



NY State Economic Development Power Allocation Board

ANDREW M. CUOMO
Governor

ECONOMIC DEVELOPMENT POWER ALLOCATION BOARD

MINUTES
May 24, 2021 – 9:00 a.m.

Videoconference

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A regular meeting of the Economic Development Power Allocation Board was held via videoconference.

The following Members of the Board were present:

Eugene L. Nicandri, Chair
Dennis Trainor, Member
Andrew Silver, Member

Also in attendance were:

Keith Hayes	Senior Vice President, Clean Energy Solutions, NYPA
Karen Delince	Vice President & Corporate Secretary, NYPA
Lorna Johnson	Senior Associate Corporate Secretary, NYPA
Sheila Quatrocci	Associate Corporate Secretary, NYPA

Introduction

Chair Nicandri welcomed members of the Economic Development Power Allocation Board (“EDPAB”), Dennis Trainor and Andrew Silver. He also welcomed Authority senior staff to the meeting. He said that the meeting had been duly noticed as required by the Open Meetings Law and called the meeting to order pursuant to the EDPAB Bylaws, Article III, Section 2.

1. **Approval of the Proposed Meeting Agenda**

Chair Eugene Nicandri and Members Dennis Trainor and Andrew Silver declared no conflicts of interest based on the list of entities being considered for power allocations.

Upon motion made by Member Dennis Trainor and seconded by Member Andrew Silver, the Agenda for the May 24, 2021 meeting was adopted.

2. **Approval of the Minutes**

Upon motion made by Member Dennis Trainor and seconded by Member Andrew Silver, the Minutes of the Meeting held on March 29, 2021 were unanimously approved.

3. Transfer of Recharge New York Power Allocations

SUMMARY

The Economic Development Power Allocation Board (“Board”) is requested to approve the transfer of the Recharge New York (“RNY”) Power allocations listed below, subject to the conditions discussed in this report:

1. Transfer of a pending 700 kilowatt (“kW”) Recharge New York (“RNY”) Power allocation awarded to CleanFiber, LLC (“CleanFiber”) for its use at its facility at 250 Lake Road, Blasdell, New York, to its subsidiary, CleanFiber Buffalo, LLC (“CleanFiber Buffalo”), to address organizational changes.
2. Transfer of a 780 kW RNY Power allocation awarded to Fieldbrook Foods Corporation (“FFC”), for use at its One Ice Cream Drive, Dunkirk, New York facilities, to Wells Enterprises, Inc. (“WEI”), to address organizational changes.
3. Transfer of a 76 kW RNY Power allocation awarded to JK Jewelry, Inc. (“JKJ”), for use at its 1500 Brighton Henrietta Town Line Road, Rochester, New York facilities, to JK Acquisition, LLC (“JKA”), to address organizational changes.
4. Transfer of a 90 kW portion of a 176 kW RNY Power allocation awarded to Newchem, LLC (“Newchem”) for use at its facility located at 434 E. Union Street, Newark, New York to a facility located at 401 W. Shore Blvd., Newark, New York.

The Board has previously approved transfers of RNY Power allocations in similar circumstances.

If the Board approves the requested transfers, the Trustees of the New York Power Authority (“Authority”) will also be requested to approve the transfers.

DISCUSSION

The following discussion describes the facts relating to the recommended transfers.

1) CleanFiber, LLC

CleanFiber has a pending 700 kW RNY Power allocation for use at its facility at 250 Lake Road, Blasdell, NY, where it manufactures high quality cellulose insulation that is both low dust and fire retardant. The Board approved this allocation with CleanFiber’s original name, UltraCell Insulation, LLC. The name of the company was changed for name recognition purposes, with no other changes to the corporate entity. Operations at this facility were then shifted to CleanFiber’s wholly-owned subsidiary, CleanFiber Buffalo. CleanFiber Buffalo operates the same type of business as CleanFiber.

Both CleanFiber and CleanFiber Buffalo request the transfer of CleanFiber’s pending 700 kW RNY Power allocation to CleanFiber Buffalo. CleanFiber Buffalo would take the transfer of the pending RNY Power allocation subject to the terms and conditions that are applicable to the original award to CleanFiber.

2) Fieldbrook Foods Corporation

Fieldbrook Foods Corporation (“FFC”) was awarded a 780 kW RNY Power allocation for use at its facilities at One Ice Cream Drive, Dunkirk. This facility manufactures private label ice cream and is one of the largest producers of ice cream in the northeast.

On December 30, 2020 FFC, the wholly-owned subsidiary of WEI, merged with and into Wells Enterprises, Inc. (“WEI”), with WEI the surviving entity. Considering the merger, the companies have asked that the 780 kW RNY Power allocation be transferred to WEI. The merger has not resulted in

changes to operations at the Dunkirk facility, and WEI has indicated that it will honor all terms and conditions made by FFC under its RNY Power sale agreement with the Authority if the transfer is approved.

3) JK Jewelry, Inc.

JK Jewelry (“JKJ”), which does business as JK Findings, was awarded a 76 kW RNY Power allocation for use at its facilities at 1500 Brighton Henrietta Town Line Road, Rochester, New York where it designs and manufactures high quality jewelry findings. Jewelry findings are the components of jewelry, such as clasps, beads, etc. JKJ operates a world-wide business with its headquarters in Rochester.

In February 2020, JKA purchased JKJ’s operating business and related assets. JKA has continued operations at the same facility with the same employees and equipment as JKJ.

Both companies have asked that the 76 kW RNY Power allocation be transferred to JKA. JKA has indicated it will honor all terms and commitments made by JKJ under its RNY Power sale agreement with the Authority.

4) Newchem, LLC

Newchem, which does business as, Newcut, Inc., was awarded a 176 kW RNY Power allocation, for use at its facilities at 434 E. Union Street, Newark. Newchem manufactures metal alloy screens and filters, RFI/EMI shields, etched signage, and other products through photo chemical etching processes.

Newchem relocated this business to another facility at 401 W. Shore Blvd., Newark. The Authority awarded the company a 130 kW RNY Expansion allocation for this facility, which it currently receives. The E. Union Street facility has been demolished by Newchem.

Newchem requested that its 176 kW RNY Power allocation from the E. Union Street facility be transferred to the 401 W. Shore Blvd. facility. However, based on the load at the new facility the Authority determined that only 90 kW of the 176 kW qualified for transfer. The remainder of the allocation has been taken back. The company has indicated it will honor all commitments including employment, power utilization, and capital investment commitments associated with the original 176 kW RNY Power allocation.

RECOMMENDATION

Staff recommends that the Board approve the transfers discussed above, subject to the following conditions: (1) approval of the transfer of the RNY Power allocations by NYPA; (2) there be no material reductions in the base employment level or capital investment commitment associated with the allocations that would be transferred; and (3) the transfer is addressed in contract documents containing such terms and conditions determined by the Authority to be appropriate to effectuate the transfers.

Chair Nicandri invited Mr. Keith Hayes, Senior Vice President of Clean Energy Solutions to present the Transfer of Recharge New York Power Allocation to the Board.

Mr. Hayes said that staff is requesting that EDPAB recommend that the Authority’s Trustees approve Transfer of Recharge New York Power allocations for 4 customers experiencing business changes necessitating such transfer for the reasons stated above.

Upon motion made by Member Dennis Trainor and seconded by Member Andrew Silver, the Transfer of Recharge New York Power Allocations, as recommended by staff, was approved by the Board.

The following resolution was unanimously adopted by members of the Board.

RESOLVED, That the transfer of the pending 700 kilowatt (“kW”) Recharge New York Power (“RNY”) allocation awarded to CleanFiber, LLC, for use at its facilities at 250 Lake Road, Blasdell, New York, to CleanFiber Buffalo, LLC, for use at the same facilities, as described in the foregoing report (“Report”) be, and hereby is, approved subject to the following conditions: (1) approval of the transfer by the New York Power Authority (“NYPA”); (2) there be no material reduction in the base employment level or capital investment commitment due to the transfer as provided for above; and (3) the transfer is addressed in contract documents containing such terms and conditions determined by the NYPA to be appropriate to effectuate the transfer; and be it further

RESOLVED, That the transfer of a 780 kW RNY Power allocation awarded to Fieldbrook Foods Corporation, for use at its facilities located at One Ice Cream Drive, Dunkirk, New York to Wells Enterprises, Inc., for use at the same facilities, as described in the foregoing Report be, and hereby is, approved subject to the following conditions: (1) approval of the transfer by NYPA; (2) there be no material reduction in the base employment level or capital investment commitment due to the transfer as provided for above; and (3) the transfer is addressed in contract documents containing such terms and conditions determined by the NYPA to be appropriate to effectuate the transfer; and be it further

RESOLVED, That the transfer of the 76 kW RNY Power allocation awarded to JK Jewelry, Inc. for use at its facility at 1500 Brighton Henrietta Town Line Road, Rochester, New York, to JK Acquisition, LLC for use at the same facility, as described in the foregoing Report be, and hereby is, approved subject to the following conditions: (1) approval of the transfer by NYPA; (2) there be no material reduction in the base employment level or capital investment commitment due to the transfer as provided for above; and (3) the transfer is addressed in contract documents containing

such terms and conditions determined by the NYPA to be appropriate to effectuate the transfer;
and be it further

RESOLVED, That the transfer of a 90 kW portion of the 176 kW RNY Power allocation initially awarded to Newchem, LLC for use at its facility at 434 E. Union Street, Newark, New York, for use at a facility located at 401 W. Shore Blvd., Newark, New York, as described in the foregoing Report be, and hereby is, approved subject to the following conditions: (1) approval of the transfer by NYPA; (2) there be no material reduction in the base employment level or capital investment commitment due to the transfer as provided for above; and (3) the transfer is addressed in contract documents containing such terms and conditions determined by the NYPA to be appropriate to effectuate the transfer.

OTHER BUSINESS

4. **Next Meeting**

Chair Nicandri said that the next meeting of the Board would be held on Monday, July 26, 2021.

Closing

Upon motion made by Member Dennis Trainor and seconded by Member Andrew Silver, the meeting was adjourned.