

September 8, 2014

**MEMORANDUM TO THE WESTERN NEW YORK POWER PROCEEDS  
ALLOCATION BOARD**

**FROM THE WESTERN NEW YORK REGIONAL DIRECTOR, EMPIRE STATE  
DEVELOPMENT CORPORATION**

**SUBJECT: Awards of Fund Benefits from the Western New York Economic  
Development Fund**

**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 four applicants found in Exhibit “A”, Exhibit “B”, Exhibit “C”, and Exhibit “D” in the amounts indicated in each Exhibit.

**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 “E”.

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 2014 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/WNYPPAB 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 Eighth round, the Board reviewed four applications collectively seeking over \$2.6 million in Fund Benefits. Staff analyzed the applications and is now making recommendations to the Allocation Board on these applications.

### DISCUSSION AND RECOMMENDATIONS TO THE BOARD

Staff has reviewed the applications received during the eighth 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 four applications listed on Exhibit "A", Exhibit "B", Exhibit "C" and Exhibit "D" each receive an award of Fund Benefits in the amount indicated. Collectively, these applicants have indicated that the proposed projects would create or retain more than 350 jobs in Western New York. The total amount to be expended on the projects proposed by these applications is expected to exceed \$13 million.

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.

### 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 four projects identified on Exhibit “A”, Exhibit “B”, Exhibit “C” and Exhibit “D”, 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 recommend to the NYPA Board of Trustees that each of the applicants listed in Exhibit “A”, Exhibit “B”, Exhibit “C” and Exhibit “D” receive an award of Fund Benefits in the amounts recommended in the Exhibits;

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.

Christina Orsi  
Western New York Regional Director,  
Empire State Development Corporation

Att.

## **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” and Exhibit “D” 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 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.

**Exhibit A**

Applicant Name:	Cobey Inc.	REDC Region:	Western New York
Project Type:	Business Investment	County:	Erie
Industry:	Manufacturing	Locality:	Tonawanda
Amount Requested:	\$459,875	Start Date:	10/1/2014
		Finish Date:	1/31/2015
<b>RECOMMENDED OFFER</b>			
Recommended Total Award:	\$183,950		
Total Project Cost:	\$919,750		
% of Project Cost Recommended:	20%		
<b>REGIONAL IMPACT MEASUREMENTS</b>			
Number of Jobs Retained:	121		
Number of Jobs Created:	32		
Average Salary of Jobs:	\$56,750		
Indirect Jobs Created			
Other Impact			
<b>PROJECT DESCRIPTION (adapted from application)</b>			
<p>As the oil and gas industry has evolved to incorporate more CNG, Cobey, a manufacturer of air and gas equipment, has identified the need to evolve with it. Cobey has identified a gap in the CNG market in NYS, where there are opportunities for the manufacturing, testing and training of CNG equipment. Currently, most WNY companies installing CNG equipment are forced to go to Pennsylvania for the purchase of equipment and for equipment training. Cobey is proposing the creation of a CNG manufacturing, testing and training process here in WNY in concert with NOCO, which holds a large share of the WNY oil and gas industry.</p>			
<b>OTHER ECONOMIC DEVELOPMENT BENEFITS RECEIVED</b>			
ESD: Excelsior Tax Credits	TBD	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>Purchases of CNG equipment are rapidly rising as companies that rely on heavy trucking are shifting to CNG vehicles. Currently, most WNY companies make the bulk of their CNG equipment purchases outside of NYS. Because manufacturers of this equipment that serve the WNY area are out of State, the training on this equipment also takes place out of State. Cobey is a manufacturer of air and gas compression equipment and they now have the opportunity to evolve their equipment manufacturing process into the manufacturing of CNG equipment to serve the WNY market. Cobey plans to market equipment to all WNY companies looking to transition to CNG, and it already has an agreement with NOCO (one of the biggest diesel suppliers in WNY) to sell NOCO equipment and train their employees on it if Cobey can successfully execute this project. Advanced manufacturing is</p>			

a priority industry sector in WNY and projects of this nature will foster the continued growth of this industry sector.

It is recommended that the applicant be granted \$183,950 to be disbursed in multiple payments as reimbursements for costs incurred based on milestones such as the following:

- Purchase and installation of: Gas Dryer; Twin Compressor; Priority Fill Panel; six above ground Storage Vessels; and Vehicle upfit to CNG - \$73,580
- Addition of 5 new jobs bringing the company total to 126 - \$73,580
- Addition of another 27 jobs bringing the company total to 153 - \$36,790

**Exhibit B**

Applicant Name:	Higher One, Inc.	REDC Region: WNY	WNY
Project Type:	Retention/Expansion	County:	Erie
Industry:	College Assessment Software	Locality:	Buffalo
Amount Requested:	\$300,000	Start Date:	10/1/14
		Finish Date:	3/1/16
<b>RECOMMENDED OFFER</b>			
Recommended Total Award:	\$300,000		
Total Project Cost:	\$1,033,125		
% of Project Cost Recommended:	29%		
<b>REGIONAL IMPACT MEASUREMENTS</b>			
Number of Jobs Retained:	70		
Number of Jobs Created:	36		
Average Salary of Jobs:	\$65,000		
Indirect Jobs Created	Over 100 Construction jobs		
Other Impact	Would be the anchor tenant in dilapidated downtown building that would be rehabbed and become a mixed use development.		
<b>PROJECT DESCRIPTION (adapted from application)</b>			
<p>In 2001, Campus Labs (formerly Student Voice) was formed by two SUNY Buffalo students who won a business plan competition for their idea to form this company and develop software to collect information from students that could be used to impact programs and services. Since that time, Campus Labs has evolved from serving one campus to over 650. Campus Labs quickly became the leading platform and service provider for assessment in higher education. Campus Labs provides the only specialized, comprehensive assessment program that combines data collection, reporting, organization, and campus-wide integration.</p> <p>In February of 2012, Campus Labs was acquired by Higher One, Inc., located in New Haven, CT. Higher One is a company that was founded by three Yale students to streamline many critical campus business office processes for colleges and universities. Today, Higher One services over 830 campuses across the country. With this acquisition, the future of Campus Labs' stand-alone operation in Buffalo has been in doubt. The two local founders of Campus Labs have informed the regional office that new, more efficient space must be provided in Buffalo for the company to remain in WNY. Higher One owns a building in Connecticut with vacant space that Campus Labs could move right into. The company has identified a \$2M gap because of the cost differential between an acceptable WNY location and CT. A significant NYS incentive is required to compete with the CT location. Campus Labs, in conjunction with McGuire Development, has identified a mostly vacant, underutilized building located at 25 East Huron in Downtown Buffalo. Renovations would add commercial tenants to the streetscape of Washington and East Huron. The six-story manufacturing building constructed in 1919, as well as a former department store and bank built in 1900, would be transformed into a high-tech hub with Campus Labs as the anchor tenant. Both</p>			

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buildings have been named by the City of Buffalo as potential sites to be included in a Washington Street historic district within the City.

**OTHER ECONOMIC DEVELOPMENT BENEFITS RECEIVED**

ESD: \$1,269,990 Excelsior	\$	NYPA:	\$
IDA:	\$TBD	Other:	\$

**PREVIOUS STATE ASSISTANCE OFFERED OR PROVIDED**

TYPE	AMOUNT	STATUS
Grant	\$100,000	Disbursed 4/25/12. Exceeds compliance.

**BASIS FOR RECOMMENDATION**

The story of this Buffalo born and bred cutting edge, high tech company and its continued success is a great testimonial for WNY as a preferred destination for these kinds of companies we are trying to attract. In addition to the direct job creation of 36 and retention of 70 high paying jobs, Campus Labs would be the anchor tenant in a major rehab of a dilapidated building in downtown Buffalo.

ESD has extended a separate offer of \$1,269,990 in Excelsior tax credits to partially close a funding gap identified by the company for building renovations.

In order to ensure the future viability of Campus Labs in Buffalo, we are recommending a \$300,000 WNYPPAB award of Fund Benefits to assist with the purchase of \$1,033,125 of furniture fixtures and equipment ("FF&E") to further close the gap. Specifically, it is recommended that Fund Benefits be disbursed based on milestones such as reimbursement for the purchase of eligible FF&E, and after certain job retention and creation commitments have been satisfied for a certain minimum period.

**Exhibit C**

Applicant Name:	The WNY Women’s Foundation, Inc.	REDC Region:	WNY
Project Type:	Workforce Development	County:	Niagara
Industry:	Higher Education	Locality:	Sanborn
Amount Requested:	\$100,000	Start Date:	September 2014
		Finish Date:	August 2015
<b>RECOMMENDED OFFER</b>			
Recommended Total Award:	\$100,000		
Total Project Cost:	\$563,862 (Years Two and Three of Program)		
% of Project Cost Recommended:	18 %		
<b>REGIONAL IMPACT MEASUREMENTS</b>			
Number of Jobs Retained:	0		
Number of Jobs Created:	0		
Average Salary of Jobs:	\$40,000		
Indirect Jobs Created	2		
Other Impact	Approximately 100 low income single mothers will be enrolled in the program for academic year fall 2014-spring 2015.		
<b>PROJECT DESCRIPTION (adapted from application)</b>			
<p>This Project proposes to implement years two and three of a pilot workforce training program for at-risk single mothers (MOMS: From Education to Employment Program) designed by the WNY Women’s Foundation, in partnership with Niagara County Community College. In 2010, the WNY Women’s Foundation produced its report, Pathways to Progress for the Women &amp; Girls of Western New York. This pilot program targets some of barriers identified in the report that prevent low-income single mothers from attaining the education needed to attain a family-sustaining career. The goal for the program is to create systemic change within our region’s colleges and alleviate such barriers to success for single mothers in achieving a degree or certificate leading to a start in a family sustaining career pathway. This pilot program will bridge the gaps between high-demand academic programs, student success and job placement by providing students with an Achievement Coach providing case management; wrap-around supports addressing the most persistent barriers to student achievement and direct access to employers through a Career Coach.</p> <p>Women enrolled in the program will have the option of the following training programs to be provided at Niagara County Community College:</p>			

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	<b>Health</b>	<b>Tourism</b>	
<b>Associate Degree Programs</b>	Nursing Radiological Technician Surgical Technician Physical Therapist Asst. Medical Assistant	Baking and Pastry Arts Culinary Arts Gaming and Casino Mgmt. Hospitality Management Tourism and Event Planning Winery Operations	
<b>Certificate</b>	Phlebotomy Practical Nursing (LPN)	Baking and Pastry Arts Casino Operations Culinary Skills Event Planning Hospitality Operations Tourism Management Wine and Beverage Mgmt.	
<b>Workforce, short-term</b>	Medical Billing/Medical Coding Kidney Dialysis		

**OTHER ECONOMIC DEVELOPMENT BENEFITS RECEIVED**

ESD: Excelsior/EDF	\$0	NYPA:	\$0
IDA:	\$0	Other:	\$0

**PREVIOUS STATE ASSISTANCE OFFERED OR PROVIDED**

<b>TYPE</b>	<b>AMOUNT</b>	<b>STATUS</b>
NA	NA	NA

**BASIS FOR RECOMMENDATION**

The MOMS program seeks to improve educational attainment and improve the skills and workforce readiness of single mothers, many of whom are underemployed in the WNY region. The program will prepare students for careers in targeted industry sectors by providing wrap-around support and case management addressing the most persistent barriers to student achievement. Successful program participants will qualify for jobs with high demand for employees in our region and which pay higher wages. In addition to the direct benefits to women in the program, the pilot will also allow the WNY Women’s Foundation to collect data on the impact of the services provided and refine its approach for similar programs that may be implemented at other local colleges.

It is recommended that Fund Benefits be used only to pay for (1) the professionals who will provide counseling services to program participants, and (2) supplies and materials needed for the program as set forth in the full Application.

Also, it is recommended that Fund Benefits for years two and three be disbursed upon satisfaction of certain milestones, such as confirmation that sufficient funding has been secured from other sources, and other milestones to be determined by the New York Power Authority.

**Exhibit D**

Applicant Name:	City Labs, Inc.	REDC Region:	WNY
Project Type:	Business Investment	County:	TBD
Industry:		Locality:	TBD
Amount Requested:	\$1,750,000	Start Date:	12/2014
		Finish Date:	1/2017
<b>RECOMMENDED OFFER</b>			
Recommended Total Award:	\$484,835		
Total Project Cost:	\$11,848,350		
% of Project Cost Recommended:	4%		
<b>REGIONAL IMPACT MEASUREMENTS</b>			
Number of Jobs Retained:	N/A		
Number of Jobs Created:	90		
Average Salary of Jobs:	\$54,051		
Indirect Jobs Created	N/A		
Other Impact			
<b>PROJECT DESCRIPTION (adapted from application)</b>			
<p>City Labs develops and manufactures Tritium, high energy density, betavoltaic batteries for medical devices, sensors, and defense equipment. Due to recent success in gaining customers and creating a market share, the company is preparing to ramp up into full scale commercial manufacturing of the latest evolution of its betavoltaic battery. The project would include the leasing of a site in WNY followed by equipping the site with advanced manufacturing M&amp;E.</p>			
<b>OTHER ECONOMIC DEVELOPMENT BENEFITS RECEIVED</b>			
ESD:	\$700,000	NYPA:	\$
IDA:	\$	Other:	\$
<b>BASIS FOR RECOMMENDATION</b>			
<p>City Labs is an advanced manufacturing company that produces an advanced betavoltaic battery. This company is an innovator in the production of long-lasting batteries and this industry sector fits well with the WNYREDC Regional plan which places high priority on the advanced technology manufacturing industry sector. The company is currently in Florida and that state is trying hard to keep the company located and growing there. The company has also recently received an incentive offer from Georgia. City Labs appears to have significant growth potential as the Department of Defense has validated its technology and re-upped some key contracts with the company. The company has also recently gained a new customer in the medical device field.</p> <p>This project presents a great opportunity for the WNY Region as the company projects that it will create 90 new high tech advanced manufacturing jobs in the next 5 years.</p> <p>It is recommended that the applicant be granted \$484,835 to be disbursed in multiple payments as reimbursements for costs incurred based on milestones such as the following:</p> <ul style="list-style-type: none"> <li>o Research and development, marketing and capital equipment - \$363,626</li> <li>o Creation of 90 jobs - \$121,209</li> </ul>			

## Western NY Power Proceeds Allocation Board Exhibit “E”

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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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