

**David A. Paterson
Governor**



**Brian E. Lawlor
Chairperson**

**New York State Housing Trust Fund Corporation
Hampton Plaza
38-40 State Street
Albany, NY 12207**

**MINUTES OF THE
TWO HUNDRED SIXTY NINTH MEETING
OF THE MEMBERS OF THE
HOUSING TRUST FUND CORPORATION**

Time and Date: 11:00 a.m., March 30, 2010

Location: 38-40 State St., Albany, New York

Members Present: Brian E. Lawlor, Karen Hunter and Jennifer McCormick

Others in attendance in Albany:

Gary Hallock	President - OCD
Sean Fitzgerald	Vice President - OCD
Joseph Rabito	President - OCR
Michael Skrebutenas	President – OHM
Gary R. Connor	Counsel
Catherine Johnson	Treasurer
Frank Markowski	Assistant Treasurer
Sean P. Shea	Secretary
Gregory Watson	DHCR
Joseph Fryer	DHCR
Barbara Wigzell	DHCR
Michael Debonis	DHCR

Approval of the Minutes of the February 23, 2010 Meeting

After full discussion, upon motion made by Ms. McCormick and second made by Ms. Hunter, the minutes of the February 23, 2010 meeting were unanimously adopted.

2010-2011 Corporation Budget

Mr. Markowski presented the resolution to the Members for their consideration.

Highlights

- The budget has one new sub-budget for the Sustainable Neighborhoods Demonstration Program. Otherwise the budget follows the original submission. The Housing Finance Agency and the Corporation will each contribute \$ 1,000,000 to fund the new program.

After full discussion and upon motion duly made by Ms. Hunter, seconded by Ms. McCormick and unanimously approved, the following motion was adopted:

RESOLVED that the annexed budget is hereby adopted, subject to the adoption of the State Budget, as the Corporation's Budget for the fiscal year 2010-2011; and be it further

RESOLVED that the Treasurer or Assistant Treasurer may make such non-material amendments to the budget as necessary for the efficient fiscal management of the Corporation, and may make such other amendments to the budget as necessitated by any subsequent resolution of the Members, and shall report any budget amendments to the Chief Executive Officer as soon as practicable and shall report on at least a quarterly basis on the status of the budget to the Members, and be it further

RESOLVED that the Chief Executive Officer is hereby authorized and directed to file the annexed budget as required by law,

Treasurer's Report:

Mr. Markowski presented the report to the Members for their consideration.

Highlights:

- **The target date for implementation of the banking services agreement with the Bank of America has been moved to June 1, 2010 to allow for outreach.**

Amendment of the Corporation's By-Laws

Mr. Conner presented the resolution to the Members for their consideration.

Highlights:

- **The proposed amendments incorporate the expanded duties required by the recent amendment to the Public Authorities Laws.**
- **Since the number of Members of the Corporation is insufficient to have separate committees, the duties of the committees required by the amendment are being assigned to the Members as a whole. The Authorities Budget Office has approved this approach.**

After full discussion and upon motion duly made by Ms. McCormick, seconded by Ms. Hunter and unanimously approved, the following motion was adopted:

RESOLVED that the Corporation's By-Laws are amended by the amending Section 3 of Article II to read as follows:

Section 3. Roles and Responsibilities. Members shall:

- (a) execute direct oversight of the Chief Executive Officer and other Officers in the effective and ethical management of the Corporation;**
- (b) understand, review and monitor the implementation of fundamental financial and management controls and operational decisions of the Corporation;**
- (c) approve the hiring of a certified independent accounting firm and provide direct oversight of the performance of the independent audit performed by the accounting firm;**
- (d) be familiar with corporate financial and accounting practices;**
- (e) establish policies regarding the payment of salary, compensation and reimbursements to employees;**

(f) keep apprised of, and review, current best government practices, recommend updates to the Corporation's governance principles, advise appointing authorities on the skills and experience required of potential board members, oversee a board self-evaluation and ensure that by-laws include the rules and procedures for conduct of board business;

(g) adopt a code of ethics applicable to each Member, Officer and employee and examine ethical and conflict of interest issues; and

(h) establish written policies and procedures on personnel including policies protecting employees from retaliation for disclosing information concerning acts of wrongdoing, misconduct, malfeasance, or other inappropriate behavior by a Member, Officer or employee of the Corporation, investments, travel, acquisition of real property and the disposition of real and personal property and the procurement of goods and services.

and be further

RESOLVED that the By-Laws, as amended be attached to this resolution.

Mission Statement and Performance Measurements

Mr. Conner presented the resolution to the Members for their consideration.

Highlights:

- **The Public Authorities Law requires the filing of an adopted Mission Statement and Performance Measurements by March 31. This will require an annual review and can be reconsidered by the Members in the course of their duties. The proposal follows the format suggested by the Authorities Budget Office.**
- **The Authorities Budget Office interpretation of the new law would make allowances for the existing limitations of the Corporation such as the number of members which does not allow the creation of committees. However, the**

Office of the State Comptroller is looking for stricter interpretation of the new law and the terms of implementing the new law are still evolving.

After full discussion and upon motion duly made by Ms. Hunter, seconded by Ms. McCormick and unanimously approved, the following motion was adopted:

RESOLVED that the Corporation adopts the attached “Authority Mission Statement and Performance Measurements” pursuant to Public Authorities Law Section 2824-a.

Report of the President of the Office of Community Renewal

Mr. Rabito presented the report to the Members for their consideration.

Highlights:

- **Mr. Rabito summarized the report to the Members and was available for questions.**

Community Development Block Grant Program Awards

Mr. Rabito presented the resolution to the Members for their consideration.

Highlights:

- **Mr. Rabito presented a summary of the proposed awards.**

After full discussion and upon motion duly made by Ms. McCormick, seconded by Ms. Hunter and unanimously approved, the following motion was adopted:

Resolved that the President of the Office of Community Renewal or other authorized officer of the Corporation be, and hereby is, authorized and directed, upon satisfactory compliance with any pre-contract conditions as are required by the statute or regulation, to enter into award and regulatory agreements under the Community Development Block Grant Program with the applicants listed below in the amounts listed below and upon such terms and conditions as are set forth in the annexed briefing reports:

Economic Development

Town of East Bloomfield (30 retained low and moderate income positions; 50 total retained positions)	346ED700-10	\$ 240,000
City of North Tonawanda (20 new low and moderate income positions; 23 total new positions)	822ED701-10	\$ 316,000
County of Ontario (12 new low and moderate income positions; 23 total new positions)	850ED672-10	\$ 315,000
City of Oswego (21 new full time positions and 36 new part time positions; 70% being low and moderate income positions)	862ED635-10	\$ 601,000
City of Plattsburgh (28 new low and moderate income positions; 44 total new positions)	927ED671-10	\$ 650,000

Microenterprise

County of Greene (8 new or retained low and moderate income positions; 10 total new or retained positions)	477ME697-10	\$ 200,000
Village of Mount Morris (4 low and moderate income owned micro enterprises; 6 total micro enterprises)	765ME699-10	\$ 200,000
Town of Schuyler (6 low and moderate income farmers assisted)	1045ME695-10	\$ 200,000

Report of the President of the Office of Community Development

Mr. Hallock summarized the report to the Members and was available for questions.

Highlights:

- The Corporation has committed over 90% of the TCAP funds and 100% will have been committed by the end of this week.
- The open window for Homes for Working Families awards has been reopened. The maximum award has been reduced to \$ 2,700,000 and a pre-submission meeting is now required.
- The Corporation has received 119 applications for capital funding.

- **The demand for program funding is three times the amount available.**
- **\$ 5,000,000 in HOME program funds has been set aside for the Performance Based Initiative. Under this initiative applicants with a history of compliance and achievement are receiving a reduced level of review. This will result in a savings of staff time and shorten review time.**
- **The Corporation has worked with the Housing Finance Agency to develop the Sustainable Neighborhoods Program. The program's objective is to preserve and rehabilitate vacant housing. The Program will fund both planning and rehabilitation awards.**

Low Income Housing Trust Fund award to Catholic Charities Progress of Peoples Development Corporation

Mr. Fitzgerald presented the resolution to the Members for their consideration.

Highlights:

- **The State of New York initiated an extensive review of real estate holdings to identify property no longer necessary to carry out state operations and would be suitable to develop affordable housing.**
- **A site in the Howard Beach area of Queens has been identified under this review. It was originally a hospital which was converted into an OMRDD facility.**
- **A request for proposals was issued in 2008 for proposals from private developers to develop housing for low income seniors.**
- **The efforts of HFA, ESDC, Dormitory Authority and OMRDD have helped bring this project to fruition.**
- **The project will include units for developmentally disabled who would have parents in other units in the project.**

After full discussion and upon motion duly made by Ms. McCormick, seconded by Ms. Hunter and unanimously approved, the following motion was adopted:

RESOLVED that the President of the Office of Community Development or other authorized officer of the Corporation be, and hereby is, authorized and directed, upon satisfactory compliance with any pre-contract conditions as are required by statute or regulation, to enter into award and regulatory agreements under the Low Income Housing Trust Fund Program with the applicant listed below in the amount listed below and upon such terms and conditions as are set forth in the annexed briefing report:

Catholic Charities Progress of Peoples

Development Corporation	20096175	\$ 2,400,000
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Urban Initiatives Awards to Eligible Applicants

Mr. Fitzgerald presented the resolution to the Members for their consideration.

Highlights:

- Mr. Fitzgerald presented a summary of the proposed awards.

After full discussion and upon motion duly made by Ms. Hunter, seconded by Ms. McCormick and unanimously approved, the following motion was adopted:

RESOLVED that the President of the Office of Community Development or other authorized officer of the Corporation be, and hereby is, authorized and directed, upon satisfactory compliance with any pre-contract conditions as are required by statute or regulation, to enter into an award and regulatory agreements under the Urban Initiatives Program with the applicants listed below in the amounts listed below and upon such terms and conditions as are set forth in the annexed briefing reports:

People United for Sustainable Housing, Inc.	20106005	\$ 197,409
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Citizen's Opportunity For Development

And Equality, Inc.	20106010	\$ 134,162
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Citizen's Opportunity For Development

And Equality, Inc.

20106011 \$ 111,059

Increase in the Urban Initiative Award to Delta Development of Western New York, Inc.

Mr. Fitzgerald presented the resolution to the Members for their consideration.

Highlights:

- Mr. Fitzgerald presented a summary of the proposed increase.
- The increase will help finance the completion of a food pantry in the building.

After full discussion and upon motion duly made by Ms. McCormick, seconded by Ms. Hunter and unanimously approved, the following motion was adopted:

RESOLVED that the President of the Office of Community Development or other authorized officer of the Corporation be, and hereby is, authorized and directed, upon satisfactory compliance with any pre-contract conditions as are required by statute or regulation, to enter into an award and regulatory agreement under the Urban Initiatives Program with the applicant listed below in the amount listed below, which is inclusive of all previous awards previously made under the Urban Initiatives Program for the project, and upon such terms and conditions as are set forth in the annexed briefing report:

Delta Development of Western

New York, Inc.

20096089 \$ 200,000

Low Income Housing Trust Fund Seed Money Award to Frontier Housing Corporation

Mr. Fitzgerald presented the resolution to the Members for their consideration.

Highlights:

- Mr. Fitzgerald presented a summary of the proposed award.

regulation, to enter into award and regulatory agreements under the Subprime Foreclosure Prevention Services Program with the applicants listed below in the amounts listed below and upon such terms and conditions as are set forth in the annexed briefing reports:

Westchester Residential Opportunities, Inc.	20100322	\$ 612,590
Neighborhood Housing Services of Jamaica, Inc.	20100323	\$ 645,350
Economic Opportunity Council of Suffolk	20100324	\$ 550,000
Western New York Law Center, Inc.	20100325	\$ 800,000
Orange County Rural Development Advisory Corp.	20100326	\$ 500,000
Rockland Housing Action Coalition, Inc.	20100327	\$ 388,500

SEQRA

Ms. Wigzell presented the resolution to the Members for their consideration.

Highlights:

- Ms. Wigzell summarized the projects being considered by the Members.
- David Unger was the regional project manager for the Neighbors of Watertown project.

After full discussion and upon motion duly made by Ms. Hunter, seconded by Ms. McCormick and unanimously approved, the following motion was adopted:

RESOLVED that the Corporation accepts the report of the SEQRA Committee attached hereto conditional upon the satisfactory resolution of any adverse condition identified therein; and be it further

RESOLVED that the Corporation classified the following projects as Unlisted, the determinations as listed in the right hand column be made and that no further action is required:

Neighbors of Watertown, Inc.	20093188	Neg. Declaration
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Eastman Commons Community, Inc. 20096013 Neg. Declaration
and be it further

RESOLVED that the SEQRA Officer for the Office of Community Development, or the President for the Office of Community Development in the SEQRA Officer's absence, is authorized and directed to implement the determinations of the Corporation as made above.

**Construction Monitoring, Environmental and Consulting Engineering /
Architectural Services Contracts with Selected Applicants**

Mr. Hallock presented the resolution to the Members for their consideration.

Highlights:

- The resolution will allow for the first renewal of contracts under the present request for proposals.
- The amount requested is the same as requested last year.

After full discussion and upon motion duly made by Ms. McCormick, seconded by Ms. Hunter and unanimously approved, the following motion was adopted:

RESOLVED that the President of the Office of Community Development be, and hereby is, authorized and directed to negotiate and enter into contracts with the contractors listed below, the aggregate amount of all contracts not to exceed \$ 535,000 for terms to expire March 31, 2011 consistent with the Request for Proposals and the attachment to this resolution, subject to the adoption of the Corporation's Budget for fiscal year 2010-2011 which projects funding for this purpose.

Construction Monitoring Services:

Clough Harbour & Associates, LLP

EMJ Construction Consultants N.A., Inc.

HAKS Engineers, Architects and Land Surveyors, P.C.

Hugh E. Hallenback, Architect

LiRo Program and Construction Management, P. C.

**L.J. Gonzer Associates
Munoz Engineering, P.C.
Octagon Builders**

Environmental Review Services:

**C.T. Male Associates, P. C.
L.J. Gonzer Associates
The Louis Berger Group, Inc.
Tectonic Engineering & Surveying Consultants P. C.**

Consulting Engineer / Architectural Services:

**A.G. Consulting Engineering, P. C.
Atlantic Testing Laboratories, Limited
Bernier, Carr & Associates, P. C.
Cashin Associates, P. C.
Chazen Engineering, Land Surveying & Landscape
Architecture Co., P.C.
HAKS Engineers, Architects and Land Surveyors, P. C.
James Jordan Associates, Architects
L. Naoum, P. E., P. C.
MJ Engineering and Land Surveying P. C.
Munoz Engineering, P.C.
Om P. Popoli, P.E., L. S., P. C.**

Green Building Consulting Contracts with Selected Applicants

Mr. Hallock presented the resolution to the Members for their consideration.

Highlights:

- **The resolution will allow for the second renewal of contracts under the present request for proposals.**
- **The amount requested is the same as requested last year.**

After full discussion and upon motion duly made by Ms. Hunter, seconded by Ms. McCormick and unanimously approved, the following motion was adopted:

RESOLVED that the President of the Office of Community Development be, and hereby is, authorized and directed to negotiate and enter into contracts with the contractors listed below, the aggregate amount of all contracts not to exceed \$ 132,500 for terms to expire March 31, 2011, consistent with the Request for Proposals and the attachment to this resolution, subject to the adoption of the Corporation's Budget for fiscal year 2010-2011 which projects funding for this purpose.

Taitem Engineering, P.C.

Stantec Consulting Services Inc.

RobsonWoese, Inc.

Memorandum of Understanding with the Office of Parks, Recreation and Historic Preservation and the Natural Heritage Trust

Mr. Hallock presented the resolution to the Members for their consideration.

Highlights:

- The memorandum helps expedite reviews of projects funded by the Corporation.
- This will be the 24th year of cooperation between the two agencies.

After full discussion and upon motion duly made by Ms. McCormick, seconded by Ms. Hunter and unanimously approved, the following motion was adopted:

RESOLVED that the President of the Office of Community Development be, and hereby is, authorized and directed to enter into a memorandum of understanding with the Office of Parks, Recreation and Historic Preservation and the Natural Heritage Trust for the purpose of expediting review of projects funded by the Corporation for an amount not to exceed \$ 88,889 for a term to expire March 31, 2011, subject to the adoption

of the Corporation's Budget for fiscal year 2010-2011 which projects funding for this purpose.

Developmental Technical Assistance Contracts with Selected Applicants

Mr. Hallock presented the resolution to the Members for their consideration.

Highlights:

- The resolution will allow for the third renewal of contracts under the present request for proposals.
- The amount requested is the same as requested last year.

After full discussion and upon motion duly made by Ms. Hunter, seconded by Ms. McCormick and unanimously approved, the following motion was adopted:

RESOLVED that the President of the Office of Community Development be, and hereby is, authorized and directed to negotiate and enter into contracts with the contractors listed below, the aggregate amount of all contracts not to exceed \$ 205,000 for terms to expire March 31, 2011 consistent with the Request for Proposals and the attachment to this resolution, subject to the adoption of the Corporation's Budget for fiscal year 2009-2010 which projects funding for this purpose:

Case-By-Case Assistance

**DAH Consulting, Inc.
Environmental Education Associates, Inc.
Franke Consulting Group
Housing Partnership Development Corporation
ICF Consulting Services, L.L.C.
Hudson Planning Group, Inc.**

Group Training

**Association For Energy Affordability, Inc.
Franke Consulting Group
Sunrise Management
The Smith Group
ICF Consulting Services, L.L.C.**

Group Training: Lead-Based Paint Activity Training
Environmental Education Associates, Inc.
Franke Consulting Group
ICF Consulting Services, L.L.C.

Consolidated Planning
Franke Consulting Group

Report of the President of the Office of Housing Management

Mr. Skrebutenas and Mr. Fryer presented the report to the Members for their consideration.

Highlights:

- **HUD still has not issued the invitation for applications for contract administrative services for Project Based Section 8 HAP contracts in the near future. Changes are expected in the program, including the fee structure and the definition of HUD's scope of work.**
- **Mr. Fryer reported that the Corporation is expending \$ 3,331.27 under emergency funds for imperiled projects policy to assist the Lake Country Housing Corp. project. Homefront Development Corp. has been brought in as managing agent and it is expected the project will be transferred to it at some time in the future. The project is habitable.**

There being no further business, the meeting adjourned upon the motion of Ms. McCormick which was seconded by Ms. Hunter and unanimously approved.

Dated: March 30, 2010

Sean P. Shea, Secretary