

**MINUTES OF THE MEETING OF THE  
HOUSING TRUST FUND CORPORATION (HTFC)  
HELD ON NOVEMBER 10, 2016 AT 10:00 A.M.**

Locations: New York State Homes and Community Renewal, 641 Lexington Avenue,  
New York, New York  
New York State Homes and Community Renewal, 38-40 State Street,  
Commissioner's Conference Room, Albany, New York  
Locations connected by video-conference

**MEMBERS PRESENT:**

James S. Rubin, Chairman  
Marian Zucker representing William C. Thompson, Member

**OTHERS PRESENT:**

Sean Fitzgerald  
Bret Garwood  
Hillary Gunther  
Linda Manley  
Jason Pearson  
Jason Purvis  
Stacey Mickle  
Heather Spitzberg

There was a quorum with two Members present. Ms. Zucker made a motion to call to order the meeting of the Members of HTFC. The motion was seconded by Chairman Rubin.

**The first item on the agenda was the approval of the minutes of the meeting held on October 13, 2016.** The minutes were unanimously approved and adopted.

**The next item on the agenda was a resolution authorizing awards under the Supportive Housing Opportunity Program ("SHOP") and Homes for Working Families ("HWF") Program for Heritage Gardens.** There was no presentation requested on the award recommendations.

Ms. Zucker moved to adopt the resolution; Chairman Rubin seconded the motion, and the following resolution was adopted:

Section 1. The Members hereby authorize an award of up to \$2,150,000 under the HWF Program for Heritage Gardens.

Section 2. The Members hereby authorize an award of up to \$1,200,000 under SHOP for Heritage Gardens.

Section 3. The Members hereby provide that this authorization will lapse 360 days after the effective date of this resolution if a closing on all sources of construction financing sufficient to complete the project has not occurred.

Section 4. The Members hereby authorize the President of the Office of Finance and Development and the Senior Vice President of the Office of Finance and Development to execute any documents which may be necessary and appropriate to effectuate the purposes of this resolution.

Section 5. This resolution shall take effect immediately.

**The next item presented was a resolution authorizing an award under the HWF Program for Blue Heron Trail I Apartments.** There was no presentation requested on the award recommendation.

Ms. Zucker moved to adopt the resolution; Chairman Rubin seconded the motion, and the following resolution was adopted:

Section 1. The Members hereby authorize an award of up to \$2,061,500 under the HWF Program for Blue Heron Trail I Apartments.

Section 2. The Members hereby provide that this authorization will lapse 360 days after the effective date of this resolution if a closing on all sources of construction financing sufficient to complete the project has not occurred.

Section 3. The Members hereby authorize the President of the Office of Finance and Development, the Senior Vice President of the Office of Finance and Development, or any authorized officer to execute any documents which may be necessary and appropriate to effectuate the purposes of this resolution.

Section 4. This resolution shall take effect immediately.

**The next item presented was a resolution authorizing an award under SHOP for Temple Hills II & Bella Vista I Apartments.** There was no presentation requested on the award recommendation.

Ms. Zucker moved to adopt the resolution; Chairman Rubin seconded the motion, and the following resolution was adopted:

Section 1. The Members hereby authorize the administration of SHOP funds and an award of up to \$8,325,946 under SHOP for Temple Hills II & Bella Vista I Apartments.

Section 2. The Members hereby provide that this authorization will lapse 360 days after the effective date of this resolution if a closing on all sources of construction financing sufficient to complete the project has not occurred.

Section 3. The Members hereby approve the entering into of a regulatory agreement with the applicant, upon its satisfactory compliance with any pre-contract conditions as required by statute or regulation.

Section 4. The Members hereby authorize the President of the Office of Finance and Development or another authorized officer of HTFC to execute any documents which may be necessary and appropriate to effectuate the purposes of this resolution.

Section 5. This resolution shall take effect immediately.

**The next item presented was a resolution authorizing an award under the HWF Program for Crossroads at Baldwin Place.** There was no presentation requested on the award recommendation.

Ms. Zucker moved to adopt the resolution; Chairman Rubin seconded the motion, and the following resolution was adopted:

Section 1. The Members hereby authorize an award of up to \$818,000 under the HWF Program for Crossroads at Baldwin Place.

Section 2. The Members hereby provide that this authorization will lapse 360 days after the effective date of this resolution if a closing on all sources of construction financing sufficient to complete the project has not occurred.

Section 3. The Members hereby authorize the President of the Office of Finance and Development, the Senior Vice President of the Office of Finance and Development, or any authorized officer to execute any documents which may be necessary and appropriate to effectuate the purposes of this resolution.

Section 4. This resolution shall take effect immediately.

**The next item presented was a resolution authorizing an award under SHOP for West Middle School Apartments.** There was no presentation requested on the award recommendation.

Ms. Zucker moved to adopt the resolution; Chairman Rubin seconded the motion, and the following resolution was adopted:

Section 1. The Members hereby authorize the administration of SHOP funds and an award of up to \$2,565,258 under SHOP for West Middle School Apartments.

Section 2. The Members hereby provide that this authorization will lapse 360 days after the effective date of this resolution if a closing on all sources of construction financing sufficient to complete the project has not occurred.

Section 3. The Members hereby approve the entering into of a regulatory agreement with the applicant, upon its satisfactory compliance with any pre-contract conditions as required by statute or regulation.

Section 4. The Members hereby authorize the President of the Office of Finance and Development or another authorized officer of HTFC to execute any documents which may be necessary and appropriate to effectuate the purposes of this resolution.

Section 5. This resolution shall take effect immediately.

**The next item on the agenda was a resolution authorizing an award under SHOP for Upper Falls Square Apartments.** There was no presentation requested on the award recommendation.

Ms. Zucker moved to adopt the resolution; Chairman Rubin seconded the motion, and the following resolution was adopted:

Section 1. The Members hereby authorize the administration of SHOP funds and an award of up to \$9,050,000 under SHOP for Upper Falls Square Apartments.

Section 2. The Members hereby provide that this authorization will lapse 360 days after the effective date of this resolution if a closing on

all sources of construction financing sufficient to complete the project has not occurred.

Section 3. The Members hereby approve the entering into of a regulatory agreement with the applicant, upon its satisfactory compliance with any pre-contract conditions as required by statute or regulation.

Section 4. The Members hereby authorize the President of the Office of Finance and Development or another authorized officer of HTFC to execute any documents which may be necessary and appropriate to effectuate the purposes of this resolution.

Section 5. This resolution shall take effect immediately.

**The next item presented was a resolution authorizing an award under the HWF Program for Moxie A. Rigby Apartments.** Mr. Garwood presented the recommendation for up to \$500,000 and described the project. He stated that the award would enable the project to apply for additional resources including resources from other HCR resources and project-based vouchers.

Ms. Zucker requested that the funds for the project be recaptured if the project does not move forward within a certain time.

Mr. Garwood responded that the award letter would account for such limitation and would define an expiration date of the award.

Ms. Zucker moved to adopt the resolution; Chairman Rubin seconded the motion, and the following resolution was adopted:

Section 1. The Members hereby authorize an award of up to \$500,000 under the HWF Program for Moxie A. Rigby Apartments.

Section 2. The Members hereby provide that this authorization will lapse 360 days after the effective date of this resolution if a closing on all sources of construction financing sufficient to complete the project has not occurred.

Section 3. The Members hereby authorize the President of the Office of Finance and Development, the Senior Vice President of the Office of Finance and Development, or any authorized officer to execute any documents which may be necessary and appropriate to effectuate the purposes of this resolution.

Section 4. This resolution shall take effect immediately.

**The next item on the agenda was a resolution authorizing an award under the Urban Initiatives Program for Ethel T. Chamberlain House.** Mr. Fitzgerald presented the award recommendation of up to \$21,789 for Ethel T. Chamberlain House. He stated Urban Initiatives funds have been returned to HTFC and made available for the project, and as such, a corresponding reduction in previously awarded Medicaid Redesign Team funds was being recommended.

Ms. Zucker moved to adopt the resolution; Chairman Rubin seconded the motion, and the following resolution was adopted:

Section 1. The Members hereby authorize an award under the Urban Initiatives Program in an amount up to \$21,789 for Ethel T. Chamberlain House and authorize a corresponding reduction of the MRT award previously authorized for Ethel T. Chamberlain House.

Section 2. The Members hereby provide that this authorization will lapse 360 days after the effective date of this resolution if a closing on all sources of construction financing sufficient to complete the project has not occurred.

Section 3. The Members hereby authorize the President of the Office of Finance and Development, the Senior Vice President of the Office of Finance and Development, or any authorized officer to execute any documents which may be necessary and appropriate to effectuate the purposes of this resolution.

Section 4. This resolution shall take effect immediately.

**The next item on the agenda was a resolution authorizing an award under the Community Development Block Grant (“CDBG”) Program for economic development to the Village of Middleburgh.** Mr. Purvis presented the award recommendation. He described the new grocery store project and highlighted that the project is proposed to create 25 full-time equivalent jobs over two years, with 19 (76%) to benefit low- and moderate- income persons.

Ms. Zucker moved to adopt the resolution; Chairman Rubin seconded the motion, and the following resolution was adopted:

Section 1. The Members hereby authorize an award of CDBG Program funds for economic development to the Village of Middleburgh in an amount up to \$375,000 to assist Middleburgh Valley Market.

Section 2. The Members hereby authorize HTFC to enter into regulatory agreements with the applicant, upon its satisfactory compliance with any pre-contract conditions as required by statute or regulation, and upon such terms and conditions as set forth in the program guidelines.

Section 3. The Members hereby authorize the President of the Office of Community Renewal or another authorized officer, subject to the provisions of this resolution, to execute any documents which may be necessary and appropriate to effectuate the purposes of this resolution.

Section 4. This resolution shall take effect immediately.

**The next item presented was a resolution authorizing an award under the CDBG Program for economic development to the Village of Catskill.** Mr. Purvis described the project for the opening of a second, larger brewing facility for Crossroads Brewing Company, Inc. He highlighted that the project is expected to create 22 full-time jobs over two years, with 13 (59%) to benefit low- and moderate- income persons.

Ms. Zucker moved to adopt the resolution; Chairman Rubin seconded the motion, and the following resolution was adopted:

Section 1. The Members hereby authorize an award of CDBG Program funds for economic development to the Village of Catskill in an amount up to \$322,000 to assist Crossroads Brewing Company, Inc. in expanding its operations.

Section 2. The Members hereby authorize HTFC to enter into regulatory agreements with the applicant, upon its satisfactory compliance with any pre-contract conditions as required by statute or regulation, and upon such terms and conditions as set forth in the program guidelines.

Section 3. The Members hereby authorize the President of the Office of Community Renewal or another authorized officer, subject to the provisions of this resolution, to execute any documents which may be necessary and appropriate to effectuate the purposes of this resolution.

Section 4. This resolution shall take effect immediately.

**The next item presented was a resolution authorizing an award under the CDBG Program for economic development to the Village of Celoron.** Mr. Purvis described the project for the opening of a new destination hotel by Chautauqua Harbor Hotel, LLC. He highlighted that the project is expected to create 81 full-time jobs over two years, with 68 (84%) to benefit low- and moderate- income persons.

Ms. Zucker moved to adopt the resolution; Chairman Rubin seconded the motion, and the following resolution was adopted:

Section 1. The Members hereby authorize an award of CDBG Program funds for economic development to the Village of Celoron in an amount up to \$750,000 to assist Chautauqua Harbor Hotel, LLC. in expanding its operations.

Section 2. The Members hereby authorize HTFC to enter into regulatory agreements with the applicant, upon its satisfactory compliance with any pre-contract conditions as required by statute or regulation, and upon such terms and conditions as set forth in the program guidelines.

Section 3. The Members hereby authorize the President of the Office of Community Renewal or another authorized officer, subject to the provisions of this resolution, to execute any documents which may be necessary and appropriate to effectuate the purposes of this resolution.

Section 4. This resolution shall take effect immediately.

**The next item on the agenda was a resolution authorizing an award under the New York Main Street Technical Assistance Program to Northeast Community Council, Inc.** Mr. Purvis gave an overview of the New York Main Street Technical Assistance Program and presented the award recommendation for up to \$18,500 to Northeast Community Council, Inc. for an architectural feasibility studies.

Ms. Zucker moved to adopt the resolution; Chairman Rubin seconded the motion, and the following resolution was adopted:

Section 1. The Members hereby authorize an award under the NYMS Technical Assistance Program in an amount up to \$18,500 to Northeast Community Council, Inc. for architectural feasibility studies.

Section 2. The Members hereby approve the entering into of regulatory agreement with the applicant, upon its satisfactory compliance with any pre-contract conditions as required by statute or regulation, and upon such terms and conditions as set forth in the NYMS or NYMS Technical Assistance Program guidelines, as applicable.

Section 3. The Members hereby authorize the President of the Office of Community Renewal or another authorized officer of HTFC, subject to the provisions of this resolution, to execute any documents which may be necessary and appropriate to effectuate the purposes of this resolution.

Section 4. This resolution shall take effect immediately.

**The next item on the agenda was a resolution authorizing an award under the New York Main Street Technical Assistance Program to Otsego Rural Housing Assistance, Inc.** Mr. Purvis presented the award recommendation for up to \$19,000 to Otsego Rural Housing Assistance, Inc. for the Cherry Valley school conversion project.

Ms. Zucker moved to adopt the resolution; Chairman Rubin seconded the motion, and the following resolution was adopted:

Section 1. The Members hereby authorize an award under the NYMS Technical Assistance Program in an amount up to \$19,000 to Otsego Rural Housing Assistance, Inc. for the Cherry Valley school conversion project.

Section 2. The Members hereby approve the entering into of regulatory agreement with the applicant, upon its satisfactory compliance with any pre-contract conditions as required by statute or regulation, and upon such terms and conditions as set forth in the NYMS or NYMS Technical Assistance Program guidelines, as applicable.

Section 3. The Members hereby authorize the President of the Office of Community Renewal or another authorized officer of HTFC, subject to the provisions of this resolution, to execute any documents which may be necessary and appropriate to effectuate the purposes of this resolution.

Section 4. This resolution shall take effect immediately.

**The next item on the agenda was a resolution authorizing an award under the New York Main Street Technical Assistance Program to the City of Geneva.** Mr. Purvis presented the award recommendation for up to \$20,000 to the City of Geneva for the Dove Block feasibility study.

Ms. Zucker moved to adopt the resolution; Chairman Rubin seconded the motion, and the following resolution was adopted:

Section 1. The Members hereby authorize an award under the NYMS Technical Assistance Program in an amount up to \$20,000 to the City of Geneva for the Dove Block feasibility study.

Section 2. The Members hereby approve the entering into of regulatory agreement with the applicant, upon its satisfactory compliance with any pre-contract conditions as required by statute or regulation, and upon such terms and conditions as set forth in the NYMS or NYMS Technical Assistance Program guidelines, as applicable.

Section 3. The Members hereby authorize the President of the Office of Community Renewal or another authorized officer of HTFC, subject to the provisions of this resolution, to execute any documents which may be necessary and appropriate to effectuate the purposes of this resolution.

Section 4. This resolution shall take effect immediately.

**The next item on the agenda was a resolution adopting the Internal Audit Department Charter for the Governor’s Office of Storm Recovery (“GOSR”).**

Ms. Zucker asked how this audit department charter compares with other charters.

Ms. Manley indicated that this audit department charter was compared with other committee charters and represented that the charter was similar with the primary exception that this charter recognizes that the GOSR Executive Director has day-to-day supervisory oversight over the internal auditor.

Ms. Gunther clarified that the intention of having the Executive Director oversee the internal auditor is for efficiency based on the fact that the Executive Director is familiar with the CDBG Disaster Recovery Program. The Executive Director can ensure that the internal auditor remains relevant in his audits, complies with a timeline, and the Executive Director can prevent duplicative audits on a federal and state level.

Ms. Manley indicated that the various members of the legal department discussed this charter.

Ms. Zucker moved to adopt the resolution; Chairman Rubin seconded the motion, and the following resolution was adopted:

Section 1. The Members hereby approve the GOSR Internal Audit Department Charter.

Section 2. This resolution shall take effect immediately.

**The next item on the agenda was a resolution approving the SEQRA documentation and classification of the environmental impact of Parkside Terrace, Blue Heron Trail, Sunrise Acres III and Ridge Road Independent Living 2015.** Ms. Manley noted that Ridge Road Independent Living 2015 was a new submission for consideration. Ms. Spitzberg presented the four projects for negative declarations. With respect to Sunrise Acres III, she stated that the project was classified as Type 1 due to the fact that the project occurred in an area with no zoning; however, all projects were deemed to have no adverse environmental impact.

The resolution was amended to add approval of the SEQRA documentation and classification of the environmental impact of Ridge Road Independent Living 2015.

Ms. Zucker moved to adopt the resolution, as amended; Chairman Rubin seconded the motion, and the following resolution was adopted:

Section 1. The Members hereby accept the SEQRA documentation for Parkside Terrace, Blue Heron Trail, and Ridge Road Independent Living 2015 and hereby adopt the recommendations that the projects be classified as unlisted actions with negative declarations under SEQRA.

Section 2. The Members hereby accept the SEQRA documentation for Sunrise Acres III and hereby adopt the recommendation that the project be classified as Type 1 with a negative declaration under SEQRA.

Section 3. The Members hereby authorize Heather Spitzberg as SEQRA Officer or any authorized agent or officer to execute any documents in accordance with the applicable provisions of law to effectuate the purpose of this resolution.

Section 4. This resolution shall take effect immediately.

**The next item on the agenda was a resolution authorizing the renewal of contracts for technical assistance services.** Mr. Purvis presented the recommendation to renew contracts with 11 firms for technical assistance services. He described the original RFP and procurement process for the services, and indicated that this was the 5<sup>th</sup> contract year for the services with rates set forth in the original RFP. He reported that the services from these firms have been used across the Corporation and agency in various departments.

Ms. Zucker moved to adopt the resolution, as amended; Chairman Rubin seconded the motion, and the following resolution was adopted:

Section 1. The Members hereby approve the renewal of contracts with the firms identified below for a one-year term from January 1, 2017 to December 31, 2017:

Franke Consulting Group  
Environmental Education Associates, Inc.  
Landair, Inc.  
The Smith Group  
Downtown Revitalization Group  
Thompson Economic Development Services, LLC  
NYS Rural Housing Coalition, Inc.  
Neighborhood Preservation Coalition, Inc.  
Sacks Communication & A.L. Consulting  
Cornell Cooperative Extension of Albany County

Section 2. The Members hereby authorize the President of the Office of Community Renewal or another authorized officer of the Corporation to execute any documents which may be necessary and appropriate to effectuate the purposes of this resolution.

Section 3. This resolution shall take effect immediately.

**The next item on the agenda was a resolution authorizing contracts for Davis Bacon services.** Mr. Fitzgerald presented the recommendation to extend the term of contracts for Davis Bacon prevailing wage monitoring services to a total of five years and to revise compensation up to an amount not to exceed \$1,120,000 for total expenditures among all firms on the panel for the period that commenced in November 2015 and ending in November 2020. He highlighted the use of the services of EMG and the Corporation's satisfaction with its services.

Ms. Zucker moved to adopt the resolution, as amended; Chairman Rubin seconded the motion, and the following resolution was adopted:

Section 1. The Members hereby authorize the Corporation to enter into contracts with Firms on the Corporation's Panel for the provision of Davis Bacon Services, on an "as-needed" basis, for up to a five period (November 2015 to November 2010) and up to an amount not to exceed \$1,120,000 for total expenditures among all firms on the Panel for the period commencing November 2015 and ending November 2020.

Section 2. The Chief Executive Officer, or another designated Senior Officer of the Corporation, is hereby authorized, subject to this

resolution, to execute any documents which may be necessary and appropriate to effectuate the purposes of this resolution.

Section 3. This resolution shall take effect immediately.

The remaining items on the agenda were informational items and no board action was taken.

**The next item presented was a review of the status of multifamily projects.** Mr. Fitzgerald stated that there is a discussion on how to incentivize sponsors to move projects forward as quickly as possible.

Chairman Rubin asked if there is a pipeline review scheduled.

Mr. Fitzgerald indicated that another pipeline review is scheduled for the upcoming week.

**The next item on the agenda was a review of authorized contracts under GOSR.**

**The next item on the agenda was a review of updates to certifications of proficient controls, processes, and procedures of GOSR.**

**The next item on the agenda was a review of SEQRA concur summaries.**

**The next item on the agenda was a review of SEQRA Type 2 projects.**

**The next item on the agenda was a review of awards previously approved by the board for Norwood Terrace.** On October 26, 2016, the Members passed the following resolution:

Section 1. The Members hereby authorize an award of \$4,000,000 in available HWF funds, which will be combined with \$294,529.93 in available MRT funds previously authorized by the Members for Norwood Terrace.

Section 2. The Members hereby authorize the HWF Program funds to be replaced with MRT funds once MRT funds are available and/or that an amount up to \$4,294,529.93 be replaced with up to \$4,294,529.93 in

SHOP funds, if eligibility or a waiver of eligibility for SHOP funds can be secured, once SHOP funds are available.

Section 3. The Members hereby authorize the transfer of funds from SHOP or the MRT Program to the HWF Program in accordance with Section 2 once corresponding SHOP or MRT funds are available.

Section 4. The Members hereby authorize the President of the Office of Finance and Development or another officer of HTFC, subject to the provisions of this resolution, to execute any documents which may be necessary and appropriate to effectuate the purposes of this resolution.

Section 5. This resolution shall take effect immediately.

There being no unfinished business, Chairman Rubin moved to adjourn the meeting; Ms. Zucker seconded the motion, and the meeting was adjourned at 11:00 a.m.