburgh. StartUp Newburgh will provide assistance to emerging, mature and international companies seeking opportunities for commercialization.

**SUMMARY OF TAX-FREE SPACE PROPOSED FOR DESIGNATION**

Mt. St. Mary is applying to designate 7,698 ft<sup>2</sup> of space at 337 Liberty St., Newburgh, NY and .1 acre (4,356 ft<sup>2</sup>) of adjacent property. The College leases both properties and they are considered “on campus”.

**TYPES OF BUSINESSES**

Educational and training products  
New educational delivery platforms  
Health and fitness products and software  
Healthcare business intelligence and analytics products  
Medical device development and testing  
Pharmaceutical manufacturing  
Market Research in social, health and educational areas  
Bio-tech  
Green products  
Agricultural and food production  
Media products  
Integration of fitness, education and life science business opportunities  
Integration of environmental sciences and business opportunities  
Applied sciences

**STATUTORY AND REGULATORY COMPLIANCE**

Pursuant to Econ. Dev. L. § 432(2), private colleges and universities in New York State may designate up to 3 million ft<sup>2</sup> of vacant land or space in New York. Of this 3 million, 2.4 million square feet is available for designation by private colleges and universities in upstate New York.

The 12,054 ft<sup>2</sup> of space proposed for designation by Mount Saint Mary College would be applied against the 2.4 million square feet that may be designated by private colleges and universities in upstate New York. To date, 252,364 ft<sup>2</sup> has been applied against the 2.4 million ft<sup>2</sup> limit for private universities located upstate.





# CANISIUS COLLEGE

## START-UP NY

### APPLICATION

September 2014





**John J. Hurley**  
President

Bagen Hall 100 phone 716-888-2100 fax 716-888-3220  
email [president@canisius.edu](mailto:president@canisius.edu)

August 6, 2014

Mr. Kenneth Adams  
President and CEO  
Empire State Development  
633 Third Avenue, 31<sup>st</sup> Floor  
New York, NY 10017

Dear Mr. Adams,

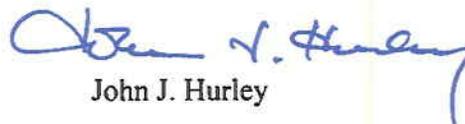
On behalf of Canisius College, please accept this application, campus plan, and related documents as part of Canisius' intent to begin a partnership with the Start-Up NY program.

The Tax-Free NY Areas are wholly owned by Canisius College and are located on the college's campus. No college departments or programs were relocated in order for the designated spaces to be available for this application. The application, attachments and information included in this application are accurate and complete to maximum extent possible.

The Canisius Board of Trustees supports this application and hopes you will act favorably on its request. We look forward to working with New York State, the Start-Up NY Approval Board and Empire State Development to develop exciting collaborations to bring new jobs and businesses to New York State, and specifically to the City of Buffalo.

Thank you for your consideration.

Very truly yours,



John J. Hurley



**Canisius College  
Start-Up New York Application**

**1. Campus Contact Information**

**Canisius College**  
START-UP NY Program Email Address: [StartUp@canisius.edu](mailto:StartUp@canisius.edu)

**Campus Contacts**

Dennis Misko  
Director of Special Gifts  
[miskod@canisius.edu](mailto:miskod@canisius.edu)  
716-888-8226

Sarah Graham  
Assistant Director of Advancement Initiatives  
[Graham24@canisius.edu](mailto:Graham24@canisius.edu)  
716-888-8222

Mailing address:  
Canisius College  
Office of Institutional Advancement  
2001 Main Street  
Buffalo, NY 14208

**2. Identification and Description of Space and/or Land Being Designated:**

- i. A PDF version of proposed tax-free area on a scaled campus map, marked to clearly indicate building containing proposed tax-free space (additional attachment).
- ii. Two PDF versions of maps, one with satellite imagery and a second without the satellite imagery, of various scale to show overall campus boundary and location of buildings being offered, along with zoomed in versions to provide greater detail (additional attachment).
- iii. Floor plans of the area proposed for designation (additional attachment).
- iv. Property designation submission Excel spreadsheet (additional attachment and electronic attachment).

***Tax-Free NY Areas***

Canisius College is designating 49,416 ft<sup>2</sup> as Tax-Free NY areas within the boundaries of the college's campus. This would include 45,200 ft<sup>2</sup> in the college's new technology-rich, interdisciplinary science center, Science Hall, as well as 4,216 ft<sup>2</sup> in Demerly Hall. Both spaces are currently underutilized by the

college, providing START-UP NY businesses with the opportunity to choose a location that best suits their operational needs while assisting the college in utilizing unused space. Canisius College is already in discussions with a business interested in locating in Demerly Hall and is also working collaboratively with the University at Buffalo and the local Empire State Development office to identify and qualify businesses with that can utilize a significant amount of space in Science Hall.

### ***Tax-Free NY Area: Science Hall***

Canisius College strives to be nationally recognized for excellence in science education by providing our students with the resources and experiences they need to compete for top graduate and professional programs. The development of the state-of-the-art Science Hall, centrally located on the Canisius campus, is our largest science-oriented initiative to date and was designed to build on our long history of successful outcomes in science education.

#### ***Canisius success in the sciences:***

- 9 of 10 Canisius students who apply for medical school are accepted.
- 95% of biology graduates continue their studies in post-graduate or advanced degree programs at: Cornell University, Johns Hopkins, Michigan State, University of Rochester, Georgetown, Medical University of South Carolina, and the University of Texas at Galveston.
- 97% of recent psychology graduates from Canisius are employed or are enrolled in graduate studies.
- Biochemistry/Chemistry graduates have a 100% acceptance rate to graduate schools and over 90% acceptance rate to medical schools (in the past 20 years).

#### ***Canisius science program honors and awards:***

- In the last six years, the Canisius Biology Department produced two Fulbright scholars, and eight graduates have won admission into highly competitive combined MD/PhD programs.
- Canisius is the first college in Western New York to offer an undergraduate bioinformatics major.
- The Canisius College Department of Chemistry/Biochemistry is ranked in the top 10% of all undergraduate chemistry/biochemistry departments in US liberal arts colleges, by the *Journal of Chemical Education*.
- The Canisius College Student Chemistry/Biochemistry Club has won several national awards from the American Chemical Society.

Canisius purchased the former HealthNow building and adjacent parking ramp in 2008 and began renovating the space in 2011 for use by our science programs. Phase I (the first floor) of Science Hall opened in August 2012 and Phase II (the lower level) opened in June of 2013. The area proposed for the tax-free zone in Science Hall is located on the second and third floors of the building, which has not yet been renovated by the college. Canisius has utilized a phased approach to the development of the building, which has allowed us to be more adaptive and to take advantage of new opportunities as they become available. START-UP NY is one such opportunity. The second and third floors are currently unoccupied and have not been renovated. Plans for their development have not been finalized. By

allocating space within the building to an outside business, it allows the college to shift a portion of costs to the business for the build out of the area while creating the potential for new partnerships.

The interdisciplinary nature of the design of Science Hall has already begun to allow for new and exciting collaborations. Students and professors can now work in innovative learning incubators that support collaboration and give rise to new knowledge and accelerate discoveries. Teaching laboratories outfitted with island workstations, flexible furniture and state-of-the-art technology make it possible for faculty to customize the space to support varied curriculum needs. Science Hall also builds upon one of the greatest strengths of the Canisius science program - the opportunity for students to learn through hands-on experiences. The college hopes to attract businesses that will grow the number of hands-on learning opportunities that are offered and that will take advantage of the interdisciplinary nature of the building.

The location of Science Hall allows it to serve as a unique training ground for the world-class research underway in Western New York's burgeoning life sciences industry and positions the college to be the go-to undergraduate institution for the quickly expanding Buffalo Niagara Medical Campus (BNMC) for interns, student researchers, and recent graduates. The BNMC is a 120-acre campus, employing more than 12,000 individuals, which seeks to become an unparalleled center for clinical care, medical education, and research institutions. A science-related business partnership through the START-UP NY program would allow Canisius to continue to strengthen our nationally-recognized science programs and would allow the college to offer our students more varied and convenient experiential learning opportunities that directly relate to career opportunities available at the BNMC. Depending on the type of business that is approved for the space, opportunities may also present themselves to conduct collaborative research in conjunction with faculty and students as well as the potential to develop exciting new curriculum that incorporates the proximity and accessibility of the businesses on campus into program coursework.

Unique to Science Hall are a freight elevator and a loading dock. As of the submission of this application, no other Tax-Free Area approved in Western New York include either of these components, discouraging certain types of businesses that require these elements from participating in the START-UP NY program in Buffalo. With the approval of our application, Canisius hopes to be the university that can attract these new types of businesses to Buffalo and bring a new segment of employment opportunities to the area.

#### ***Tax-Free NY Area: Demerly Hall***

Canisius also has 4,216 ft<sup>2</sup> of unoccupied space available in Demerly Hall. Demerly provides area for businesses that may not wish to locate within a science-centered building. Canisius is already in discussions with a business seeking to locate within Tax-Free NY space in Demerly Hall, once the college's application is approved.

The Demerly Hall Tax-Free NY area is located along Main Street in the City of Buffalo, directly adjacent to the Scajaquada Expressway. Both avenues are busy thoroughfares in the city that transport the populations of the suburban areas and the surrounding towns and villages directly into the center of the city. The space would provide visibility for the businesses that locate there, as well as considerable

publicity for the economic opportunities that have come to fruition as a result of the state's START-UP NY program.

### **3. Mission of Canisius College & Targeted Businesses for START-UP NY Space**

*Canisius College, a Jesuit, Catholic university, offers outstanding undergraduate, graduate and professional programs distinguished by transformative learning experiences that engage students in the classroom and beyond. We foster in our students a commitment to excellence, service and leadership in a global society.*

Founded by the Jesuits in 1870, Canisius College is located in the city of Buffalo and is the premier private college in the Western New York region. Canisius is consistently recognized for the excellence of its programs and is ranked among the top regional universities in the Northeast.

Canisius espouses the ideal of academic excellence along with a sense of responsibility to use one's gifts for the service of others and the benefit of society. Canisius prepares leaders – intelligent, caring, faithful individuals – able to pursue and promote excellence in their professions, their communities and their service to humanity. We do this by providing our students not only with the knowledge and values to be responsible leaders, but also the hands-on experiences that best prepare them for the world they will encounter in their personal and professional lives after graduation.

Our students are continuously participating in real world learning opportunities both to boost their employability after graduation and aid the community at large in Western New York. During the 2012-2013 academic year, nearly 800 students participated in community projects. Our Community Day volunteer programs engage more than 600 individuals in the Canisius community, including alumni and friends, to serve non-profits in Buffalo. Approximately 650 Canisius students participated in our Community-Based Learning program in 2012-2013, which connects students with more than 50 non-profits, so that they may apply academic ideas and theories to benefit the community. Additionally, students also gain hand-on experiences through internships with high-profile regional employers such as M&T Bank, the Buffalo Sabres, Roswell Park Cancer Institute, New Era Cap, First Niagara, Rich Products and PricewaterhouseCoopers. The quality of our graduates is well known, with more than 3,600 companies registered with our career center seeking to employ Canisius alumni. We are proud to report that within one year of graduation, more than 90% of Canisius students are working or in graduate school.

Canisius has also assumed a responsibility to improve the urban infrastructure and the economic development of the City of Buffalo and the surrounding region. It provides access to diverse educational and cultural programs for citizens in the neighboring community. Faculty scholarship, service learning and volunteer activities are frequently directed towards critical issues facing our community in health, business and education.

An opportunity to attract businesses to our campus that can offer our students real-world, hands-on experiences that augment their formal academic education, that can offer our students a comprehensive global perspective, and that are committed to the community in which they are located fits seamlessly with the goals and mission of the college. Evaluating how businesses address these areas will be a

critical component of the approval process for businesses who wish to locate within a Tax-Free NY area at Canisius.

### ***Targeted Businesses***

Canisius is open to attracting businesses who can offer internship and employment opportunities to augment our mission of providing “transformative learning experiences” for our students, are focused on job growth for Western New York, and are interested in utilizing the college’s prime location and strategic relationship with the quickly-expanding BNMC, located less than three miles away from the campus. Canisius seeks to engage industries that will advance the educational, spiritual, and community-oriented mission of the college, including industries in: health and life sciences, chemical industry, advanced manufacturing, information technology, biotechnology, software development, alternative energy/sustainability technologies, and robotics. No business would be considered that is prohibited per START-UP NY program regulations.

## **4. Community and Economic Impact**

For nearly 150 years, Canisius College has been a committed member of the Western New York community and an active partner in the region’s success. Our students, faculty and staff regularly contribute to the area’s vitality through a number of different initiatives.

New York State Commission on Independent Colleges and Universities’ (CICU) economic impact study in 2011 found that Canisius’ direct spending was \$97.4 million, with construction and spillover amounting to \$211.6 million. In the past two decades, Canisius has invested \$170 million in 20 major capital projects to provide students with state of the art educational, living and recreational facilities and has, in the process, transformed the face of Main Street in north central Buffalo.

Canisius is also fully committed to strengthening the historic Hamlin Park community, the neighborhood immediately adjacent to the campus. The area’s population of about 11,000 individuals has an 18% unemployment rate, with a median household income of just \$26,998. The college acts as a stabilizing force in the community through a number of targeted programs. The college’s Hamlin Park Initiative is a housing program designed to refurbish and return college-owned homes in the Hamlin Park neighborhood to owner-occupiers. The college has also donated college-owned homes to Habitat for Humanity, while the Canisius chapter of Habitat volunteers on Saturdays to help those in need to achieve their dream of home ownership. The college also established the Employer Assisted Housing Program in 2002, which provides forgivable loans to employees who purchase homes in the area surrounding the college. The program is the first of its kind in Western New York and has thus far benefitted 38 Canisius employees.

Canisius faculty and students also regularly collaborate with members of the community on a variety of programs, workshops, training sessions and hands-on learning projects. The college has a number of established programs for elementary, middle, and high school students, while our Campus Ministry department organizes many community service opportunities locally, nationally, and internationally.

As the above examples demonstrate, the campus community, as a whole, shares the college’s commitment to the City of Buffalo through partnerships, outreach, and service initiatives. The college

would have similar expectations of a business that chooses to locate in any of the Tax-Free NY areas located on the Canisius campus.

Additionally, bringing new businesses into the area would contribute to the economic stability and vitality of the Hamlin Park neighborhood. Canisius is the largest employer in the 14208 zip code, where most business establishments are in retail trade and health care and social assistance. Bringing new businesses, especially specialized ones in healthcare, technology, and the sciences, would provide more varied employment opportunities for the area and increase the interest of more diverse businesses to locate nearby to support growing industries.

Opportunities to form strategic partnerships with the Buffalo Niagara Medical Campus would also be available for businesses located in Canisius' Tax-Free NY areas, given Canisius' proximity to the campus. Canisius offers businesses a prime location near the medical campus where they can establish themselves and take part in the exciting growth occurring in the area. As the medical campus grows, so too will businesses that support it, from hotels to food industries to medical suppliers to research facilities.

While the internships and real-world learning opportunities offered through this unique partnership would provide Canisius students with the hands-on experiences to augment their formal academic studies, it would also allow them to develop relationships with these businesses, network with similar industries in the region, and see the potential available in living and working in Western New York after graduation. Too often, the City of Buffalo sees its best and brightest college graduates leave the area to pursue occupations in other cities. Providing our students with an established support network through partnerships with businesses in the Tax-Free NY areas would give them reasons to stay in Western New York and would offer the region a larger pool of well-qualified candidates for specialized positions. It would be a new approach to counteract the brain drain Western New York has experienced for decades and would support the revitalization of Buffalo.

## **5. Description of Selection Process**

Businesses interested in Canisius College' Tax-Free NY Space will follow the following application and selection process for approval.

1. Businesses will begin the process by filling out the START-UP NY Business Application for Participation provided on the START-UP NY website. They will also draft additional attachments that describe the details of the facility they seek, how their business aligns with mission of the college, and the extent of their ability to partner with the college to provide our students with hands-on learning opportunities.
2. These applications and additional documents will be submitted via email to [StartUp@canisius.edu](mailto:StartUp@canisius.edu) for an initial review by the college to identify for potential issues with campus facilities and confirm that businesses are "eligible" per the guidelines of the START-UP NY program.
3. Applications that are found to have appropriate requests will then be more thoroughly reviewed by the Canisius START-UP NY Review and Operations Committee. The START-UP NY

Operations Committee will consist of representatives from the Office of Business and Finance, the Office of Institutional Advancement, and college departments that may be involved in the coordination and implementation of a partnership with the business.

The START-UP NY Operations Committee shall:

- a. Evaluate the degree to which an application aligns with the college's mission and offers hands-on learning opportunities for students, as well as its potential to provide economic growth and create jobs in WNY.
  - b. Meet with the applicants to: discuss their business plan for the Tax-Free NY area in detail; conduct a campus tour and review potential space; confirm and clarify the business' specific requirements; address any issues or concerns in the business' application.
4. If after this thorough review, applicants are still rated as being a valuable potential partnership for the college and the community, their application will be passed along to be reviewed by the college's START-UP NY Leadership Review Team, which will include the President of the College and members of the college's senior leadership team.

*NOTE: The College's senior leadership team consists of the Vice President for Business and Finance, the Vice President for Academic Affairs, the Vice President for Student Affairs, the Vice President for Enrollment, the Vice President for Institutional Advancement, and the Assistant to the President.*

5. Once an application is approved by the Leadership Review Team, that business will then be approved to be sponsored by the college as part of the START-UP NY program. The college will then work with the applicants to prepare and execute a competitive analysis, including selection of an appropriate NAICS code, reviewing the businesses in the surrounding "community," working with Empire State Development to run a competitive analysis through their DOL database, and publishing a notice in the local newspaper for five days to have competitors self-identify themselves.
6. If no competitor is identified through this process, the applicant will then work with Canisius College to finalize agreements between the college and business and cooperatively submit business and sponsor applications to New York State.
7. The final decision as to committee appointments as well as which businesses will be sponsored by Canisius College in the START-UP NY program will rest with the President of the College or his/her designee.

**Additional Attachments to Canisius College START-UP NY Application:**

- i. START-UP NY Conflict of Interest Guidelines.
- ii. Attestation regarding Tax-Exempt Bonds.
- iii. Required Mapping.
- iv. President's Statement of Compliance and Application Accuracy (cover letter).



CANISIUS COLLEGE  
START-UP NY  
CONFLICT OF INTEREST GUIDELINES

This document addresses Canisius College's conflict of interest policy, pursuant to the college's Standards of Ethical Conduct, as it relates specifically to the START-UP NY program. Canisius College employees and members of the Board of Trustees should review these restrictions and disclosure requirements before they engage in transactions which may involve an actual or potential conflict of interest. Moreover, they should observe these requirements even in transactions that merely create the appearance of a conflict of interest.

1. General Provisions.

- i. As a general principle, that service as an official of the college shall not be used as a means for private benefit or inurement for the official, a relative thereof, or any entity in which the official, or relative thereof, has a business interest.
- ii. No official who is a vendor or employee of a vendor of goods or services to the college, or who has a business interest in such vendor, or whose relative has a business interest in such vendor, shall vote on, or participate in the administration by the college, as the case may be, of any transaction with such vendor.
- iii. Upon becoming aware of an actual or potential conflict of interest, an official shall advise the president of the college of his or her or a relative's business interest in any such existing or proposed vendor with the college. The college shall maintain a written record of all disclosures of actual or potential conflicts of interest made pursuant to this policy, and shall report such disclosures, on a calendar year basis, by January thirty-first of each year, to the auditor for the college. The auditor shall forward such reports to the commissioner, who shall make public such reports.

2. Definitions for Purposes of this Policy

- i. An "official" means an employee, member of the Board of Trustees, or any other person involved in the administration of the college at the level of dean and above as well as any other person with decision-making authority over the college's START-UP NY program.
- ii. A "business interest" means that an official: (i) owns or controls ten percent or more of the stock of the entity (or one percent in the case of an entity the stock of which is regularly traded on an established securities exchange); or (ii) serves as an officer, director or partner of the entity.
- iii. A "relative" of an official means any person living in the same household as the individual and any person who is a direct descendant of that individual's grandparents or the spouse of such descendant



**Phillips Lytle LLP**

The Canisius College of Buffalo, New York  
2001 Main Street  
Buffalo, NY 14208-1098

August 27, 2014

Re: Designation of Tax-Free NY Areas

Ladies and Gentlemen:

You have requested our opinion in connection with an application by The Canisius College of Buffalo, New York (the "College") to designate certain areas on or around the College's campus as "Tax-Free NY Areas" under the START-UP NY Program created under Article 21 of the Economic Development Law of the State of New York. In particular, you have asked whether, with respect to any proposed Tax-Free NY Area which has been financed with any tax-exempt bonds, the designation of the Tax-Free Area will jeopardize or conflict with any such tax-exempt bonds used to finance any property of the College.

The College has advised us that a portion of areas proposed to be designated as Tax-Free NY Areas by the College (the "Bond-Financed Areas") were financed with proceeds of tax-exempt bonds issued on behalf of the College by the Buffalo and Erie County Industrial Land Development Corporation (the "Issuer"), particularly the Buffalo and Erie County Industrial Land Development Corporation Tax-Exempt Revenue Bonds, Series 2010 (The Canisius College of Buffalo, New York Project) (the "2010 Bonds"). With respect to the 2010 Bonds, the College entered into a loan agreement with the Issuer (the "2010 Loan Agreement"), under which the College made certain representations and covenants designed to ensure the validity of the 2010 Bonds, and to ensure that the College took no action subsequent to the issuance of such bonds that would adversely affect the exclusion from gross income of interest thereon. In addition, with respect to the 2010 Bonds, the College executed a tax certificate (the "2010 Tax Certificate") under which the College made certain representations and covenants designated to ensure that the interest on the 2010 Bonds is excludable from gross income for federal tax purposes.

We have examined and relied on (i) a certificate of the College with respect to the 2010 Bonds, the use of the proceeds of the 2010 Bonds and other funds of the College in connection with the project financed by the 2010 Bonds, the College's application to designate areas on its campus as Tax-Free NY Areas and the proposed use of such areas as Tax-Free NY Areas and (ii) originals or copies, certified or otherwise identified to our

ATTORNEYS AT LAW

ONE CANALSIDE 125 MAIN STREET BUFFALO, NY 14203-2887 PHONE 716 847 8400 FAX 716 852 6100

NEW YORK: ALBANY, BUFFALO, CHAUTAUQUA, GARDEN CITY, NEW YORK, ROCHESTER | WASHINGTON, DC | CANADA: WATERLOO REGION | PHILLIPSLYTTLE.COM



satisfaction, of such documents, certificates, legal opinions, instruments of records including the 2010 Loan Agreement and the 2010 Tax Certificate, and have made such investigation of law as we have considered necessary or appropriate for the purpose of this opinion. In such examinations, we have assumed the genuineness of all signatures on documents submitted to us as originals, the authenticity of all documents submitted to us as originals and the conformity with the original documents of all such documents submitted to us as copies.

We have assumed the current and continued compliance with all covenants and agreements contained in the 2010 Loan Agreement and the 2010 Tax Certificate with respect to the 2010 Bonds, including (without limitation) covenants and agreements compliance with which is necessary to assure that actions, omissions or events on and after the date of issuance of each of the 2010 Bonds have not caused and will not cause interest on any of the 2010 Bonds to be included in gross income for federal income tax purposes. We have not undertaken to determine compliance with any of such covenants and agreements or any other requirements of law, and, except as expressly described herein, we have not otherwise reviewed any actions, omissions or events occurring after the date of issuance of the 2010 Bonds or the exclusion of interest on the 2010 Bonds from gross income for federal income tax purposes.

Based upon the foregoing, we are of the opinion that the designation of the Bond-Financed Areas as Tax-Free NY Areas will not jeopardize or conflict with the 2010 Bonds.

Our opinion is limited to matters expressly set forth herein and no opinion is implied or to be inferred beyond matters expressly so stated. This opinion is effective as of the date hereof, is based on existing facts, statutes, rules and regulations, and judicial rulings as of the date hereof, and we neither have nor undertake any obligation to update this opinion for changes in law or fact, newly discovered facts, or any other events occurring subsequent to the date hereof.

Our opinion set forth in this letter, whether or not qualified by "to our knowledge" or any similar phrase, is based solely on the foregoing and such investigation of law as we have deemed necessary.



The Canisius College of Buffalo, New York  
Page 3

August 27, 2014

The opinion set forth herein is based on relevant current provisions of the Internal Revenue Code of 1986, as amended, Treasury Regulations thereunder (including proposed and temporary Treasury Regulations), and interpretations of the foregoing as expressed in court decisions, applicable legislative history, and the administrative rulings and practices of the Internal Revenue Service ("IRS"), including its practices and policies in issuing private letter rulings, which are not binding on the IRS except with respect to a taxpayer that receives such a ruling, all as of the date hereof. These provisions and interpretations are subject to change by the IRS, Congress and the courts (as applicable), which may or may not be retroactive in effect and which might result in material modifications of our opinions. Our opinion does not foreclose the possibility of a contrary determination by the IRS or a court of competent jurisdiction, or of a contrary position taken by the IRS or the Treasury Department in regulations or rulings issued in the future. In this regard, an opinion of counsel with respect to an issue represents counsel's best professional judgment with respect to the outcome on the merits with respect to such issue, if such issue were to be litigated, but an opinion is not binding on the IRS or the courts, and is not a guarantee that the IRS will not assert a contrary position with respect to such issue or that a court will not sustain such a position asserted by the IRS.

We are furnishing this opinion to you solely for your benefit. This opinion is not to be used, circulated, quoted or otherwise referred to or relied upon, in whole or in part, for any other purpose or by any other party.

Very truly yours,

Phillips Lytle LLP

By 



**Marco F. Benedetti**  
**Vice President for Business & Finance**

OM-102 | phone 716-888-2480 | fax 716-888-3221  
email benedet2@canisius.edu

September 11, 2014

Empire State Development  
Albany, New York

Canisius College is aware that there are non-governmental use limitations on properties financed with tax exempt bonds or Build America Bonds (collectively, "Tax-Advantaged Bonds").

Upon approval of our Plan for the designation of a Tax Free New York Area, we will be permitted to market the designated property to businesses who wish to participate in the Start-UP NY Program.

We commit to ensuring that interested businesses are aware that Tax-Advantaged Bonds may have been used to finance the designated property and that non-governmental use may be limited in order to preserve the tax benefits associated with the interest on the Tax-Advantaged Bonds in accordance with applicable federal, state or local tax law and regulations ("Tax Compliance Measures").

We commit to taking all appropriate steps, including any appropriate Tax Compliance Measures, to ensure that non-governmental use of property funded with tax exempt bonds for START-UP purposes will not jeopardize the tax exempt status of any Tax-Advantaged Bonds impacting designated Tax Free New York Areas.

We confirm our understanding that approval of our Plan for designation of a Tax Free NY Area or our participation in the Start-UP NY Program does not replace or modify any existing obligations or requirements related to any Tax-Advantaged Bonds or Tax Compliance Measures.

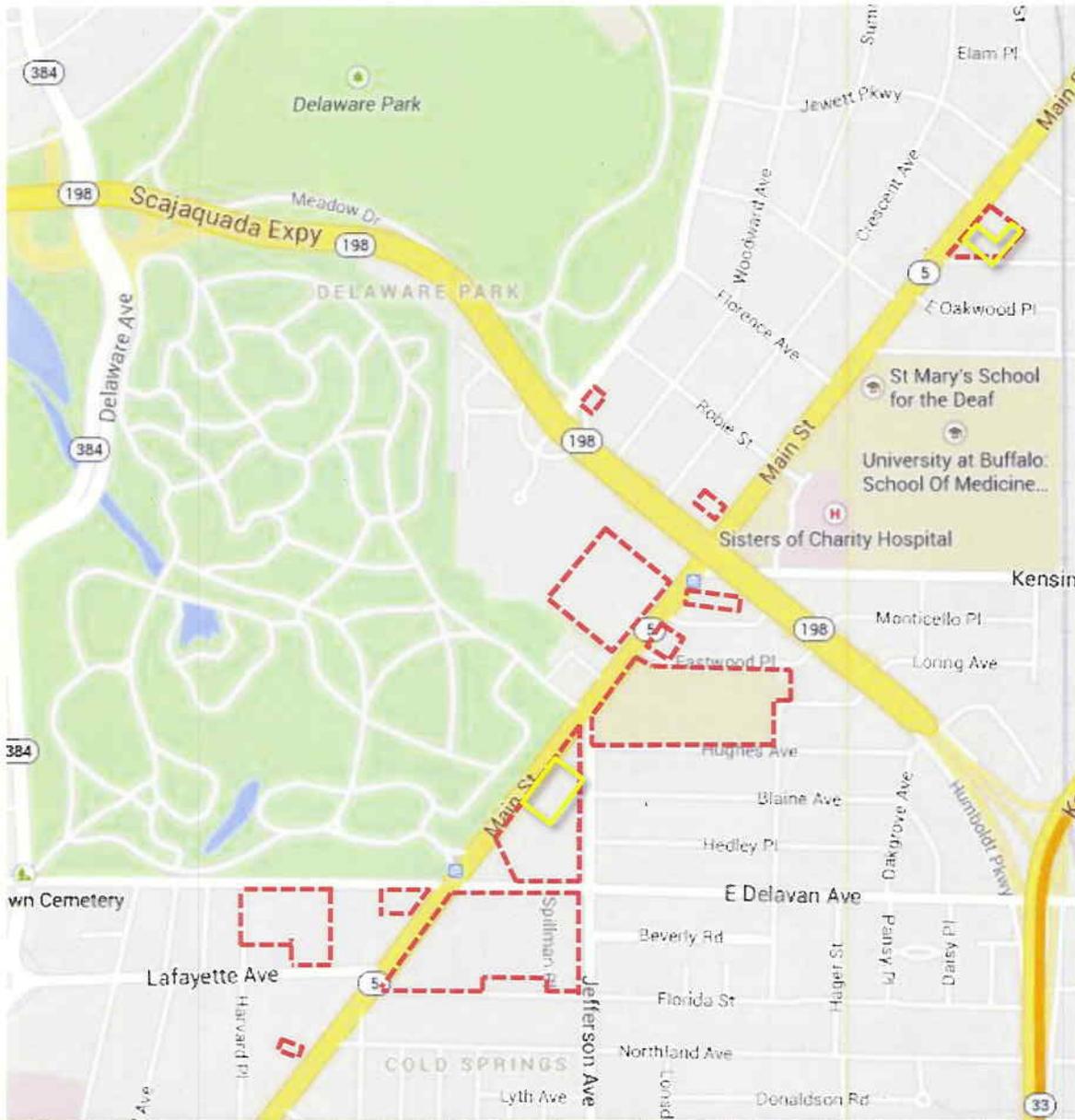
Sincerely,

Marco F. Benedetti  
Vice President for Business and Finance

Location	UniqueID	16Vincrb ator	Owner	PropertyType	StreetAddress	City	ZipCode	ParcelID	Building	SpaceType	SqFt	Acres	Description	onCampus	Within1mileOfCampus	Latitude	Longitude	Note
ex. City of Albany	B1000125	no	SUNY Albany	1	1400 Washington Ave	Albany	12222		ABC Building 14	B	4750		Third floor	Yes	no	42.6548860	-73.7979940	
City of Buffalo	SHDRP	no	Canisius College	1	1901 Main Street	Buffalo	14208	89.19-1-4.111	Science Hall	C	22600		Second Floor	Yes	no	42.9238585	-78.8548353	
City of Buffalo	SHDRP	no	Canisius College	1	1901 Main Street	Buffalo	14208	89.19-1-4.111	Science Hall	C	22600		Third Floor	Yes	no	42.9238585	-78.8548353	
City of Buffalo	DEMERY	no	Canisius College	1	2365 Main Street	Buffalo	14208	89.51-3-1.1	Demery Hall	C	4216		1st Floor	Yes	no	42.9334510	-78.8450000	

\*\* A=entire building  
 B=floor within building  
 C=room within building  
 D=land on campus  
 E=entire campus  
 F=entire building off campus  
 G=partial building off campus  
 H=state asset

\* 1 = on campus  
 2 = 1 mile off campus  
 3 = State Asset



**STARTUP**NY

**Canisius College Campus Map**  
Campus borders outlined in red.  
START-UP NY properties outlined in yellow.

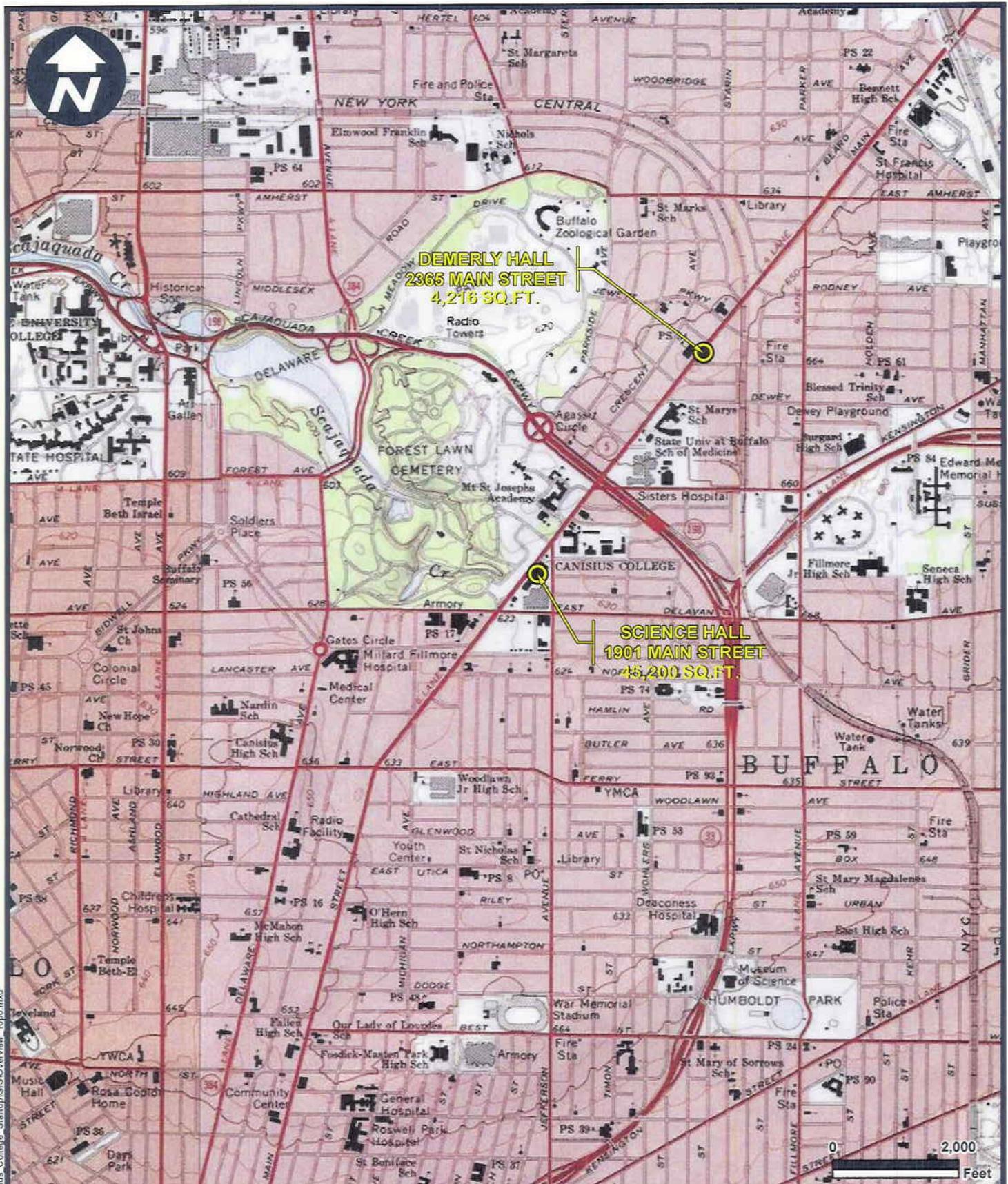




STARTUP NY

**Canisius College Campus Map**  
Campus borders outlined in red.  
START-UP NY properties outlined in yellow.





**DEMERY HALL**  
**2365 MAIN STREET**  
**4,216 SQ.FT.**

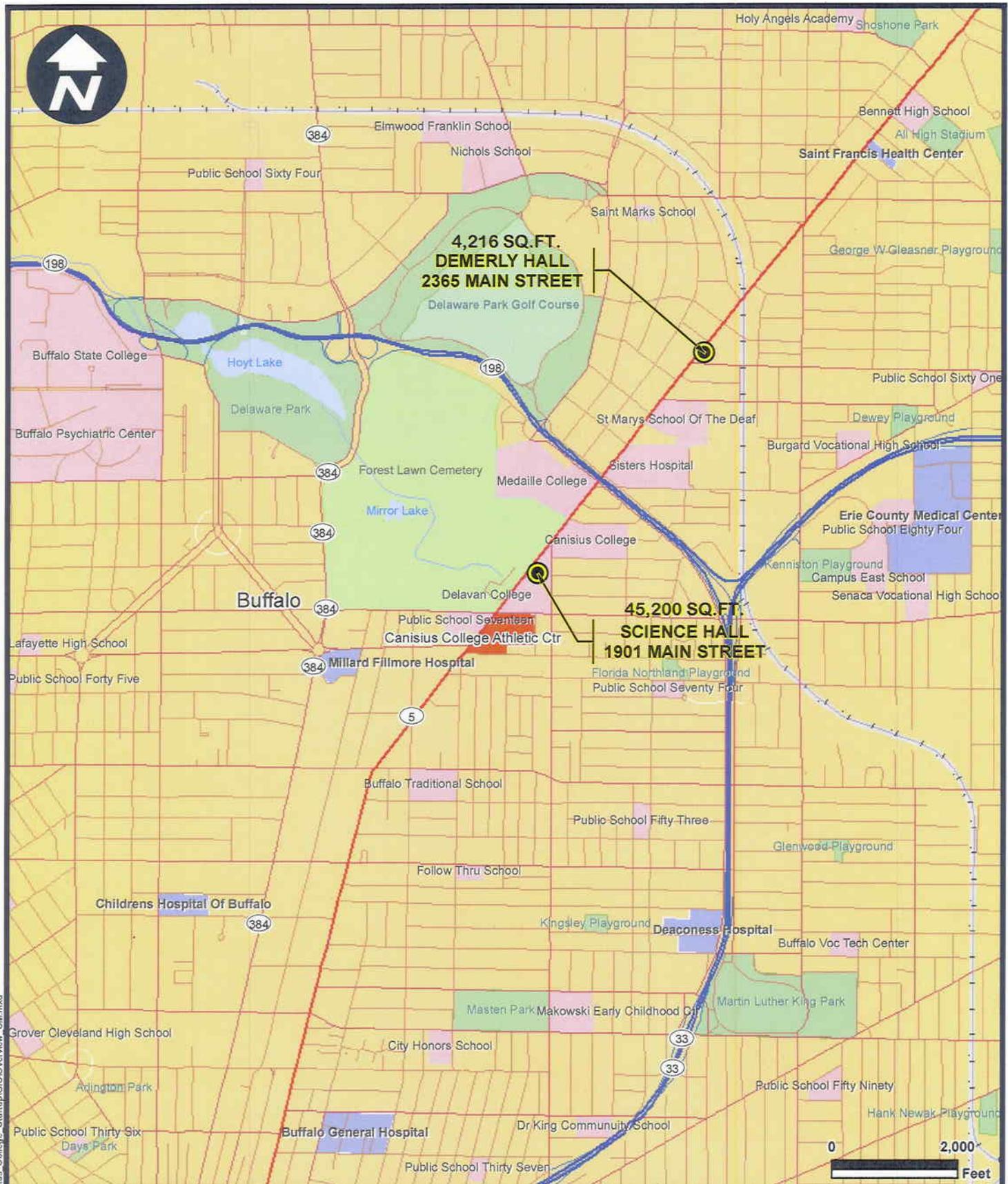
**SCIENCE HALL**  
**1901 MAIN STREET**  
**45,200 SQ.FT.**

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**STARTUP NY**

**CANISIUS COLLEGE  
 STARTUP NY OVERVIEW  
 CITY OF BUFFALO  
 ERIE COUNTY, NY**





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**STARTUP NY**

**CANISIUS COLLEGE  
STARTUP NY OVERVIEW  
CITY OF BUFFALO  
ERIE COUNTY, NY**





DEMERLY HALL  
2365 MAIN STREET  
4,216 SQ. FT.

FOREST LAWN CEMETERY

SCIENCE HALL  
1901 MAIN STREET  
45,200 SQ. FT.



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STARTUP NY

CANISIUS COLLEGE  
STARTUP NY OVERVIEW  
CITY OF BUFFALO  
ERIE COUNTY, NY



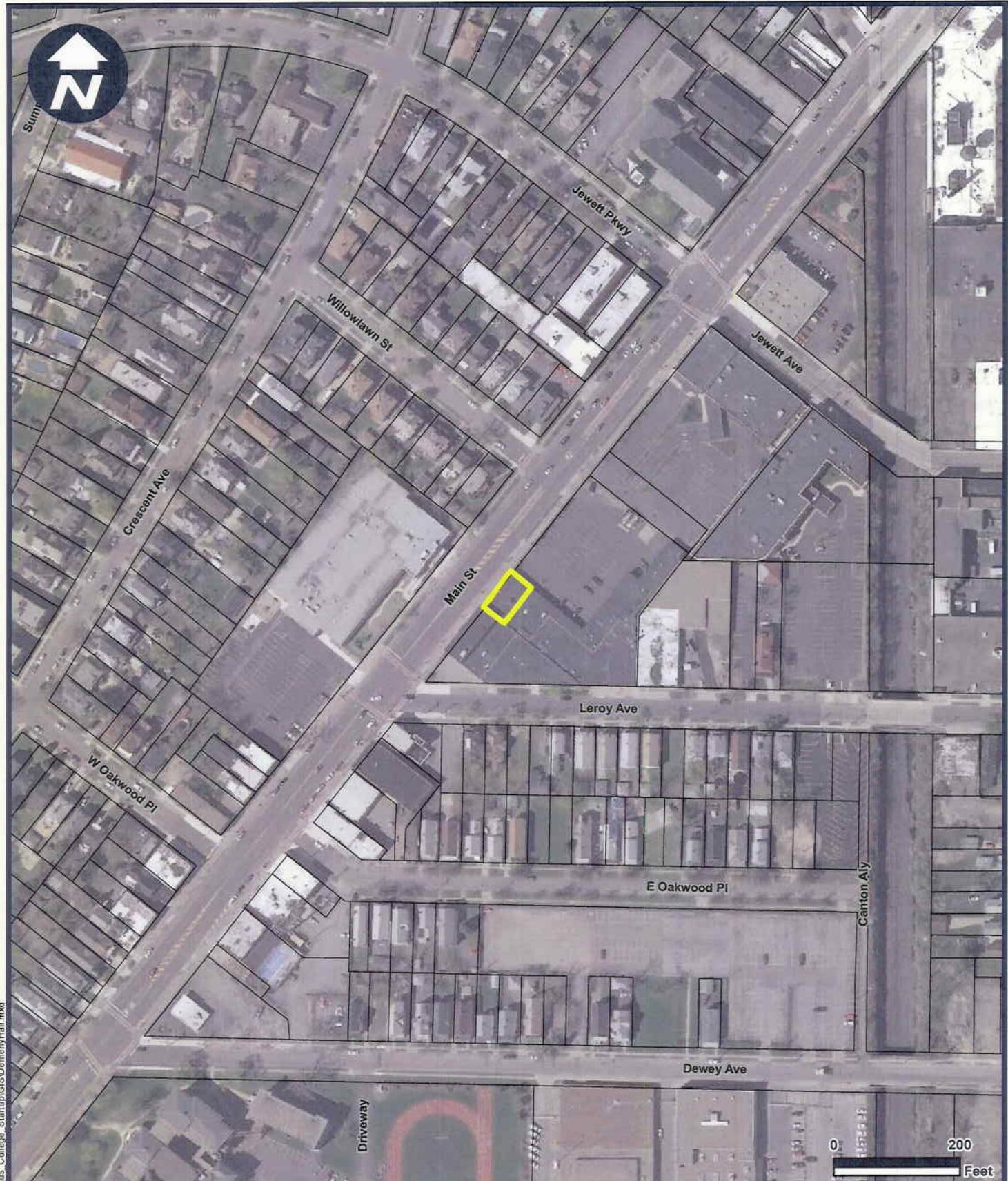


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**STARTUP**NY

**SCIENCE HALL**  
**1901 MAIN STREET**  
**BUFFALO, NY 14208**  
**45,200 SQ.FT.**



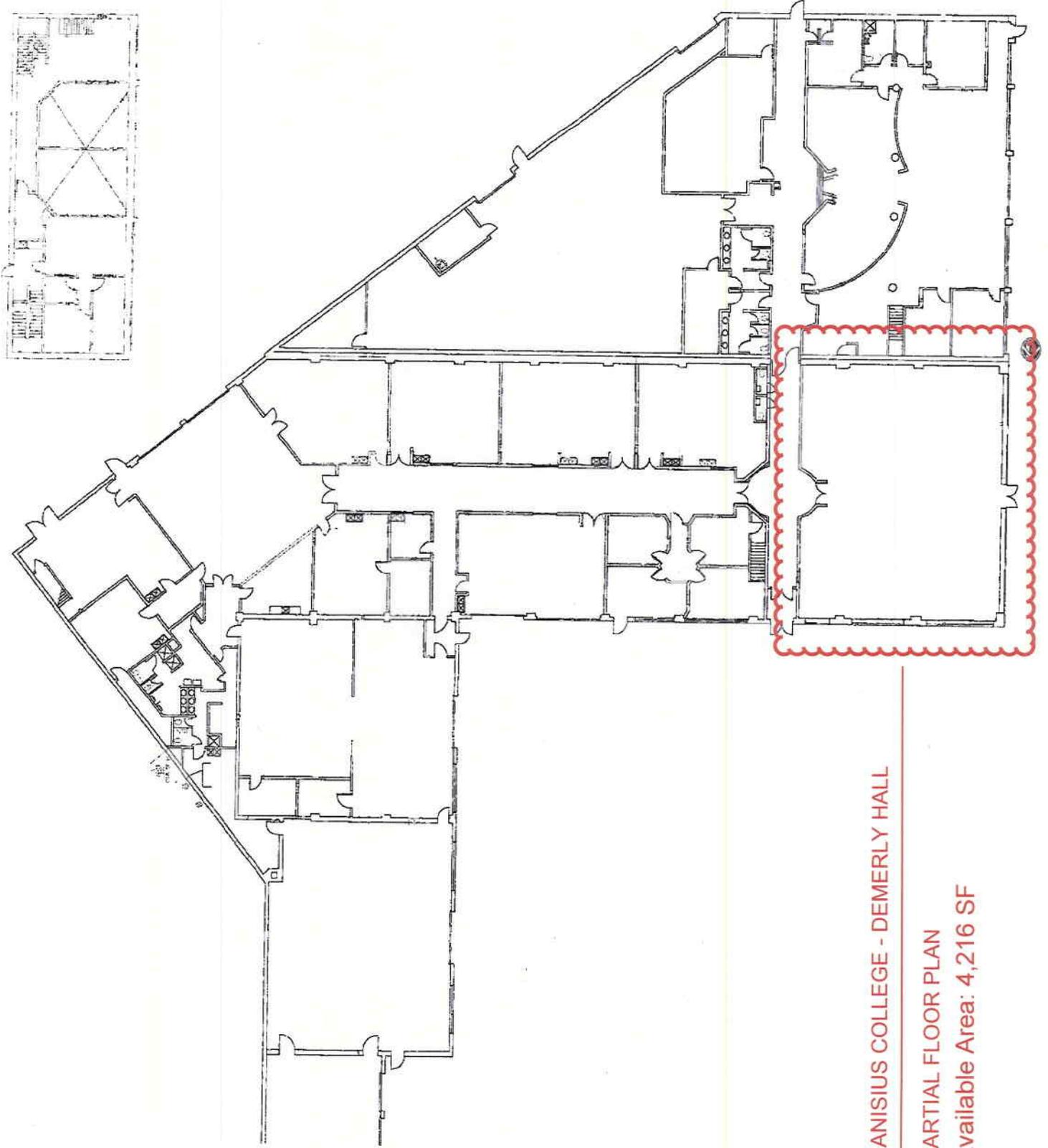


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**STARTUP**NY

**DEMERLY HALL**  
2365 MAIN STREET  
BUFFALO, NY 14208  
4,216 SQ.FT.

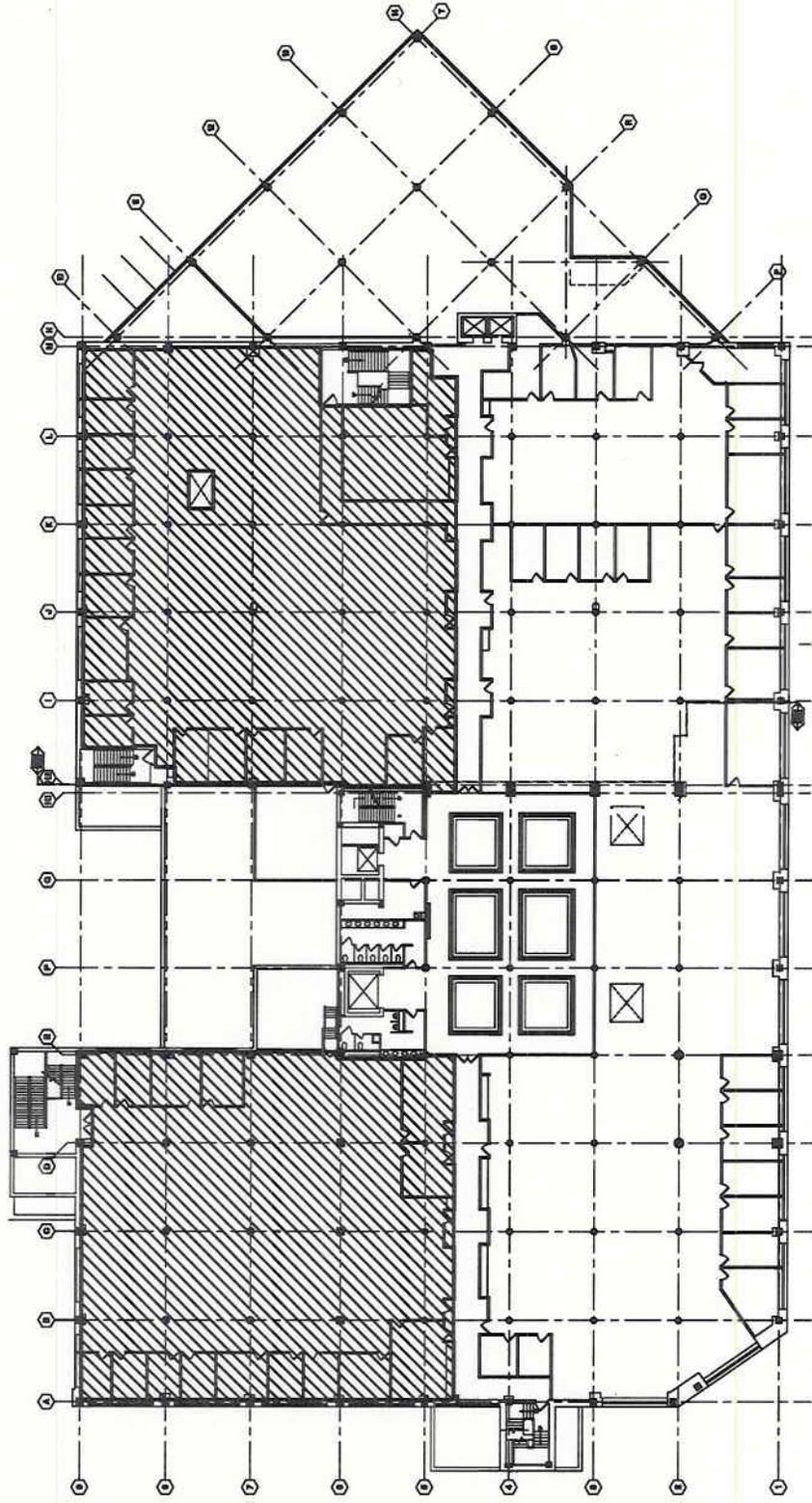




CANISIUS COLLEGE - DEMERLY HALL

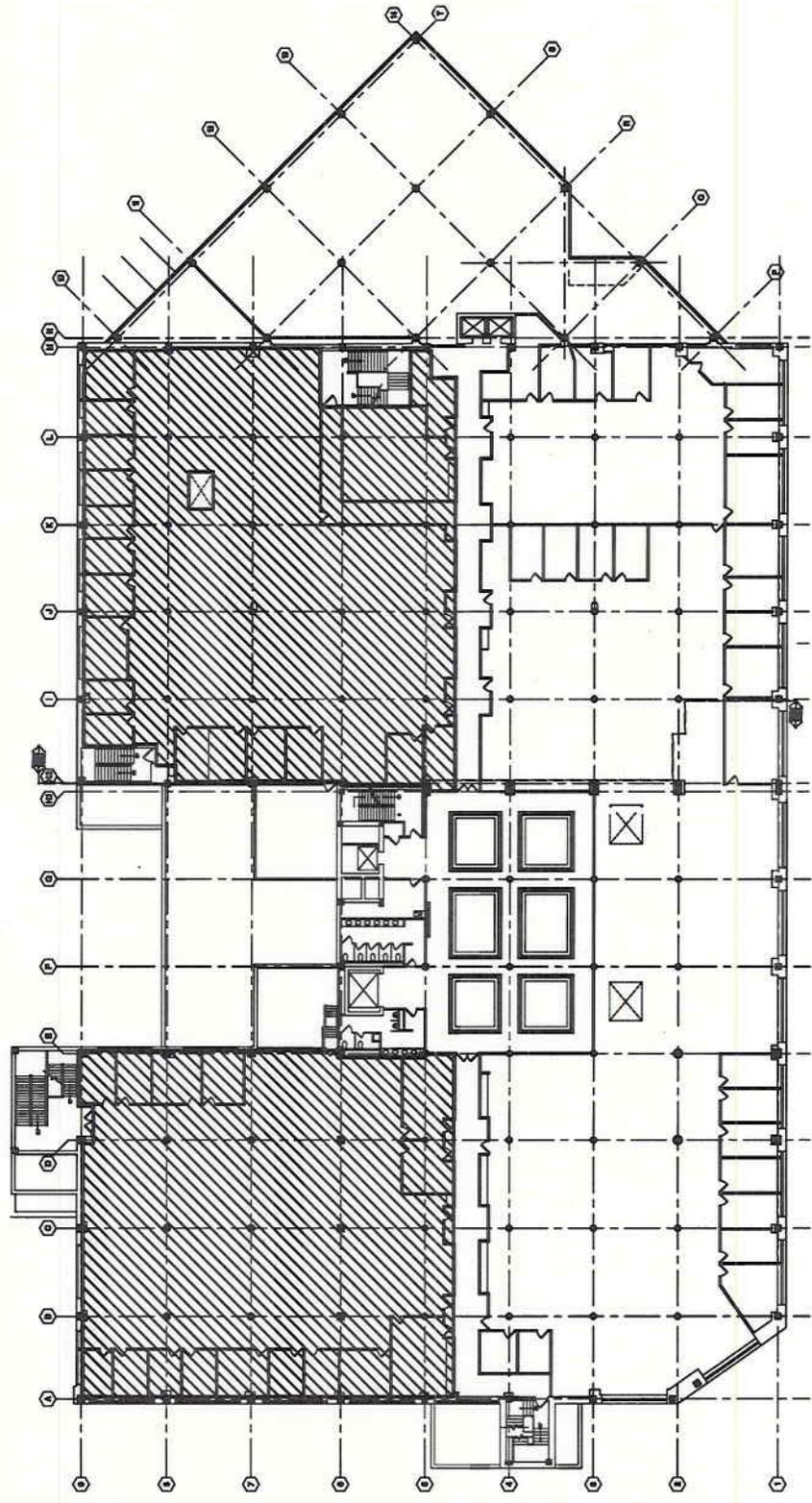
PARTIAL FLOOR PLAN

Available Area: 4,216 SF



**Science Hall - Second Floor**

Available Area: 22,600 SF



Science Hall - Third Floor

Available Area: 22,600 SF



**Campus Plan for Designation of Tax-Free NY Areas**  
**Submitted by D'Youville College**



**D'Youville**  
COLLEGE



320 Porter Avenue  
Buffalo, New York 14201  
[www.dyc.edu](http://www.dyc.edu)



## START-UP NY Campus Plan for Designation of Tax-Free Area(s) Memorandum

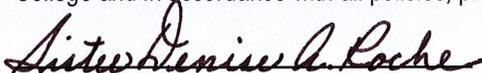
Re: **D'Youville College** Campus Plan for Designation of Tax-Free Area(s) ("Campus Plan")

Date: **September 15, 2014**

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**For campus Office of the President:**

The arrangement documented in the attached Campus Plan is aligned to the academic mission of D'Youville College and in accordance with all policies, procedures, and guidelines.

  
Signature of D'Youville College President

Sister Denise A. Roche, GNSH, PhD  
Print Name

To: Mr. Kenneth Adams, NYS Commissioner of Economic Development  
From: President Sister Denise A. Roche, GHSH, PhD of D'Youville College  
Re: D'Youville College's Campus Plan for Designation of Tax-Free Area(s)  
Date: September 15, 2014

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I, President Roche of D'Youville College hereby certify the following:

- a.) we comply with Conflict of Interest guidelines, and attached copies of the polices and/or guidelines herewith; and
- b.) we are aware of the non-governmental use limitations associated with state issued tax exempt bonds and if our proposed Tax-Free NY Area was financed with tax exempt bonds, we will: 1.) make potential businesses aware of these limitations when marketing property; and 2.) take appropriate steps to ensure that non-governmental use of property funded with tax-exempt bonds will not jeopardize the tax exempt status of state issued bonds; and
- c.) the information contained in the enclosed application is accurate and complete.

  
PRESIDENT'S SIGNATURE

September 15, 2014  
DATE

Attachments/Enclosures:

- 1.) Tax-Free Area Plan with Polygon shapefile of campus area (if available) and/or point data of vacant space (if available), **OR** AutoCAD rendering of proposed tax-free area on a scaled campus map and/or campus map shaded to indicate building containing proposed tax-free space
- 2.) Excel spreadsheet of property to be designated
- 3.) Applicable conflict of interest policies
- 4.) Where applicable, comments received from interested parties



**START-UP NY CAMPUS PLAN FOR DESIGNATION OF TAX-FREE AREA(S)**

Campus Name: D'Youville College  
 Campus Contact Name: William J. Mariani, Ed.D.  
 Campus Contact Title: Vice President of Administrative Services and External Relations  
 Campus Contact E-mail: [marianiw@dyc.edu](mailto:marianiw@dyc.edu)  
 Campus Contact Phone: 716-829-8194

**THE TAX-FREE NY AREA PLAN SHALL BE DEVELOPED BY THE CAMPUS TEAM AND PROVIDE THE FOLLOWING REQUIRED INFORMATION:**

- 1) Specification or identification of space or land proposed for designation as a Tax-Free NY Area identifying the following:
  - i. Provide the name and address of the college/university seeking approval as a Sponsor, the address of the space or land proposed for designation as a Tax-Free NY Area, and a written description of the physical characteristics of the area for designation.

Name: <b>D'Youville College</b>
Campus Address:  320 Porter Avenue Buffalo, New York 14201
Address(es) of Proposed Tax-Free NY Area(s):  D'Youville Academic Center (DAC) 555 Prospect Avenue* Buffalo, New York 14201  *Per the City of Buffalo geographic information system (GIS) the D'Youville Campus property address is listed as 555 Prospect Avenue, which includes the DAC Building.
Description of Physical Characteristics of Proposed Tax-Free NY Area(s):  The D'Youville Academic Center (DAC) is the college's newest building, built in 2010. The \$20 million, six-story, 93,000-square-foot structure, located at the corner of Connecticut Street and Fargo Avenue, is designed to meet the academic needs of students, faculty and emerging programs for the 21st century. The DAC features state-of-the-art lecture halls, classrooms and technology centers. Located in the DAC Building are the following: <ul style="list-style-type: none"> <li>• Admissions           <ul style="list-style-type: none"> <li>-Undergraduate</li> <li>-Graduate</li> <li>-International</li> </ul> </li> <li>• Offices</li> </ul>

- International Student Office
- Study Abroad
- School of Pharmacy
  - Classrooms & Lecture Halls
  - Bauer Cellular & Molecular Pharmacology & Pharmacogenomics Research Lab
    - Compounding Laboratories
    - Drug Research and Development Laboratory
    - Pharmacy Student Computer Lab
    - Practice Laboratory
- Technology Center (Computer Lab)
- Cafe (Second Floor Kiosk)
- Campus Security Office
- Shipping/Receiving Office
- Campus Mailroom

The D'Youville College Campus Plan proposes the sixth (6<sup>th</sup>) floor of the DAC Building for tax-free designation through the START-UP NY Program. The sixth floor is currently vacant with 11,150 square feet available, and provides a breath-taking panoramic view of the City of Buffalo, the waterfront, and Canada.

- ii. START-UP NY Excel spreadsheet listing properties sought to be designated as tax-free NY areas under the D'Youville College Campus Plan at this time. Excel file attached.
  - iii. Provide also a representation of each proposed site drawn on a scaled campus map with boundaries drawn clearly. Two versions should be created; one including an imbedded layer from Google Earth or other aerial photograph of the property. The second version should exclude the photographic imagery. Each parcel under consideration must have a unique alpha numeric identifier, clearly labeled on each plan which ties to identifiers in the Excel spreadsheet. If digital files containing Polygon shapefile that delineates area for designation are available, provide these as well. Attach these materials to this plan.
  - iv. Provide a campus map with each proposed building shaded. Label each building with the official building number with the building name. For each building shaded and labeled, include floor plans of all areas under consideration. If digital files containing Point shapefiles that provide locations of area for designation are available, provide these as well. Attach these materials to this plan.
- 2) The total square footage of the space and/or acreage of land proposed for designation as a Tax-Free NY Area is:

**11,150 square feet**

- 3) Provide a description of the type of business or businesses that may locate in the area identified in #1.

#### **Targeted Businesses**

When you're here, you're almost there. Preparing students for their future career is the main focus at D'Youville College. The college's supportive learning environment is designed for students who want an education that translates into a successful career.

Founded in 1908, D'Youville College is an independent, coeducational institution located in Buffalo, New York, offering undergraduate, graduate and professional degree programs. D'Youville's more than 3,000 students represent 26 states and 25 countries. They pursue their academic interests through more than 45 academic majors, including allied health professions (chiropractic, dietetics, health services administration, nursing, occupational therapy, pharmacy, physician assistant, and physical therapy), education, business, liberal arts, and math & natural sciences. The college's beautiful campus offers plenty of green space and a dynamic urban setting, located steps from downtown Buffalo, the Peace Bridge to Canada, and the trendy Elmwood Village and Allentown neighborhoods.

D'Youville College will seek to establish partnerships through the START-UP NY Program with entrepreneurial, innovative, high-tech, high-demand and high-growth potential, job generating businesses that align with and further the academic mission and vision of D'Youville College. The College will seek to target and attract businesses which include: health, life, and pharmaceutical sciences and services (administration, analytics, manufacturing, research and development, and technology); information services and technology (IS/IT); international business and economic development; manufacturing (pharmaceutical, medical devices and therapeutics); education and professional development services (assessment, curriculum and instruction, research, testing and training); and research and development (R&D).

- 4) Provide a description of the campus academic mission, and explain how the businesses identified in #3 will align or further the academic mission of the university or college.

#### **Academic Mission & Vision**

D'Youville College is an independent institution of higher education that offers baccalaureate and graduate programs to students of all faiths, cultures and backgrounds.

D'Youville College honors its Catholic heritage and the spirit of St. Marguerite d'Youville by providing academic, social, spiritual, and professional development in programs that emphasize leadership and service. D'Youville teaches students to contribute to the world community by leading compassionate, productive and responsible lives.

D'Youville College educates students for life through a combination of first-rate academic programs, experiential learning and community service opportunities. All of D'Youville's bachelor's degree programs emphasize a broad-based liberal arts education as well as a professional orientation. Our graduate and doctoral programs include a strong research component and field or clinical placements. D'Youville graduates are well-prepared to become educated citizens of the world and contribute in meaningful ways to their workplace and their communities.

Building on its mission and heritage, D'Youville in its second century will become a university that is an important intellectual, social and economic resource. D'Youville will be a model community of learning, actively engaged with the wider world and influencing it through education, research and service. With exceptional programs and results, an attractive Buffalo campus, and satellite locations, D'Youville's inspiring faculty and service orientation will make it a first choice for students both regionally and internationally.

### **Business Alignment with Academic Mission & Vision**

Businesses selected for participation in the D'Youville College START-UP NY Program will have strong linkages with the academic mission and vision of D'Youville College, and will further knowledge creation and diffusion, and formation of values and principles. The college will consider the following factors or a combination thereof in its consideration to partner with businesses through the START-UP NY Program:

- Comprehensive Education- "Educating Students for Life": Contribute to the advancement of academic excellence and student learning outcomes in educating undergraduate, graduate and professional degree seeking students for life, especially in the areas of the allied health professions, business and education.
- Enhance Programs and Research Profile: Provide institutional faculty, researchers and students with business collaboration and exchange opportunities to enhance and develop academic programs and grow and expand the research enterprise. Use of shared facilities and resource to further the research endeavors of the institution's Centers, including but not necessarily limited to: the Center for Health Behavior Research, the Center for Research on Physical Activity, Sport & Health, the Chiropractic Health Center, the Drug Information Center, and the Interprofessional Clinical Advancement Center.
- Experiential Learning and Training Opportunities: Develop linkages between the institution and partnering business to provide undergraduate and graduate students with field placement, internship, mentoring and training opportunities.
- Leadership and Service: Provide students with avenues to develop as emerging leaders through service learning opportunities in cooperation with the institution, partnering business and the local community.
- Regional Economic Development: Enhance and ensure a diverse, vibrant and thriving local and regional economy by providing employment opportunities for D'Youville College students, staff, faculty and alumni.

- 5) Provide a description of how participation by these types of businesses in the START-UP NY Program will generate positive community and economic benefits, including but not limited to:

### **Business Generation of Positive Community and Economic Benefits**

D'Youville College's designated properties, upon approval, will be occupied by business partnerships which will generate positive community and economic benefits. The criteria by which the college may use to establish how the participating business would generate positive community and economic benefits may include, but not be limited to, the following:

- Experiential learning opportunities (field placements, internships, mentoring, vocational training and professional development) for undergraduate and graduate students;
- Employment opportunities for graduates, alumni and the local community;

- Develop a culture of and opportunities for entrepreneurialism and innovation;
- Enhance environmental stewardship and sustainability;
- Develop positive partnerships with existing businesses, especially small locally owned businesses that are not in competition with START-UP NY businesses;
- Boost, expand and diversify the local economy; and
- Build a community driven to create economic and social growth in WNY.

- 6) Provide a description of the process the Sponsor (campus) will follow to select participating businesses. The description should identify the membership of any group or committee that may make recommendations, the final decision-maker, and the criteria that will be used to make decisions. This group or committee must include representation from faculty governance.

### **Selection Process for Business Participation**

D'Youville College has established the following system to provide businesses interested in partnering with the college in the START-UP NY Program with an accessible, collaborative and transparent application and selection process.

#### ***Step #1: Submit the START-UP NY Business Application to D'Youville College***

Businesses interested in participation in the START-UP NY Program with D'Youville College will first complete the online START-UP NY Business Application, which can be found at the D'Youville START-UP NY website (to be established). The following information is required: contact information, business information, employment, investment, business competitors and agreement. All Applicants must fall under one of the following State designated business categories: New Business, Existing NYS Business Expanding, Previous NYS Business relocating to NYS or NYS Incubator Graduate.

*The goal of Step #1 will be receipt of a completed START-UP NY Business Application.*

#### ***Step #2: Participate in an Eligibility Assessment Meeting***

Once D'Youville College has received the completed START-UP NY Business Application, an eligibility assessment meeting will be convened at the college. The Applicant will meet with the D'Youville START-UP NY Campus Team to review:

- The Applicant's business
- The business's alignment with the college's mission and vision
- The D'Youville and State selection process,
- The State's requirement for a competitive analysis,
- The potential job creation opportunities associated with the Applicant business

The Campus Team consists of representatives from the D'Youville College Office of Administrative Services and External Relations, the Office of Financial Affairs, and the Office of Institutional Advancement.

*The goal of Step #2 will be to determine the Applicant's fulfillment in meeting the State's "Eligibility criteria for businesses" to participate in the START-UP NY Program, and alignment to the college's mission and vision.*

**Step #3: Comprehensive Competitive Analysis**

The Applicant and the D'Youville START-UP NY Campus Team will collaborate on completing the competitive analysis as required by the State process. This will include:

- Review of the selected "Community," as defined by START-UP NY regulations.
- Review of North American Industry Classification System (NAICS) codes of businesses in the same Community as required by START-UP NY regulations.
- Review of commercially available database lists in determining potential Competitors in the selected Community.
- Review of any businesses in the Community which may be considered Competitors.

If no Competitors are identified through the Comprehensive Competitive Analysis, then a formal request will be submitted to the Empire State Development (ESD) for cross-reference checking of their Department of Labor (DOL) database to determine if there are any Competitors.

If no Competitors are identified through the D'Youville College and ESD comprehensive review process, then a notice will be published in a local daily print or online newspaper for five days, allowing potential business Competitors to identify themselves, per the START-UP NY regulations.

*The goal of Step #3 will be formal documentation of completion of a Comprehensive Competitive Analysis confirming that there are no Competitors in the selected Community. In the event that a potential Competitor is identified, D'Youville College will formally request review by the Commissioner. The Commissioner will make the final determination, per the START-UP NY regulations.*

**Step #4: Applicant Presentation to D'Youville START-UP NY Campus Selection Team**

Upon successful completion of the Comprehensive Competitive Analysis, the Applicant business will be required to formally present its business model and how its participation in the START-UP NY Program will have positive community and economic benefits. The Applicant business will formally present to the Selection Committee, which will be comprised of the Vice President for Administrative Services and External Relations, the Vice President for Financial Affairs, the Vice President for Institutional Advancement, the College's Deans, Faculty Leadership, and any other administrative, faculty or student representative(s) deemed appropriate for participation in the final selection process.

*The goal of Step #4 will be final review of the proposed business partnership and determination as to whether the D'Youville College Campus Selection Team agrees to Sponsor the Applicant business for participation in the START-UP NY Program.*

**Step #5: Submit Final Application to the State**

If the D'Youville College START-UP NY Campus Selection Team approves the Applicant business, the Campus Team will then collaborate with the Applicant to complete the required information for the Sponsoring Application to NYS, with the primary focus being new job creation in the designated area.

*The goal of Step #5 will be the successful submission of a completed application, with all required supporting documentation.*

### **Sponsoring Criteria**

In order for D'Youville College to Sponsor an Applicant, the Applicant business must meet all of the following eligibility criteria, as established through the START-UP NY regulations:

**Prohibited Businesses:** The Applicant must not be any of the business types that "are prohibited from participating in the START-UP NY Program."

**Eligible Business:** The Applicant must prove its eligibility to participate in the START-UP NY Program by qualifying under one of the following business categories:

- New Business
- Existing NYS Business Expanding
- Previous NYS Business Relocating
- NYS Incubator Graduate

**Non-Competitive:** The Applicant must prove to have no business competitors in the community in which it will be located.

**Compliance:** The Applicant "business must be in compliance with all worker protection and environmental laws and regulations. In addition, the business may not owe past due federal or state or local property taxes."

**Mission Alignment:** "The mission and activities of the business must align with or further the academic mission" (and vision) of D'Youville College.

**Beneficial Contributor:** The Applicant must prove that "the business's participation in the START-UP NY Program will have positive community and economic benefits."

**Job Creation:** The Applicant "business must demonstrate that it will, in its first year of operation, create net new jobs."

**Sustainability:** The Applicant must satisfy all criteria to remain eligible as set forth by the START-UP NY regulations, as they pertain to "net new jobs created" and all Program reporting requirements.

Location	Unique ID	Owner	Property Type	Street Address City, Zip Code	Parcel ID	Building	Space Type	Sq Ft	Description	On Campus	Latitude	Longitude
Buffalo	DYC-5	DYC	1	555 Prospect Ave.* Buffalo, 14201	99.75-2-1.211	D'Youville Academic Center (DAC)	B	11,150	Sixth Floor	Yes	42.8954000	-78.8323000

- 1= on campus
- 2= 1 mile off campus
- 3= State Asset
- A=entire building
- B=floor within building
- C=Room within building
- D=land on campus
- E= land off campus
- F=entire building off campus
- G=partial building off campus
- H=state asset

\*Per the City of Buffalo geographic information system (GIS) the D'Youville College Campus property address is listed as 555 Prospect Avenue, which includes the DAC Building.  
NOTE: The DAC Building is located at the corner of Connecticut St. and Fargo Ave.



Peace Bridge

CANADA  
UNITED STATES

190

190

Front Park



1. KAB—Koesster Administration Building
2. BFAC—Bauer Family Academic Center
3. ALT—Dr. Pauline M. Alt Building
4. APT—Student Apartment Complex
5. DAC—D'Youville Academic Center
6. DEC—D'Youville Education Center
7. LIB—Montante Family Library
8. MAD—Madonna Hall
9. CC—College Center
10. MGT—Marguerite Hall
11. NIA—Niagara Street Annex
12. DYC Chiropractic Health Center
13. Innovation Center

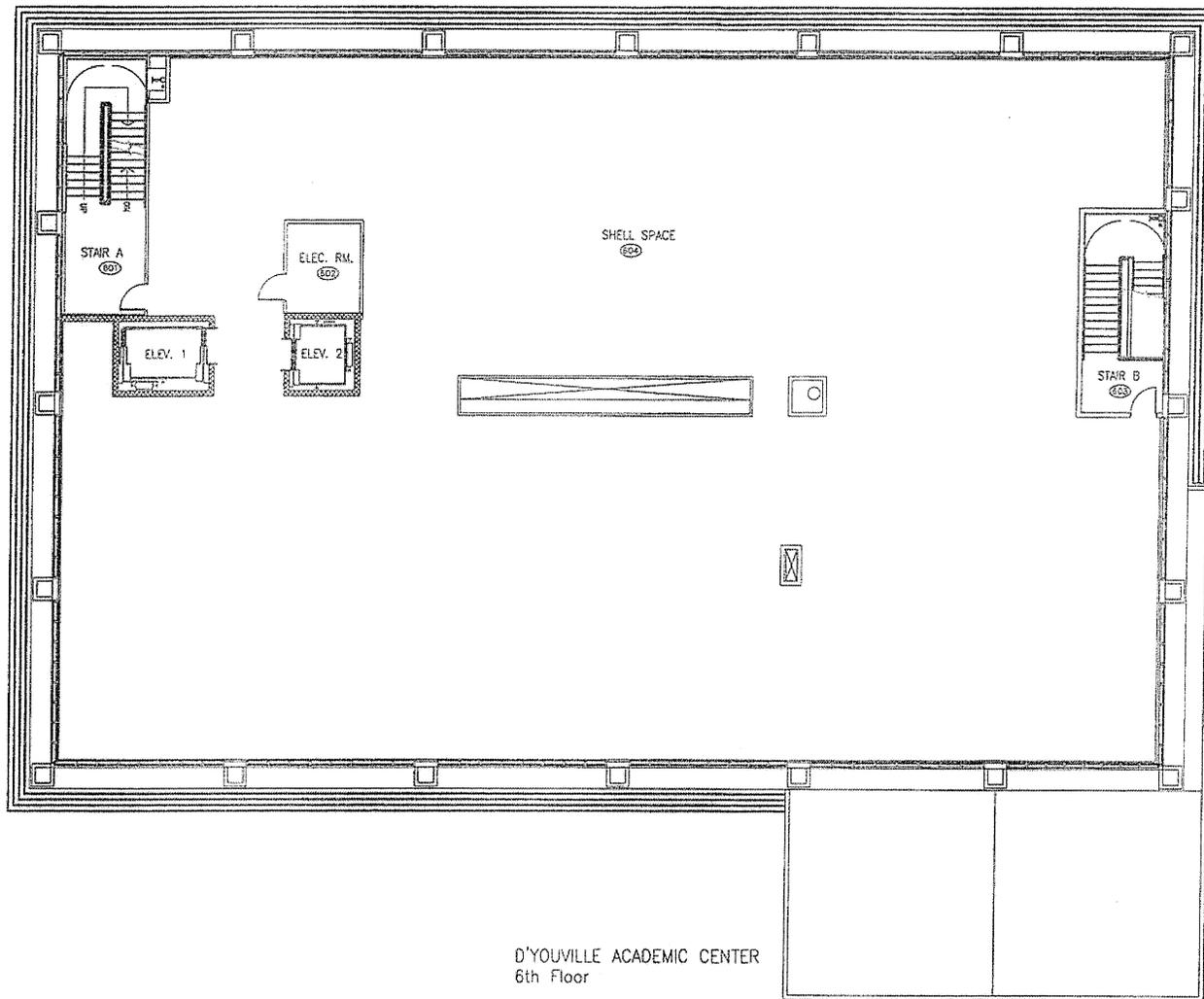
- K** The Kavinoky Theatre
- H** Handicapped Entrance
- P** Parking Lot
- V** Visitor Parking





DYC-5  
D'Youville  
Academic Center  
(DAC)





D'YOUVILLE ACADEMIC CENTER  
6th Floor

D'YOUVILLE COLLEGE  
 320 PORTER AVE.  
 BUFFALO, N.Y.  
 D'YOUVILLE  
 ACADEMIC CENTER

• Finish  
 • Elev #  
 • Elev. 00-20 1/2  
 • Elev. 10' - 1 1/2'  
 • Floor AM-045  
 • Drawing 00/00/00/00/00  
 • Sheet # A-6

DYC-5: D'Youville Academic Center (DAC) 6th Floor (11,150 square feet)

## **Conflict of Interest Policy for START-UP NY Program**

### **I. Introduction:**

This document states D'Youville College's ("DYC") Conflict of Interest Policy as it relates to the START-UP NY Program. It is designed to protect the integrity of the College and the START-UP NY Program.

### **II. Scope of Policy:**

The policy requires that any College Official self-disclose potential, real, or perceived conflicts of interest, as those interests relate to the START-UP NY Program, to the President of DYC.

### **III. Definitions:**

Terms not defined elsewhere in this policy are defined below:

"Business Interest" means that an individual (1) owns or controls 10% or more of the stock of an entity (or 1% in the case of an entity the stock of which is regularly traded on an established securities exchange); or (2) serves as an officer, director, or partner of an entity.

"Relative" means any person living in the same household as another individual and any person who is a direct descendant of that individual's grandparents or the spouse of such descendant.

"START-UP NY Program" means the SUNY Tax-free Areas to Revitalize and Transform Upstate NY, established by Article 21 of the Economic Development Law.

"College Official" means a college board of trustee member, an employee at the level of dean and above as well as any other college employee with decision-making authority over the START-UP NY Program.

### **IV. General Provisions:**

A conflict of interest exists whenever a College Official has a personal, professional, commercial, or financial interest, or other interest or activity outside of the College, which has the possibility, whether potential, real, or perceived, of: (a) compromising the College Official's judgment; (b) influencing the College Official's decision or behavior with respect to the START-UP NY Program; or (c) resulting in personal or a Relative's gain or advancement at the expense of the College.

It is important to keep in mind that the College Official does not have to actually do anything wrong or improper for a conflict of interest to exist: The conflict exists by

virtue of a relationship that could result in an undue influence on the College Official's professional judgment.

- Service as a College Official shall not be used as a means for private benefit or inurement for the College Official, a Relative thereof, or any entity in which the College Official or Relative thereof has a Business Interest.
- Any College Official who is a vendor or employee of a vendor of goods or services to the College, or who has a Business Interest in such vendor, or whose relative has a Business Interest in such vendor, shall not vote on, or participate in the administration by the College of, any transaction with such vendor; and

**V. Procedures:**

Upon becoming aware of an actual or potential conflict of interest, a College Official shall advise the College President of his or her or a Relative's Business Interest in any such existing or proposed vendor with the College.

**VI. Records Management:**

The College shall maintain a written record of all disclosures of actual or potential conflicts of interest made pursuant to this policy, and shall report such disclosures, on a calendar year basis by January 31<sup>st</sup> of each year, to the auditor of the College. The auditor shall forward such reports to the Commissioner of Economic Development for the State of New York, which shall make public such reports.

May 20, 2014

D'Youville College  
320 Porter Avenue  
Buffalo, New York 14201

Commissioner of Economic Development  
State of New York  
Albany, New York

Ladies and Gentlemen:

Re: Designation of Tax-Free NY Areas

You have requested our opinion in connection with an application by D'Youville College (the "**College**") to designate certain areas on or around the College's campus as "**Tax-Free NY Areas**" under the START-UP NY Program created under Article 21 of the Economic Development Law of the State of New York. In particular, you have asked, with respect to any proposed Tax-Free NY area which has been financed with any tax-exempt bonds, whether designation of the Tax-Free NY Area financed with tax-exempt bonds will jeopardize or conflict with any existing tax-exempt bonds used to finance any property of the College.

The College has advised us that a portion of areas proposed to be designated as Tax-Free NY Areas by the College (the "**Bond-Financed Areas**") were financed with proceeds of tax-exempt bonds issued on behalf of the College by the Dormitory Authority of the State of New York (the "**Authority**"), particularly the D'Youville College Revenue Bonds, Series 2008 (the "**Bonds**"). With respect to the Bonds, the College entered into a loan agreement, dated October 28, 2008, with the Authority and a First Amendment of Loan Agreement, dated as of March 28, 2012, (collectively, the "**Loan Agreement**"), under which the College made certain representations and covenants designed to ensure the validity of each of the Bonds, and to ensure that the College would take no action subsequent to the issuance of such bonds that would adversely affect the exclusion from gross income of interest thereon. In addition, with respect to the Bonds, the College executed an Amended and Restated Tax Certificate, dated May 30, 2012 (the "**Tax Certificate**") under which the College made certain representations and covenants designed to ensure that the interest on each of the Bonds is excludable from gross income for federal tax purposes.

The opinion set forth in this letter is based solely upon (a) our review of, as submitted to us, (i) the Loan Agreement and (ii) the Tax Certificate (collectively referred to as the "Reviewed Documents"), and (b) such review of published sources of law as we have deemed necessary based solely upon our review of the Reviewed Documents. Other than our review of the Reviewed Documents, we have made no inquiry or other investigation as to any factual matter (including, but not limited to, (x) any review of any of the files and other records of the College or (y) any review of any of our files and other records).

We have assumed without any inquiry or other investigation (a) the genuineness of each signature on any of the Reviewed Documents, the completeness of each of the Reviewed Documents, the authenticity of each of the Reviewed Documents submitted to us as an original, the conformity to the original of each of the Reviewed Documents submitted to us as a copy and the authenticity of the original

of each of the Reviewed Documents submitted to us as a copy, (b) the accuracy on the date of this letter as well as on the date made of each statement as to any factual matter contained in any of the Reviewed Documents, (c) the legality, validity, binding effect and enforceability as to each person of each document executed and delivered or to be executed and delivered and of each act done or to be done by such person and (d) that at all times from the original issuance of the Bonds until the date of this letter, interest payable pursuant to the Bonds has been excludable from gross income for federal income tax purposes.

We have further assumed the current and continued compliance with all covenants and agreements contained in the Loan Agreement and the Tax Certificate with respect to the Bonds, including (without limitation) covenants and agreements compliance with which is necessary to assure that actions, omissions or events on and after the date of issuance of the Bonds have not caused and will not cause interest on the Bonds to be included in gross income for federal income tax purposes. We have not undertaken to determine compliance with any of such covenants and agreements or any other requirements of law, and, except as expressly described herein, we have not otherwise reviewed any actions, omissions or events occurring after the date of issuance of the Bonds or the exclusion of interest on the Bonds from gross income for federal income tax purposes.

We do not express any opinion concerning any law other than the tax laws of the United States of America and the laws of the State of New York. Any opinion set forth in this letter (a) deals only with the specific legal issue or issues it explicitly addresses and does not address any other matter and (b) does not update any opinion previously given by us with respect to any transaction contemplated by the Loan Agreement. This letter is given without regard to any change after the date of this letter with respect to any factual or legal matter, and we disclaim any obligation to notify either of you of any such change or any effect of any such change on the opinion set forth in this letter

Subject to the qualifications and assumptions set forth in this letter, it is our opinion that the designation of the Bond-Financed Areas as Tax-Free NY Areas, in and of itself, will not jeopardize or conflict with any of the Bonds.

This letter is solely for your benefit with respect to the proposed designation of the Bond-Financed Areas as Tax-Free NY Areas and, without our express written consent, may not be furnished to or relied upon, referred to or otherwise used by any other party or relied upon, referred to or otherwise used other than in connection with such proposed designation of the Bond-Financed Areas as Tax-Free NY Areas.

Very truly yours,

**HODGSON RUSS LLP**

By 

Victoria J. Saxon



May 21, 2014

Mr. Kenneth Adams  
President and CEO  
Empire State Development Corporation  
633 3<sup>rd</sup> Avenue  
New York, NY 10017

**Re: START-UP NY Program –  
Designation of Tax Free New York Areas (the “Plan”)  
D’Youville College Revenue Bonds, Series 2008 (the “Bonds”)**

Dear Mr. Adams:

D’Youville College is aware that there are non-governmental use limitations on properties financed with tax exempt bonds or Build America Bonds (collectively, “**Tax-Advantaged Bonds**”).

Upon approval of our Plan for the designation of certain areas on the College’s campus as Tax Free New York Areas, we will be permitted to market the designated property to businesses who wish to participate in the START-UP NY Program.

We commit to ensuring that interested businesses are aware that Tax-Advantaged Bonds may have been used to finance certain portions of the designated property and that non-governmental use may be limited and other measures may be required in order to preserve the tax benefits associated with the interest on the Tax-Advantaged Bonds in accordance with the applicable federal, state, or local tax law and regulations (“**Tax Compliance Measures**”).

We commit to taking all appropriate steps, including any appropriate Tax Compliance Measures, to ensure that non-governmental use of property funded with **Tax-Advantaged Bonds** for START-UP NY Program purposes will not jeopardize the tax-exempt status of any Tax-Advantaged Bonds impacting designated Tax Free New York Areas.

We confirm our understanding that approval of our Plan for designation of a Tax Free NY Area or our participation in the START-UP NY Program does not replace or modify any existing obligations or requirements related to any Tax-Advantaged Bonds or Tax Compliance Measures.

Sincerely,

A handwritten signature in cursive script that reads "Sister Denise A. Roche".

Sister Denise A. Roche, GNSH, Ph.D.  
President



Office of the  
President

Joseph E. Nyre, Ph.D.  
*President*

715 North Avenue  
New Rochelle, NY 10801

Phone: 914.633.2203  
Fax: 914.633.2018

June 19, 2014

Mr. Kenneth Adams  
President and CEO  
Empire State Development  
633 Third Avenue, 31<sup>st</sup> Floor  
New York, NY 10017

Dear Mr. Adams:

Enclosed please find Iona College's application, campus plan and related materials for the START-UP NY program. The information contained in this application is accurate and complete to the best of our knowledge. All of the information, certifications and attestations as required by the program guide for private, non-profit institutions are included in this application. Further, both of the properties that we are proposing for START-UP NY designation are wholly owned by Iona College and are located within the campus grounds.

We eagerly anticipate working with New York State to successfully implement START-UP NY and to help grow and expand companies and jobs in New York State.

Sincerely,

Joseph E. Nyre, Ph.D.  
President

enclosure

# Campus Plan for Designation of Tax-Free NY Area

## Iona College

### 1. Campus Name, Contact and Address

Iona College  
Dan Konopka, Director of Corporate, Foundation and Government Relations  
715 North Avenue  
New Rochelle, NY 10801  
(914) 633-2069

### 2. Identification of Space

The space identified for use in START-UP NY is housed in two buildings, located within the Iona College campus. Both spaces are currently unoccupied and unused and no academic programs, offices, housing or classrooms that actively serve students, faculty or staff will be relocated from this space to be designated as a tax-free area. These are:

McSpedon Hall.

The designated McSpedon Hall space is a 6,890 square foot unfinished, open area on the third floor/attic of our main building. It will require renovation for use as suitable office space. The layout and configuration of the renovation will be determined when the specific business partner(s) has been selected and operating requirements are finalized.

Hagan Hall.

The designated space within Hagan Hall, our business school located in the center of campus, is on the third floor. It consists of several, adjoining office spaces totaling 2,199 square feet. Currently, the space is empty and will require moderate refurbishing (painting, cleaning, ceiling tiles) to make it suitable as a functioning workspace. Electricity, HVAC and wiring for computers may be adequate for future applications.

Attachments:

- i. Digital files containing data, as defined in the guide
- ii. Digital files providing locations of the areas proposed for designation
- iii. Digital files in electronic excel spreadsheet format

### 3. Types of Businesses and Academic Mission

### Types of Businesses.

Iona College will endeavor to establish business partnerships with high-tech, innovative and high growth-potential companies, with the prospect of breaking new ground in the area of large data driven analytics. The focus for the initial application will be in the area of healthcare analytics, with future applications for business, the sciences and cyber security analytics.

Iona College has a core strength in the area of healthcare. The Health Care Management Program at Iona College has a long and proud history having graduated literally hundreds of students, with many of our graduates now holding leadership positions throughout the greater New York Region and beyond. The newly formed Center for Health Care Analytics, under the business analytics umbrella of the well respected Hagan School of Business, has elevated this program into a multi-disciplinary program drawing professional expertise from across Iona faculty, recognizing Information Systems, Finance/Accounting Operations Research and other programs necessary to compliment the health care focus.

Currently, Iona College has been in discussions with two potential business partners that fit the profile described herein. Both had been considering relocating their operations outside of New York State until this opportunity arose.

The first is interested in facilitating the discovery and development of biomarkers, molecular diagnostics and personalized therapies. They see an opportunity in partnering with the Center for Health Care Analytics in the pursuit of new research applications for hospitals and other healthcare providers.

The second is in the business of "high scale web mining", commonly used by companies for extracting valuable information from an unlimited number of websites. The extracted raw data then will be worked upon to shape into structured content, which can be used for a wide range of purposes. Access to vast numbers of electronic medical records and other information under the control of the Center presents an array of potential analytical possibilities for a start-up business.

Iona College will seek to attract similar high tech research capabilities as a positive outcome of the START-UP NY program.

### Academic Mission and Alignment of the Business.

The START-UP NY program is well suited and aligns with the mission and strategic planning initiatives embraced by the Board of Trustees of Iona College. The Board has just recently created a Business Analytics Institute, recognizing the multi-disciplinary skills and proficiencies necessary to embrace the broadly defined field of Analytics. Building upon the diverse academic and research capabilities of Information Systems technology, Data & Computer Sciences, and the diverse applications of quantitative methods and Operations Research; the Institute will focus on industry specific capabilities as they apply to business decision making in

operations management, planning and strategic initiatives. Located in the Hagan School of Business, Iona College will align with and facilitate the development of entrepreneurial business opportunities that address and are associated with the development of Business Analytics. The opportunity to provide real world business internships and the development of business startup skills are primary academic objectives as well as facilitating employment opportunities upon graduation.

The first of these real world opportunities within the Institute is the creation of the Center for Health Care Analytics, recognizing the major transformation occurring across all the silos and sectors of the \$2.7 billion health care industry. What has become known as Triple Aims of Health Care; Access, Quality and Cost require the adoption of comprehensive data collection systems (EMR & RHIO's), massive data management, communications & intelligent decision support capabilities, as well as the Business Intelligence expertise necessary to assess economic risk and manage Population Health. These diverse subjects require a thorough understanding of not only the current and changing parameters of integrated health care but a comprehensive understanding and overview of the computer and information technologies of data management, systems architecture, security, statistics, predictive analytics, decision support, operations research and data governance.

This area of health or health related specialization will be one of the initial parameters for selecting and performing due diligence of a business seeking to locate on the Iona campus. It will be incumbent upon the parties to develop a synergy of student and faculty opportunities in academic preparation, research, internships and ultimately meaningful employment opportunities in a company or companies sponsored by Iona College. Additionally, the entities seeking to participate will be expected to demonstrate a short term growth potential and a technological interest consistent with the objectives stated above. Going forward we will look for similar technology-oriented entities focused on Marketing, Finance, Accounting and other business segments that are consistent with the mission of the Institute of Business Analytics, since the Hagan School of Business is equally versed in these business areas.

#### **4. Positive Community and Economic Benefits**

Confirmed in discussions with the New Rochelle Commissioner for Economic Development, the proposed partnerships will generate positive community and economic benefits. The Westchester region is home to a \$10+ billion healthcare industry, as well as tech giant IBM, plus a growing number of biotech companies. New York Medical College houses a multi-million dollar biotech incubator here and major healthcare providers (Montefiore, Memorial Sloan Kettering and New York Presbyterian) have been establishing important outposts to complement strong healthcare providers in the county. This enables an atmosphere of creative and competitive energy in a field that thrives on innovation and effective solutions to complex issues. It also creates a focal point for analytical research and entrepreneurship, with colleges and universities playing a major role in advancing industry knowledge.

Among the positive attributes that prospective companies have expressed in working with Iona College is the access to a qualified work force to satisfy increased employment opportunities. Forming this geographic nucleus in health tech innovation will act as a magnet for professionals in the industry, as well as provide internship positions for workforce development.

Targeted businesses will therefore have access to an educated pool of potential workers within the community, as new workers move in to take advantage of employment opportunities. This population, in turn, helps to create ancillary businesses which support both the needs of the employers and employees – all of which has a positive economic impact on the surrounding community.

## **5. Process for Selecting Business Partners**

Iona College will implement a selection process that is consistent, transparent and accessible to anyone interested in forming a business partnership that is mutually beneficial to the program and the mission of the College. The six step process is described as follows:

### **i. The interested business will submit an official START-UP NY application for consideration in the program.**

Prospective businesses will apply on-line by filling out the START-UP NY application. The College website at [www.iona.edu](http://www.iona.edu) will provide a link to the START-UP NY website, where the application will be available. Applicants will be asked to provide their contact information, company description and the appropriate business category under which they will be applying. These are defined in the STARTUP-NY business eligibility guidelines. The completed application will then be available for Iona to review.

### **ii. The applicant will be asked to meet with the College stakeholders responsible for administering the program.**

The College/Program stakeholders will include, but not be limited to, the Deans of the Hagan Business School and the School of Arts and Science, the Director of Corporate, Foundation and Government Relations, the Provost, the General Counsel, and a representative from the Office of the Senior Vice President for Finance & Administration. A representative from the Internal Review Board for Human Subjects may also be included, if the business application warrants.

The applicant and the College will review and evaluate the business description, the State selection process, the State's requirement for a competitive analysis and the job creation potential and economic benefit to the community associated with the business opportunity.

### **iii. Conduct the Competitive Analysis.**

Working with the local government representative for Business Development, the applicant and the College team will complete the competitive analysis as defined in the State guidelines.

A request will also be submitted to the Department of Labor to determine if their confidential DOL database identifies any competitors.

#### **iv. Formalize Applicant's Business Plan and Proposed Partnership Arrangement**

If the company successfully passes the competitive analysis test, the next step will be to more thoroughly evaluate the business arrangement and technology, along with an assessment of the applicant's ability to meet expectations. Expectations for the business will include their plan to accomplish stated job creation and internship goals, evaluation of the technology employed as well as their credentials and experience in the field of endeavor. They must also commit to an alignment with Iona's research goals and consistency with its mission.

#### **v. Approval by the President's Council**

Once the Committee (ii. above) has agreed on the applicant's viability, the recommendation regarding whether or not to proceed with the partnership will be made by the President. The information will be shared with the Board of Trustees.

**vi. With the approval of the President, Iona College will then work with the Applicant to develop the remainder of the information required by the Sponsor application to NYS.**

### **6. Attachments**

- i. Conflict of Interest Guidelines
- ii. President's statement that application is complete and accurate.
- iii. Certification that Iona has not relocated or eliminated prohibited facilities (see narrative on proposed designated space description)
- iv. Bond Attestation Letter
- v. Letter of Support from the Office of the Westchester County Executive, Director of Economic Development

**CONFIDENTIAL**

**IONA COLLEGE  
September, 2014**



## Conflict of Interest Policy for START-UP New York Program

### I. Introduction

This document is Iona College's Conflict of Interest Policy as it relates to the START-UP NY Program. It is designed to protect the integrity of the College and the START-UP NY Program.

### II. Scope of Policy

The policy requires that Iona College Officials, including Advisory Board Members of the College's START-UP NY Program, formally self-disclose potential, real or perceived conflicts of interest as those interests relate to the START-UP NY Program.

### III. Definitions

**Business Interest** means that an individual (1) owns or controls 10% or more of the stock of an entity (or 1% in the case of an entity, the stock of which is regularly traded on an established securities exchange); or (2) serves as an officer, director or partner of an entity.

**Relative** means any person living in the same household as another individual and any person who is a direct descendent of that individual's grandparents or the spouse of such descendent.

**College Official** means a College Trustee, Advisory Board Member, or College employee at the level of dean and above, as well as any other person with decision-making authority over the START-UP NY Program.

### IV. General Provisions

A conflict of interest exists whenever a College Official has a personal, professional, commercial, financial or other interest or activity outside of the College, has the possibility, whether potential, real or perceived, of (a) compromising the College Official's Judgment, (b) influencing the College Official's decision or behavior with respect to the Start-Up New York Program, or (c) resulting in personal gain or a relative's gain or advancement at the expense of the College. It is important to keep in mind that the College Official does not have to actually do anything wrong or improper for a conflict of interest to exist; the conflict exists by virtue of a relationship that could result in an undue influence on the College Official's professional judgment.

- Service as a College Official shall not be used as a means for private benefit or inurement for the College Official, a relative thereof, or any entity in which the College or relative thereof has a Business Interest.

- Any College Official who is a vendor or employee of a vendor of goods or services to the university, or who has a Business interest in such vendor, or whose relative has a business interest in such vendor, shall not vote on, or participate in the administration by the College any transaction with such vendors.

V. Procedures

Upon becoming aware of an actual or potential conflict of interest, the College shall advise the College President.

VI. Records Management

The College shall maintain a written record of all disclosures of actual or potential conflicts of interest made pursuant to this policy and shall report such disclosures on a calendar year basis (by January 31<sup>st</sup> of each year) to the auditor of the College. The auditor shall forward such reports to the Commissioner of Economic Development.

PropertyType	StreetAddress	City	ZipCode	ParcelID	Building	SpaceType	SqFt	Acres	Description	onCampus	Within1mileOfCampus	Latitude	Longitude	Note
1	715 North Ave	New Rochelle	10801	3-1005-0001	McSpendon-B1	B	6890		Attic	Yes		40.9261110	73.7872220	
1	715 North Ave	New Rochelle	10801	3-1005-0001	Hagan-BC1	C	2199		Third Floor	Yes		40.9236110	73.7863890	



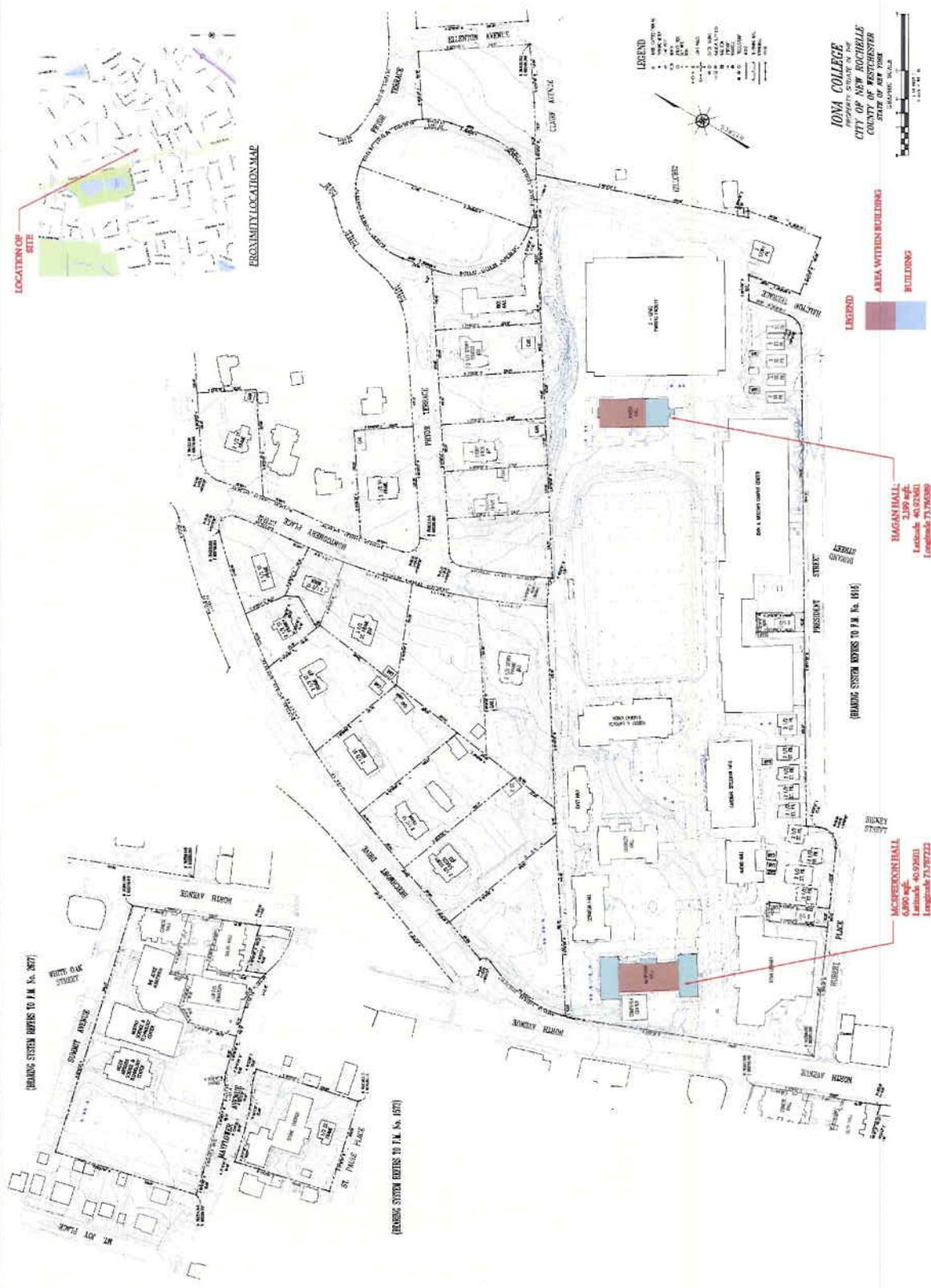


**DAVID A. TETRO · ARCHITECT, P.C.**  
 302 Lewis Avenue · Yorktown Heights · NY · 10598  
 t 914.902.3113 f 914.902.3362 e dtdesign@verizon.net  
 RESIDENTIAL · COMMERCIAL · SUSTAINABLE DESIGN



Submission for  
**START-UP NEW YORK**  
 IONA COLLEGE  
 MESPEDDON HALL AND HAGAN HALL  
115 High Street New Rochelle, NY 10801

DATE: June 20, 2014  
 SHEET: 14.20  
 DRAWN BY: A.O.I



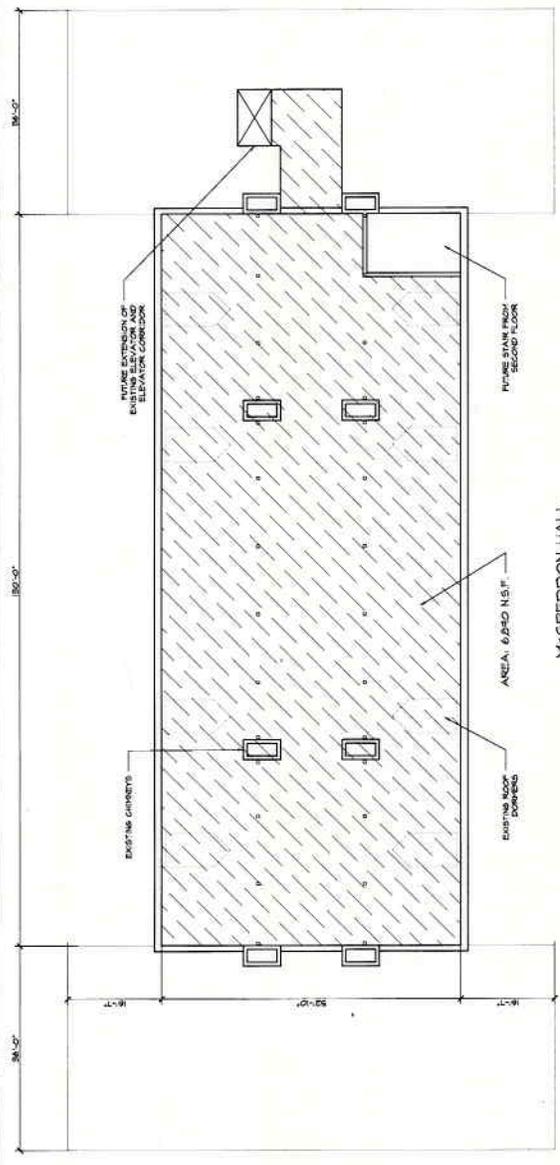


**DAVID A. TETRO** · ARCHITECT, P.C.  
 302 Lewis Avenue · Yorktown Heights · NY · 10598  
 t 914-962-3113 f 914-962-3362 e dttdesign@verizon.net  
 RESIDENTIAL · COMMERCIAL · SUSTAINABLE DESIGN

Submission for  
**START-UP NEW YORK**  
 IONA COLLEGE  
 McSPEDDON HALL AND HAGAN HALL  
 11210th Avenue Five Bldgs NY 10827

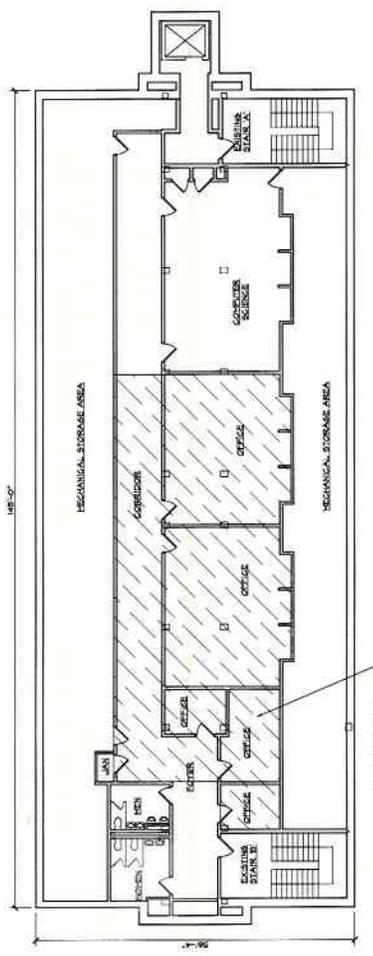


DATE: July 20, 2014  
 SHEET: 14.20  
 DRAWN BY: A.02



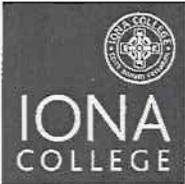
**ATTIC / THIRD FLOOR PLAN**  
 AREA: 6,850 NSF  
**McSPEDDON HALL**

McSpeddon Hall is an unheated open area which will require renovation for use as occupiable office space. The layout of the space will be determined by the client. The space is currently unoccupied and will be used for a variety of programs, offices, meeting or classrooms that actively serve students, faculty or staff. All be relocated from this space to be designated as a low-use area.



**THIRD FLOOR PLAN**  
 AREA: 2,144 NSF  
**HAGAN HALL**

Hagan Hall designated space consists of several adjoining office areas totaling 2,144 square feet. Currently, the space is empty and will require moderate reworking (painting, cleaning, ceiling tiles) to make it suitable as a teaching workspace.



Office of the  
President

Kathleen Gill, Esq.  
General Counsel  
Board Secretary

715 North Avenue  
New Rochelle, NY 10801

Phone: 914.633.2201  
Fax: 914.633.2018  
E-Mail: kgill@iona.edu

August 18, 2014

Mr. Kenneth Adams  
President and CEO  
Empire State Development Corporation  
633 3<sup>rd</sup> Avenue  
New York, NY 10017

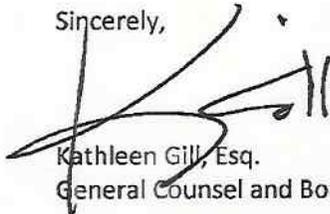
Dear Mr. Adams:

Iona College is aware that there are non-governmental use limitations on properties financed with tax exempt bonds.

We hereby attest to the fact that the properties herein designated for use in the START-UP NY Program have not been financed with any Tax-Exempt Bonds and consequently will not impact our negotiations with interested businesses.

We are anxious to advance our application for acceptance into this program and ensure our compliance with all program guidelines.

Sincerely,



Kathleen Gill, Esq.  
General Counsel and Board Secretary



**Mount Saint Mary College**  
NEWBURGH, NEW YORK | LEADING • CARING • INNOVATING



**HUDSON VALLEY CENTER  
FOR  
INNOVATION**

innovation • invention • inspiration



**STARTUPNY APPLICATION**

**“StartUp Newburgh”**

1. StartUp Newburgh will be located on property owned or leased by Mount Saint Mary College (MSMC) which has its principle address at 330 Powell Avenue, Newburgh NY 12550. The following persons are designated the main and alternate contact for the college:

Main contact: James Raimo  
Vice President for Facilities and Operations  
330 Powell Ave. Newburgh, NY 12550  
[James.raimo@msmc.edu](mailto:James.raimo@msmc.edu)  
845-569-3227

Alternate contact: Michael J. O'Keefe  
Executive Director of Operations and Security/Safety  
330 Powell Ave. Newburgh, NY 12550  
[Michael.okeefe@msmc.edu](mailto:Michael.okeefe@msmc.edu)  
845-569-3597

2. **Identification of the space and/or land being designated**

337 Liberty Street and 351 Liberty Street, Newburgh NY 12550

- 337 Liberty Street is a two story warehouse that is partially used for college warehouse and storage space. The first floor contains 20,555 SF and the second floor 11,235 SF (total of 31,790 SF). The bulk of the second floor is unused at this time. This parcel sits on 1.1 acres and has its public street access via a garage door and a separate pedestrian door entrance. Trucks and utility vehicles can drive into the building, and there is a loading dock at the rear of the building that provides direct access to the second floor.
- 351 Liberty Street is a 0.1 acre adjacent property which provides access to the rear loading dock of 337 Liberty St. The lot has its own street access, provides storage space for college vehicles and equipment, and is secured with a gated fence.

The college leases this commercial building and lot, and re-negotiated the lease in 2013 to include the second floor in addition to the previously leased first floor. The college is the sole tenant and has exclusive rights to the entire building and the adjacent secured parking lot and loading dock. The duration of the lease was also extended until June 30<sup>th</sup>, 2018. We have spoken with the landlord regarding use of the space as part of StartUpNY and he has requested that if the application is approved, the lease be re-negotiated. We will seek to extend the lease to cover a ten-year period. MSMC seeks to use 7,698 SF of unused space on the second floor of 337 Liberty Street and the adjacent lot at 351 Liberty Street for StartUp Newburgh. The 7,698 SF is noted on the attached building sketch. This section of the second floor is already separated from the rear portion (3,537 SF) of the floor so the tax-free area will be readily distinguished from the non-tax-free area.

- 2.1 **Digital files containing the building locations and specifications as polygon shape files:**  
Attachment E. Special software required to open. ArcGIS was used to create files.

- 2.2 **Digital files containing the building locations and specifications as point shape files:**  
Attachment E. Special software required to open. ArcGIS was used to create files.
- 2.3 **Pdf file of campus property and designated space and land:**  
Attachment F
- 2.4 **Spreadsheet with specific building information:**  
Attachment A
- 2.5 **Floor plan/sketch of 337 Liberty Street:**  
Attachment D

**3.1 A description of the type of business(es) that the campus intends to locate in the space**

StartUp Newburgh is an affiliation between Mount Saint Mary College and the Hudson Valley Center for Innovation Inc. (HVCFI, a.k.a. iCANny), formed for the purpose of providing a launch pad with experienced oversight for prospective StartUpNY applicants and a tax free zone to attract new sustainable economic development in the City of Newburgh. MSMC is an undergraduate and graduate private academic institution with an emphasis on healthcare, life-sciences, nursing, teaching and business education. It is the only college offering and seeking to integrate programs such as Masters in Business Administration, Masters In Nursing, and Masters In Education along the west bank of the Hudson River between Albany and Nyack. HVCFI, an Empire State Development Corporation Certified Business Incubator, has assisted start-up companies as well as emerging and mature-stage entities develop and commercialize products and services via its network of qualified executives, mentors, coaches and professionals since 2005. The City of Newburgh is a small city afflicted with all the elements associated with urban blight, lack of opportunities and distress. It does, however, possess an excellent city infrastructure, strategic location, wide ranging culture, and an emerging revitalization.

Together, MSMC as the lead academic organization, and HVCFI as the supporting manager will launch a physical launch pad for start-ups, early stage ventures and international companies anxious to commercialize products and services in the United States from the Hudson Valley. Operating as StartUp Newburgh, MSMC and HVCFI will offer technical and business guidance to start-ups as well as emerging and mature entities engaged in the development and commercialization of: information technology, renewable and alternative energy products, energy efficiency management systems and products, educational products, medical devices, pharmaceutical manufacturing, physical fitness products, bio-tech, media products, food harvesting and production, and green products/production.

StartUp Newburgh will foster the development of new businesses relevant to emerging cultural/commerce trends and entities that seek an affiliation through the StartUpNY economic development program, adding economic and social vitality to the City of Newburgh and the Hudson Valley.

The HVCFI was awarded its status as a Certified Business Incubator as the result of a successful 2013 Consolidated Funding Application. The affiliation with MSMC and the launch of StartUp

Newburgh is in compliance with the CFA award to generate new and expansive sources of assistance to Hudson Valley start-ups, emerging, mature and international companies seeking opportunities for commercialization. HVCFI will function as the “manager” and will incorporate its business and technical resources, access to the investment community, and its global network for commercialization, as they relate to mentors, advisors, executives, and professionals.

StartUp Newburgh will attract companies with areas of concentration in:

- Educational and training products
- New educational delivery platforms
- Health and Fitness products and software
- Healthcare business intelligence and analytics products
- Medical device development and testing
- Pharmaceutical manufacturing
- Market Research in Social, Health and Educational Areas
- Bio-tech
- Green Products
- Agricultural and Food Production
- Media Products
- Integration of fitness, education and life science business opportunities
- Integration of environmental sciences and business opportunities
- Applied Social Sciences that:
  - improve access and quality healthcare in distressed communities
  - address/communicate preventative and responsible health practices
  - utilize The City of Newburgh as a research lab for tailored solutions and test market
  - engage motivated individuals to uncover and commercialize business propositions
  - promote partnerships between public and private entities

No business will be considered that is prohibited per the StartUpNY program regulations.

### **3.2 Academic mission of the sponsor – Mount Saint Mary College**

Mount Saint Mary College is an independent, coeducational institution committed to providing students with a liberal arts education to prepare them for lives of leadership and service. Through a variety of majors and professional programs, students are also prepared for career entry or graduate and professional studies.

Consistent with Judeo-Christian values and the Dominican tradition of education that values the inherent worth of the individual, the mission of Mount Saint Mary College is to create an environment which fosters close student-faculty interaction that enables students to reach their full potential as lifelong learners.

Mount Saint Mary College strives to provide a stimulating environment that promotes the intellectual and personal growth of undergraduate, graduate and continuing education students.

### **3.3 How the anticipated businesses will align with or further the academic mission of the campus in knowledge creation, knowledge diffusion, and formation of values as factors in its consideration of a tax-free zone**

The City of Newburgh, New York is culturally, racially, socially and economically diverse with an excellent infrastructure including hospitals, private and public colleges, broadband and access via private and public transportation. However, with the demise of its manufacturing base, the City has evolved to become an economically distressed community with a high level of unemployment and a lack of opportunities for meaningful and sustainable jobs or career training for its citizens. MSMC is a beacon of higher education that is fully integrated in the community and spiritual life of Newburgh. Many MSMC graduates remain in the area to serve the community in the areas of healthcare and nursing through the region's hospitals, clinics and community healthcare facilities; in the areas of teaching through the local primary and secondary school systems; and in business, social services and financial endeavors.

The StartUp Newburgh program will offer students in teaching, life sciences and business programs opportunities to experience nontraditional career paths by working with StartUp Newburgh companies or establishing pursuits in social and commercial entrepreneurship. This experience will prepare students to enter a workforce with entrepreneurial experience and initiative skills, adding value to employers. Additionally, students will understand how to initiate their own job opportunities having been prepared to address societal and commercial realities and opportunities with their acquired know-how based on solid ethical standards.

### **3.4 Comprehensive undergraduate, graduate education and professional education**

Mount Saint Mary College undergraduate programs leading to Bachelor Degrees include:

Business, Education, Nursing, Mathematics, Information Technology, Natural Sciences, Philosophy & Religious Studies, Social Sciences, Psychology, Human Services, Communications, Marketing, Media, Public Relations and Journalism.

Mount Saint Mary College graduate programs leading to a Masters Degree include:

Education, Nursing, and Business (MBA)

### **3.5 Research**

An MSMC/StartUpNY program will serve to build on the college's research center initiatives and develop products that address critical societal issues confronting our country and economy. These include the very relevant areas of "education", "gerontology" and "adolescence", all which have been studied at MSMC for decades. Utilizing this knowledge base to develop products and marketable research is the basis for local and nationally oriented business building.

Mount Saint Mary College has three main research centers:

The **Mount Saint Mary College Center for Adolescent Research and Development (CARD)** is a clearinghouse for research initiatives. These include the psychological, social, cultural,

educational, and health-related issues endemic to contemporary adolescents and young adults. The center assists in appropriate research-based program development for schools, agencies, and families, and hosts an annual conference each spring focused on Adolescence in the 21st Century. The center also assists in appropriate research-based program development for schools, agencies, and families.

The **Mount Saint Mary College Collaborative for Equity Literacy and Learning (CELL)** mission is to actively conduct research that has a direct impact on classroom literacy instruction and the preparation of teachers of literacy, and that provides support and outreach to teachers, schools, and other stakeholders who have the goal of promoting literacy equity in the surrounding communities.

The **Mount Saint Mary College Center on Aging and Policy (COAP)**, established in 2006, with funding from a National Institute of Health (NIH) grant, promotes an interdisciplinary perspective, dedicated to excellence in research and scholarship in the field of gerontology. It is a national resource for the Area Agencies on Aging (AAAs).

Undergraduate students engage in research during summer sessions as part of the **Summer Undergraduate Research Experience (SURE)** program. Students from all disciplines work with faculty mentors to conduct a research project and analyze and present the results. In the fall semester the students present their findings as part of the **SURE Symposium**.

### 3.6 Diversity

The City of Newburgh is culturally, economically and racially diverse. It has a population of about 29,000 residents living within its 3.8 square miles. This population swells during the work day due to a number of businesses, medical practices and St. Luke's Cornwall Hospital. According to the 2010 Census the City of Newburgh ethnicity is as follows: 47.9% Hispanic/Latino, 30.2% Black/African-American, 39.4% Non-Hispanic White, and 5.2% persons reporting 2 or more races. The median household income is \$36,153.00.

An MSMC/StartUpNY endeavor would provide training and work experience for its base community to develop relevant marketable business skills and associated compensation. This would equate to higher incomes than that of existing low skill labor. It would move people off of public assistance programs and create hope and opportunity in a somewhat hopeless economic climate. Another element of diversity is to retain or attract MSMC alumni making them social and economic contributors to the community. Attracting companies that work in the targeted commercial disciplines will stimulate local job growth and economic development. Ideally, they would utilize the many vacant buildings that await adaptation and reutilization into contemporary/new age industries. Slowing the exodus of young people and college graduates from the Hudson Valley in pursuit of better opportunity is a major goal. This trend is decades old and affects families of all economic levels in the City of Newburgh. Many social programs for young at-risk children have been getting the attention and support to move them out of poverty through educational programs. Instead of contributing back to the community that nurtured them, they realize that they must leave the area due to lack of opportunity. The City of

Newburgh hasn't been the beneficiary of these programs, but its children have and it's been a ticket to somewhere else.

### 3.7 Culture

Historically The City of Newburgh has been the cultural center of the Mid-Hudson Valley. Although this reputation has diminished over the last 50 years, it still has many institutions which offer excellent cultural venues.

**The City of Newburgh boasts the second largest designated Historical District in the state.** This district includes architecture that exhibits historic designs by [Calvert Vaux](#), [Andrew Jackson Downing](#) and [Frederick Law Olmstead](#). Its [East End Historic District](#), recognized by the [National Register of Historic Places](#) and the [Montgomery-Grand-Liberty Streets Historic District](#), has the most [contributing properties](#) of any [historic district](#) in the state. Contrasting this is an active chapter of Habitat for Humanity. In over a decade it has rehabbed or built over 75 homes, providing great living opportunities for deserving residents and rebuilding neighborhoods in the process.

Due to the two colleges – Mount Saint Mary College and Orange County Community College, additional cultural venues for students and the local community are many. The U.S. Military Academy at West Point, located about 10 miles south of the City of Newburgh, also offers many cultural options to local residents.

The City of Newburgh waterfront is home to about a dozen restaurants which draw customers from the entire region to enjoy fine dining and views of the Hudson Highlands. Other restaurants around town are also destinations to those willing to capture the local vibe.

In recent years, the city has seen an influx of citizens and businesses move in from Brooklyn and New York City. Newburgh has been described as “just like Brooklyn, only affordable.” This influx is bringing demand for supporting business like restaurants, shops, galleries and other urban-hip venues. But new local economic opportunities have been limited.

### 3.8 Regional economic development

Healthcare, life sciences, nursing and social sciences are critical components of the infrastructure of the community. The overall healthcare sector is a leader in sustainable job creation in the Hudson Valley region. The Mid-Hudson Regional Economic Development Council (MHREDC) 2009 report on industry ranking by job count in the Hudson Valley region ranked healthcare related jobs first through sixth. The MHREDC foresees job growth in the health care sector due to the implementation of the Affordable Care Act.

With the implementation of the Affordable Care Act and the increase in the age demographic of the region, the healthcare sector will play an increasingly important role in the growth of the region and to support the continually expanding minority and impoverished in the region.

The region is also home to specialized manufacturing, distribution centers, farming, food and beverage production, and a wide range of growing artisanal and creative arts industries. Traditional technology based business in entrepreneurial form isn't as prevalent as it is in other New York areas. Although IBM has been a significant player in the Mid-Hudson Valley, other high technology organizations are scarce, particularly on the west side of the Hudson.

StartUp Newburgh will attract start-ups, emerging and mature companies in industries stated in section 3.1. It is projected that each member company will grow into a position to offer internships to students, specific job training to local citizens, full time permanent jobs in sustainable industries, encourage member companies to remain in Newburgh and establish a hub for development of new industries.

### **3.9 Internship and training opportunities**

Coinciding with the academic mission of the sponsor (MSMC), opportunities will exist for both undergraduate and graduate students to have internships at StartUp Newburgh affiliated companies both in the areas of healthcare and business.

Those students involved in healthcare, nursing and the life-sciences will interface with member companies and participate in the areas of:

- Product and/or service development and implementation
- Product or service validation and testing
- Interfacing with community needs
- Exposing students to entrepreneurial pursuits in the healthcare industry
- Integration of new technologies (wearables, virtual, telephony, etc.)

Graduate students in teaching and business will be involved with member companies through:

- Exposing and incorporating students to the applicant process, evaluation and due diligence
- Assisting to identify, engage and converge academic, entrepreneurial and community leaders, partners and objectives
- Working as and with HVCFI mentors, advisors, coaches and executives to facilitate creation and execution of business processes such as business plans, marketing plans, financial strategies, feasibility studies and investor materials
- Promotion of member technologies and services to the global community
- Establish distance entrepreneurial and business education curriculum to businesses and academic institutions in emerging nations
- Assist in the creation of job training curriculum for Newburgh residents in manufacturing, assembly, customer service, critical care facilities and many other essential sustainable healthcare jobs
- Explore reductions in healthcare costs by implementing tele-health, mobile health and remote critical care options
- Design financing strategies for emerging healthcare entities (venture, crowdfunding, angel, and corporate)

- Opportunities for small businesses and nonprofit research organizations that conduct research leading to the development of products and services that improve the quality of life, health and well-being of older people

### **3.10 Direct job opportunities for campus graduates**

Through aforementioned internships and working relationships, undergraduate and graduate students will gain critical insights and participate directly in the business development process which may lead to permanent jobs/venture opportunities within the community. These jobs will fortify retention of MSMC graduates and foster community growth and involvement.

### **3.11 Internationalization**

A key component of StartUp Newburgh is the creation of an International Landing Zone (ILZ) where foreign companies are encouraged to take advantage of New York's Hudson Valley as a location to launch sales, manufacturing, and distribution of new products and services for the U.S. market. StartUp Newburgh will be a launch point to commercialize healthcare, medical and clean-tech products along with other types of technologies. The majority of entities in the StartUp Newburgh ILZ will have US-based and trained staff, with technical and non-technical job opportunities. StartUp Newburgh will provide the location, interns, administrative and managerial staffing as well as connectivity to local and regional manufacturers, logistics, service providers, professional and technical advisors.

Conversely, products developed at the StartUp Newburgh facility by US-based entities, where applicable, will be made available to the international community for licensing, sale, partnering, and collaboration through the Global NY initiative.

MSMC's Office of International Programs provides opportunities for current students to engage in academic and internship programs throughout the world. A second focus of the office is the establishment of programs on MSMC's campus for international students. Students from Puerto Rico, Brazil, and other South American countries have already participated. This program aligns well with the creation of an ILZ.

### **3.12 Specific area specialization of the campus**

Mount Saint Mary College is recognized for its Education, Nursing, Business, Life Science and Liberal Arts programs. The Mount Saint Mary College Center for Adolescent Research and Development (CARD), Mount Saint Mary College Collaborative for Equity Literacy and Learning (CELL), and The Mount Saint Mary College Center on Aging and Policy (COAP) afford additional basis of specialization directly actionable with StartUp Newburgh's proposed focus.

## **4. Mount Saint Mary College's StartUp Newburgh program will generate positive community and economic benefits**

During the recent launch of the Affordable Care Act people seeking insurance were asked to enroll through a website, signifying the infiltrating nature of the internet on our society. The Pew Research on Smartphone Ownership in 2013 revealed that 91% of citizens have cell phones and almost 60% have smart phones. This includes the impoverished and lowest income communities such as the City of Newburgh. Thus, the delivery of healthcare services and information along with remote-patient monitoring via smartphones becomes relevant to the function of StartUp Newburgh.

StartUp Newburgh will support start-up and emerging enterprises in their development of new technologies, and products targeting the medical profession, including collaboration with relevant academic and corporate partners.

#### **4.1 Increased employment opportunities**

StartUp Newburgh will create employment opportunities for MSMC graduates, local services and other employee prospects via:

- the growth of “Landing Zone” companies in the accelerator (management, research, development and manufacturing jobs),
- the adaptation and implementation of accelerator IP, knowledge or know-how by local healthcare markets/industries, and
- the establishment of new business resulting from the accelerator activities

#### **4.2 Opportunities for internship, vocational training and learning experiences for undergraduate and graduate study**

The expectation is that all of the college’s academic divisions will have the opportunity for their students to partake in experiential learning opportunities at the undergraduate and graduate level.

Employment opportunities generated by StartUp Newburgh companies will provide the necessary training for employees to become valuable contributors to their endeavors. These experiences will also generate the skills necessary for the new economy thereby making the employees desirable to other businesses.

#### **4.3 Diversification of local economy**

As noted earlier, the Industry Ranking by Job Count in the Hudson Valley region showed healthcare related jobs first through sixth. The MHREDC also reported this past year’s expansions at several of the region’s hospitals. The MHREDC foresees job growth in the health care sector due to the implementation of the Affordable Care Act. Diversifying beyond this growth trend will be five-fold. The 1st area will be to utilize this existing healthcare, educational and social services assets as a research, product development and test bed, building opportunities/products that can be utilized by vital local industries. The 2nd area will include businesses that build upon the regions life science, environmental and farming/food focus. The 3<sup>rd</sup> area of diversification will be to build upon the clean technology sector which has been established albeit struggling in the region. The 4<sup>th</sup> area of diversification will address advanced

manufacturing processes and associated opportunities. The 5<sup>th</sup> area of diversification will address expanding on the established local artisanal business.

The potential for new business in the area is highly desirable, as it will facilitate Newburgh's economic expansion by utilizing its excellent infrastructure and strategic location. A commercialization launchpad that utilizes existing MSMC and local educational and business elements, and instills capability, confidence and processes is crucial to advancing the economic resurgence of the City of Newburgh and the Mid-Hudson region.

#### **4.4 Environmental sustainability**

This region is as sensitized to the value and sustainability of the environment as any area in the U.S. The City of Newburgh, sited on Newburgh Bay, offers a majestic view of the natural surroundings, including Storm King Mountain, the subject of a 1962 event that spawned the birth of the modern environmental movement and led to the National Environmental Policy Act (NEPA) and New York's State Environmental Quality Review Act (SEQRA). Across the river and in clear view from Newburgh is the Beacon Institute, another bastion of environmental study. Peter Seeger's Clearwater was founded within the sights of Newburgh. Newburgh is home to sustainable movement and it should also be home to sustainable emerging technologies. Local economic initiatives, such as "A River Of Opportunities-[www.newburghny.org](http://www.newburghny.org)", have been soliciting sustainable businesses in green and clean tech. A StartUp Newburgh endeavor would build upon this and aid businesses that are already seeking to relocate here.

Targeted StartUp Newburgh industries include businesses in food, life sciences and environmental development, clean energy technologies, traditional and holistic health care, education and new educational platforms or methods, and advanced manufacturing processes. They all have a critical basis in environmental sustainability.

#### **4.5 Entrepreneurship**

StartUp Newburgh intends to promote entrepreneurship within the typical fields of life science, healthcare technology, and business/management. Perhaps where StartUp Newburgh is most unique will be in the attempt to stimulate entrepreneurship in the fields of nursing and teaching. These areas traditionally train students for institutionalized service roles such as those in hospitals or schools and not those of entrepreneurial or inventive pursuit. However, it is our belief that teachers and nurses are uniquely qualified to pursue entrepreneurial endeavors. They are typically the key player at the point of constituent contact and the provider of medical or educational technology. This first hand vantage point provides the knowledge and opportunity to uncover new methods or technologies addressing products and solutions from a human or behavioral aspect. It would engage and encourage nursing and teaching students and professionals to brainstorm and develop solutions to healthcare and educational products that could only be derived from direct use and constituent contact. This viewpoint could also be the basis of a business opportunity that offers existing technology companies critical insight and market research on both constituent and provider roles and acceptance.

In addition to the aforementioned focus of StartUp Newburgh, entrepreneurship centered on broad based emerging technology, cultural trends, societal needs, environmental opportunities and food production/processing will be sought out and undertaken.

#### **4.6 Positive linkages to existing business not in competition with START-UP businesses, especially small scale businesses**

U.S. small business make up a major percentage of all new hiring, according to the U.S. Department of Commerce. Each company housed within StartUp Newburgh will require services from surrounding local entities such as office supplies, food, fuel, transportation and travel services. Once a business cluster is established and an atmosphere of business and services are present, it can be leveraged to attract major business employers. Utilizing the local region as a research center for new product development either from informational gathering or product testing scenarios will be valuable to both StartUpNY companies and established nearby metro NYC companies and will likely develop into a thriving StartUpNY business itself. Encouraging commercial pursuits based upon knowledge gained by working professionals in either government, social, educational or health roles will likely stimulate additional new business. Local trucking and transportation services, materials and supplies businesses, packing and fulfillment businesses, accounting and law services, as well as cleaning and maintenance services will benefit from the increased business due to a StartUpNY classification in the City of Newburgh.

#### **4.7 Boost to local economy**

A StartUpNY tax-free zone will generate great interest and draw business and jobs to the area. As noted above, the City of Newburgh is ripe for economic support, and provides excellent potential as a place to build businesses with its many available buildings. A willing and capable workforce is ready to get to work. Opportunities for their children would become available, thereby limiting the current and typical generational city flight.

#### **4.8 Magnet for economic and social growth**

Geographically the City of Newburgh is at crossroads of multiple interstate highways – Interstate Route 84 with east-west routes, Interstate Route 87 (NY State Thruway) with north-south routes, international air service (Stewart International Airport-Newburgh), commercial rail with intermodal facilities given its Hudson River Port, and maritime shipping. It's important to note that the Port of The City of Newburgh was a historic key to the industry and commerce of the Mid-Hudson Region. This port, which has both rail and road access, is a unique asset of the City of Newburgh that has been somewhat dormant in the near past but is currently being revitalized.

The strategic location, midway between New York City and Albany, at all transport crossroads and with easy access to other regional markets and business centers, and situated on arguably the most picturesque viewshed of the Hudson Highlands is becoming rediscovered as an ideal

location to live and work. Its attraction has lured young professionals and artisans being priced out of New York City area communities as well as those looking for alternative quality of life situations. As a small city, once a manufacturing, economic and cultural stalwart, but afflicted with corporate flight and urban blight over the last half century, it does have problems typical of such cities. However, the city has seen a number of promising social and cultural developments that point to renewal and its community is dedicated to advancing the cause at many levels. A StartUp Newburgh endeavor would be a welcome component to the city's resurgence by utilizing existing long term city stakeholders like Mount Saint Mary College, the healthcare and educational communities, concerned and dedicated citizens, and numerous supporting small business and workforces.

**5. A description of the process the campus or college will follow to select businesses to participate in the Tax-Free NY Program**

The StartUp Newburgh Review Committee will ensure that applicants meet the criteria of the academic mission of MSMC and the mission of HVCFI.

StartUp Newburgh will follow the admission guidelines of its partner, HVCFI. These admission policies include:

- Submitting and acceptance of the StartUpNY Application
- Completing the StartUp Newburgh Application
- Review and interview by the StartUp Newburgh Review Committee

This committee will consist of two Mount Saint Mary College members, two HVCFI members, the Chair of the School of Business or his/her designee, additional MSMC faculty as needed based on the applicant's business, and at least one member of the local IDA or City of Newburgh Economic Development representative. For certain technical or unusual applicants an ad hoc representative with subject matter expertise may be added. Final decision making authority rests with the MSMC representatives.

The process for selecting companies into the StartUp Newburgh program will be as follows:

1. Qualify companies that conform to the scope of StartUp Newburgh businesses as detailed in 3.1 and 3.2. They may be established, local, regional, distant or off-shore companies or companies who have graduated from a certified NY incubator.
2. Qualify companies that are aligned with the academic mission/programs of the college.
3. Qualify companies that have positive community and economic benefit.
4. Qualify the company's management team.
5. Qualify the validity/marketability of their business plan, product, process and service.
6. Qualify prospects for potential academic internships, collaboration or project funding.
7. Qualify prospects for local job creation, sustainability and ability to gain funding.
8. Qualify prospects for commitment to the StartUpNY program, MSMC and the HVCFI.

9. Obtain company signature of acceptance and commitment to StartUpNy and StartUp Newburgh.
10. Orientation process for StartUp Newburgh company. This will include aspects that include: academic department review, administrative processes, facility review and selection.
11. Ensure establishment of Academic/Mentorship/Business advisor review, schedule/timetable review as per needs defined in prior steps.
12. Ongoing periodic review process, evaluation, direction, remedial actions and sign-off.

- 6.1 **Conflict of interest guidelines – See attachment G**
- 6.2 **Attestation regarding tax-exempt bonds – See attachment H**
- 6.3 **Certification regarding non-elimination of space or programs – See attachment I**
- 6.4 **Certification of 30-day required submissions – See attachment J**
- 6.5 **Statement regarding accuracy and completion of application – See attachment K**

## CONFLICT OF INTEREST POLICY

1. **Scope.** The following statement of policy applies to each member of StartUp Newburgh. It is intended to serve as guidance for all persons participating in any capacity with StartUp Newburgh.
2. **Service.** Service as an official of Mount Saint Mary College shall not be used as a means for private benefit or inurement for the official, a relative thereof, or any entity in which the official, or relative thereof, has a business interest.
3. **Vendor.** No official who is a vendor or employee of a vendor of goods or services to Mount Saint Mary College, or who has a business interest in such vendor, or whose relative has a business interest in such vendor, shall vote on, or participate in the administration by the College as the case may be, of any transaction with such vendor.
4. **Disclosure.** Upon becoming aware of an actual or potential conflict of interest, an official shall advise the president of the College of his or her or a relative's business interest in any such existing or proposed vendor with the College
5. **Records.** The College shall maintain a written record of all disclosures of actual or potential conflicts of interest made pursuant to paragraph four (Disclosure) of this policy and shall report such disclosure, on a calendar year basis, by January 31<sup>st</sup> of each year, to the auditor for the College. The auditor shall forward such reports to the commissioner, who shall make public such reports.

The following definitions are provided to help you decide whether a relationship should be disclosed:

**Business Interest:** An official of the College has a business interest in an entity if the individual owns or controls ten percent or more of the stock of the entity (or one percent in the case of an entity the stock of which is regularly traded on an established securities exchange), or serves as an officer, director or partner of the entity.

**Relative:** A relative of an official of the College shall mean any person living in the same household as the individual and any person who is a direct descendant of that individual's grandparents or the spouse of such descendant.

**Official:** An official of the College shall mean an employee or other person involved in the administration of the College at the level of dean and above, a member of the college's board of trustees, as well as any other person with decision-making authority over the College's StartUp NY Program.



# Mount Saint Mary College

330 Powell Avenue, Newburgh, New York 12550 • [www.msmc.edu](http://www.msmc.edu)

August 5, 2014

Mr. Kenneth Adams, Commissioner  
N.Y.S. Department of Economic Development  
633 Third Avenue  
New York City, New York 10017

Dear Commissioner Adams:

This letter certifies that the information contained in the attached StartUpNY application submitted by Mount Saint Mary College for StartUp Newburgh, including all attachments, is complete and accurate to the best of our ability.

Sincerely,

A handwritten signature in blue ink that reads "Anne Carson Daly".

Anne Carson Daly  
President



# Mount Saint Mary College

330 Powell Avenue, Newburgh, New York 12550 • [www.msmc.edu](http://www.msmc.edu)

August 5, 2014

Mr. Kenneth Adams, Commissioner  
N.Y.S. Department of Economic Development  
633 Third Avenue  
New York City, New York 10017

Dear Commissioner Adams:

This letter serves to attest that the property identified in attachment A of the StartUpNY application (StarUp Newburgh) has not been financed with any tax-exempt bonds. In addition, Mount Saint Mary College has not relocated or eliminated any academic programs, administrative programs, offices, housing facilities, dining facilities, athletic facilities, or any other facility, space or program that actively serves students, faculty or staff in order to create vacant land or space to be designated as a Tax-Free NY Area. In addition, as noted in attachments J1 and J2, this letter also attests that the College notified the City of Newburgh Mayor and Economic Development Director more than 30 days ago of our intention to pursue a StartUp NY site at the property identified in attachment A. Both the Mayor and the Economic Development Director attended the June 20, 2014 press conference where we jointly announced the plan.

Sincerely,

  
Anne Carson Daly  
President

StartUp Newburgh  
Attachment A

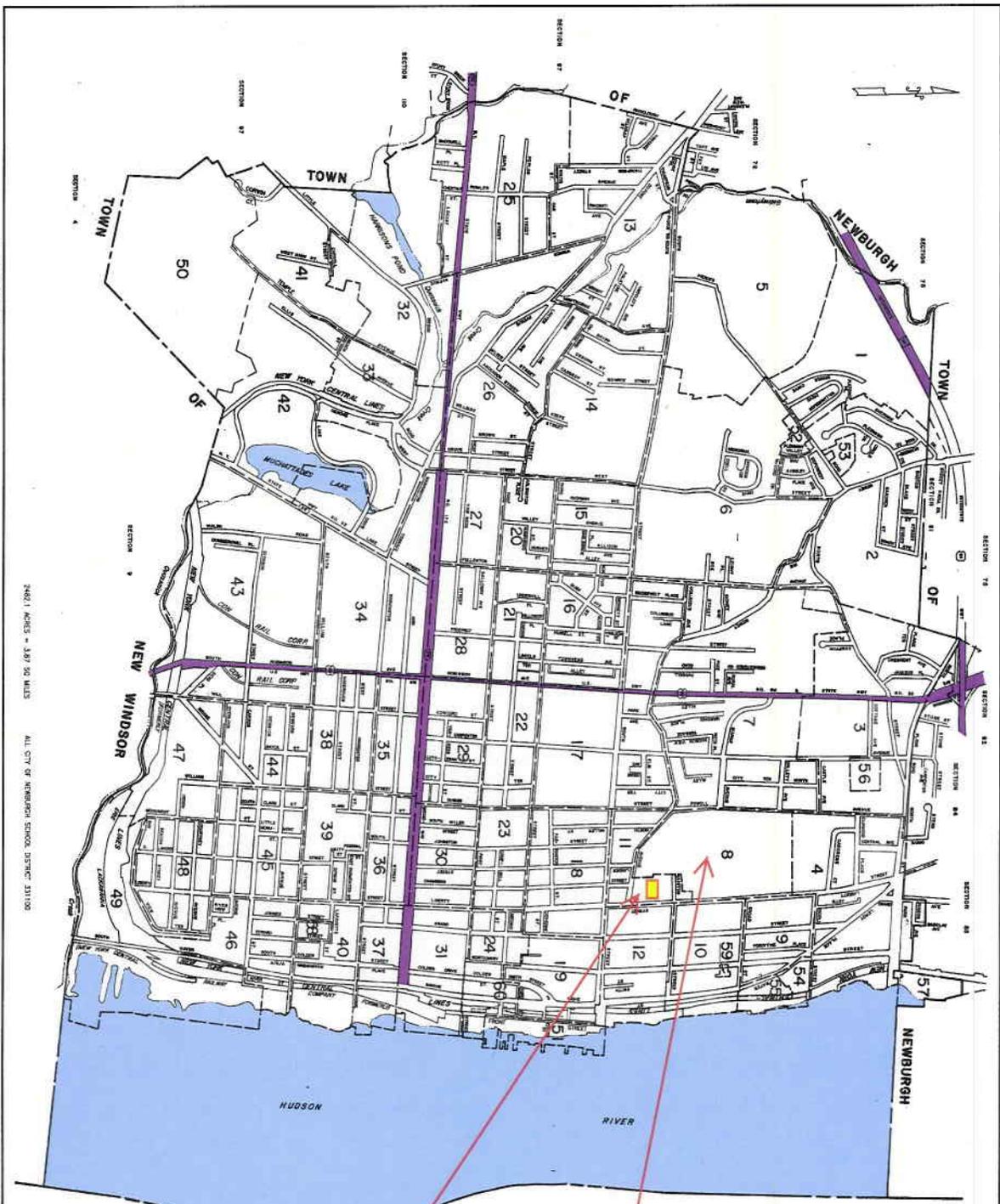
Location	Property owner	Property type	Street address	City	County	Zip code	Parcel ID#	Space type	SqFt	Acres	Description	On-campus	W/in 1 mile of campus	Latitude	Longitude	Note
City of Newburgh	R.H. Campbell, Inc.	1	337 Liberty St.	Newburgh	Orange	12550	Tax map# 331100 S.B.L. # 11-4-29	B	7,698	N/A	2nd floor	Yes	No	41.508372	-74.011069	Leased
City of Newburgh	R.H. Campbell, Inc.	1	351 Liberty St.	Newburgh	Orange	12550	Tax map#331100 S.B.L. # 11-4-25	D	n/a	0.1	Parking lot	Yes	No	41.508722	-74.011203	Leased

**Property Type**

- 1 - on campus
- 2 - 1 mile off campus
- 3 - State asset

**Space Type**

- A - Entire building
- B - Floor within building
- C - Room within building
- D - Land on campus
- E - Land off campus
- F - Entire building off campus
- G - Partial building off campus
- H - State asset



**LEGEND**

SECTION 1	SECTION 2	SECTION 3	SECTION 4	SECTION 5	SECTION 6	SECTION 7	SECTION 8	SECTION 9	SECTION 10	SECTION 11	SECTION 12	SECTION 13	SECTION 14	SECTION 15	SECTION 16	SECTION 17	SECTION 18	SECTION 19	SECTION 20	SECTION 21	SECTION 22	SECTION 23	SECTION 24	SECTION 25	SECTION 26	SECTION 27	SECTION 28	SECTION 29	SECTION 30	SECTION 31	SECTION 32	SECTION 33	SECTION 34	SECTION 35	SECTION 36	SECTION 37	SECTION 38	SECTION 39	SECTION 40	SECTION 41	SECTION 42	SECTION 43	SECTION 44	SECTION 45	SECTION 46	SECTION 47	SECTION 48	SECTION 49	SECTION 50
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**ORANGE COUNTY-NEW YORK**

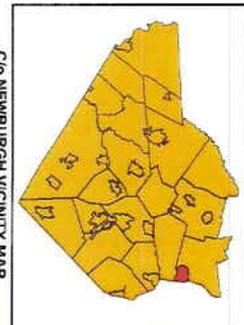
NOTICE: THE CITY OF NEWBURGH HAS ADOPTED THE PLAN FOR THE DESIGNATION OF THE DESIGNATED AREA FOR THE PURPOSES OF THE STATE OF NEW YORK. THE DESIGNATED AREA IS SHOWN IN YELLOW ON THIS MAP. THE DESIGNATED AREA IS NOT TO BE USED FOR CONVEYANCE OF REAL PROPERTY WITHOUT THE EXPRESS PERMISSION OF THE CITY OF NEWBURGH.



**CITY OF NEWBURGH**

Scale 1" = 800' Section No. KEY MAP AND 60 SECTIONS

Designated Area (337 & 351 Liberty Street)  
 Mount Saint Mary College Campus (Section 8)

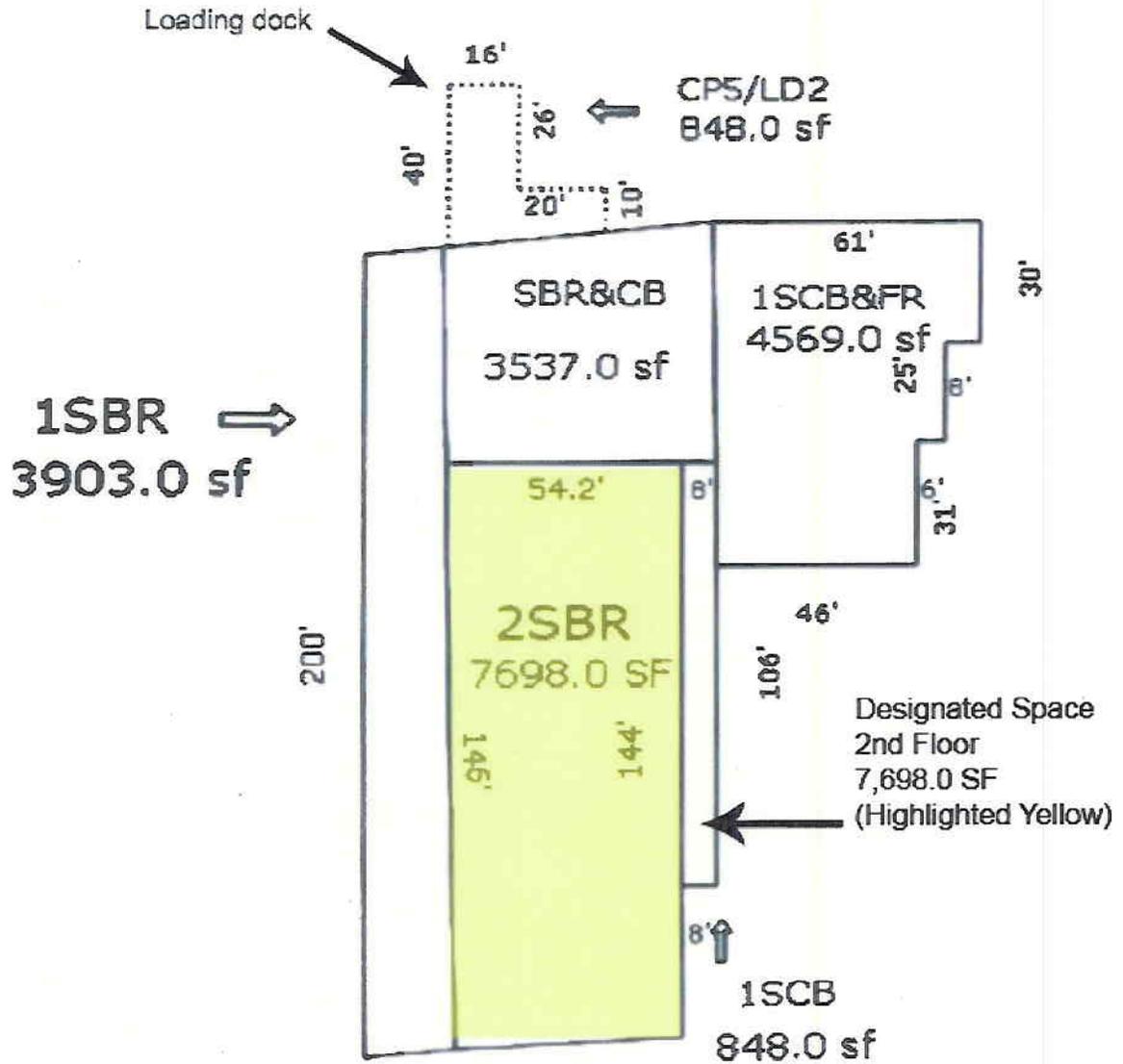


Attachment B

REVISION  
 03/01/03  
 11/24/03  
 08/07/06  
 03/17/08



337 Liberty Street  
Newburgh, N.Y.



Building Square Footage

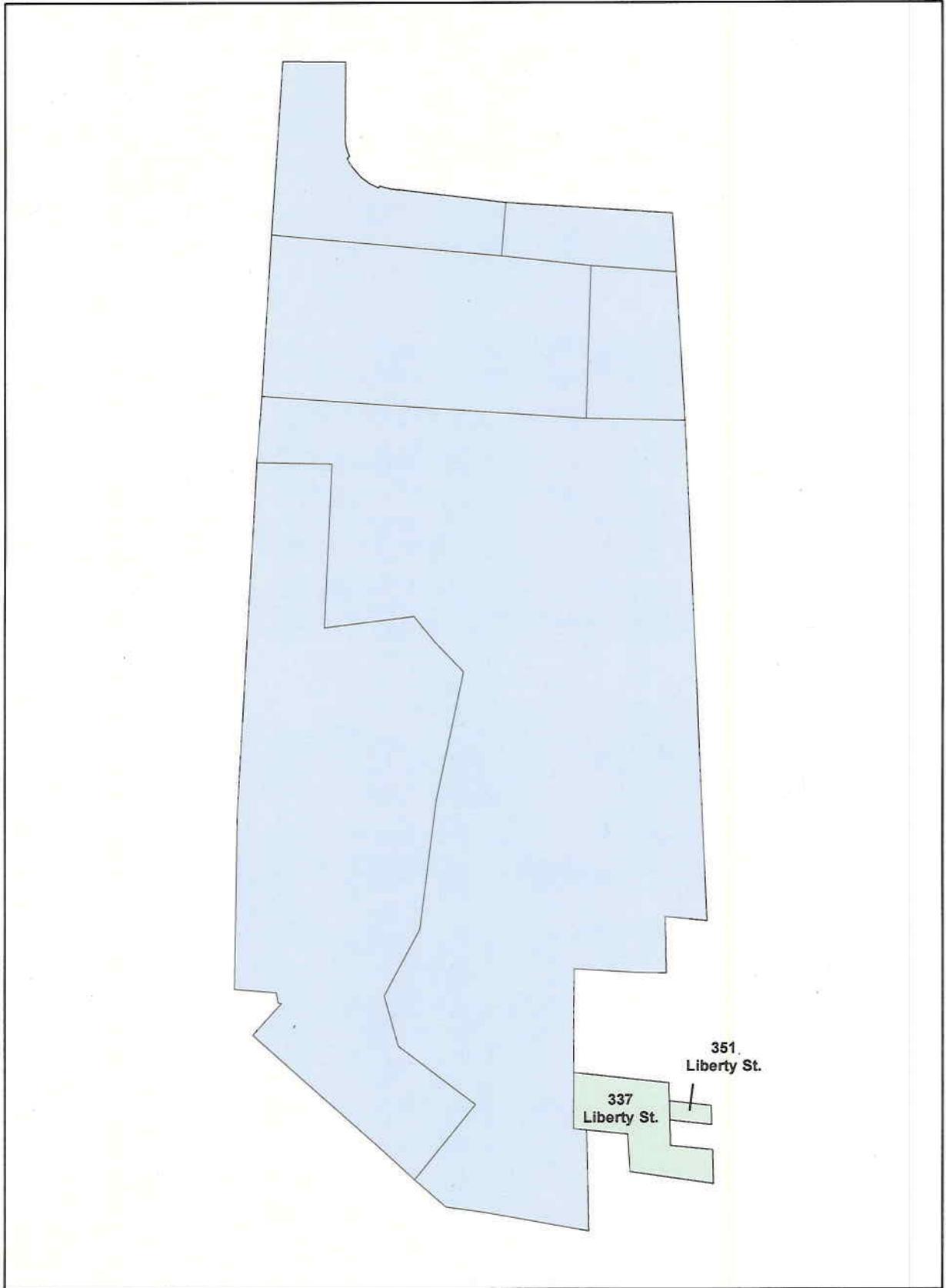
1st floor:  $3903 + 3537 + 7698 + 4569 + 848 = 20555$

2nd floor:  $3537 + 7698 = 11235$

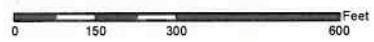
Total =  $20555 + 11235 = 31790$

Attachment D

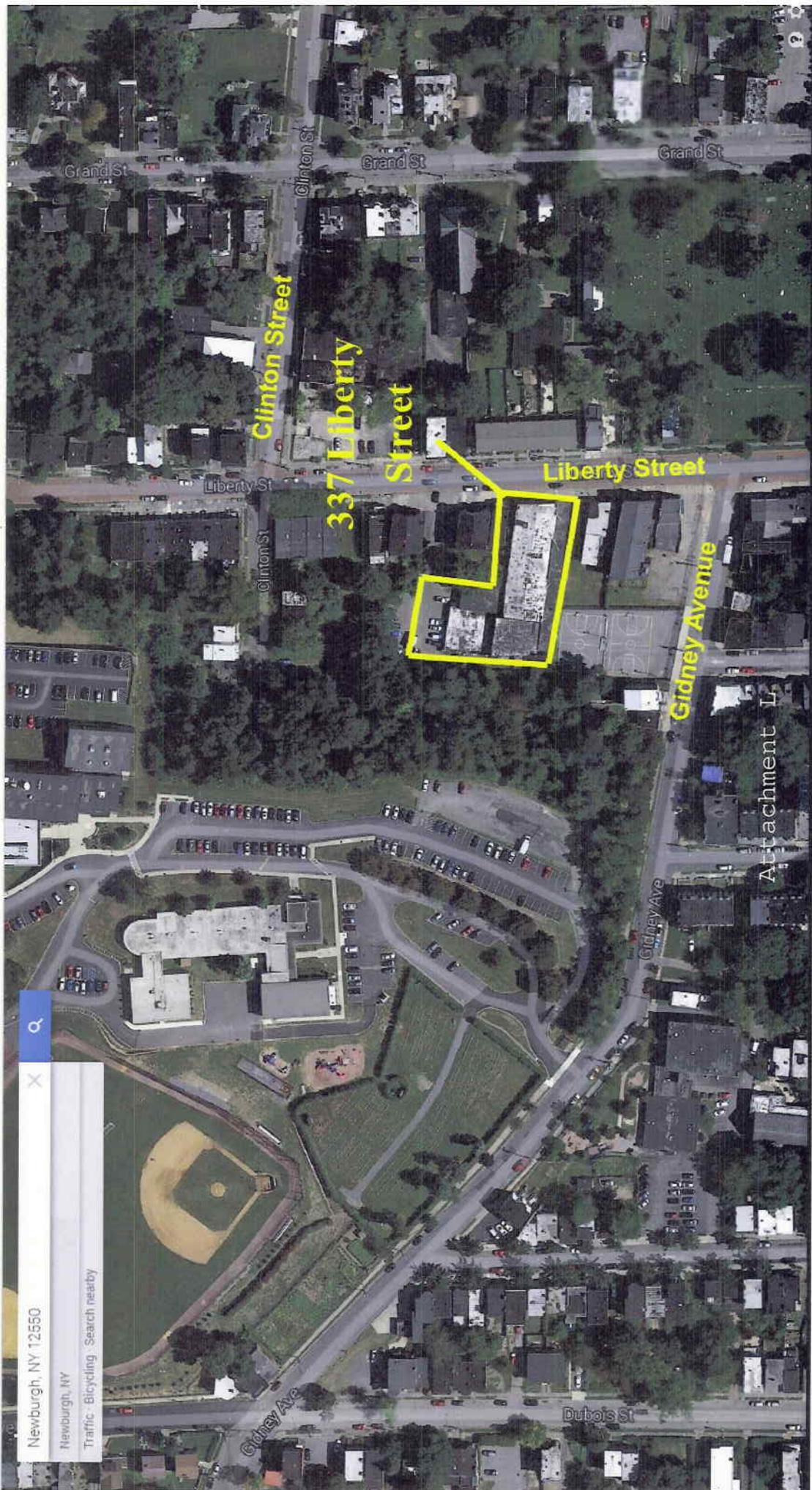
# Designated Space Map



Mount St. Mary Parcels  
Selected Parcels



7/31/14



Newburgh, NY 12550  
Newburgh, NY  
Traffic - Bicycling - Search nearby

Attachment L