

# WESTERN NEW YORK POWER PROCEEDS ALLOCATION BOARD

## MINUTES

November 18, 2013 – 3:00 P.M.  
Empire State Development Corporation  
95 Perry Street  
Buffalo, New York 14203

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Minutes of the Meeting of the Western New York Power Proceeds Allocation Board held via video conference in Buffalo, New York.

**Board Members Present:**

Anthony J. Colucci III (Chairman)  
Deanna Alterio Brennen  
Dennis Elsenbeck  
Brenda Williams McDuffie  
Henry F. Wojtaszek

**NYPA Staff Present:**

Karen Delince	Corporate Secretary (via video in White Plains)
Deborah Hopke	Principal Attorney I (via video in White Plains)
Melinda Li	Senior Attorney II (via video in White Plains)
Michael Huvane	Vice President Marketing – Business & Municipal Marketing
John Giumarra	Account Executive, Business Marketing & Economic Development (via video in White Plains)
Chris Vitale	Account Executive, Business Marketing & Economic Development

**ESDC Staff Present:**

Richard Ball	Project Manager
Sam Hoyt	Regional President
Christina Orsi	Western New York Regional Director

**Guest:**

Scott Fein	Counsel from Whitman, Osterman & Hannah
Howard A. Zemsky	Western New York Regional Council Co-Chair

**Opening Remarks**

Chairman Colucci welcomed members of the Board, the staff of Empire State Development Corporation (“ESDC”), and the staff of the New York Power Authority (“NYPA”). He stated that this meeting of the Board had been duly noticed as required by the Open Meetings law.

**1. Adoption of November 18, 2013 Agenda**

The agenda for the November 18, 2013 meeting was unanimously adopted.

**Conflicts of Interest**

<b>Member</b>	<b>Conflicts</b>	<b>Reason</b>
<b>Anthony Colucci</b>	Flat #12 Mushrooms (ineligible)	Close personal relationship w/family
<b>Henry Wojtaszek</b>	Ford Motor Company and Niagara University (recommended)	
<b>Dennis Elsenbeck</b>	Buffalo Niagara Enterprises (deferred)	Steering Board Member
<b>Deanna Alterio Brennen</b>	Visit Buffalo Niagara	Board member
<b>Brenda Williams McDuffie</b>	No conflicts	

**2. Adoption of September 10, 2013 Meeting Minutes**

Chairman Colucci asked whether there are any further amendments.

Upon motion made by member Wojtaszek and seconded by member Brennen, the September 10, 2013 meeting minutes were unanimously adopted.

**3. Adoption of Standards of Conduct Policy**

Scott Fein, Esq. of Whitman, Osterman & Hannah reviewed the requirements under the law and presented the policies for the Board’s consideration

Upon motion made by member Brennen and seconded by member McDuffie, the following Standards of Conduct Policy was adopted:

***Western New York Power Proceeds Allocation Board Standards of Conduct***

**1.0 Purpose**

*The purpose of these Standards of Conduct (Standards) is to ensure that members of the Western New York Power Proceeds Allocation Board (“WNYPPAB” or “Board”) identify and disclose certain issues which arise from their private interests when performing public duties imposed on them as a WNYPPAB member, and take appropriate actions in response to potential conflicts of interest.*

*Advisory Opinion (“AO”) No. 98-07, issued by the New York State Ethics Commission (“Commission”),<sup>1</sup> provides that Public Officers Law (“POL”) § 74, entitled “Code of Ethics,” applies to members of advisory boards (1) who are designated as policymakers, or (2) when at least one member of any such board is appointed by the Governor.*

*While this opinion does not specifically mention WNYPPAB, the Board has determined that WNYPPAB members should conform their individual conduct to the requirements of POL § 74.<sup>2</sup>*

## **2.0 Implementation**

*These Standards shall apply to all Board members. A copy of these Standards shall be furnished to every person who is appointed to the Board, who shall be required to acknowledge receipt of these Standards in writing.*

## **3.0 POL § 74**

*POL § 74, entitled “Code of Ethics,” provides the minimum standards against which State officers and employees are expected to gauge their behavior. The Code of Ethics, which is comprised of a “rule with respect to conflicts of interest” and “standards,” addresses issues relating to the conflict between the obligation of public service and private, often personal, financial interest.*

*The “rule with respect to conflicts of interest” (“Rule”) provides:*

*No officer or employee of a state agency . . . 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.*

*Following the Rule with respect to conflicts of interest, POL §74(3) establishes the following nine (9) standards of conduct (“Standards”) which address actual as well as apparent conflicts of interest:*

*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 has gained 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.*

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<sup>1</sup> Pursuant to the Public Employee Ethics Reform Act of 2007, all powers, duties, functions and staff of the State Ethics Commission were transferred to the New York State Commission on Public Integrity, currently the New York State Joint Commission on Public Ethics.

<sup>2</sup> This Policy is in addition to any requirements that are imposed on WNYPPAB and its members pursuant to law or regulation and is not intended to limit or otherwise affect such requirements.

*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.<sup>3</sup>*

#### **4.0 Application**

*Under these Standards, WNYPPAB members must avoid a conflict between their private interests and their public duties. Therefore, members must consider the Standards on an ongoing basis when matters come before WNYPPAB.*

*For example, in certain cases, the Standards may require WNYPPAB members to disclose conflicts and refrain from deliberating and voting on matters involving actual or potential conflicts of interest.*

*Whether disclosure and/or recusal, or some other action is required by a board member often depends on the circumstances of the individual matter. Advisory Opinion Nos. 95-29 and 93-16 may help to provide some insight on how the Commission applies the requirements of POL § 74 to the facts of individual cases.*

*In Advisory Opinion No. 95-29, the Commission was asked whether a State agency employee may serve as a board member of an industrial development agency (“IDA”). The employee was responsible*

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<sup>3</sup> The Public Officers Law contains penalties for violations of the Code of Ethics which are substantiated by the Commission.

*for legal staff development, supervision and management activities, and performing substantive work on legislation and regulations sent to the employee's agency by various State entities, and making decisions regarding which regulations or regulatory schemes are candidates for regulatory reform and periodically will review regulations that directly affect IDAs.*

*Referencing the Rule and Standards (3)(a), (b), (c), (f) and (h), the Commission noted that POL §74 prohibits a State officer or employee from engaging in an outside activity over which the individual has substantial regulatory or enforcement responsibility, and in some a State employee may engage in outside activities provided there was disclosure and recusal in appropriate circumstances. However, if a State employee must recuse in a State position so frequently so as to limit the employee's ability to perform the State job, a conflict is presented that precludes the non-State activity.*

*The Commission determined that the State employee in this case may continue to serve on the IDA board because it did not appear there would be an inordinate number of regulatory issues before the State agency directly affecting IDAs. It cautioned that the State employee should, in his State position, recuse himself from consideration of matters concerning IDAs. In addition, to avoid even the appearance of a conflict of interest, the Commission concluded that he should, at an IDA meeting, disclose his State position to his colleagues and the public, and recuse himself on any State regulatory matters that come before the IDA board. According to the Commission, these steps would serve to ensure that the employee remains in compliance with POL § 74.*

*In Advisory Opinion No. 93-16, the Commission was asked about the propriety of a member of a State board serving full-time as an officer of two private organizations. The State Board member would have occasion to vote on applications of members of the two private organizations, and approval of the application would be an economic benefit to the applicant. The role of the private organizations is to support and lobby on behalf of their members.*

*The Commission determined that the Board member has at least an indirect financial interest in the private entities that might reasonably tend to conflict with the proper discharge of his official duties for the State board, and therefore it would be a violation of §74(3)(e) for him to engage in review of these entities' applications as a representative of the State.*

*The Commission also noted that POL §74 addresses not only actual but apparent conflicts of interest, and that under § 74(3)(f), a State officer or employee should not give reasonable basis for the impression that he or she is affected by the position or influence of any party or person or that any party or person can unduly enjoy his or her favor in the performance of official duties. Given that the State board member's employment with the two private organizations centered on promoting and lobbying on behalf of their members, and the State board member's position allows him to determine which applicants receive the economic benefits, it is foreseeable that the public might suspect that he is favorably disposed toward the two private organizations when making determinations in his official public position.*

*Accordingly, the Commission advised that the State board member should recuse himself from voting as a member of the State board upon applications of members of the two private organizations, and the individual should not provide any assistance to members of the private organizations that are preparing applications for the Board, or consult with any other member of the Board as to the merits of such applications.*

*Another example of a prohibited action is acceptance by a board member of a gift from a party interested in the outcome of a subject the board is considering. The Commission, in Advisory Opinion No. 98-07, gives the following example:*

*[I]f an advisory board to the Insurance Superintendent were to advise him as to whether he should permit mutual companies to be converted into stock companies, a board member should not accept a gift from a mutual company that is actively seeking to convert. In general, acceptance of a gift from a party directly interested in a board's discussions would be a conflict of interest and a violation of §74.*

*Acceptance of a gift may also violate other provisions of the POL, such as POL § 73(5). For example, POL § 73(5)(a) provides in part:*

*No . . . state officer or employee . . . shall, directly or indirectly . . . solicit, accept or receive any gift having more than a nominal value, whether in the form of money, service, loan, travel, lodging, meals, refreshments, entertainment, discount, forbearance or promise, or in any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence him, or could reasonably be expected to influence him, in the performance of his official duties or was intended as a reward for any official action on his part.*

#### **5.0 Reporting Unethical Behavior & Guidance**

*Members are encouraged to report actual or suspected unethical behavior to the Commission. Any information concerning corruption, fraud, criminal activity, conflicts of interest or abuse must be reported to the NYS Office of the Inspector General. Anyone reporting an ethical concern or improper governmental action in good faith or participating in the investigation of a reported concern is protected by law.*

*The Commission is available to provide guidance and issue advisory opinions relating the requirements of POL §74 and related statutory provisions.*

*If you believe there are circumstances that may merit disclosure and/or recusal or you are uncertain about the application of the law to a particular circumstance, you should contact the Commission. The Commission may be contacted for legal guidance by e-mail ([legal@jcope.ny.gov](mailto:legal@jcope.ny.gov)) or by telephone (518-408-3976). The following is the link to the Commission's internet website: <http://www.jcope.ny.gov>.*

*In addition, NYPA's Law Department may be able to assist you on issues relating to POL §74 and facilitate communications between Board members and the Commission.*

#### **4. Fund Balance Update**

Mr. Michael Huvane submitted the following report:

*The Western New York Economic Development Fund is created and administered by the Authority. It is funded with the aggregate excess of revenues ("net earnings") received by NYPA from the sale of Expansion and Replacement Power produced at the Niagara Power Project that was sold in the wholesale energy market over what revenues would have been received had such Power been sold on a firm basis to an eligible Expansion or Replacement Power customer.*

*As of October 2013 there is \$24,810,204 available to allocate as Fund Benefits.*

*A deposit of \$1,432,000 was made after the meeting.*

*The next deposit is expected to be in January 2014.*

*To date, WNYPPAB has recommended a total benefit award of \$12,689,412.*

*NYPA Trustees have approved a total of \$9,289,412 Awards.*

*A total of 7 recommended awards before the Board today*

*A total award recommendation of \$2,115,000 is before the Board today.*

*At present, there is 44MW of unallocated power and  
47MW of allocated by unused power.*

*The total estimated unutilized EP and RP as of September 1, 2013 is 91MW.*

*Under the law, a minimum of 15% of the funds must be awarded to “energy-related projects, programs and services.” Staff is keeping a separate accounting of these projects.*

*The total awards made for energy-related projects to date are 2% (as a percentage of the total awards) or 1% of the total deposits to the Fund.*

*The total award made for energy-related projects in dollars to date is \$300,000 and the currently available fund to be awarded for energy-related projects is \$3,636,331.*

Chairman thanked Mr. Huvane for the report.

## **5. Round Four – Award of Fund Benefits**

Ms. Christina Orsi, ESDC’s Western New York Regional Director, submitted the following report and resolution for consideration and adoption:

### **SUMMARY**

*The Western New York Power Proceeds Allocation Board (“Allocation Board” or “Board”) is requested to recommend to the Board of Trustees of the Power Authority of the State of New York (“NYPA” or “Authority”) that awards of Fund Benefits be made to the eight applicants found in Exhibit “A”, Exhibit “B”, Exhibit “C”, Exhibit “D”, Exhibit “E”, Exhibit “F”, Exhibit “G” in the amounts indicated in each Exhibit.*

*The Board is also requested to find and determine that: (1) the applications listed in Exhibit “H” will not receive a recommendation for an award of Fund Benefits based upon the application of the relevant program criteria to such applications; and (2) the applications listed on Exhibit “I” propose projects that are not eligible projects for Fund Benefits for the reasons described below.*

*The Board is also requested to defer consideration of the applications listed in Exhibit “J” until a later time.*

### **BACKGROUND**

1. Western New York Power Proceeds Allocation Act

*On March 30, 2012, Governor Cuomo signed into law the Western New York Power Proceeds Allocation Act (the “Act”). The Act provides for the creation, by the Authority, of the Western New York Economic Development Fund (“Fund”). The Fund consists of the aggregate excess of revenues received by the Authority from the sale of Expansion Power (“EP”) and Replacement Power (“RP”) produced at NYPA’s Niagara Power Project that was sold in the wholesale energy market over what revenues would have been received had such energy been sold on a firm basis to an eligible EP or RP customer under the applicable tariff or contract.*

*Under the Act, an “eligible applicant” is a private business, including a not-for-profit corporation. “Eligible projects” is defined to mean “economic development projects by eligible applicants that are physically located within the state of New York within a thirty mile radius of the Niagara power project located in Lewiston, New York that will support the growth of business in the state and thereby lead to the creation or maintenance of jobs and tax revenues for the state and local governments.” Eligible projects include, for example, capital investments in buildings, equipment, and associated infrastructure owned by an eligible applicant for fund benefits; transportation projects under state or federally approved plans; the acquisition of land needed for infrastructure; research and development where the results of such research and development will directly benefit New York state; support for tourism and marketing and advertising efforts for western New York state tourism and business; and energy-related projects.*

*Eligible projects do not include public interest advertising or advocacy; lobbying; the support or opposition of any candidate for public office; the support or opposition to any public issue; legal fees related to litigation of any kind; expenses related to administrative proceedings before state or local agencies; or retail businesses as defined by the board, including without limitation, sports venues, gaming and gambling or entertainment-related establishments, residential properties, or places of overnight accommodation.*

*Fund Benefits are payable to successful eligible applicants for eligible projects in the form of grants. It is anticipated that Fund Benefits will be disbursed by NYPA as reimbursement for expenses incurred by the Eligible Applicant.*

*At least 15% percent of Fund Benefits must be dedicated to eligible projects which are “energy-related projects, programs and services,” which is “energy efficiency projects and services, clean energy technology projects and services, and high performance and sustainable building programs and services, and the construction, installation and/or operation of facilities or equipment done in connection with any such projects, programs or services.”*

*Allocations of Fund Benefits may only be made on the basis of moneys that have been deposited in the Fund. No award may encumber funds that have not been deposited in the Fund.*

2. Western New York Power Proceeds Allocation Board

*Under the Act, the Allocation Board is charged with soliciting applications for Fund Benefits, reviewing applications, making eligibility determinations, evaluating the merits of applications for Fund Benefits, and making recommendations to NYPA on Fund Benefit awards. The Allocation Board uses the criteria applicable to EP, RP and PP allocations, and for revitalization of industry, provided for in Public Authorities Law § 1005. Additionally, the Board is authorized to consider the extent to which an award of*

*Fund Benefits is consistent with the strategies and priorities of the Regional Economic Development Council having responsibility for the region in which an eligible project is proposed.*

*At its meeting on March 4, 2013, the Board, in accordance with the Act, adopted by-laws, operating procedures, guidelines related to the application, and a form of application. A copy of the relevant criteria (collectively, "Program Criteria"), adapted from this Board's "Procedures for the Review of Applications for Fund Benefits," is attached as Exhibit "K."*

*The Board also defined "retail business" to mean "a business that is primarily used in making retail sales of goods or services to customers who personally visit such facilities to obtain goods or services."*

*Finally, the Board designated the Western New York Regional Director, Empire State Development Corporation to act on its behalf for administrative matters and along with NYPA, to provide staff services ("Staff"). Among other things, Staff was authorized to perform analyses of applications seeking Fund Benefits and to make recommendations to the Board on the applications.*

### 3. Application Process

*The Allocation Board established a series of application due dates coupled with a schedule of dates through the end of 2013 on which dates the Board expected to meet to consider applications. In addition, the application process was promoted through a media release and with assistance from state and local entities, including the Western New York and Finger Lakes Regional Economic Development Councils, the Empire State Development Corporation and other local and regional economic development organizations within the State. A webpage was created that is hosted on WWW.NYPA.GOV/WNYPAB with application instructions, a link to the approved application form and other program details including a contact phone number and email address staffed by the Western New York Empire State Development regional office.*

*In this fourth round, the Board received 40 applications collectively seeking over \$23 million in Fund Benefits. Staff analyzed the applications and is now making recommendations to the Allocation Board on all applications.*

## DISCUSSION AND RECOMMENDATIONS TO THE BOARD

*Staff has reviewed the applications received during the fourth solicitation round, and is making the following recommendations to the Board.*

### 1. Recommendations for Awards of Fund Benefits

*Based on a review of the applications and an application of relevant Program Criteria, Staff recommends that the Allocation Board recommend to NYPA Trustees that the seven applications listed on Exhibit "A", Exhibit "B", Exhibit "C", Exhibit "D", Exhibit "E", Exhibit "F", and Exhibit "G" each receive an award of Fund Benefits in the amount indicated. Collectively, these applicants have indicated that the proposed projects would create or retain 902 jobs in Western New York. The total amount to be expended on the projects proposed by these applications is expected to exceed \$108M.*

*Staff has been advised that one or more of these applications may propose projects that must receive approvals and/or comply with other legal requirements, such as the State Environmental Quality Review Act, before they may proceed. Staff recommends that any affirmative recommendation by the Board for any such project not be forwarded to the NYPA for action until after the Board receives*

appropriate notification that all such approvals and requirements have been satisfied, and that such recommendations be made subject to further consideration by Board in the event that such approvals and/or legal requirements are not satisfied.

2. Recommendations for No Award

Based on a review of the applications and an application of relevant Program Criteria, Staff recommends that the Allocation Board determine that no recommendation for an award of Fund Benefits will be made to the NYPA Trustees for the applications listed in Exhibit "H."

3. Ineligible Projects

Economic Development Law ("EDL") § 189-a(5) defines "eligible projects" and further excludes certain categories of projects from such definition, including "retail businesses" as defined by the WNYPPAB and "residential properties." As noted above, the Board has defined "retail business" to mean "a business that is primarily used in making retail sales of goods or services to customers who personally visit such facilities to obtain goods or services."

Based on an application of EDL § 189-a(5) and the Board's definition of "retail business," Staff recommends that the Board find and determine that the applications listed on Exhibit "I" propose projects that are not eligible projects for the following reasons: (1) the application submitted by Lewiston Frontier House proposes a project that is a retail business; and (2) the applications proposed by 1106 and 1110 Main Street, and 400 Elmwood Redevelopment, propose projects that are residential in nature.

4. Recommendation for Future Consideration

The Board is also requested to defer the applications listed in Exhibit "J" for consideration at a later time.

PROJECT STATUS

Under the Act, a recommendation for Fund Benefits by the Allocation Board is a prerequisite to an award of Fund Benefits by NYPA. Upon a showing of good cause, NYPA has discretion to adopt the Allocation Board's recommendation or to award Fund Benefits in a different amount or on different terms than recommended by the Board. In addition, the Authority is authorized to include in any contract providing for the implementation of an award ("Award Contract") any terms and conditions that NYPA deems appropriate.

Given the preliminary stage of the seven projects identified on Exhibit "A", Exhibit "B", Exhibit "C", Exhibit "D", Exhibit "E", Exhibit "F", Exhibit "G", Staff is not in a position to recommend any specific terms and conditions that might be included in the Board's recommendations for awards. It is anticipated that NYPA staff, in consultation with Staff, will negotiate final terms and conditions with successful applicants after the receipt of more detailed information concerning the projects.

RECOMMENDATION

Based on the foregoing discussion and information, Staff recommends that the Allocation Board:

- (1) recommend to the NYPA Board of Trustees that each of the applicants listed in Exhibit "A", Exhibit "B", Exhibit "C", Exhibit "D", Exhibit "E", Exhibit "F", and Exhibit "G" receive an award of Fund Benefits in the amounts recommended in the Exhibits;

- (2) *find and determine that the applications listed in Exhibit “H” will not receive a recommendation for an award of Fund Benefits;*
- (3) *find and determine that the applications listed in Exhibit “I” each proposes a project that is not an eligible project; and*
- (4) *defer consideration of the applications listed in Exhibit “J” for a later time.*

*For the reasons stated, Staff recommends the adoption of the above-requested action by adoption of a resolution in the form of the attached draft resolution.*

### **RESOLUTION**

*NOW THEREFORE BE IT RESOLVED, That the Western New York Power Proceeds Allocation Board (“Allocation Board”) hereby recommends that the Power Authority of the State of New York (“NYPA”) grant an award of Fund Benefits to the applicants listed in Exhibit “A”, Exhibit “B”, Exhibit “C”, Exhibit “D”, Exhibit “E”, Exhibit “F”, Exhibit “G”, in the amounts recommended therein, for the reasons set forth in the attached memorandum and the attachments thereto, provided that (i) applications which propose projects that must receive approvals and/or comply with other legal requirements, such as the State Environmental Quality Review Act, before they may proceed shall not be forwarded to NYPA until Staff, on behalf of the Board, receives appropriate notification that legal approvals and/or requirements which are necessary for the project to proceed have been satisfied, and (ii) such recommendations shall be subject to further Board review in the event that such approvals and/or legal requirements are not satisfied; and be it further*

*RESOLVED, That the Allocation Board hereby finds and determines that the applications listed in Exhibit “H” are not recommended for an award of Fund Benefits for the reasons set forth in the attached memorandum and the attachments thereto; and be it further*

*RESOLVED, That the Allocation Board hereby finds and determines that the applications listed in Exhibit “I” propose projects that are not eligible projects for the reasons set forth in the attached memorandum and the attachments thereto, and therefore are not eligible to receive Fund Benefits; and be it further*

*RESOLVED, That the Allocation Board hereby finds and determines that the applications listed in Exhibit “J” will be deferred for consideration at a later time; and be it further*

*RESOLVED, That Staff is authorized on behalf of the Allocation Board to transmit the Board’s decision and recommendations to NYPA, and to do any and all things and take any and all actions to effectuate the Board’s decision and the foregoing resolution.*

#### **a. Recommendations for Awards of Fund Benefits**

Mr. Ball, ESDC’s Project Director, presented the allocation recommendations.

#### **Ford Motor Company**

Mr. Ball said that staff recommends an award of \$1 million for the Ford Motor Company’s proposed project to modernize the Buffalo stamping plant, which will enhance the plant’s ability to compete as a world-class stamping manufacturer. The investment will be used to upgrade the plant and permit the hiring and training of 100 new employees.

Upon motion made by member McDuffie and seconded by member Elsenbeck with member Wojtaszek abstaining, the Board adopted the resolution regarding Ford Motor Company.

### **Lineagen, Inc.**

Mr. Ball said that staff recommends an award of \$250,000 to Lineagen, Inc., which operates a genetic testing service for individuals with autism spectrum disorders. The project will provide the sales, technical and bioinformatics staff necessary to provide Lineagen's current genetic test offering to western New York and to complete development of new risk-based tests that will improve clinical management for these patients. This project will create 8 new jobs in the area.

Upon motion made by member Wojtaszek and seconded by member Elsenbeck the Board adopted the resolution regarding Lineagen, Inc.

### **Niagara University**

Mr. Ball said that staff recommends an award of \$250,000 for Niagara University to establish the Niagara Global Tourism Institute with the primary goal to make WNY more competitive in the tourism industry.

In response to a question by member Elsenbeck, Mr. Ball said that the University wants to start on the project immediately. We plan to partner with them during phase one of the project, which should last a little over one year.

Upon motion made by member McDuffie and seconded by member Brennen with member Wojtaszek abstaining, the Board adopted the resolution regarding Niagara University.

### **Visit Buffalo Niagara**

Mr. Ball said that staff recommends an award of \$250,000 for Visit Buffalo Niagara for an initiative to that will broaden the interests of the Canadian visitor in the WNY Region.

Upon motion made by member McDuffie and seconded by member Elsenbeck with member Brennen abstaining, the Board adopted the resolution regarding Visit Buffalo Niagara.

### **Washington Mills Electro Minerals Corp**

Mr. Ball said that staff recommends an award of up to \$140,000 for Washington Mills Electro Minerals Corp. This project proposes to upgrade an existing high temperature arc furnace with new, state of the art electrode controls and improve the company's material handling systems. This will give the Niagara Falls facility the ability to produce fused mineral products that are currently imported from Canada. In addition to securing that production work for WNY and removing the possibility of additional operations moving north of the border, the project will make the Niagara Falls facility far more energy-efficient, giving the company an estimated savings of 2-4% on its energy usage while creating a more superior product.

Upon motion made by member Wojtaszek and seconded by member Elsenbeck, the Board adopted the resolution regarding Washington Mills Electro Mineral Corp.

### **CNC Technical Solutions, Inc. Reclaim Center**

Mr. Ball said that staff recommends an award of \$75,000 for CNC Technical Solutions, Inc. Reclaim Center for a project which will expand the capacity and the scope of its industrial control systems reclamation business. As the need for less expensive alternatives to brand new industrial control systems grows across the United States, companies that are in the reclamation and refurbishment of industrial control systems, like CNC, are finding themselves in a position to grow with market trends. CNC has been a staple business in the Medina community for more than 10 years and as a member of this community would like to grow its business in Medina.

Upon motion made by member Wojtaszek and seconded by member Brennen, the Board adopted the resolution regarding CNC Technical Solutions, Inc. Reclaim Center.

### **Forest Lawn Heritage Foundation**

Mr. Ball said that staff recommends an award of \$150,000 for Forest Lawn Heritage Foundation. Forest Lawn Heritage Foundation is one of the most heavily visited historic sites in Western New York.

Upon motion made by member Brennen and seconded by member McDuffie, the Board adopted the resolution regarding Forest Lawn Heritage Foundation.

#### ***b. Recommendations for No Award***

Mr. Ball said that staff recommends that no award allocations on the following applications: Flat #12 Mushrooms, LLC; CNC Technical Solutions, Inc. Training Center; Niagara Arts & Cultural Center, Inc.; Alix Rice Peace Park Foundation Inc.; Helios-NRG, LLC; Precision Scientific Instruments Hull House Foundation; Roar Logistics; Justice Lifeline, Inc.; Somerset Union Museum; MergerShark, Inc.; TAM Ceramics Group of NY, LLC.

Chairman Colucci explained that CNC Technical Solution had submitted two applications – one application was just approved and this application for \$246,000 is being recommended for no award at this time.

Upon motion made by member McDuffie and seconded by member Elsenbeck, with Chairman Colucci abstaining regarding Flat#12 Mushrooms, LLC, the Board adopted the resolution not to recommend awards to the companies listed in Exhibit H.

#### ***c. Ineligible Projects***

Mr. Ball said that after review, staff believes that the following applications are not eligible for award from the Western New York Economic Development Fund under the law: Lewiston Frontier House; 1106 & 1110 Main Street; 400 Elmwood Redevelopment.

Upon motion made by member Wojtaszek and seconded by member McDuffie resolution regarding ineligible projects listed in Exhibit I was adopted.

**d. Recommendation for Future Consideration**

Mr. Ball said a more in depth analysis is necessary for the projects listed in Exhibit J and staff recommends they be deferred to a later time.

Upon motion made by member McDuffie and seconded by member Brennen, with member Elsenbeck abstaining regarding Buffalo Niagara Enterprise, the resolution to defer consideration of the following companies listed in Exhibit J was adopted: Arts Services Initiative of WNY, Inc.; Buffalo Niagara Enterprise; Buffalo Maritime Center; Riviera Theatre; Niagara Co. Historical Society d/b/a The History Center of Niagara; Greater Buffalo United Accountable Healthcare Network (GBUAHN), MSO, LLC; Onyx Administrative Services of Buffalo New York, LLC; Buffalo Syngas, LLC; Entecco, LLC; Paradigm of WNY, LLC; SyncroPET; City Labs, Inc. a Florida Corporation; Humble Pie; Living Green Insulation Products and Services; Sterling Energy; Trek Industries; Triad Recycling; Eden Valley Growers.

Mr. Ball noted for the record that moving forward; a rolling application process will be used in order to be more responsive to the applicants.

**6. Next Meeting and Adjournment**

Chairman Colucci said the next meeting of the Board is scheduled for February 3, 2014 at 3:00 p.m. at the Empire State Development Corporation, Buffalo, New York.

Member Elsenbeck said that he was overwhelmed by the amount of time spent on each application and asked staff to consider refining the process to make it more focused. He asked staff to formulate an analysis.

Chairman Colucci said that the Board and staff have been fine tuning the process throughout the year and if members have specific suggestions on how to streamline the process, to please send them to him.

Member McDuffie said that we need to explain to applicants that “retail projects” are not eligible.

Chairman Colucci responded that the pre-application process should address this concern.

A motion to adjourn the meeting, made by member Elsenbeck and seconded by member Wojtaszek, was entertained by the Chairman and unanimously adopted.

# **EXHIBITS**

**FOR**

**NOVEMBER 18, 2013**

**WESTERN NY**

**POWER PROCEEDS ALLOCATION**

**BOARD**

**Recommended Award: Exhibit A**

Applicant Name:	Ford Motor Company	REDC Region:	WNY
Project Type:	Workforce Development	County:	Erie
Industry:		Locality:	Buffalo
Amount Requested:	\$1,000,000	Start Date:	1 <sup>st</sup> Qtr 2014
		Finish Date:	4 <sup>th</sup> Qtr 2014
<b>RECOMMENDED OFFER</b>			
Recommended Total Award:	\$1,000,000		
Total Project Cost:	\$101,000,000		
% of Project Cost Recommended:			
<b>REGIONAL IMPACT MEASUREMENTS</b>			
Number of Jobs Retained:	680		
Number of Jobs Created:	100		
Average Salary of Jobs:	\$80,000		
Indirect Jobs Created			
Other Impact			
<b>PROJECT DESCRIPTION</b>			
<p>Ford Motor Company operates a stamping plant in WNY which was established in 1950. The facility currently employs 680 full time employees. The WNY facility primarily provides metal stampings for the Edge, the Flex, the F-150 and the Focus. The WNY Stamping plant is the only remaining standalone Ford Stamping Plant in the Country as every other stamping plant was absorbed by bigger assembly facilities. Ford is invest over \$100 million in facility upgrades which will not only secure the future of the stamping plant but will also allow the plant to hire and train 100 new employees.</p> <p>The proposed project is a multi-faceted program designed to modernize the Buffalo stamping plant and enhance the plant's ability to compete as a world-class stamping manufacturer. The investment of \$101 million will be used to upgrade tooling, add new lines and provide stampings and welded sheet metal for the 2015 new model Edge and the 2015 F-150. The installation of new machines and new robots will require the training of the current workforce at the facility on the new technologies and it will require the plant to hire 100 new employees to deal with the expanded capacity. The entire project including upgraded and new machinery will be housed in the current facility which is presently eliminating dated technologies to make space for the new.</p> <p>The completion of this project will secure the position of one of the Region's largest employers as well as create opportunities for growth for many years to come.</p>			
<b>OTHER ECONOMIC DEVELOPMENT BENEFITS RECEIVED</b>			
ESD:	\$7,000,000	NYPA:	8,700kW hydropower
IDA:	\$	Other:	\$
<b>PREVIOUS STATE ASSISTANCE OFFERED OR PROVIDED</b>			

<b>TYPE</b>	<b>AMOUNT</b>	<b>STATUS</b>
ESD Training Grant	\$150,000	Completed

**BASIS FOR RECOMMENDATION**

The WNY Ford Stamping Plant has been one of the Region’s largest and most important employers since the mid 1900’s. The WNY stamping facility is operated by Western New Yorkers who have invested themselves in living and working in the Region and securing the opportunities Ford provides for generations to come. The merits of this project speak for itself. With over 101 million dollars invested in the facility and the hiring of 100 brand new employees that will receive advanced technical training, this is the kind of project that is transformative to the Region.

This project is truly representative of the kinds of projects the Western NY Regional Economic Development Council (“WNYREDC”) envisioned when it put forth its plan for regional growth and prosperity. The project embodies the fundamental principles of growing the advanced manufacturing industry sector in WNY and it embraces the smart growth concepts that are paramount to the Region’s success.

As a longtime staple in the WNY community, the preservation of Ford in WNY coupled with the potential for growth in this community, create the need to place priority on this project and earn the right to keep these stamping operations here.

**Recommended Award: Exhibit B**

Applicant Name:	Lineagen, Inc.	REDC Region:	WNY
Project Type:	Business Investment	County:	Erie
Industry:		Locality:	Buffalo
Amount Requested:	\$1,000,000	Start Date:	11/01/2013
		Finish Date:	10/31/2014
<b>RECOMMENDED OFFER</b>			
Recommended Total Award:	\$250,000		
Total Project Cost:	5,000,000		
% of Project Cost Recommended:	5%		
<b>REGIONAL IMPACT MEASUREMENTS</b>			
Number of Jobs Retained:	0		
Number of Jobs Created:	8		
Average Salary of Jobs:	\$125,000		
Indirect Jobs Created			
Other Impact			
<b>PROJECT DESCRIPTION</b>			
<p>Lineagen operates a genetic testing service for individuals with autism spectrum disorders (ASDs) and other forms of developmental delay. This testing provides clinicians with information that is critical in making informed medical management decisions. Lineagen also has developed biomarkers that are useful in determining MS and COPD progression rate.</p> <p>The project described here will provide the sales, technical and bioinformatics staff necessary to provide Lineagen’s current genetic test offering to western New York and to complete development of new risk-based tests that will improve clinical management for these patients.</p> <p>Immediately upon funding, Lineagen will hire one regional sales manager in the Buffalo/Western New York Region to bring the most comprehensive genetic testing service clinically available to patients in the Region. Additional staff will be hired to develop a DNA sequencing-based predictive model to serve the same markets. Finally, new products for ASD and COPD currently in our development pipeline will be addressed using bioinformatics and computer staffing available in the Buffalo area.</p>			
<b>OTHER ECONOMIC DEVELOPMENT BENEFITS RECEIVED</b>			
ESD:	\$0	NYPA:	\$0
IDA:	\$0	Other:	\$
<b>PREVIOUS STATE ASSISTANCE OFFERED OR PROVIDED</b>			
<b>TYPE</b>	<b>AMOUNT</b>	<b>STATUS</b>	
N/A	N/A	N/A	
<b>BASIS FOR RECOMMENDATION</b>			

Lineagen is a company that started in Utah back in 2002 whose purpose was to both discover and produce clinical applications that coincide with advancements in genetic research and genetic sciences. Lineagen has successfully transitioned from a research organization into a commercial diagnostics business providing cutting edge programs in Autism, MS, and COPD.

As a company based in Utah, Lineagen has identified the Buffalo Niagara Medical Campus as an ideal space to expand its business due to the complimentary research and technology that can be found there.

As a company in the Health/Life Sciences industry that has shown strength, profitability and the potential for growth in WNY, the applicant is exactly the kind of company that the Western NY Regional Economic Development Council is targeting to attract to the Region.

The applicant is committed to creating jobs in the Health/Life Sciences industry and has displayed long term viability and great potential for future growth which also has the potential to spur growth in similar companies in the Region.

**Recommended Award: Exhibit C**

Applicant Name:	Niagara University	REDC Region:	WNY
Project Type:	Tourism/Marketing	County:	Niagara
Industry:	Higher Education	Locality:	Niagara Falls
Amount Requested:	\$286,200	Start Date:	07/01/2013
		Finish Date:	06/30/2014
<b>RECOMMENDED OFFER</b>			
Recommended Total Award:	\$ 250,000		
Total Project Cost:	\$ 415,152		
% of Project Cost Recommended:	69%		
<b>REGIONAL IMPACT MEASUREMENTS</b>			
Number of Jobs Retained:	0		
Number of Jobs Created:	2		
Average Salary of Jobs:	TBD		
Indirect Jobs Created			
Other Impact			
<b>PROJECT DESCRIPTION</b>			
<p>Niagara University (NU) will establish the Niagara Global Tourism Institute (Niagara GTI) with the primary goal to make WNY more competitive in the tourism industry. The GTI, in its partnership with NU, will also enhance the WNY status as a place for global tourism education and research. The Niagara GTI will build upon the established expertise of existing faculty of NU and also pursue a broader vision that will address the changing tourism marketplace and the impact of new technologies on the tourism industry. Once it is established, the Niagara GTI will be a unique, unbiased resource providing the tourism industry with the information, support for innovation, and skills necessary to improve the performance of WNY as a regional, national, and international tourism destination.</p> <p>This phase of development of the GTI will involve:</p> <ul style="list-style-type: none"> <li>• Establishment of an advisory board and staffing the organization;</li> <li>• Completion of a destination audit and asset mapping research project;</li> <li>• Completion of a comprehensive business plan for the GTI, including a sustainability plan;</li> <li>• Outreach to technology companies to begin development and incubation of smart destination, cutting-edge technology solutions for the tourism industry; and</li> <li>• Outreach to promote tourism as a first-choice career among regional youth.</li> </ul>			
<b>OTHER ECONOMIC DEVELOPMENT BENEFITS RECEIVED</b>			
ESD:	\$0	NYPA:	\$0
IDA:	\$0	Other:	\$0

<b>PREVIOUS STATE ASSISTANCE OFFERED OR PROVIDED</b>		
<b>TYPE</b>	<b>AMOUNT</b>	<b>STATUS</b>
ESD	\$223,745	Completed.
<b>BASIS FOR RECOMMENDATION</b>		
<p>A feasibility study, funded by USA Niagara Development Corporation, was completed in 2012, and determined a way in which Niagara University could successfully contribute to the enhancement of the regional tourism economy. The study called for the creation of a Global Tourism Institute as a mechanism for the applicant to support the strategic development of tourism in Western New York.</p> <p>The WNY Region has long needed an unbiased resource to bring the Region’s tourism industry into modern times. This applicant proposes to take on some of the Region’s biggest challenges as they pertain to the tourism industry with no pre-conceived notions about the importance of any one asset or any one strategy over another. The goals set forth by the applicant project promise to give the Region a comprehensive strategy for getting the most out of all of our many tourism assets complimented by a more technologically advanced industry staffed by capable people from the Region who have been given proper training locally.</p> <p>This project is well aligned with the priorities of the WNYREDC and can have a profound economic impact on WNY.</p>		

**Recommended Award: Exhibit D**

Applicant Name:	Visit Buffalo Niagara	REDC Region:	WNY
Project Type:	Tourism/Marketing	County:	Erie & Niagara
Industry:	Tourism	Locality:	N/A
Amount Requested:	\$250,000	Start Date:	01/01/2014
		Finish Date:	12/15/2014
<b>RECOMMENDED OFFER</b>			
Recommended Total Award:	\$250,000		
Total Project Cost:	\$500,000		
% of Project Cost Recommended:	50%		
<b>REGIONAL IMPACT MEASUREMENTS</b>			
Number of Jobs Retained:			
Number of Jobs Created:			
Average Salary of Jobs:			
Indirect Jobs Created			
Other Impact	Increased visitation to region.		
<b>PROJECT DESCRIPTION</b>			
<p>A study conducted by Longwoods about the Canadian shopper provided evidence that the WNY Region has failed to capitalize on Canadians crossing the border into WNY. The study showed that Canadians who cross the border are laser focused on retail shopping because they are unaware of other experiences they might enjoy in the Region.</p> <p>Visit Buffalo Niagara in conjunction with the Niagara Tourism &amp; Convention Corp. has designed the Canadian Marketing Initiative to overcome this perception gap, build on their strengths and broaden the appeal of WNY. Visit Buffalo Niagara and the Niagara Tourism &amp; Convention Corp. have completed the first phase of the Initiative, which included research, creative development, message texting and initial implementation.</p> <p>This phase of the project will begin enhanced marketing communications to targeted audiences in Ontario, including advertising, travel trade shows, media events and FAM tours.</p>			
<b>OTHER ECONOMIC DEVELOPMENT BENEFITS RECEIVED</b>			
ESD:	\$0	NYPA:	\$0
IDA:	\$0	Other:	\$
<b>PREVIOUS STATE ASSISTANCE OFFERED OR PROVIDED</b>			
<b>TYPE</b>	<b>AMOUNT</b>	<b>STATUS</b>	
N/A	N/A	N/A	
<b>BASIS FOR RECOMMENDATION</b>			

One of the longstanding strengths of WNY is the attraction of Canadian shoppers to its many retail locations. One of the longstanding weaknesses of WNY is the failure of WNY to capture other avenues of Canadian spending from this set of visitors.

This applicant has put forth a strategy that will broaden the interests of the Canadian visitor in the WNY Region and begin to extend the stays and increase the frequency of said visitors. This in turn will increase the employment base of the WNY tourism industry, will increase profit margins of local businesses and will generate additional state and local tax revenues. It would only take 5% of Canadian day shoppers spending one night in WNY to increase spending by almost 10 million dollars.

Investment in WNY is happening at an unprecedented rate and the interest in building new attractions and places of overnight accommodation is at an all time high. Visit Buffalo Niagara has demonstrated a clear understanding of the Region's current opportunity to advance the WNY economy and they have put forth a strong strategy to capitalize on that opportunity.

**Recommended Award: Exhibit E**

Applicant Name:	Washington Mills Electro Minerals Corp	REDC Region:	WNY
Project Type:	Business Investment	County:	Niagara
Industry:	Manufacturing	Locality:	Niagara Falls
Amount Requested:	\$140,000	Start Date:	01/01/2014
		Finish Date:	06/30/2014
<b>RECOMMENDED OFFER</b>			
Recommended Total Award:		Up to \$140,000 pending ESD Assistance	
Total Project Cost:		\$840,000	
% of Project Cost Recommended:		17%	
<b>REGIONAL IMPACT MEASUREMENTS</b>			
Number of Jobs Retained:		105 (35 at risk)	
Number of Jobs Created:		2	
Average Salary of Jobs:		\$46,000	
Indirect Jobs Created		5 Construction jobs	
Other Impact			
<b>PROJECT DESCRIPTION</b>			
<p>Project proposes to upgrade an existing high temperature arc furnace with new, state of the art electrode controls and improve the company's material handling systems. This will give the Niagara Falls facility the ability to produce fused mineral products that are currently imported from Canada. In addition to securing that production work for WNY and removing the possibility of additional operations moving north of the border, the project will make the Niagara Falls facility far more energy efficient giving them an estimated savings of 2-4% on their <b>energy usage</b> while creating a more superior product.</p>			
<b>OTHER ECONOMIC DEVELOPMENT BENEFITS RECEIVED</b>			
ESD:	\$ 0	NYPA:	9,700kW hydropower
IDA:	\$ 0	Other:	\$ 0
<b>PREVIOUS STATE ASSISTANCE OFFERED OR PROVIDED</b>			
<b>TYPE</b>	<b>AMOUNT</b>	<b>STATUS</b>	
<b>BASIS FOR RECOMMENDATION</b>			

The Washington Mills facility in Niagara Falls, NY has been an important part of the local economy since 1986 when the company purchased the Carborundum Company and acquired the facility. Washington Mills has production facilities in Niagara Falls, Ontario that predate the Niagara Falls, NY facility by approximately 6 years which creates the challenge of remaining competitive with the Ontario plant to avoid the possibility of operations being consolidated north of the border.

This project will not only give the Niagara Falls, NY facility the ability to remain competitive but also will reduce its dependency on its Canadian counterpart by increasing the ability to produce high purity abrasives and fused mineral products here in WNY; thus starting a trend of increasing operations and employment on this side of the Border.

To get this project off the ground and begin the trend of shifting Canadian operations to the U.S. and more importantly WNY, the facility must present a plan for the economic viability of this project to the corporate management team who will decide whether or not they will make capital allocations that will support this shift. The Niagara Falls facility has asked for assistance with this project to close their current budget gap and make this project attractive enough to garner corporate support.

This project falls under the highly prioritized advanced manufacturing industry sector set forth in the Western NY Regional Economic Development Council (WNYREDC) Plan. It is also at the epicenter of a bi-national competition with Canada that the WNYREDC has recognized that the Region must make progress in this arena to be able to realize its full potential for prosperity.

**Recommended Award: Exhibit F**

Applicant Name:	CNC Technical Solutions, Inc. Reclaim Center	REDC Region:	Finger Lakes
Project Type:	Innovation/Entrepreneur Development	County:	Orleans
Industry:	Advanced Manufacturing/Recycling	Locality:	Medina
Amount Requested:	\$250,000	Start Date:	04/01/2014
		Finish Date:	10/01/2014

**RECOMMENDED OFFER**

Recommended Total Award:	\$75,000
Total Project Cost:	\$338,850
% of Project Cost Recommended:	22%

**REGIONAL IMPACT MEASUREMENTS**

Number of Jobs Retained:	2
Number of Jobs Created:	3
Average Salary of Jobs:	\$25,000
Indirect Jobs Created	
Other Impact	

**PROJECT DESCRIPTION**

CNC Technical Solutions is planning a project which will expand the capacity and the scope of its industrial control systems reclamation business. As the need for less expensive alternatives to brand new industrial control systems grows across the United States, companies that are in the reclamation and refurbishment of industrial control systems, like CNC, are finding themselves in a position to grow with market trends. CNC has been a staple business in the Medina community for more than 10 years and as a member of this community would like to grow its business in Medina.

CNC is proposing to expand on its current industrial control systems reclamation business by purchasing a dilapidated, abandoned building adjacent to its own building at the Eastern Gateway of the Village of Medina and restoring and retrofitting said building to suit the needs of this growing business.

CNC currently runs this business simultaneously with that of its hallmark engineering/technical assistance and advanced certification training businesses in the industrial control systems industry sector. Due to the growth each of these businesses has been experiencing in recent years, CNC is beginning to run out of space in its current facility. The completion of this project will allow CNC to grow the reclamation business in a new space suited for the specific needs of that business thus giving CNC the ability to grow at the rate necessary to remain competitive in this industry sector. In addition to reaching this goal this project will also make way for the future ability to grow the advanced certification training business that provides the foundation for CNC Technical Solutions.

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 Recommendation Memo**

<b>OTHER ECONOMIC DEVELOPMENT BENEFITS RECEIVED</b>			
ESD:	\$0	NYPA:	\$0
IDA:	\$	Other:	\$
<b>PREVIOUS STATE ASSISTANCE OFFERED OR PROVIDED</b>			
<b>TYPE</b>	<b>AMOUNT</b>	<b>STATUS</b>	
N/A	N/A	N/A	
<b>BASIS FOR RECOMMENDATION</b>			
<p>This applicant has proposed a project to expand its Industrial Control System reclamation business. This goal will be achieved through the purchase and renovation of a long abandoned and dilapidated building prominently located at the Eastern Gateway of the Village of Medina.</p> <p>For over 10 years CNC Technical Solutions, Inc. has been providing engineering and technical support and technical training for companies that utilize Industrial Control Systems with advanced technologies. CNC works with companies like GM, Ford, ECC and Accellent. Not only will this project give new life to a building facing condemnation and expand the growing market presence of CNC in the Industrial Controls Reclamation business but it will also give way to a future expansion of CNC's Technical Training programs.</p> <p>CNC has proven to be a growing company that will continue to provide new employment opportunities going forward, and a great community partner. The multiple benefits of this project, including: job creation; workforce development; and smart growth, align well with the Fingers Lakes Regional plan for advancing and growing the Regional economy.</p>			

**Recommended Award: Exhibit G**

Applicant Name:	Forest Lawn Heritage Foundation	REDC Region:	WNY
Project Type:	Tourism/Marketing	County:	Erie
Industry:		Locality:	Buffalo
Amount Requested:	\$300,000	Start Date:	01/01/2014
		Finish Date:	12/31/2015
<b>RECOMMENDED OFFER</b>			
Recommended Total Award:	\$150,000		
Total Project Cost:	\$477,000		
% of Project Cost Recommended:	31%		
<b>REGIONAL IMPACT MEASUREMENTS</b>			
Number of Jobs Retained:	Not applicable.		
Number of Jobs Created:	Not applicable.		
Average Salary of Jobs:	Not applicable.		
Indirect Jobs Created	Not applicable.		
Other Impact			
<b>PROJECT DESCRIPTION</b>			
<p>As one of the most heavily visited historic sites in Western New York, the Forest Lawn Heritage Foundation has identified the need to enhance the visitor experience as it pertains to making connections to the history on display at the illustrious Forest Lawn Cemetery. To fulfill this mission, the Forest Lawn Heritage Foundation has begun the construction of the Margaret L. Wendt Archive and Resource Center which is intended to give each visitor the opportunity to trace the genealogy of any of the families buried in Forest Lawn. Because the cemetery dates almost as far back as the City of Buffalo, many of the visitors will find that they can trace their own genealogy back to the first generation of "Buffalonians" in their family.</p> <p>The Forest Lawn Heritage Foundation has successfully raised the money needed to build the structure that will house the Margaret L. Wendt Archive and Resource Center and the construction on the building has begun. The Foundation, however, is still facing the challenge of securing the remaining funds needed to implement the electronic database that will give visitors access to the historic data contained in the cemetery. The completion of this project will offer both repeat and new visitors to the remarkable grounds a world class experience that will both renew and boost interest in the WNY Region.</p>			
<b>OTHER ECONOMIC DEVELOPMENT BENEFITS RECEIVED</b>			
ESD:	\$0	NYPA:	\$0
IDA:	\$0	Other:	\$
<b>PREVIOUS STATE ASSISTANCE OFFERED OR PROVIDED</b>			
<b>TYPE</b>	<b>AMOUNT</b>	<b>STATUS</b>	
N/A	N/A	N/A	

**BASIS FOR RECOMMENDATION**

Forest Lawn Cemetery is converging on a project based on a massive increase in public interest in genealogy that is projected to result in a significant number of additional visitors each year. Having a history that goes to the earliest days of Buffalo, NY and is paralleled only by places like Arlington National Cemetery, Forest Lawn is a key tourism asset to the WNY Region.

This project will allow Forest lawn to implement a system that will give visitors an opportunity to trace their WNY genealogy (or anyone's genealogy – e.g. Millard Fillmore – 13<sup>th</sup> President of the United States) back to the beginning of the cemetery which was founded in 1849. The project itself is based on the model of tourist destinations, like Ellis Island, which sees approximately 2 million visitors each year, interested in tracing their genealogy back to their family's entrance to the U.S.

It is well established that one of the WNY Region's greatest strengths is the history that has been preserved here and this project will capitalize on that history and create a new reason for tourists to come to the WNY Region. The Western NY Regional Economic Development Council set the growth of tourism as a high priority in the WNY Region and, as one of the Region's greatest tourism assets, this enhanced visitor experience will move the Region closer to that goal.

**Not Recommended: Exhibit "H"**

Applicant Name:	Alix Rice Peace Park Foundation Inc.	REDC Region:	WNY
Project Type:	Tourism/Infrastructure	County:	Erie
Industry:	Non-profit	Locality:	Amherst
Amount Requested:	\$100,000	Start Date:	07/1/2014
		Finish Date:	09/30/2014
<b>RECOMMENDED OFFER</b>			
Recommended Total Award:	\$0		
Total Project Cost:	\$450,000		
% of Project Cost Recommended:			
<b>REGIONAL IMPACT MEASUREMENTS</b>			
Number of Jobs Retained:	Not applicable.		
Number of Jobs Created:	Not applicable.		
Average Salary of Jobs:	Not applicable.		
Indirect Jobs Created	Not applicable.		
Other Impact			
<b>PROJECT DESCRIPTION</b>			
<p>The Alix Rice Peace Park Foundation is building a public concrete skate park. The park will range from 10,000-16,000sq.ft. The Amherst Master Plan of 2004 outlined the construction of three skate parks in Amherst. The applicant has followed the direct advice of the recreation department and have been working hand in hand with the Town of Amherst on the project. The park will be open to the public for use of all age and sport. The park will have spectator seating for competitions, beginner, intermediate and novice section to be able to accommodate all user abilities, and it will be located centrally in Amherst at Bassett Park for easy access.</p>			
<b>OTHER ECONOMIC DEVELOPMENT BENEFITS RECEIVED</b>			
ESD:	\$0	NYPA:	\$0
IDA:	\$0	Other: Corporate Donations & Money Fundraised to date	\$55,500
<b>PREVIOUS STATE ASSISTANCE OFFERED OR PROVIDED</b>			
<b>TYPE</b>	<b>AMOUNT</b>	<b>STATUS</b>	
N/A	N/A	N/A	

**BASIS FOR RECOMMENDATION**

Although the proposed project is both noble and meritorious the intent of this fund is to induce projects that have the potential to yield high economic impact. Unfortunately the nature of this project only lends itself to minimal economic impact and for that reason it is not being recommended for award from this fund.

**Not Recommended: Exhibit "H"**

Applicant Name:	CNC Technical Solutions, Inc Training Center	REDC Region:	WNY
Project Type:	Workforce Development	County:	Orleans
Industry:		Locality:	Medina
Amount Requested:	\$185,000	Start Date:	04/01/2014
		Finish Date:	10/01/2014
<b>RECOMMENDED OFFER</b>			
Recommended Total Award:	\$0		
Total Project Cost:	\$246,000		
% of Project Cost Recommended:	0%		
<b>REGIONAL IMPACT MEASUREMENTS</b>			
Number of Jobs Retained:	2		
Number of Jobs Created:	6		
Average Salary of Jobs:			
Indirect Jobs Created			
Other Impact			
<b>PROJECT DESCRIPTION</b>			
<p>Expand the scope and audience of our existing technical training programs which have historically focused on enhancing the technical skills of Engineers &amp; Technicians at Fortune 500 companies such as General Motors, Ford, American Axle and Globe Metallurgical to name a few. We also have plans to expand our offerings into basic machine shop training and CNC operator training. To that end, our plan is to become accredited and to take our highly focused industry proven training programs and adapt them into offerings to the general public. This is a natural and intuitive evolution for our company and the training expansion is a direct result of numerous discussions with our clients who at times are frustrated by the lack of skilled workers available to them within the Western New York/Finger Lakes Region. Of equal scale are the numerous inquiries we receive directly from the public requesting training in these sectors.</p>			
<b>OTHER ECONOMIC DEVELOPMENT BENEFITS RECEIVED</b>			
ESD:	\$0	NYPA:	\$0
IDA:	\$0	Other:	\$0
<b>PREVIOUS STATE ASSISTANCE OFFERED OR PROVIDED</b>			
<b>TYPE</b>	<b>AMOUNT</b>	<b>STATUS</b>	
N/A	N/A	N/A	

**BASIS FOR RECOMMENDATION**

The completion of this project is dependent on the applicant's ability to execute an expansion project for which the applicant applied for assistance from this fund. This project will not be recommended for an award of fund benefits prior to successful completion of the aforementioned coinciding project.

**Not Recommended: Exhibit "H"**

Applicant Name:	Flat #12 Mushrooms, LLC	REDC Region:	WNY
Project Type:	Agricultural Investment	County:	Erie
Industry:		Locality:	Buffalo
Amount Requested:	\$123,010	Start Date:	12/1/2013
		Finish Date:	5/30/2014
<b>RECOMMENDED OFFER</b>			
Recommended Total Award:	\$0		
Total Project Cost:	\$615,050		
% of Project Cost Recommended:	0%		
<b>REGIONAL IMPACT MEASUREMENTS</b>			
Number of Jobs Retained:	Undefined		
Number of Jobs Created:	Undefined		
Average Salary of Jobs:	Undefined		
Indirect Jobs Created	Undefined		
Other Impact			
<b>PROJECT DESCRIPTION</b>			
<p>Flat#12 Mushrooms has the following project goals:</p> <ul style="list-style-type: none"> <li>- Move to a larger location to develop and implement a carbon neutral production facility.</li> <li>- acquire the machinery needed to increase production and take advantage of clean energy sources (solar, geothermal &amp; Biodiesel)</li> <li>- Use new technologies to create a highly sanitary, energy efficient, optimum grow room for gourmet mushroom production.</li> <li>- develop new markets for mycelium based compost additives and "myco-filters" (used for waste water runoff filtration)</li> </ul>			
<b>OTHER ECONOMIC DEVELOPMENT BENEFITS RECEIVED</b>			
ESD:	\$0	NYPA:	\$0
IDA:	\$0	Other:	\$
<b>PREVIOUS STATE ASSISTANCE OFFERED OR PROVIDED</b>			
<b>TYPE</b>	<b>AMOUNT</b>	<b>STATUS</b>	
N/A	N/A	N/A	

**BASIS FOR RECOMMENDATION**

This applicant is a very early stage start-up company that is yet raise any other capital according to the information provided. Therefore this project is not recommended for award funding at this time.

**Not Recommended: Exhibit "H"**

Applicant Name:	Helios-NRG, LLC	REDC Region:	WNY
Project Type:	Innovation/Entrepreneur Development	County:	Erie
Industry:		Locality:	Amherst
Amount Requested:	\$150,000	Start Date:	01/01/2014
		Finish Date:	12/31/2015
<b>RECOMMENDED OFFER</b>			
Recommended Total Award:	\$0		
Total Project Cost:	\$200,000		
% of Project Cost Recommended:			
<b>REGIONAL IMPACT MEASUREMENTS</b>			
Number of Jobs Retained:	0		
Number of Jobs Created:	29		
Average Salary of Jobs:	Not specified.		
Indirect Jobs Created	0		
Other Impact	NA		
<b>PROJECT DESCRIPTION</b>			
<p>The requested funds for a project in the area of biotechnology is aimed at confirming the feasibility of growing algae on waste streams to create value-added products and services thereby enabling pollution reduction and biofuel production. The technology being developed by Helios-NRG will establish synergies with entities that currently release waste streams such as CO2, high nutrient water (nitrogen and phosphate), and heat into the environment by utilizing these as inputs to grow algae. The platform to grow algae on these waste streams will be commercialized for pollution remediation services and products such as biofuels, animal feed, and fertilizer. The types of businesses that can benefit from the proposed technology include farms, producers of renewable energy including anaerobic digesters, food processing companies and aquaculture. The benefits to these businesses are enhanced because in addition to cost reduction for pollution control, they currently utilize or sell products that could be derived from algae.</p>			
<b>OTHER ECONOMIC DEVELOPMENT BENEFITS RECEIVED</b>			
ESD:	\$0	NYPA:	\$0
IDA:	\$0	Other:	\$0
<b>PREVIOUS STATE ASSISTANCE OFFERED OR PROVIDED</b>			
<b>TYPE</b>	<b>AMOUNT</b>	<b>STATUS</b>	
N/A	N/A	N/A	

**BASIS FOR RECOMMENDATION**

The company is an energy startup in its very early stages of development, presently working to determine the feasibility of their technology. No funds have been secured for the products pilot project. The applicant requested 75% of the total project costs, and to date, the only project funding in place is \$50,000 of the applicants own equity.

**Not Recommended: Exhibit "H"**

Applicant Name:	Hull House Foundation	REDC Region:	WNY
Project Type:	Tourism/Marketing	County:	Erie
Industry:		Locality:	Lancaster
Amount Requested:	\$234,600	Start Date:	01/01/2014
		Finish Date:	12/31/2015
<b>RECOMMENDED OFFER</b>			
Recommended Total Award:	\$0		
Total Project Cost:	\$350,000		
% of Project Cost Recommended:	-		
<b>REGIONAL IMPACT MEASUREMENTS</b>			
Number of Jobs Retained:	Not applicable.		
Number of Jobs Created:	Not applicable.		
Average Salary of Jobs:	Not applicable.		
Indirect Jobs Created	Not applicable.		
Other Impact			
<b>PROJECT DESCRIPTION</b>			
<p>The Hull Family Home and Farmstead Heritage Tourism Project, which is listed on both the National and State Register of Historic Sites, will complete the critical next stage of restoration and establish a visitor-ready attraction that will draw tourists to the Buffalo-Niagara region to its site in Lancaster. The c. 1810 Warren Hull House – believed to be the oldest stone dwelling in Western New York – is a rare surviving example of Federal-style architecture in the region. The Hull House harbors the story of the multifaceted cultural heritage of the Niagara Frontier.</p> <p>Specifically, WNYPPAB funding will enable the Hull House Foundation to complete the interior and exterior restoration of the original home, establish an interim visitor center/gift shop, move the existing barn to serve as a community events/educational center and expand the garage for storage. The project also includes an archaeological study, a cultural site plan and a marketing plan to promote the site throughout the region and beyond.</p>			
<b>OTHER ECONOMIC DEVELOPMENT BENEFITS RECEIVED</b>			
ESD:	\$	NYPA:	\$
IDA:	\$	Other:	\$
<b>PREVIOUS STATE ASSISTANCE OFFERED OR PROVIDED</b>			
<b>TYPE</b>	<b>AMOUNT</b>	<b>STATUS</b>	
ESD Grant	\$250,000	Completed	

**BASIS FOR RECOMMENDATION**

This applicant has received other forms of State funding and is asking for more than 65% of the total project. This project is not recommended for funding at this time.

**Not Recommended: Exhibit "H"**

Applicant Name:	Justice Lifeline, Inc.	REDC Region:	WNY
Project Type:	Workforce Development	County:	Erie
Industry:	Non-profit	Locality:	Buffalo
Amount Requested:	\$367,000	Start Date:	01/01/2014
		Finish Date:	04/01/2014
<b>RECOMMENDED OFFER</b>			
Recommended Total Award:	\$0		
Total Project Cost:	\$517,000		
% of Project Cost Recommended:	\$0		
<b>REGIONAL IMPACT MEASUREMENTS</b>			
Number of Jobs Retained:	0		
Number of Jobs Created:	undefined		
Average Salary of Jobs:	Training Only		
Indirect Jobs Created			
Other Impact			
<b>PROJECT DESCRIPTION</b>			
<p>This project is designed to renovate a two story 5,200 sq ft. brick structure located 2201 Fillmore Ave. to a Transitional Services Center. This structure includes classrooms, computer lab and office space for the Justice Life Line Transitional Services Center. The Workforce Development Program will provide outreach, mentoring, GED, literacy, Job readiness, soft skills training, assessment and referrals of 200 unemployed clients ages 16-25 including ex-offenders in zip code 14214 and 14215 to industry specific training in manufacturing, construction and hospitality.</p>			
<b>OTHER ECONOMIC DEVELOPMENT BENEFITS RECEIVED</b>			
ESD:	\$0	NYPA:	\$0
IDA:	\$0	Other:	\$0
<b>PREVIOUS STATE ASSISTANCE OFFERED OR PROVIDED</b>			
<b>TYPE</b>	<b>AMOUNT</b>	<b>STATUS</b>	
N/A	N/A	N/A	

**BASIS FOR RECOMMENDATION**

While the intended services for ex-offenders to enable them to successfully enter the job market is commendable, there are existing programs through NYS DOL to support this type of activity. Applicant is seeking 100% of project costs from Fund, except for \$150,000 of in kind support from training partners. This is a start up workforce program and it is unclear how it will be sustainable.

**Not Recommended: Exhibit "H"**

Applicant Name:	MergerShark, Inc.	REDC Region:	WNY
Project Type:	TBD	County:	Erie
Industry:		Locality:	Buffalo
Amount Requested:	\$225,000	Start Date:	TBD
		Finish Date:	2yrs after start
<b>RECOMMENDED OFFER</b>			
Recommended Total Award:	\$0		
Total Project Cost:	\$275,000		
% of Project Cost Recommended:	Not applicable.		
<b>REGIONAL IMPACT MEASUREMENTS</b>			
Number of Jobs Retained:	Not stated in the application.		
Number of Jobs Created:	Not stated in the application.		
Average Salary of Jobs:	Not stated in the application.		
Indirect Jobs Created	Not stated in the application.		
Other Impact			
<b>PROJECT DESCRIPTION</b>			
<p>The project involves the programming, testing and completion of a database to allow small business owners to determine the value of their businesses. The MergerShark.com database currently has over 7,000 merger and acquisition transactions and related details that will provide the base of information used for the valuation process. The company needs to complete the database programming and testing, finalize a marketing plan and develop a customer support team. With over 27 million small businesses in the United States, the market opportunity for the Company is very large. The company and all its jobs would be maintained in WNY.</p>			
<b>OTHER ECONOMIC DEVELOPMENT BENEFITS RECEIVED</b>			
ESD:	\$0	NYPA:	\$0
IDA:	\$0	Other:	\$0
<b>PREVIOUS STATE ASSISTANCE OFFERED OR PROVIDED</b>			
<b>TYPE</b>	<b>AMOUNT</b>	<b>STATUS</b>	
N/A	N/A	N/A	

**BASIS FOR RECOMMENDATION**

This is a very early stage company that has intentionally avoided outside investors looking for an equity stake in the company. It is recommended that this fund close gaps in financing for projects challenged with remaining shortfalls and not for applicants that choose not to accept outside investment.

**Not Recommended: Exhibit "H"**

Applicant Name:	Niagara Arts & Cultural Center, Inc.	REDC Region:	WNY
Project Type:	Tourism/Marketing	County:	Niagara
Industry:		Locality:	Niagara Falls
Amount Requested:	\$50,000	Start Date:	01/03/2014
		Finish Date:	05/31/2015
<b>RECOMMENDED OFFER</b>			
Recommended Total Award:	\$0		
Total Project Cost:	\$2,398,000		
% of Project Cost Recommended:	0%		
<b>REGIONAL IMPACT MEASUREMENTS</b>			
Number of Jobs Retained:	N/A		
Number of Jobs Created:	N/A		
Average Salary of Jobs:	N/A		
Indirect Jobs Created			
Other Impact			
<b>PROJECT DESCRIPTION</b>			
<p>The Niagara Arts &amp; Cultural Center (NACC) is a historically significant local landmark located within minutes of the city's tourist district. Built in 1924, the building was home to Niagara Falls High School until 2000 when it was slated for demolition when the school relocated. The building was saved and repurposed to serve as an arts and cultural center. Due to many years of neglect the NACC sustained extensive water damage from a leaky roof resulting in unsafe electrical connections, cracked and falling plaster laden with asbestos and deteriorated wood flooring in the auditorium of the former Niagara Falls High School. The roof has already been replaced and the NACC now proposes to restore the auditorium to be used as its Grand Theater for performing arts. Work to be performed includes hazardous materials abatement, repairing and painting flat and decorative plaster on the walls and ceiling, replacement of historic light fixtures and theater lighting and refinishing the existing wood floor. Upon completion of this project, the NACC will provide a world-class venue for intellectual and artistic entertainment for residents and visitors, thereby contributing to the economic and cultural revitalization of Niagara Falls.</p>			
<b>OTHER ECONOMIC DEVELOPMENT BENEFITS RECEIVED</b>			
ESD:	\$0	NYPA:	\$0
IDA:	\$	Other:	\$0
<b>PREVIOUS STATE ASSISTANCE OFFERED OR PROVIDED</b>			
<b>TYPE</b>	<b>AMOUNT</b>	<b>STATUS</b>	
N/A	N/A	N/A	

**BASIS FOR RECOMMENDATION**

Fulfillment of this request will not advance this project to completion and the applicant is seeking most of the remaining project costs from other State resources via the CFA.

**Not Recommended: Exhibit "H"**

Applicant Name:	Precision Scientific Instruments (PSi <sup>SM</sup> )	REDC Region:	WNY
Project Type:	Innovation/Entrepreneur Development	County:	Erie
Industry:		Locality:	Buffalo
Amount Requested:	\$100,000	Start Date:	01/01/2014
		Finish Date:	12/31/2014
<b>RECOMMENDED OFFER</b>			
Recommended Total Award:	\$0		
Total Project Cost:	\$350,000		
% of Project Cost Recommended:	0%		
<b>REGIONAL IMPACT MEASUREMENTS</b>			
Number of Jobs Retained:	0		
Number of Jobs Created:	5-10		
Average Salary of Jobs:			
Indirect Jobs Created			
Other Impact			
<b>PROJECT DESCRIPTION</b>			
<p>PSi<sup>SM</sup> is a high tech manufacturing startup that has the exclusive licensing agreement with SUNY at Buffalo to produce a US Patented Sub-Nano Metrology System which is capable of studying materials at the single atom level and will enable the radical miniaturization of devices. The \$100,000 request for this project will be used toward the completion of the commercial prototype for production in NYS. We believe this funding will open the door to raise the additional funds needed through private investment and/or other sources. No additional research is needed for the commercial prototype.</p>			
<b>OTHER ECONOMIC DEVELOPMENT BENEFITS RECEIVED</b>			
ESD:	\$0	NYPA:	\$0
IDA:	\$0	Other:	\$0
<b>PREVIOUS STATE ASSISTANCE OFFERED OR PROVIDED</b>			
<b>TYPE</b>	<b>AMOUNT</b>	<b>STATUS</b>	
N/A	N/A	N/A	

**BASIS FOR RECOMMENDATION**

This project is in a very early stage as the applicant is seeking funding to build a prototype of a patented technology and has not secured any other significant funding at this time. For the aforementioned reasons this project is not recommended at this time.

**Not Recommended: Exhibit "H"**

Applicant Name:	ROAR Logistics	REDC Region:	WNY
Project Type:	Workforce Development	County:	Erie
Industry:	Transportation	Locality:	Buffalo
Amount Requested:	\$14,625	Start Date:	03/31/2014
		Finish Date:	07/28/2014
<b>RECOMMENDED OFFER</b>			
Recommended Total Award:	\$0		
Total Project Cost:	\$14,625		
% of Project Cost Recommended:	0		
<b>REGIONAL IMPACT MEASUREMENTS</b>			
Number of Jobs Retained:	Not applicable.		
Number of Jobs Created:	Not applicable.		
Average Salary of Jobs:	Not applicable.		
Indirect Jobs Created	Not applicable.		
Other Impact			
<b>PROJECT DESCRIPTION</b>			
<p>ROAR Logistics intends to provide its operational staff the opportunity to become a Certified Transportation Brokers (CTB) through the Transportation Intermediaries Association (TIA). Certification begins with an intense 17-week study program followed by a 4-hour examination. Successful candidates gain marketing advantages, professional recognition and potential for career advancement.</p>			
<b>OTHER ECONOMIC DEVELOPMENT BENEFITS RECEIVED</b>			
ESD:	\$	NYPA:	\$
IDA:	\$	Other:	\$
<b>PREVIOUS STATE ASSISTANCE OFFERED OR PROVIDED</b>			
<b>TYPE</b>	<b>AMOUNT</b>	<b>STATUS</b>	
N/A	N/A	N/A	
<b>BASIS FOR RECOMMENDATION</b>			
<p>This is a workforce development initiative that is better suited for funding from the NYS Department of Labor. Additionally, it is industry practice for companies to pay the full costs of the CTB Examination out of pocket without the receipt of state assistance, or for individuals to pay the modest fees themselves.</p>			

**Not Recommended: Exhibit "H"**

Applicant Name:	Somerset Union Museum	REDC Region:	WNY
Project Type:	Tourism	County:	Niagara
Industry:	Non-profit	Locality:	Barker
Amount Requested:	\$100,000	Start Date:	01/01/2014
		Finish Date:	12/31/2014
<b>RECOMMENDED OFFER</b>			
Recommended Total Award:	\$0		
Total Project Cost:	\$340,000		
% of Project Cost Recommended:	Not applicable.		
<b>REGIONAL IMPACT MEASUREMENTS</b>			
Number of Jobs Retained:	Not applicable.		
Number of Jobs Created:	Not applicable.		
Average Salary of Jobs:	Not applicable.		
Indirect Jobs Created	Not applicable.		
Other Impact			
<b>PROJECT DESCRIPTION</b>			
<p>Conversion of the Somerset Methodist Church into a museum. The Board of Directors has approved a four phase plan to convert the abandoned church building into a modern cultural institution. Phase one, the stabilization of the building structure, is complete. The WNYPPAB and other public and private funding will provide for the second phase of the renovation plan, that is, the conversion of the building's interior from a dilapidated structure to a modern museum. The third phase of the reuse plan for the church building is to relocate the Dombrowski antique collection from its current location to the museum. This will also allow the Somerset Union Museum to access the artifacts for short (1-2 week) exhibits and fund raising events. The final phase of the museum transformation is the cataloging of the collection and the development of various public exhibits.</p>			
<b>OTHER ECONOMIC DEVELOPMENT BENEFITS RECEIVED</b>			
ESD:	\$0	NYPA:	\$0
IDA:	\$0	Other:	\$0
<b>PREVIOUS STATE ASSISTANCE OFFERED OR PROVIDED</b>			
<b>TYPE</b>	<b>AMOUNT</b>	<b>STATUS</b>	
N/A	N/A	N/A	

**BASIS FOR RECOMMENDATION**

The needs of this project primarily center around upgrading the interior of the building with efficient products (HVAC, Lighting, Insulation etc.). Because of the nature of this project the applicant was referred and has begun working with NYSERDA who will likely support this project.

**Not Recommended: Exhibit "H"**

Applicant Name:	TAM Ceramics Group of NY, LLC	REDC Region:	WNY
Project Type:	Business Investment	County:	Niagara
Industry:		Locality:	Niagara Falls
Amount Requested:	\$2,941,095	Start Date:	January 2014
		Finish Date:	December 2014
<b>RECOMMENDED OFFER</b>			
Recommended Total Award:	\$0		
Total Project Cost:	\$3,676,369		
% of Project Cost Recommended:	\$0		
<b>REGIONAL IMPACT MEASUREMENTS</b>			
Number of Jobs Retained:	N/A		
Number of Jobs Created:	30		
Average Salary of Jobs:			
Indirect Jobs Created			
Other Impact			
<b>PROJECT DESCRIPTION</b>			
<p>TAM Ceramics partnered with ReNew for the purpose of reclaiming valuable rare earth materials from components containing the rare earths, such as magnets, and selling the rare earth materials back into various markets. ReNew owns the technology to reclaim the rare earths and is responsible for developing the supply chain. ReNew's CEO is Alan Rae, also the director of Alfred University's incubator facilities in NYS. TAM owns the assets and know-how and will be doing all the processing on the components, also called post-consumer electronic waste, and converting them into usable and highly valuable rare earth materials. The potential customers are magnet alloy producers, phosphor producers, for catalyst products, polishing compounds, ceramics, batteries, and chemicals markets. TAM Ceramics is a 107 year old manufacturing company in Niagara Falls that has been doing advanced material, powder, and chemical processing for most of its history. ReNew has demonstrated to TAM that it has a strong business plan and strong business contacts, such as suppliers of electronic waste components and end product rare earth material customers, such as PIDC, Pacific Industrial Development Corporation.</p>			
<b>OTHER ECONOMIC DEVELOPMENT BENEFITS RECEIVED</b>			
ESD:	\$0	NYPA:	\$0
IDA:	\$0	Other:	\$0
<b>PREVIOUS STATE ASSISTANCE OFFERED OR PROVIDED</b>			
<b>TYPE</b>	<b>AMOUNT</b>	<b>STATUS</b>	
ESD Grant	\$400,000	In Progress	

**BASIS FOR RECOMMENDATION**

This project has been recommended as a Regional priority through the 2013 REDC award process. Due to this priority status this project will receive funding from NYS for this project and it is therefore not recommended for an award from this fund.

**Ineligible Projects**

<b>Line</b>	<b>Business</b>	<b>City</b>	<b>County</b>	<b>Economic Development Region</b>	<b>Project Description</b>	<b>Classification</b>
1	Lewiston Frontier House	Lewiston	Niagara	WNY	Phase I includes the interior construction and installation of the micro- brewery and the purchase of all necessary equipment to begin the manufacturing of beer. Phase II will include the installation of multi-purpose usage including but not limited to, a gallery to be used by The Arts Council of Lewiston to promote and share the creative developments of local artists, a historical Show Room, to showcase the origins of The Frontier House and educate visitors on its rich history, banquet facilities and meeting rooms.	Retail <sup>1</sup>
2	1106 & 1110 Main Street	Buffalo	Erie	WNY	Renovation of a residential rental property	Residential <sup>2</sup>
3	400 Elmwood Redevelopment	Buffalo	Erie	WNY	Renovation of a residential rental property	Residential <sup>2</sup>

<sup>1</sup>In accordance with EDL § 189-a(5), the Board defines “retail business” to mean a business that is primarily used in making retail sales of goods or services to customers who personally visit such facilities to obtain goods or services.

<sup>2</sup>The applicant proposes a project that is residential in nature.

**Applications Deferred for Further Analysis**

<b>Line</b>	<b>Business</b>	<b>Classification</b>
1	Arts Services Initiative of WNY, Inc.	Deferred for further analysis
2	Buffalo Niagara Enterprise	Deferred for further analysis
3	Buffalo Maritime Center	Deferred for further analysis
4	Riviera Theatre	Deferred for further analysis
5	Niagara Co. Historical Society d/b/a The History Center of Niagara	Deferred for further analysis
6	Greater Buffalo United Accountable Healthcare Network (GBUAHN), MSO, LLC	Deferred for further analysis
7	Onyx Administrative Services of Buffalo New York, LLC	Deferred for further analysis
8	Buffalo Syngas, LLC	Deferred for further analysis
9	Entecco, LLC	Deferred for further analysis
10	Paradigm of WNY, LLC	Deferred for further analysis
11	SyncroPET	Deferred for further analysis
12	City Labs, Inc. a Florida Corporation	Deferred for further analysis
13	Humble Pie	Deferred for further analysis
14	Living Green Insulation Products and Services	Deferred for further analysis
15	Sterling Energy	Deferred for further analysis
16	Trek Industries	Deferred for further analysis
17	Triad Recycling	Deferred for further analysis
18	Eden Valley Growers	Deferred for further analysis

**Western NY Power Proceeds Allocation Board**  
**Exhibit K – Program Criteria**

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Criteria adapted from the Western NY Power Proceeds Allocation Board’s  
“Procedures for the Review of Applications for Fund Benefits”

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1. The extent to which an award of Fund Benefits would be consistent with the strategies and priorities of the Regional Economic Development Council (“REDC”) having responsibility for the region in which an Eligible Project is located.<sup>1</sup> The Western New York Regional Economic Development Council which is responsible for Eligible Projects in Erie and Niagara Counties Strategies & Priorities are:
  - Promote “Smart Growth” by investing in areas that infrastructure already exists and achieves certain goals, such as: preserving historic buildings; reviving downtowns; reviving main streets; investing in existing neighborhoods; and investing in former industrial sites. A project consistent with Smart Growth will also focus on: enhancing walkability; enhancing multiple modes of transportation; connecting disadvantaged communities to employment clusters; spurring mixed-use private investment in existing communities and preserving/enhancing natural lands and or resources.
  - Promote workforce development by increasing diversity in the labor force, developing and cultivating that includes workers with advancement potential, underemployed, unemployed and special population; align education and skills training to job market for current and future industry needs.
  - Foster entrepreneurship and new business formation and growth. Designing a plan that brings new technologies and/or products to the marketplace, increases new start ups in strategic industries and facilitates the commercialization of products that can lead to job growth in the Region.
  - Increase the industry profile of agriculture in WNY by: creating better access to markets; creating new products; creating new more efficient processes; creating strong regional brands; creating programs that promote careers in agriculture.
  - Utilize Western New York’s proximity to Canadian and U.S. population centers to advance economic development in WNY. Bi-national projects will: utilize cross-border planning to create transportation and logistical infrastructure; improve

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<sup>1</sup> As provided for in EDL § 189-c(4), criteria 2-15 are adapted from the criteria for eligibility for Expansion Power, Replacement Power and Preservation Power under Public Authorities Law § 1005. The specific criteria identified in PAL § 1005(13)(b)(4)-(5) are relevant to power allocations under these programs but do not have any logical application to allocations of Fund Benefits. Therefore, the Board does not expect to use these criteria to evaluate applications for Fund Benefits. Additionally, in accordance with PAL § 1005(13), criteria 13-15 listed herein will only be used in the case of Eligible Projects which are proposed by Applicants as, and determined by the Board to be, “revitalization” projects.

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operational relationships; promote the attractiveness of WNY as a hub for global trade.

- Position the WNY region as a global energy hub through new sources of clean energy, energy efficiency and energy efficient transportation.
- Support growth of advanced manufacturing by making research more available to manufacturers to help them innovate.
- Spur growth in the health and life sciences industry through improved commercialization, recruit high profile research talent and reducing the cost burden of healthcare while improving health outcomes.
- Expand the scope of higher education by increasing accessibility to Higher Education for communities that currently have limited access to educational opportunities; better aligning education with the industry needs and creating support structures for start-ups which will assist start-ups with commercialization, business planning, workforce preparation, facilities, etc.
- Grow visitors and visitor spending by raising the profile of WNY as a national and international destination; connect multiple tourist destinations in WNY; improve the profile of the WNY Gateway to the United States.

For more information on the Western New York Regional Economic Development Council please go to <http://regionalcouncils.ny.gov/content/western-new-york>.

2. The extent to which an award of Fund Benefits would be consistent with the strategies and priorities of the Regional Economic Development Council (“REDC”) having responsibility for the region in which an Eligible Project is located.<sup>2</sup> The Finger Lakes Regional Economic Development Council which is responsible for Eligible Projects in Orleans and Genesee Counties Strategies & Priorities can be found at: <http://regionalcouncils.ny.gov/content/finger-lakes>.
3. The number of jobs that would be created as a result of an award of Fund Benefits.
4. The applicant’s long term commitment to the region as evidenced the current and/or planned capital investment in applicant’s facilities in the region.
5. The ratio of the number of jobs to be created to the amount of Fund Benefits requested.
6. The types of jobs that would be created, as measured by wage and benefit levels, security and stability of employment.
7. The amount of capital investment, including the type and cost of buildings, equipment and facilities, proposed to be constructed, enlarged or installed.
8. The extent to which an award of Fund Benefits would affect the overall productivity or competitiveness of the applicant and its existing employment.

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<sup>2</sup> As provided for in EDL § 189-c(4), criteria 2-15 are adapted from the criteria for eligibility for Expansion Power, Replacement Power and Preservation Power under Public Authorities Law § 1005. The specific criteria identified in PAL § 1005(13)(b)(4)-(5) are relevant to power allocations under these programs but do not have any logical application to allocations of Fund Benefits. Therefore, the Board does not expect to use these criteria to evaluate applications for Fund Benefits. Additionally, in accordance with PAL § 1005(13), criteria 13-15 listed herein will only be used in the case of Eligible Projects which are proposed by Applicants as, and determined by the Board to be, “revitalization” projects.

9. The extent to which an award of Fund Benefits may result in a competitive disadvantage for other business in the State.
  10. The growth potential of the applicant's facilities and the contribution of economic strength to the area in which the applicant's facilities are or would be located.
  11. The extent of the applicant's willingness to satisfy affirmative action goals.
  12. The extent to which an award of Fund Benefits is consistent with state, regional and local economic development strategies and priorities and supported by local units of government in the area in which the business is located.
  13. The impact of an award of Fund Benefits on the operation of any other facilities of the applicant, and on other businesses within the region.
  14. That the business is likely to close, partially close or relocate resulting in the loss of a substantial number of jobs.
  15. That the applicant is an important employer in the community and efforts to revitalize the business are in long-term interests of both employers and the community.
  16. That a reasonable prospect exists that the proposed award of Fund Benefits will enable the applicant to remain competitive and become profitable and preserve jobs for a substantial period of time.
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