



The State University
of New York

Office of General Counsel

State University Plaza
Albany, New York 12246

www.suny.edu

September 17, 2015

President Dustin Swanger
Fulton-Montgomery Community College
2805 State Highway 67
Johnstown, NY 12095

Re: START-UP NY

Dear President Swanger:

Congratulations. Attached is the approved application for Fulton-Montgomery Community College's Amended Campus Plan for Designation of Tax-Free Area(s).

After completion of the required 30-day comment period, please submit evidence of stakeholder notification, along with your complete campus plan, to Empire State Development at designations@esd.ny.gov.

Best of luck to you and Fulton-Montgomery Community College in launching the START-UP NY program.

Best Regards,

Eileen McLoughlin
Vice Chancellor for Finance
and Chief Financial Officer

Attachment

Copy: SUNY START-UP NY Proposal Review Team

To Learn
To Search
To Serve

the Power of

Fulton-Montgomery Community College
START-UP New York Plan
Summary of Changes

There are two changes included in this revision of the FM START-UP NY Plan. These changes are the addition of two locations to be designated as START-UP NY sites. This modification has been facilitated by two new companies that need ready space to start their companies.

The first space is a location in downtown Amsterdam in the "Riverfront Center". This is a location that has been leased by the college for the past six years in accordance with a three-year lease with options to renew for three years. The current option expires January 27, 2017. However, lower enrollment required us to vacate the space. This space now is empty while the College continues to pay a lease. Upon the lease expiration date, the proposed sub-tenant will have acquired alternate space, for which we will propose an amended plan.

The second space is owned by Liberty, ARC – a not-for-profit organization providing services to individuals with disabilities - and is a manufacturing space. The organization has excess space that is ideal for a small manufacturing company start-up. The college will work with this not-for-profit to provide space for a new company, privately owned, to begin its operations. This space is located in Amsterdam.



The State University
of New York

To: Mr. Howard Zensky, NYS Commissioner of Economic Development
From: President Dustin Swanger of Fulton-Montgomery Community College
Re: Fulton-Montgomery Community College's Campus Plan for Designation of Tax-Free Area(s)
Date: August 18, 2015

I, President Swanger of Fulton-Montgomery Community College hereby certify the following:

- a.) we have provided a copy of the enclosed Campus Plan for Designation of Tax-Free NY Area, to the municipality or municipalities in which the proposed Tax-Free NY Area is located, local economic development entities, the applicable faculty senate, union representatives, and student government at least 30 days prior to submitting the plan to you and attached evidence of submission herewith; and
- b.) we comply with Public Officers Law Section 74; State University of New York's Policy on Conflict of Interest and; and attached copies of the polices and/or guidelines herewith; and
- c.) we comply with the Commissioner's rules and guidelines on anticompetitive behavior (NY EDL, art. 21, sect. 440); and
- d.) 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
- e.) we consulted with the municipality or municipalities in which such land or space is located prior to including such space or land in the proposed Tax-Free NY Area and we have given preference to underutilized properties; and
- f.) we have not relocated or eliminated any academic programs, any administrative programs, offices, housing facilities, dining facilities, athletic facilities, parking, or any other facility, space or program that actively serves students, faculty or staff in order to created vacant land or space to be designated as a Tax-Free NY Area; and
- g.) the information contained in the enclosed application is accurate and complete.


PRESIDENT'S SIGNATURE

8/17/15
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** outline and shaded delineation of proposed tax-free area on a campus aerial photo and/or campus map shaded to indicate land or building containing proposed tax-free space, and floor plans of building space with designated space clearly labeled and shaded.
- 2.) Excel spreadsheet of property to be designated
- 3.) Applicable conflict of interest policies
- 4.) Evidence of submission of Tax-Free Area Plan to interested parties



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

Campus Name: Fulton-Montgomery Community College
Campus Contact Name: Dr. Dustin Swanger
Campus Contact Title: President
Campus Contact E-mail: dustin.swanger@fmcc.suny.edu
Campus Contact Phone: 518-736-3622 x 8000

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 SUNY, CUNY or community college 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: Fulton-Montgomery Community College
Campus Address: 2805 State Highway 67, Johnstown NY 12095
Address(es) of Proposed Tax-Free NY Area(s) :
FM Foundation Property, Route 67 & Bendick Corners Road, Amsterdam NY 12010
1910 Riverfront Center, Amsterdam NY 12010.
49 Venner Road, Amsterdam NY, 12010
Description of Physical Characteristics of Proposed Tax-Free NY Area(s):
The Foundation of Fulton-Montgomery Community College has recently purchased property across the street (Bendick Corners Road) from the campus consisting of 150 vacant acres.
The College also leases 2,270 square feet of space in the City of Amsterdam at the Riverfront Center. The space is located at 1910 Riverfront Center, and the space number is 1910. The space is currently vacant.
Additionally, in partnership with Liberty ARC (a not-for-profit organization), FM will utilize 1,000 square feet of currently vacant space in a manufacturing plant located at 49 Venner Road, Amsterdam NY, 12010. This space is ideal for a small start-up manufacturing facility.

- ii. Complete the Excel spreadsheet template provided with this document, noting the instructions on page 2. Include the official SUNY Physical Space Inventory (PSI) building number and a clear description of the spaces in the building or floor (when the entire floor is under consideration), or floor/wing (with outer rooms defining the space specifically listed). Include only properties sought to be designated now and exclude potential sites that may be considered in the future (see 2a below). Attach the completed spreadsheet to this plan.
 - iii. Provide also a representation of each proposed site drawn in AutoCAD 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 as listed in the SUNY Physical Space Inventory (PSI) along with the building name. For each building shaded and labeled, include floor plans of all areas under consideration with the specific spaces clearly shaded and labeled with official PSI room numbers. 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:

The Foundation of Fulton-Montgomery Community College has recently purchased property across the street (Bendick Corners Road) from the campus consisting of 150 vacant acres. FM will make all 150 acres available for START-UP NY projects.

1910 Riverfront Center, Amsterdam NY 12010 - 2,270 square feet

Liberty Industrial Center, 49 Venner Road, Amsterdam NY 12010 - 1,000 square feet

2a) If applicable: You may include here a description of any potential space or acreage of land that you may seek to designate as a Tax-Free NY Area under the START-UP NY Program in the future. This may include campus property that may become vacant, or other properties in your community that are not currently part of your campus but may be desirable for a company partner and with which you may consider an affiliation if an appropriate partner is identified. Do not include these properties in the Excel spreadsheet.

For the purposes of this Plan and the START-UP NY project, Fulton-Montgomery Community College has worked with the economic development officials from the two counties and is recommending the following properties to be included as potential future START-UP NY locations.

These properties are owned by the Industrial Development Agency in each county. While these properties are not part of the FM Campus, they are very attractive shovel-ready sites. The relationship between FM and the economic development officials of each county is exceedingly strong, and therefore aligning the development of these properties with START-UP NY and the mission of Fulton-Montgomery Community College is an easy task.

These properties provide the opportunity for infrastructure and easy development. They are under the control of the IDAs. They offer potential companies looking to locate in New York or expand their business in New York choices based on their needs. The College and economic development officers recognized that START-UP NY provides for a maximum of 200,000 square feet as a tax-free business development off-campus. Once the 200,000 square-foot limit is reached, no further tax-free business shall be developed off-campus.

In Fulton County, the land to be considered is the former Tryon State Facility that has been assigned to the Fulton County IDA. This facility has infrastructure, buildings, water, sewer, electricity, roads, internet, etc. and is ready to be redeveloped into shovel-ready sites in which new businesses can locate.

In Montgomery County, the land to be considered is the Florida Park Extension. This facility is owned by the Montgomery County IDA and is ready for development. This site offers easy access to the NYS Thruway and has the services (water, electric, etc.) to be ready for development. This site offers easy access to the NYS Thruway with water, sewer, electric and gas on site. The site has also been designated as a Foreign Trade Zone Magnet Site.

2b) *If applicable*: The total square footage of the space or acreage of land that you may propose to designate as a Tax-Free Area as identified in 2a, if known.

<u>Land</u>	<u>Municipality</u>	<u>Address</u>
Tryon Center * 500 acres	Town of Johnstown/Town of Perth - Fulton County	881 County Road 107 Johnstown, NY 12095
Florida Park Extension* 166 acres	Town of Florida – Montgomery County	Route 5S Amsterdam, NY 12010

*More details of the land are provided in the attachments

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

The Fulton and Montgomery County Region has been working to develop a Regional Business Development Plan designed to create a business-friendly climate in this Region. This START-UP NY Plan is consistent with the Regional Business Development Plan's theme of creating a business-friendly environment in our Region and State to entice new businesses to locate in our Region and existing businesses to expand.

FM includes in its mission education for the Region as well as economic and community development. Its mission reads, "Fulton-Montgomery Community College is the Region's partner for quality, accessible higher education; responsive programs; economic development; and cultural and intellectual enrichment."

The businesses will be: 1) a manufacturer of goods, parts, materials, etc. that uses high tech manufacturing processes in its operations; 2) a manufacturer/supplier to GLOBALFOUNDRIES or other such nanotechnology company and uses a cleanroom in its manufacturing/supplier processes; 3) an agribusiness/food processor that uses high tech equipment in its process of preparing foods for market; 4) a distribution facility that incorporates high tech equipment in its process of handling products; or 5) a start-up business that focuses on the development of a new product for market.

These business types have been selected because of their ability to leverage a positive relationship with Fulton-Montgomery Community College and will provide the College with Regional economic development opportunities, internship opportunities for students, placement opportunities for graduates from a number of degree programs, and training opportunities through the College's Center for Employer Services.

- 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.

Fulton-Montgomery Community College serves two sponsoring counties, Fulton and Montgomery, and is located in the Mohawk Valley Economic Development Region. With three cities in its service area, Amsterdam, Gloversville, and Johnstown along with several towns and villages; FM has focused on developing a regional education and economic development strategy together with the economic development officers in both counties.

The Fulton and Montgomery County Region is located between two major economic initiatives. To the east, GLOBALFOUNDRIES has built a major "chip fab" facility which reflects the high tech development in the Greater Albany Area. To the west, State University of New York Polytechnic Institute is developing a new nanotechnology strategy and facility that will attract new business and investment in the Region. FM and the FM Region will benefit from these developments; and the College along with the economic development officers, business leaders, and elected officials are working together to position the Region for such development.

FM includes in its mission education for the Region as well as economic and community development. Its mission reads, "Fulton-Montgomery Community College is the Region's partner for quality, accessible higher education; responsive programs; economic development; and cultural and intellectual enrichment."

Over the past decade, FM has positioned itself as an economic driver for the Region. Through investments in technology, including a state-of-the-art cleanroom that focuses on the metrology of nanotechnology, a new automated manufacturing simulation lab, high-tech digital media

equipment, and state of the art Radiologic Technology and Nursing labs, FM is positioned to help the Region grow in the areas of nanotechnology, manufacturing, and healthcare among other areas.

Because of these investments, FM has strengthened some of its signature academic program areas including: Electronics, Business, Advanced Manufacturing, Computer Science, Computer Networking, Nursing, Radiologic Technology, Communications, and Digital Media. Our mission is to prepare students to work in these areas and to improve the skills of existing employees already working in these areas.

The mission of FM is furthered by these companies because they will provide the College with Regional economic development opportunities, internship opportunities for students, placement opportunities for graduates from a number of degree programs, and training opportunities through the College's Center for Employer Services.

- 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:
- Increased employment opportunities;
 - Increased opportunities for internships, vocational training and experiential learning for undergraduate and graduate study;
 - Diversification of the local economy;
 - Environmental sustainability;
 - Increased entrepreneurship opportunities;
 - Positive, non-competitive and/or synergistic links to existing businesses;
 - Effect on the local economy; and
 - Opportunities as a magnet for economic and social growth.

The businesses and industries identified in this START-UP NY Plan will provide economic and community impacts to our Region. They will provide much needed jobs for our residents as well as internship opportunities for college students. They will take advantage of the Region's proximity to two major nanotechnology projects in the State. Suppliers to GLOBALFOUNDRIES and potential companies that are developed as a result of the new State University of New York Polytechnic Institute who are located in the Fulton-Montgomery Region will be able to serve customers 30 miles to the east and 35 miles to the west with ease.

The businesses targeted by our Plan will enhance the Region while continuing to diversify the economic base of employers. They will also serve as a magnet for economic and social growth. Through the development of these businesses, a new population will also be attracted to our Region. This new population will spark additional service, retail, entertainment, and social venues that will enhance our Region

- 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. The criteria may include some or all of the following:

A. Academic and Research Alignment

1. Is the business in an industry aligned with current and/or developing University research, scholarly, and creative activity?
2. Does the business provide experiential learning and workforce opportunities (e.g., internships, fellowships, full-time jobs) for students and graduates?
3. Does the business provide areas for partnership and advancement for faculty and students?
4. Will the business provide access to research instrumentation, tools, and/or equipment necessary to advance the academic and research mission?
5. Will the business fund scholarships, campus facilities or other academic services or amenities?
6. Will the business and/or its employees contribute to instruction or provide student mentoring?
7. Does the business offer the use of company resources, intellectual property or expertise to support the academic mission?

B. Economic Benefit

1. How many net new jobs will be created?
2. Is the business viable in both the short- and long-term?
3. Will the business attract private financial investment?
4. Does the business plan to make capital investments (e.g., renovation, new construction)?
5. Are the new jobs in critical areas of the economy?
6. How will the University financially benefit from the terms of the lease?

C. Community Benefits

1. Does the business have the support of one or more municipal or community entities?
2. Is the business recruiting employees from the local workforce?
3. Does the business invest in underserved, economically distressed regions?
4. Will the business rely on suppliers within the local and regional economy?

For the past several years, the President of Fulton-Montgomery Community College has worked with the economic development officials in both Fulton and Montgomery Counties. These include: the Director of Economic Development and Planning for Montgomery County; the Executive Director of the Fulton County IDA; and the President of the Fulton County Center for Regional Growth. This collaboration has fostered a regional approach to development and cooperative efforts to market our Region.

A Campus START-UP Advisory Committee will be created. The Committee will include the President of the College, the President of the Faculty Association, the Chair of the College Senate, the President of the Student Government Association, the Director of Economic Development and Planning for Montgomery County, the Executive Director of the Fulton County IDA, and the President of the Fulton County Center for Regional Growth.

Priority will be given to applications where the company has demonstrated that it will:

- 1) provide opportunities for student internships and/or employment (20 points);
- 2) create new jobs (1 point for each job up to 25 points);
- 3) demonstrate a likelihood for long-term viability (20 points);
- 4) be a company from out-of-state or a new start-up company (10 points);
- 5) employ local workers (10 points);

- 6) provide scholarships for students (5 points);
- 7) provide a benefit to the community (10 points).

Companies must meet at least 60 points to be recommended to the Board of Trustees.

Businesses seeking to take advantage of the Tax-Free NY Area will be required to complete the application as defined by New York State. Applications will be reviewed by the Campus START-UP Advisory Committee as identified above for their compliance with the regulations and intent of the START-UP NY program. If approved, the application will be sent to the Fulton-Montgomery Community College Board of Trustees for approval.

PUBLIC OFFICERS LAW

§ 74. Code of ethics.

1. **Definition.** As used in this section: The term "**state agency**" shall mean any state department, or division, board, commission, or bureau of any state department or any public benefit corporation or public authority at least one of whose members is appointed by the governor or corporations closely affiliated with specific state agencies as defined by paragraph (d) of subdivision five of section fifty-three-a of the finance law or their successors.

The term "**legislative employee**" shall mean any officer or employee of the legislature but it shall not include members of the legislature.

2. **Rule with respect to conflicts of interest.** No officer or employee of a state agency, member of the legislature or legislative employee should have any interest, financial or otherwise, direct or indirect, or engage in any business or transaction or professional activity or incur any obligation of any nature, which is in substantial conflict with the proper discharge of his duties in the public interest.
3. **Standards.**
 - a. No officer or employee of a state agency, member of the legislature or legislative employee should accept other employment which will impair his independence of judgment in the exercise of his official duties.
 - b. No officer or employee of a state agency, member of the legislature or legislative employee should accept employment or engage in any business or professional activity which will require him to disclose confidential information which he by reason of his official position or authority.
 - c. No officer or employee of a state agency, member of the legislature or legislative employee should disclose confidential information acquired by him in the course of his official duties nor use such information to further his personal interests.
 - d. No officer or employee of a state agency, member of the legislature or legislative employee should use or attempt to use his or her official position to secure unwarranted privileges or exemptions

for himself or herself or others, including but not limited to, the misappropriation to himself, herself or to others of the property, services or other resources of the state for private business or other compensated non-governmental purposes.

- e. No officer or employee of a state agency, member of the legislature or legislative employee should engage in any transaction as representative or agent of the state with any business entity in which he has a direct or indirect financial interest that might reasonably tend to conflict with the proper discharge of his official duties.
 - f. An officer or employee of a state agency, member of the legislature or legislative employee should not by his conduct give reasonable basis for the impression that any person can improperly influence him or unduly enjoy his favor in the performance of his official duties, or that he is affected by the kinship, rank, position or influence of any party or person.
 - g. An officer or employee of a state agency should abstain from making personal investments in enterprises which he has reason to believe may be directly involved in decisions to be made by him or which will otherwise create substantial conflict between his duty in the public interest and his private interest.
 - h. An officer or employee of a state agency, member of the legislature or legislative employee should endeavor to pursue a course of conduct which will not raise suspicion among the public that he is likely to be engaged in acts that are in violation of his trust.
 - i. No officer or employee of a state agency employed on a full-time basis nor any firm or association of which such an officer or employee is a member nor corporation a substantial portion of the stock of which is owned or controlled directly or indirectly by such officer or employee, should sell goods or services to any person, firm, corporation or association which is licensed or whose rates are fixed by the state agency in which such officer or employee serves or is employed.
- 4. Violations.** In addition to any penalty contained in any other provision of law any such officer, member or employee who shall knowingly and intentionally violate any of the provisions of this section may be fined, suspended or removed from office or employment in the manner provided by law. Any such individual who knowingly and intentionally violates the provisions of paragraph b, c, d or i of subdivision three of this section shall be subject to a civil penalty in an amount not to exceed ten thousand dollars and the value of any gift, compensation or benefit received as a result of such violation. Any such individual who knowingly and intentionally violates the provisions of paragraph a, e or g of subdivision three of this section shall be subject to a civil penalty in an amount not to exceed the value of any gift, compensation or benefit received as a result of such violation.

 <p>Category: HR / Labor Relations Legal and Compliance</p> <p>Responsible Office: <u>University Counsel</u></p>	<p>Policy Title: Conflict of Interest Document Number: 6001</p> <p>Effective Date: October 01, 1995</p> <p>This policy item applies to: State-Operated Campuses</p>
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Summary

Faculty and staff of the State University of New York (University) are encouraged to foster an atmosphere of academic freedom by promoting the open and timely exchange of scholarly knowledge independent of personal interests and are required to avoid conflicts of interest. Where potential or actual conflicts exist, faculty and staff are expected to consult with appropriate University officers and abide by University policy. This policy represents a restatement of existing University policy and pertinent state and federal law and regulations.

Policy

Faculty and staff of the State University of New York (University) are encouraged to foster an atmosphere of academic freedom by promoting the open and timely exchange of scholarly knowledge independent of personal interests. In keeping with this obligation, they are also required to avoid conflicts of interest.

In instances where potential or actual conflicts exist, faculty and staff are expected to consult with appropriate University officers and abide by this University policy. It is the responsibility of campus officials charged with implementing this policy to identify potential or actual conflicts of interest and take appropriate steps to manage, reduce, or eliminate them.

This policy represents a restatement of existing University policy and pertinent state and federal law and regulations.

1. University faculty and staff may not engage in other employment which interferes with the performance of their professional obligation.
2. University faculty and staff are expected to comply with the New York State Public Officers Law provisions on conflict of interest and ethical conduct.
3. University faculty and staff, to the extent required by law or regulation, shall disclose at minimum whether they (and their spouses and dependent children) have employment or financial interests or hold significant offices, in external organizations that may affect, or appear to affect, the discharge of professional obligations to the University.
4. University campuses shall ensure that all faculty and staff subject to pertinent laws and regulations disclose financial interests in accordance with procedures to be established by the Chancellor or designee. Campuses shall retain the reported information as required, identify actual or apparent conflicts of interest and seek resolution of such conflicts.
5. Each campus president shall submit to the chancellor's designee the name and title of the person or persons designated as financial disclosure designee(s) and shall further notify the chancellor's designee when a change in that assignment occurs. The chancellor's designee shall also be notified of any reports regarding conflict of interest that are forwarded to state or federal agencies.

Definitions

Conflict of interest — any interest, financial or otherwise, direct or indirect; participation in any business, transaction or professional activity; or incurring of any obligation of any nature, which is or appears to be in substantial conflict with the proper discharge of an employee's duties in the 'public interest. A conflict of interest is also any financial interest that will, or may be reasonably expected to, bias the design, conduct or reporting of sponsored research.

Other Related Information

[Outside Activities of University Policy Makers](#)

[Ethics in State Government - A Guide for New York State Employees](#)

[National Science Foundation, Grant Policy Manual](#)

Procedures

There are no procedures relevant to this policy.

Forms

There are no forms relevant to this policy.

Authority

[42 CFR 50, Subpart F](#)

The following link to FindLaw's [New York State Laws](#) is provided for users' convenience; it is not the official site for the State of New York laws.

[NYS Public Officers Law, Section 73-a, and 73 and 74](#)

In case of questions, readers are advised to refer to the New York State Legislature site for the menu of [New York State Consolidated](#).

[Board of Trustees Policies - Appointment of Employees \(8 NYCRR Part 335\)](#)

State University of New York Board of Trustees Resolution adopted June 27, 1995

History

Memorandum to presidents from the office of the University provost, dated June 30, 1995 regarding revision to University conflict of interest policy to bring it in conformity with federal guidelines issued by the National Science Foundation and the Public Health Service.

Appendices

There are no appendices relevant to this policy.

ITEMS TO INSERT:

1.) DEPARTMENT OF ECONOMIC DEVELOPMENT
EXCEL SPREADSHEET TEMPLATE LISTING ALL
DESIGNATED PROPERTIES

2.) COPY OF ANY OTHER APPLICABLE CONFLICT OF
INTEREST POLICIES OR GUIDELINES

3.) EVIDENCE OF SUBMISSION OF TAX-FREE AREA
PLAN TO INTERESTED PARTIES, I.E., COPIES OF
CORRESPONDENCE SENT AND RECEIVED

Note that program regulations require 30-day notice to potential stakeholders, including the chief executive officers of the municipality or municipalities in which the subject properties are located, a local economic development entity, faculty senate, campus student government, and union representatives, and require "evidence" of the campus' communications to these local stakeholders. Please note that you **MUST** include copies of all correspondence in your formal submissions to SUNY and ESDC. It is important that the plan be mailed via **first class mail** to each of the unions representing state employees, including the local (or statewide if no local exists) leadership for UUP, CSEA, PEF, PBA, GSEU and NYSCOPBA. Community colleges must also notify the unions representing their employees. If you are unsure whom to contact, please let us know and we can assist you in making this notification.



Category:
Academic Affairs
Community Colleges
Legal and Compliance
Research

Responsible Office:
Academic Affairs

Policy Title:
START-UP NY Program Participation Policy

Document Number:
6800

Effective Date:
February 10, 2014

This policy item applies to:
Community Colleges
State-Operated Campuses

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Summary

START-UP NY is a state economic development program that positions SUNY campuses as magnets for entrepreneurs and businesses from around the globe. START-UP NY aligns with SUNY's mission of teaching, research and public service; enabling engagement with industry, knowledge acceleration, translation of research into practical applications, and delivering the 21st century workforce businesses need to grow and thrive. START-UP NY will transform university communities to deliver unprecedented economic benefits to New York. To participate in the program, all campuses must comply with this policy and any applicable rules and regulations issued by the NYS Commissioner of Economic Development.

This policy governs the review process that all participating campuses must follow to secure SUNY's approval of the plans, applications, and other documents required by the NYS Commissioner of Economic Development to participate in the START-UP NY program. It also prescribes special requirements for the disclosure and management of actual or potential conflicts of interest in matters pertaining to the campus' START-UP NY program. Any conflict between this policy and any other applicable Conflict of Interest policy shall be resolved in favor of disclosure of any potential, actual, or perceived conflict of interest relating to the campus' START-UP NY program to the President or Chief Executive Officer of the sponsoring campus.

Policy

- A. **Campus Plans for Designation of Tax-Free Area(s):** Any campus intending to submit a Campus Plan for Designation of Tax-Free Area(s) ("Campus Plan") to the NYS Commissioner of Economic Development must first have it reviewed and approved by the Chancellor or designee. The Chancellor or designee shall approve or reject all Campus Plans within fifteen (15) business days of receipt. Any rejected Campus Plan shall be accompanied by an explanation of the basis for rejection. Once approved by the Chancellor or designee a campus may submit its Campus Plan to the NYS Commissioner of Economic Development in accordance with the Commissioner's rules and regulations. Any Campus Plan that is rejected can be resubmitted for Chancellor

or designee approval and will be reviewed in accordance with this policy and related procedures. Any amendments to approved Campus Plans must be submitted for Chancellor or designee approval and will be reviewed in accordance with this policy and related procedures.

- B. Sponsoring University or College Applications for Business Participation:** Any campus intending to submit a Sponsoring University or College Application for Business Participation ("Sponsor Application") to the NYS Commissioner of Economic Development must first have it reviewed and approved by the Chancellor or designee. The Chancellor or designee shall approve or reject all Sponsor Applications within thirty (30) business days of receipt. Any rejected Sponsor Application shall be accompanied by an explanation of the basis for rejection. Once approved the campus may submit the Sponsor Application to the NYS Commissioner of Economic Development in accordance with the Commissioner's rules and regulations. Any Sponsor Application that is rejected can be resubmitted for Chancellor or designee approval and will be reviewed in accordance with this policy and related procedures. Any amendments to approved Sponsor Applications must be submitted for Chancellor or designee approval and will be reviewed in accordance with this policy and related procedures.
- C. Delegations:** The Chancellor or designee may charge a group of individuals, collectively called the SUNY START-UP NY Proposal Review Team, to evaluate all submitted Campus Plans and Sponsor Applications prior to accepting or rejecting them.
- D. Conflicts of Interest:** Service as an Official shall not be used as a means for private benefit or inurement for any Official, a Relative thereof, or any entity in which the Official or Relative thereof has a Business Interest. A conflict of interest exists whenever an Official has a Business Interest or other interest or activity outside of the university that has the possibility, whether potential, actual, or perceived, of (a) compromising the Official's judgment, (b) influencing the 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. Any Official who is an owner or employee of an entity that is the subject of any matter pertaining to the university's START-UP NY Program, or who has a Business Interest in any entity that is the subject of any matter pertaining to the university's START-UP NY Program, or whose Relative has such a Business Interest, shall not vote on or otherwise participate in the administration by the university of any START-UP NY matter involving such entity. Any Official or other campus representative who becomes aware of a potential, actual or apparent conflict of interest, either their own or that of another Official, related to a sponsoring university or college's START-UP NY program must disclose that interest to the President or Chief Executive Officer of the sponsoring college or university. Each such President or Chief Executive Officer 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 31st of each year, to the University Auditor or to the Chancellor's designee, in which case the University Auditor shall be copied on the correspondence to such designee. SUNY shall then forward such reports to the Commissioner of Economic Development for the State of New York, who shall make public such reports.
- E. Exceptions:** There are no exceptions to this policy.

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.

Official means an employee at the level of dean and above as well as any other person with decision-making authority over a campus' START-UP NY Program, including any member of any panel or committee that recommends businesses for acceptance into the START-UP NY program.

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.

Sponsoring College or University means any entity defined or described in NYS Education Law Sec. 352 and Article 126.

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

Tax-Free NY Area means vacant land or space designated by the Commissioner of Economic Development Article

21 of the Economic Development Law that is eligible to receive benefits under the START-UP NY program.

Other Related Information

Start-Up NY Regulations; available at the Start-Up NY Website.

At least thirty days before submitting the Campus Plan to the Commissioner of Economic Development the campus must provide a copy of the Plan to the chief executive officer of the municipality or municipalities in which the proposed Tax-free NY Area is located, local economic development entities, the applicable university or college faculty senate, union representatives and the campus student government. The campus shall include in their submission to the Commissioner of Economic Development certification of such notification, as well as a copy of any written response from chief executive officer of the municipality or municipalities in which the proposed Tax-free NY Area is located, local economic development entities, the applicable campus or college faculty senate, union representatives and the campus student government.

StartUp-NY.gov website and program information.

Procedures

START-UP NY Program Participation, Procedures for

Forms

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

SUNY START-UP NY Campus Plan for Designation of Tax-Free Area(s) Template

START-UP NY Sponsoring University or College Application for Business Participation Memorandum

ESD START-UP NY Sponsoring University or College Application for Business Participation

ESD START-UP NY Business Application Instructions

ESD START-UP Business Application

Authority

State University of New York Board of Trustees Resolution 14-() . START-UP New York Program Administration, adopted January 14, 2014

Law, New York Economic Development Law Article 21 (Start-Up NY Program)

Start-Up NY Regulations

History

Enacted into law in June 2013, START-UP NY is a groundbreaking new initiative from Governor Andrew M. Cuomo that provides major incentives for businesses to relocate, start up or significantly expand in New York State through affiliations with public and private universities, colleges and community colleges. Businesses will have the opportunity to operate state and local tax-free on or near academic campuses, and their employees will pay no state or local personal income taxes.

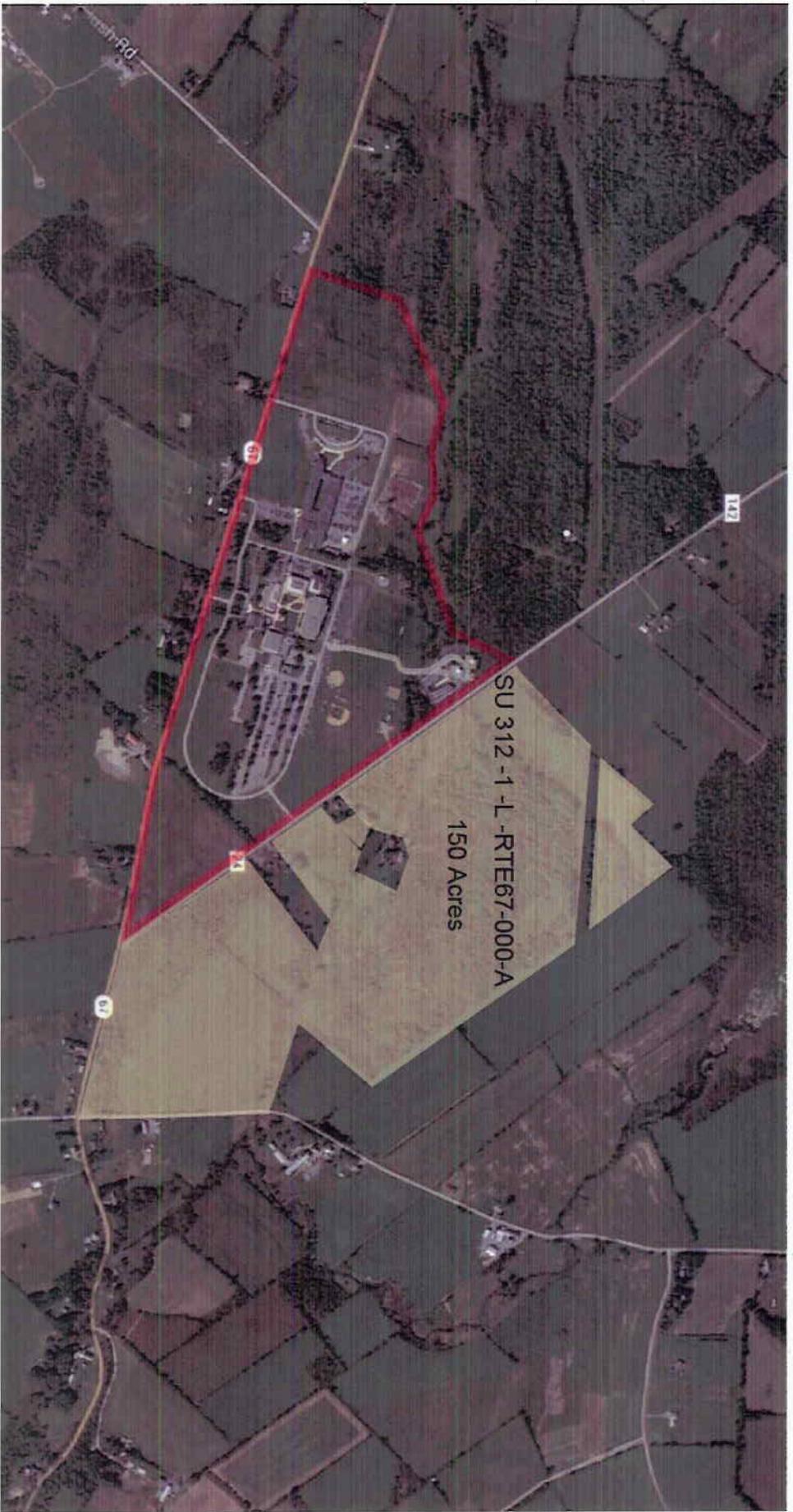
Appendices

There are no appendices relevant to this policy.

Location	UniqueID	Owner	PropertyType	StreetAddress	City	ZipCode	ParcelID	Building	SpaceType	Sqft	Acres	Description	onCampus	Within1mileOfCampus	Latitude	Longitude	Note
FM Foundation Property, Amsterdam	SU 312-1-1-RTE67-000-A	FM Foundation	1	Route 67 & Bendick Corners Road, 1910 Riverfront Center	Amsterdam	12010	NA	D	NA	150	Land is open field	Yes	NA	42.9828610	-74.2871050		
Riverfront Center	SU 312-1-B-RVFT-000-A	Caneville Properties, LLC	1	Center	Amsterdam	12010		C	2,270	NA	vacant space	space	NA	42.5612600	-74.1120600		
Liberty Industrial Center	SU 312-2-B-LIB-000-A	Liberty ABC	2	49 Verner Road	Amsterdam	12010		G	1,000	NA	vacant manufacturing space	no	Yes	42.5596200	-74.124100		

** A-centre building
 B-floor within building
 C-Room within building
 D-land on campus
 E-land off campus
 F-centre building off campus
 G-partial building off campus
 H-state asset

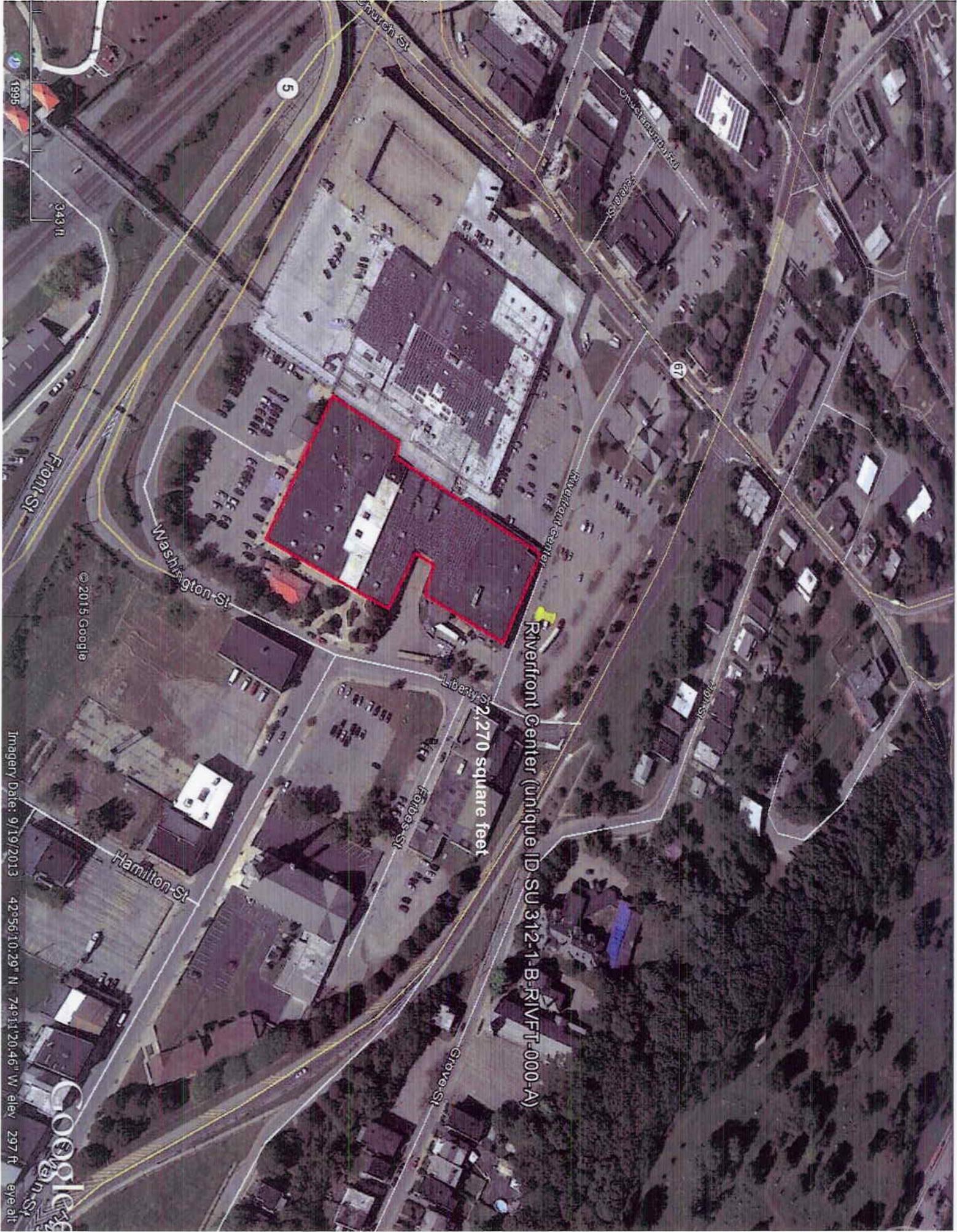
Designated Land or Buildings Unique ID Standard
 See Sheet 2: SUNY Unique ID Codes



Start Up Designated Property

Campus Boundary

**Fulton Montgomery Community
College Start-Up NY Designation**



Riverfront Center (unique ID SU 312-1-B-RIVFT-000-A)

2,270 square feet

5

67

Church St

Overland Blvd

Washington St

Liberty St

Groves St

Hamilton St

Front St

1995

343 ft

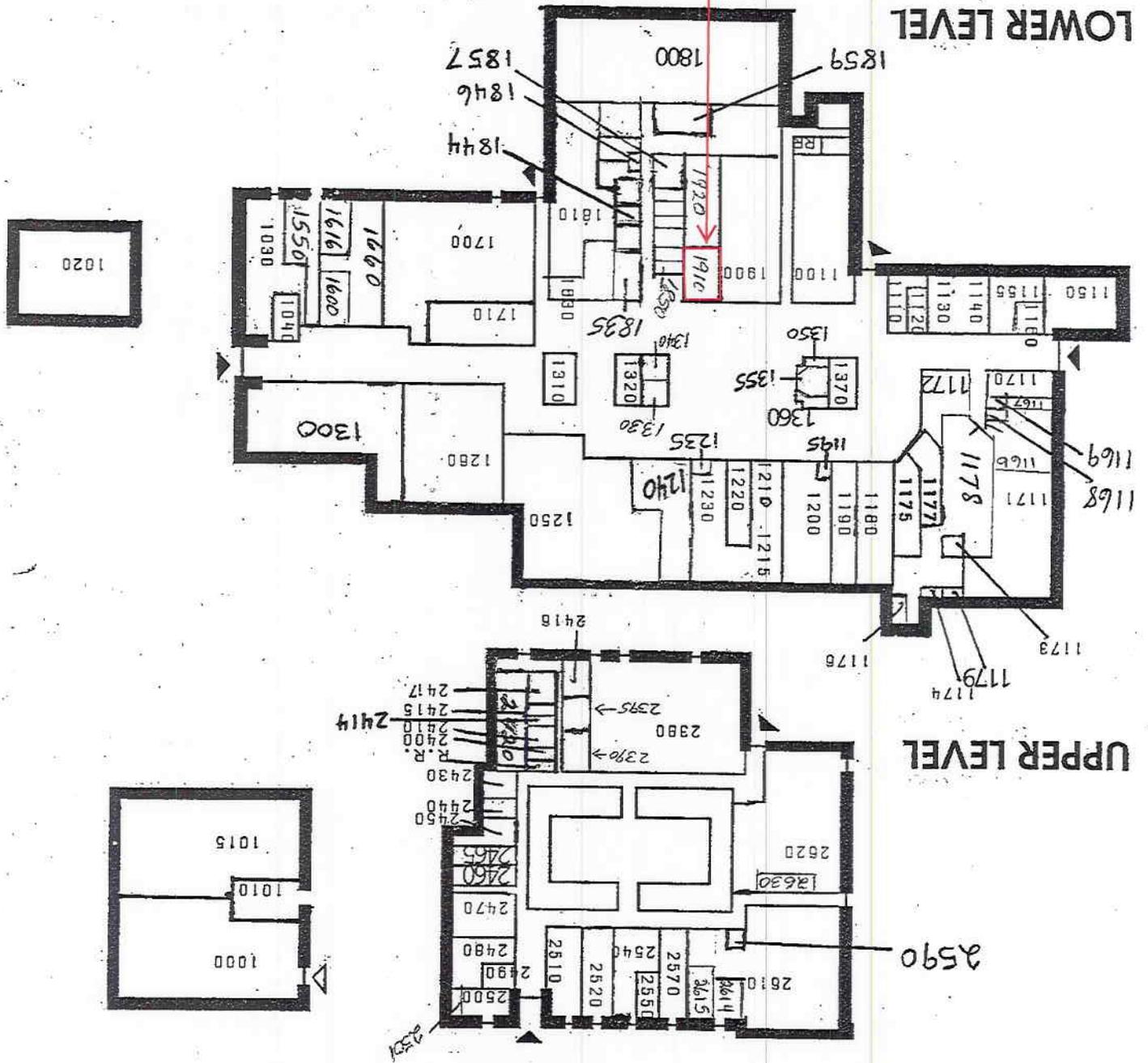
© 2015 Google

Imagery Date: 9/19/2013

42°56'10.29" N 74°11'20.46" W elev 297 ft eye alt

GOOGLE

AMSTERDAM RIVERFRONT CENTER
EXHIBIT "B"
LOCATION OF LEASED SPACE

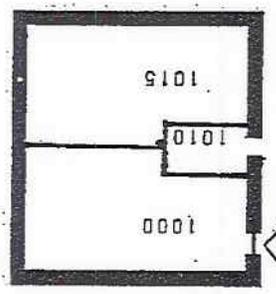


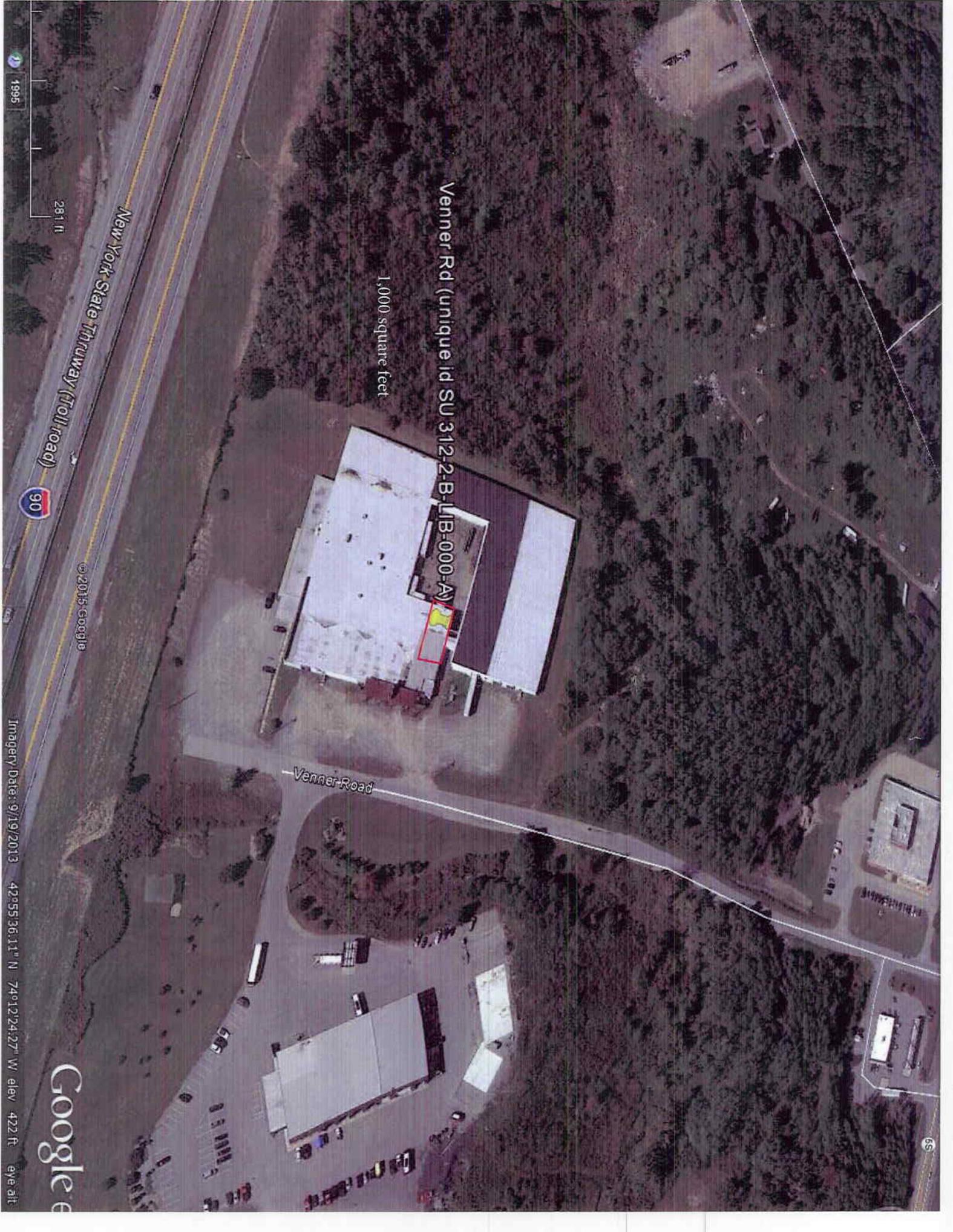
1910 Riverfront Center
Amsterdam, NY 12010
SU-312-1-B-RIVFT-000-A
2270 s/f

LOWER LEVEL

UPPER LEVEL

2590





Venner Rd (unique id SU 312-2-B-LIB-000-A)

1,000 square feet

New York State Thruway (Toll road)

90

© 2015 Google

Venner Road

Imagery Date: 9/19/2013 42°55'36.11" N 74°12'24.27" W elev 422 ft eye alt

Google

1995

28.1 ft

65

