



KATHY HOCHUL
Governor

Western NY Power Proceeds Allocation Board

ANTHONY J. COLUCCI III
Chairman

WESTERN NEW YORK POWER PROCEEDS ALLOCATION BOARD MINUTES

October 1, 2024 – 3:00 P.M.

VIDEO CONFERENCE

Table of Contents

<u>Subject</u>	<u>Page No.</u>	<u>Exhibits</u>
Opening Remarks	3	
1. Adoption of October 1, 2024 Proposed Meeting Agenda	3	
2. Adoption of August 8, 2024 Meeting Minutes	3	
3. Fund Update	3	
4. Awards of Fund Benefits from the Western New York Economic Development Fund – Round 37	7	A, A-1, B
Other Business		
5. Next Meeting	11	

Minutes of the Meeting of the Western New York Power Proceeds Allocation Board held at
New York Power Authority Buffalo Office Waterfront Village Center 40 La Riviere Drive, Buffalo,
NY 14202

Board Members Present:

Anthony Colucci – Chairman
Brenda McDuffie – Member
Deanna Brennen – Member

NYPA Staff Present:

Lori Alesio	Executive Vice President and General Counsel
Karen Delince	Vice President and Corporate Secretary
Richard Smith	Senior Director – Economic Development
Angela Rossi	Program Manager – Economic Development

Non-NYPA Staff Present:

Robert Creenan	Niagara Gazette
----------------	-----------------

Opening Remarks

Chair Anthony Colucci welcomed members of the Board, the staff of Niagara Gazette, 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. The meeting was called to order at 3:02 p.m.

1. Adoption of the October 1, 2024 Proposed Meeting Agenda

Member Brenda McDuffie made a motion to adopt the October 1, 2024 proposed meeting agenda. The motion was seconded by member Deanna Brennan. The agenda was unanimously adopted.

Conflicts of Interest

Chair Anthony Colucci stated that the members had been polled prior to the meeting regarding possible conflicts of interest with the entity previously provided for their review. The members declared no conflicts of interest.

2. Adoption of the August 8, 2024 Meeting Minutes

Chair Colucci asked if there were any amendments to the Minutes.

Upon motion made by member Deanna Brennan and seconded by member Brenda McDuffie, the minutes of the August 8, 2024 meeting were adopted.

3. Fund Update

Ms. Angela Rossi, Program Manager, Economic Development submitted the August 2024 Western New York Economic Development Fund Update report, to date:

- Total deposits to the fund are \$86,796,000; Total interest earned on deposits is \$3,304,719 making total funds deposited \$90,100,719.
- No Administrative Expenses have been withdrawn.
- Disbursements to Grantees amount to (\$36,514,243), making the current fund balance equal to \$53,586,476.

- Awards under Standard Projects amount to \$42, 111,981 Energy-related projects awarded is \$10,437,815, making total fund benefits awarded \$52,549,796.
- Total fund benefits available to be awarded by the Allocation Board amounted to \$37,550,923.
- A minimum amount of 15% of the fund is dedicated to energy-related projects, \$13,019,400.
- Total Awards (12%) made for energy-related projects, to date, amounts to \$10,437,815. Fund benefits currently available to be awarded for energy-related projects only, is \$2,581,585.
- The recommendation before the Board for consideration today is for a standard project and Energy Related Project in the amount of \$875,000.

Chair Colucci stated that this is an informational item and does not require any action by the Board and thanked Mr. Smith for the report.

Western New York Economic Development Fund Update¹

August-24

The Fund		
<i>this</i>	Total Deposits to the Fund to Date:	\$86,796,000
<i>plus</i>	Total Interest Earned on Deposits to Date:	\$3,304,719
=	Total Funds Deposited:	\$90,100,719
Expenditures		
<i>this</i>	Total Funds Deposited:	\$90,100,719
	Total Administrative Expenses Withdrawn:	\$0
	Disbursements to Grantees:	(\$36,514,243)
<i>plus</i>	Total Expenditures:	(\$36,514,243)
=	Current Fund Balance:	\$53,586,476
Awards		
<i>this</i>	Total Funds Deposited:	\$90,100,719
	Standard Projects:	\$42,111,981
	Energy Related Projects ² :	\$10,437,815
<i>minus</i>	Total Fund Benefits Awarded³:	\$52,549,796
=	Total Fund Benefits Available to be awarded by the WNYPPAB⁴:	\$37,550,923
Energy-Related Projects		
<i>this</i>	Minimum Amount (15%) of the Fund Dedicated to Energy-Related Projects:	\$13,019,400
<i>minus</i>	Total Awards (12%) Made for Energy-Related Projects to Date (not including today):	\$10,437,815
=	Fund Benefits Currently Available to be Awarded for Energy-Related Projects Only:	\$2,581,585
Today's Recommendations		
<i>this</i>	Standard Projects:	\$875,000
<i>plus</i>	Energy-Related Projects or Project Components:	\$0
=	1 Total Recommendations Before the WNYPPAB Today:	\$875,000
Expansion Power ("EP") and Replacement Power ("RP") Summary		
<i>this</i>	Estimated Unallocated EP and RP to Date (MW):	107
<i>plus</i>	Estimated Allocated but Unused Hydropower to Date (MW) ⁵ :	199
=	Total Estimated Unutilized EP and RP to Date (MW)⁶:	306

¹ The "Fund", known as the "Western New York Economic Development Fund", is created and administered by the New York Power Authority ("NYPA"). It is funded with the aggregate excess of revenues ("Net Earnings") received by NYPA from the sale of Expansion Power ("EP") and Replacement Power ("RP") produced at NYPA's Niagara Power Project that is 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 EP or RP customer.

² As defined by the Western New York Power Proceeds Allocation Act, a minimum of 15% of Fund Benefits shall be dedicated to "energy-related projects, programs and services". In accordance with EDL § 189-a(6), "energy-related projects, programs and services" means: (1) energy efficiency projects and services; (2) clean energy technology projects and services; (3) high performance and sustainable building programs and services; and (4) the construction, installation and/or operation of facilities or equipment done in connection with any such projects, programs or services.

³ Funds awarded to applicants to the Fund who are recommended for an award by the WNYPPAB and approved by the NYPA Trustees are known as "Fund Benefits." Disbursement of Fund Benefits is subject to satisfaction of certain terms and conditions.

⁴ Total Fund Benefits Available to Be Awarded is calculated as Total Funds Deposited minus the sum of Total Fund Benefits Awarded and Total Administrative Expenses Withdrawn.

⁵ The NYPA Trustees may allocate EP or RP to eligible companies. Such customers may use the entire allocation, or such customers may "take down" only a portion of the allocation based on their needs at the time. EP and RP that is unallocated, or that is allocated but not taken down, is eligible to be used for WNYEDF "Net Earnings".

⁶ Unutilized EP and RP consists of an estimate of both unallocated hydropower and allocated hydropower that has not been taken down by customers.

WNYEDF Awards by County ⁷

WNYPPAB Recommendati (All)

County	Company	WNYPPAB Approvals (\$)
Erie	425 Michigan Ave, LLC	\$500,000
	Coolture	\$210,000
	Eden Valley Growers	\$80,000
	Field & Fork Network	\$166,912
	Ford Motor Company	\$1,000,000
	Forest Lawn Heritage Foundation	\$150,000
	Innomotive Solutions Group LLC	\$150,000
	Launch NY	\$5,418,000
	Living Green Insulation Products and Services, LLC	\$40,946
	Michigan Street African American Heritage Corridor Commission,	\$250,000
	Nexus Natural Gas LLC	\$570,000
	OSC Manufacturing & Equipment Services, Inc.	\$562,500
	PLS III LLC dba We Care Transportation Services	\$1,000,000
	Visit Buffalo Niagara	\$250,000
	43North LLC	\$6,000,000
	Explore and More...A Childrens Museum	\$1,700,000
	Amos Zittel & Sons	\$380,000
	D'Youville College	\$400,000
	Martin House Restoration Corporation	\$700,000
	General Mills	\$500,000
	Buffalo Arts and Technology Center	\$418,768
	43 North LLC (II)	\$6,000,000
	43North LLC (II)	\$2,000,000
	CL New Co., Inc. dba Campus Labs	\$400,000
	Invest Buffalo Niagara	\$65,836
	PostProcess Technologies, LLC	\$90,000
	Triad Recycling and Energy Corp.	\$150,000
	Hauptman - Woodward Medical Research Institute	\$1,000,000
	River Road Research, Inc.	\$220,000
	Eastman Machine Company	\$170,000
	Hispanic Heritage Council of WNY, Inc.	\$300,000
	Launch New York, Inc.	\$250,000
	Buffalo Niagara Convention & Visitors Bureau, Inc.	\$120,000
	Top Seedz LLC	\$366,605
	Whiting Door Mfg. Corporation	\$595,000
	The Economic Development Group, Inc. dba Northland Workforce	\$1,174,600
	Irish Welding Supply Corporation	\$87,000
	FeedMore Western New York, Inc.	\$5,000,000
	Graycliff Conservancy, Inc.	\$1,020,000
	Richardson Architecture Center, Inc.	\$1,680,000
	Jewish Federation of Greater Buffalo, Inc.	\$73,800
	Per Scholas, Inc.	\$830,000
Erie Total		\$42,039,967
Genesee	Yancy's Fancy, Inc.	\$500,000
	Plug Power	\$1,500,000
Genesee Total		\$2,000,000
Niagara	Aquarium of Niagara	\$1,750,000
	Diversified Manufacturing, Inc.	\$450,000
	Global Outreach Mission, Inc.	\$102,829
	Niagara University	\$285,000
	Washington Mills	\$140,000
	NFIA Stakeholders Group, Inc.	\$24,750
	The WNY Women's Foundation, Inc.	\$100,000
	Cambria Asphalt Products	\$72,750
	Borderworx Logistics, LLC	\$285,000
	Tulip Manufacturing	\$1,000,000
	Niagara University (II)	\$500,000
	NFIA Stakeholders Group, Inc. (II)	\$90,000
	Platters Chocolates	\$200,000
	Niagara Falls National Heritage Area	\$200,000
	Moog, Inc.	\$1,600,000
	Historic Palace, Inc.	\$142,000
	Carousel Society of the Niagara Frontier	\$30,000
	Ashdan Screw Machine Products, Inc.	\$12,500
	The Center for Kashmir, Inc.	\$225,000
	Niagara Arts and Cultural Center, Inc.	\$1,000,000
	Tecmotiv Holdings, Inc.	\$150,000
Niagara Total		\$8,359,829
Orleans	Quorum Group LLC dba Takeform Architectural Graphics	\$150,000
Orleans Total		\$150,000
Grand Total		\$52,549,796

⁷ The companies in this list are the applicants to the Fund whose proposed projects were recommended for an award of Fund Benefits by the WNYPPAB.

* The "Energy Projects (\$)" amount represents the estimated portion of each award that the WNYPPAB considers to be an "energy-related project" as defined by the Western New York Power Proceeds Allocation Act and in accordance with EDL § 189-a(6) (see footnote 2 above for more detail).

4. Application for Fund Benefits from the Western New York Economic Development Fund – Round 37

Ms. Angela Rossi, Manager of Business Power Allocations and Compliance, 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 an award of Fund Benefits be made to Seibel Modern Mfg. & Welding Corp.. (“Seibel Modern”). The project and award amount being recommended is discussed in Exhibits “A” and “A-1”.

BACKGROUND

1. Western New York Power Proceeds Allocation Act

The Western New York Power Proceeds Allocation Act (the “Act”) was signed into law on March 30, 2012. 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 have been provided to successful eligible applicants in the form of grants. It is anticipated that Fund Benefits will be disbursed as reimbursement for expenses incurred by an eligible

applicant for an Eligible Project, or for proposed eligible expenditures to be incurred by the eligible applicant for an eligible project when NYPA has authorized advance disbursements.

At least 15% percent of the Fund is dedicated to eligible projects which are “energy-related projects, programs and services,” which is defined as “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 based on 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 “B” to this memorandum.

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.”

3. Application Process

Initially, the Allocation Board established a series of application due dates coupled with a schedule of dates the Board expected to meet to consider applications. The program was initially 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, ESD and 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. As the program is now well-known, a rolling application process is used, and the Allocation Board meets regularly to consider applications for Fund Benefits.

DISCUSSION AND RECOMMENDATIONS TO THE BOARD

In this 37th round, the Allocation Board has before it one application that has been made available to the Board for review. Staff analyzed the application and is now making recommendations to the Board.

As detailed in Exhibit “A-1”, Seibel Modern seeks funds to construct a 77,000 square foot facility in the Town of Lancaster that will be equipped with state-of-the-art machinery and technology. This new building will consolidate operations by replacing the company’s two existing locations in Lancaster and West Seneca. Seibel Modern would spend approximately \$14.4 million to complete its project.

Based on a review of this application and in consideration of relevant Program Criteria, Staff recommends that the Allocation Board recommend to the NYPA Trustees that the applicant receive an award of Fund Benefits in the amount and for the purposes indicated in Exhibits “A” and “A-1”.

To the extent the applications propose a project that must receive approval and/or comply with other legal requirements, such as the State Environmental Quality Review Act, before the project may proceed, Staff recommends that any affirmative recommendation by the Board for such a project not be forwarded to the NYPA Board of Trustees 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 the 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 recommendations or to award Fund Benefits in different amounts 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 projects identified in the accompanying Exhibits, Staff is not able to recommend proposed definitive terms and conditions that should be included in any Board recommendation for an award. Accordingly, except as otherwise indicated, Exhibit “A-1” offers general considerations relating to disbursement of fund benefits for NYPA’s consideration. It is anticipated that staff would negotiate final terms and conditions if an award is made after the receipt of more detailed information concerning the project.

RECOMMENDATION

Based on the foregoing discussion and information, Staff recommends that the Allocation Board recommend to the NYPA Board of Trustees that the applicant listed in Exhibits “A” and “A-1” receive an award of Fund Benefits in the amount recommended in the Exhibits for the project proposed.

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.

Recommendation for Seibel Modern Mfg. & Welding Corp.

*Ms. Rossi stated that Staff is recommending that the Power Proceeds Allocation Board recommend a Fund Benefit award of **\$875,000** to Seibel Modern Mfg. & Welding Corp. This funding will support the workforce expansion and consolidation of the company’s facilities.*

Seibel Modern is a family-owned steel fabrication and welding shop serving customers in the U.S. and Canada. Due to significant growth and space challenges, the company plans to construct a 77,000 square foot facility in Lancaster, equipped with state-of-the-art machinery and technology. This new facility will consolidate operations by replacing the company's two existing locations in Lancaster and West Seneca thereby further enhancing productivity for the company. Once completed, the company will have the capacity to bid on projects that it is currently unable to accommodate due to size and capacity limitations.

Several factors make this project a strong candidate for a Fund Benefits award:

- 1. This expansion will enhance operational efficiency by consolidating the current workforce (62 employees) and adding 11 full-time positions.*
- 2. Consolidating operations into a larger facility will boost efficiency, productivity, and profitability, benefiting the local economy.*
- 3. The new facility will feature state-of-the-art machinery, allowing Seibel to bid on larger projects.*

In closing, Ms. Rossi stated that the project aligns with the 2023 WNY REDC priorities, focusing on growing the region's tradable sectors and embodies traditional economic development objectives promoting job creation and business investment in the region.

On motion made by Member Brenda McDuffie and seconded by Member Deanna Brennan, staff’s recommendation to award \$875,000 to Seibel Modern Mfg. & Welding Corp. was unanimously adopted.

For the reasons stated, Staff recommends the adoption of the above-requested action by adoption of the resolution below.

NOW THEREFORE BE IT RESOLVED, That the Western New York Power Proceeds Allocation Board ("Board") hereby recommends that the Power Authority of the State of New York ("NYPA") make awards of Fund Benefits to the applicant recommended in the attached memorandum and the attachments thereto, for the reasons set forth in the attached memorandum and any attachments thereto; provided that (i) if an application proposes a project that must receive approvals and/or comply with other legal requirements, such as the State Environmental Quality Review Act, before it may proceed, the recommendation for such application shall not be forwarded to NYPA until Staff, on behalf of the Board, receives appropriate notification that such legal approvals and/or requirements which are necessary for the project(s) 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 Board to transmit the Board's decision and recommendations to NYPA subject to the qualification stated above regarding legal approvals and/or requirements, and to do any and all things and take any and all actions to effectuate the Board's decision and the foregoing resolution.

4. **Next meeting and Adjournment**

The next meeting of the Western New York Power Proceeds Allocation Board is scheduled to be determined.

Upon motion made by member Deanna Brennan and seconded by member Brenda McDuffie, the meeting was adjourned at approximately 3:09p.m

Karen Delince

Karen Delince
Corporate Secretary

Exhibit "A"
10/1/2024

Applications for Proceeds and Fund Recommendations

Line	Business	City	County	Economic Development Region	Project Description	Project Type	Recommended Award Amount	Total Project Cost	Jobs Retained	Jobs Created
1	Seibel Modern Mfg. & Welding Corp.	Lancaster	Erie	Western NY	Business Expansion	Business Investment	\$875,000	\$14,364,754	-	11

Total: \$875,000 \$14,364,754 - -

Total Jobs Created & Retained: 11



KATHY HOCHUL
Governor

Western NY Power Proceeds Allocation Board

ANTHONY J. COLUCCI III
Chairman

Exhibit A-1

Applicant Name:	Seibel Modern Mfg. & Welding Corp.	REDC Region:	Western New York
Project Type:	Business Investment	County:	Erie
Industry:	Manufacturing	Locality:	Lancaster
Amount Requested:	\$1,500,000	Start Date:	January 2025
		Finish Date:	January 2026
RECOMMENDED OFFER			
Recommended Total Award:		\$875,000	
Total Project Cost:		\$14,364,754	
% of Project Cost Recommended:		6%	
PROJECT BUDGET (Proposed by Applicant)			
Use of funds	Amount	Source of Funds	Amount
Land Acquisition \$850,000	Construction Costs	WNY EDF	
		\$1,500,000	
\$9,914,850		Bank Loan	
M&E		\$10,799,904	
\$3,599,904		Equity	
		\$2,064,850	
Total:		Total:	
\$14,364,754		\$14,364,754	
REGIONAL IMPACT MEASUREMENTS			
Job Commitments:		Applicant will create 11 full time equivalents ("FTE") at the project location over five years.	
Average Salary of Jobs:		\$68,000	
Indirect Jobs Created:		N/A	
Other Impact:		N/A	
PROJECT DESCRIPTION (Adapted from Application)			
Seibel Modern is a family-owned steel fabrication and welding shop that serves customers across the United States and Canada. The company has experienced significant growth, leading to consistent space challenges that require an expansion to facilitate meeting customer demands.			

To address these demands, the Applicant will construct a 77,000 square foot facility in the Town of Lancaster that will be equipped with state-of-the-art machinery and technology. This new building will consolidate operations by replacing the company's two existing locations in Lancaster and West Seneca.

Once completed, Seibel Modern will have the capacity to bid on projects that it is currently unable to accommodate due to size and capacity limitations. This expansion will enhance productivity and operational efficiency by consolidating the current workforce and adding 11 new full-time positions.

OTHER ECONOMIC DEVELOPMENT BENEFITS RECEIVED

Lancaster IDA ESD	Pending Pending		

PREVIOUS STATE ASSISTANCE OFFERED OR PROVIDED

TYPE	AMOUNT	STATUS
-------------	---------------	---------------

BASIS FOR RECOMMENDATION

- The project is expected to create 11 jobs while also safeguarding existing positions by addressing current operational challenges.
- Consolidating operations into a larger facility will enhance operational efficiency, increase productivity and revenues and profits, thereby benefiting the local economy.
- The new facility will feature state-of-the-art machinery, enabling Seibel Modern to bid on larger projects, thereby enhancing competitiveness and fostering growth and job creation.
- The Project aligns well with the 2023 WNY REDC priorities that focus on growing the region's tradable sectors. This Project also aligns with traditional economic development goals of facilitating job creation and business investment in WNY.

ANTICIPATED DISBURSEMENT TERMS

Fund Benefits would be used to reimburse the Applicant for a portion of costs associated with construction of the new facility. It is anticipated that: (1) funds will be disbursed as the project is completed at certain project milestones, or upon completion of the project as demonstrated by payment of project costs; (2) reimbursement would be made upon presentation to NYPA of invoices and such other documentation acceptable to NYPA verifying that the Applicant has incurred eligible expenses of approximately \$14.4 million; and (3) other terms and conditions such as annual commitments that will be specified in the Fund Benefits Agreement.

Criteria adapted from the Western NY Power Proceeds Allocation Board's
"Procedures for the Review of Applications for Fund Benefits"

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.¹ The Western New York Regional Economic Development Council is responsible for Eligible Projects in Erie and Niagara Counties, and its Strategies & Priorities are to:
 - Promote "Smart Growth" by investing in areas where 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 workers with advancement potential, underemployed, unemployed and who belong to a special population; align education and skills training to the 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 startups 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, and 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 operational relationships, and 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.

¹ 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.

- Spur growth in the health and life sciences industry through improved commercialization, recruiting 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 that will assist start-ups with commercialization, business planning, workforce preparation, and facilities.
- Grow visitors and visitor spending by raising the profile of WNY as a national and international destination, connect multiple tourist destinations in WNY, and 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 <https://regionalcouncils.ny.gov/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.² The Finger Lakes Regional Economic Development Council is responsible for Eligible Projects in Orleans and Genesee Counties, and its Strategies & Priorities can be found at: <https://regionalcouncils.ny.gov/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.
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.

² 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 that are proposed by Applicants as, and determined by the Board to be, “revitalization” projects.

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 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.
-