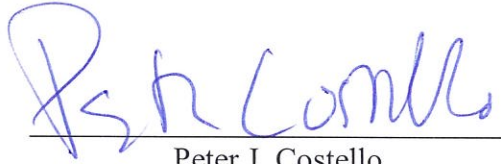


CERTIFICATE AS TO MINUTES

The undersigned, Secretary to the New York State Energy Research and Development Authority (“Authority”), hereby certifies that attached hereto is a complete and accurate copy of the minutes of the 266th Meeting of the Authority, duly held on April 29, 2024.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Authority this

15th day of May, 2024.



Peter J. Costello
Secretary

SEAL

NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY
Minutes of the 266th Board Meeting
Held on April 29, 2024

Pursuant to a notice and agenda dated April 17, 2024 and a revised agenda dated April 29, 2024, of the New York State Energy Research and Development Authority (“Authority”) a meeting was convened on Monday, April 29, 2024, at 2:00 p.m. at the NY Green Bank (NYGB) Office located at 1333 Broadway, Suite 300, New York, New York; the Authority’s Albany Office located at 17 Columbia Circle, Albany, New York; the New York State Department of Transportation (NYSDOT) located at 50 Wolf Road, Albany, New York; and the Department of Public Service located at 3 Empire Plaza, Albany, New York. The four locations were connected by videoconference.

The following Members of the Authority were present:

Richard Kauffman, *Chair of the Authority* attended from NYGB

Charles Bell, *Vice Chair of the Authority* attended from Albany

Sherburne Abbott attended from NYGB

Arturo Garcia-Costas attended from NYGB

Justin Driscoll attended from Albany

Jay Koh attended from NYGB

Marie Therese Dominguez attended from NYSDOT

Sadie McKeown attended from NYGB

Member Rory Christian was unable to attend.

Also present were Doreen Harris, President and CEO; John Williams, Executive Vice President for Policy and Regulatory Affairs; Pam Poisson, Chief Financial Officer; Anthony J. Fiore, Chief Program Officer; Peter J. Costello, General Counsel and Secretary to the Authority; Sara L. LeCain, Senior Counsel and Secretary to the Committees; and various other staff of the Authority.

The Chair called the meeting to order and confirmed a quorum was present. Notice of this meeting was provided to the Members and to the press on April 17, 2024. A revised notice and agenda was issued on April 29, 2024.

The Chair noted a revision in the order of the agenda and indicated that the first item on the discussion agenda was a report from the Authority's President and CEO Doreen Harris.

President and CEO Harris began by providing the Members with an update regarding the New York State Budget for Fiscal Year 2025, noting some key energy-related provisions such as: an extension to the sole purpose holding company authority of the Build Ready Program; New York State Zero-Emission School Bus Resource Center; a Residential Energy Storage Systems Sales Tax Exemption; Renewable Action through Project Interconnection and Deployment (RAPID) Act; Empire Artificial Intelligence Consortium; and a \$50 million dollar Energy Affordability Guarantee.

Next, President and CEO Harris provided the Members with updates on New York State energy and environment leadership changes, the New York Cap-and-Invest program ("NYCI"), the Inter-Agency Fire Safety Working Group, the Buildings of Excellence Competition Awards Event, Earth Month, Secretary Granholm's visit to Brookhaven National Laboratory, large-scale renewables, and proactive transmission planning.

The Chair indicated that the next item on the discussion agenda was consideration of a resolution commending Basil Seggos for his work on behalf of the Authority.

Member Garcia-Costas noted that Commissioner Seggos was a consummate professional and pleasure to work with.

Whereafter, upon motion duly made and seconded, and by unanimous voice vote of the Members present, the following resolution was adopted.

Resolution No. 1720

WHEREAS, the Honorable Basil Seggos, Commissioner of the New York State Department of Environmental Conservation, has served with distinction as a Member of the New York State Energy Research and Development Authority for eight years; and

WHEREAS, Commissioner Seggos's leadership and insight were instrumental in coordinating and harmonizing the clean energy related mission and work of the Department and the Authority; and

WHEREAS, Commissioner Seggos's tenure was marked by close collaboration in the continued success of the Authority's mission and strategic direction, including serving as the Co-Chair of the Climate Action Council, spending three tireless years developing the recommendations contained within the Scoping Plan; followed by a commitment to the realization of the goals of the Climate Leadership and Community Protection Act, most notably in his efforts to support the study and advancement of the New York Cap and Invest proposal, and other efforts to maximize the environmental, energy, and economic benefits to the People of the State of New York; and

WHEREAS, the Members of the Authority wish to recognize Commissioner Seggos for his service, dedication and diligence as a Member of the Authority and to memorialize his vision, dedication, and commitment of the Authority and the advancement of its mission;

NOW, THEREFORE, BE IT RESOLVED THAT, the Members of the New York State Energy Research and Development Authority Board, assembled on this 29th day of April, 2024, commend the Honorable Basil Seggos, and express their deepest appreciation and respect for his contributions to the Authority and the betterment of the State of New York, the Members wish him well in his future endeavors.

The Chair indicated that the next item on the discussion agenda was the reappointment of Marie Therese Dominguez to the Program Planning Committee. The Chair noted that Commissioner Dominguez had confirmed her commitment to serve.

Whereafter, upon motion duly made and seconded, and by unanimous voice vote of the Members present, the following resolution was adopted.

Resolution No. 1721

RESOLVED, that pursuant to Section 1852(9) of the Public Authorities Law and Section 2 of Article III of the By-laws of the Authority, the Authority hereby appoints Marie Therese Dominguez to the Program Planning Committee.

The Chair indicated that the next item on the discussion agenda was a report on the items considered by the Program Planning Committee (“PPC”) and asked PPC Chair, Sherburne Abbott to discuss this item.

Member Abbott reported that the PPC met earlier that day, and a quorum was present. The PPC received a report from the Authority’s President and CEO Doreen Harris and Director of Strategy Erich Sherer on the Authority’s strategic outlook entitled *Toward a Clean Energy Future: A Strategic Outlook 2024-2027*. The presentation summarized the Authority’s plans and goals for the next three years such as the Authority’s work in pursuit of its six Mission Outcomes and Strategic Focus Areas: Greenhouse Gas Emissions Reduction, Clean Electricity, Clean and Efficient Buildings, Clean Transportation, Clean Energy Jobs and Economy, and Sustainable and Climate-Resilient Communities. The PPC was able to ask questions and was satisfied with the discussion.

The PPC unanimously recommended that the Board adopt a resolution approving the Strategic Outlook.

Whereafter, upon motion duly made and seconded, and by unanimous voice vote of the Members present, the following resolution was adopted.

Resolution No. 1722

RESOLVED, that the outlook for the Authority’s energy, economic environmental program priorities and strategic vision entitled *Toward a Clean Energy Future: A Strategic Outlook 2024-2027*, submitted to the Members for consideration at this meeting with such non-substantive, editorial changes and supplementary schedules as the President, in their discretion, may deem necessary or appropriate, is adopted and approved by the Board as the Authority's updated Strategic Outlook.

The Chair indicated that the next item on the discussion agenda was a report on the items discussed at the Audit and Finance Committee (“A&FC”) meeting and asked A&FC Chair, Jay Koh to discuss this item.

Member Koh reported that the A&FC met earlier in the day and confirmed that a quorum was present throughout the meeting. Member Koh stated that the A&FC received a report from the Authority’s Director of Internal Audit Mary Peck on the proposed Internal Audit Plan for the Fiscal Year 2024-2025 and advised that the A&FC approved the 2024-2025 Audit Plan.

Next, Member Koh explained that the A&FC considered a proposed financing of the Green Jobs-Green New York (“GJGNY”) Loan Program to further finance loans offered through the GJGNY Loan Program. Member Koh advised that the Committee unanimously recommended approving the GJGNY financing.

Lastly, Member Koh reported that the Authority’s independent auditors, KPMG, LLC (“KPMG”) presented their proposed process for the conduction of the Fiscal Year 2024-2025 independent audit of the Authority’s and NYGB’s financial statements. The A&FC agreed that the approach was reasonable and the financial statements would meet the requirements of the New York State Public Authority Accountability Act and the New York State Comptroller’s regulations.

The Chair noted that the Members would consider approval of the GJGNY resolution as part of the consent agenda.

The Chair indicated that the next item on the discussion agenda was a report on the items considered by the Governance Committee (“GC”) from the GC’s Chair Arturo Garcia-Costas.

Member Garcia-Costas reported that the GC met earlier in the day and confirmed that a quorum was present. The GC received a report from the Authority’s General Counsel Peter Costello on proposed amendments to the Authority’s Conflict of Interest Policy for Board Members and the Conflict of Interest Policy for Employees. Specifically, the Employee Policy

consists of non-substantive ministerial or clarifying changes. The GC unanimously recommended that the Board approve the proposed revisions to the Conflict of Interest Policy for Board Members and the Conflict of Interest Policy for Employees.

Member Garcia-Costas then indicated that the GC met in private session to discuss the results of the Annual Confidential Board Member Performance Evaluation. No formal action was taken during the private session. Member Garcia-Costas advised that the Annual Confidential Board Member Performance Evaluation will be presented to the Board at the June 2024 Board meeting.

The Chair noted that the Members would consider approval of the Conflict of Interest Policies resolution as part of the consent agenda.

The Chair indicated that the next item on the discussion agenda was to consider a resolution authorizing the Authority to adopt and issue a Notice of Adoption to establish a new Part 510 of Title 21 of the Official Compilation of Codes, Rules and Regulations of the State of New York. Assistant Director of Codes Products and Standards Chris Corcoran presented this item.

Assistant Director Corcoran stated that the Members were requested to approve the authorization of a Notice of Adoption to establish a new Energy Code cost effectiveness approach that includes life-cycle cost methodology and defined secondary and societal effects in line with the Codes & Standards Act of 2022 in Part 510 of Title 21 of the Official Compilation of Codes, Rules and Regulations of the State of New York. After careful review and consideration of the public comments, it was determined that no changes were necessary to the proposed rule. In addition, Assistant Director Corcoran stated that no comments were received on the Negative Declaration, therefore no action was required on the Negative Declaration.

Next, Assistant Director Corcoran provided the Members with the background and an update noting that this code change represents a major step in the Authority's work to meet the Climate Act goals for New York State Buildings.

Lastly, Assistant Director Corcoran discussed the open comment period on the Notice of Proposed Rulemaking that was open from December 2023 to February 2024 and indicated that the Authority received a total of 30 comments. Assistant Director Corcoran then discussed five of the comment areas: societal effects, building prototypes and model cases, existing building presumption, borrowing costs and energy prices.

Whereafter, upon motion duly made and seconded, and by unanimous voice vote of the Members present, the following resolution was adopted.

Resolution No. 1723

WHEREAS, pursuant to the Advanced Building Codes, Appliances and Equipment Efficiency Standards Act of 2022 (the “2022 Efficiency Standards Act”), NYSERDA proposes to adopt Part 510 of Title 21 of the New York Codes, Rules, and Regulations (NYCRR) for the purpose of enacting regulations to: (1) establish a methodology for determining whether the life-cycle costs for a building will be recovered through savings in energy costs over the design life of the building under a life-cycle cost analysis; (2) define secondary or societal effects to be considered in the cost effectiveness determination; and (3) provide a method for quantifying the societal effects so that they can be added to the life-cycle costs (“Proposed Rule”).

WHEREAS, the rule making process for NYSERDA is governed by the State Administrative Procedure Act (“SAPA”); and

WHEREAS, NYSERDA, having published the Proposed Rule, as attached hereto, in the New York State Register and after considering the public comments received in response to the Notice of Proposed Rulemaking has determined that changes are not necessary to the Proposed Rules; and

WHEREAS, given that NYSERDA is not revising the Proposed Rule and did not receive public comments related to the SEQRA Negative Declaration that would warrant reconsideration of its findings, no amendments to that document or additional approvals are necessary for the Adoption.

NOW THEREFORE, BE IT RESOLVED, that NYSERDA adopts the text of the Proposed Rule, substantially in the form attached hereto; and

BE IT FURTHER RESOLVED, that NYSERDA, authorizes, approves, and directs the publication of Notice of Adoption to establish a new Part 510 of Title

21 of the Official Compilation of Codes, Rules and Regulations of the State of New York, titled **Cost Effectiveness of Energy Code Updates**, in substantially in the form attached hereto, including the summary and response to comments.

Next, the Chair turned to the consent agenda. There were three resolutions to be considered. The resolution regarding the Authority's Conflict of Interest Policy for Board Members and Conflict of Interest Policy for Employees and the resolution regarding the financing of the Green Jobs-Green New York Program were considered by the GC and A&FC respectively.

With respect to the resolution approving the Periodic Contracts Report, the Chair indicated that Counsel's Office compared the lists provided by Members of entities with which each Member is associated which they believe may enter into contracts with the Authority to the lists of contracts in the Periodic Contract Report. Counsel's Office reported that there are four potential conflicts: Columbia University identified by Rory Christian and the Chair; New York Power Authority identified by Justin Driscoll; and Cadmus identified by Jay Koh.

Members Driscoll, Koh, and the Chair confirmed their recusal from voting on those specific agreements.

Whereafter upon motion duly made and seconded, and by unanimous voice vote of the Members present the following resolutions were adopted.

Resolution No. 1724

RESOLVED, that the Employee Conflict of Interest Policy and Board Member Conflict of Interest Policy as presented at this April 29, 2024 meeting, are hereby approved by the Board.

Resolution No. 1725

WHEREAS, pursuant to a special act of the Legislature of the State of New York (Title 9 of Article 8 of the Public Authorities Law of New York, as from time to time amended and supplemented, herein called the "Act"), the New York State Energy Research and Development Authority (the "Authority") has been established as a body corporate and politic, constituting a public benefit corporation; and

WHEREAS, pursuant to the Act, the Authority is authorized to issue bonds and notes to provide sufficient moneys for achieving the Authority's corporate purposes, including the establishment of reserves to secure the bonds and notes and the payment of interest on bonds and notes; and

WHEREAS, pursuant to the Act, the Authority is also empowered to extend credit and make loans from bond proceeds to any person for the construction, acquisition, installation of, or for the reimbursement to any person for costs in connection with, any special energy project, including, but not limited to, any land, works, system, building, or other improvement, and all real and personal properties of any nature or any interest in any of them which are suitable for or related to the furnishing, generation, production, transmission, or distribution of energy or energy resources; and

WHEREAS, pursuant to special act of the Legislature of the State of New York (Title 9-A of Article 8 of the Public Authorities Law of New York, as from time to time amended and supplemented, herein called the "Green Jobs – Green New York Program"), the Authority has been authorized to use innovative financing mechanisms to finance energy efficiency improvements and technologies eligible for net metering through energy cost savings; and

WHEREAS, the Authority will issue bonds in one or more series not later than April 29, 2025, in an aggregate principal amount not to exceed \$50,000,000 to be designated "Residential Clean Energy and Energy Efficiency Financing Green Revenue Bonds, Series 2024A" (the "Bonds") and with such additional or different designations as may be set forth in the Indenture (hereinafter defined) for the purpose of financing loans through the Green Jobs – Green New York Program for the installation of residential energy efficiency measures, photovoltaic ("PV") systems, air source heat pumps ("ASHP") or ground source heat pumps ("GSHP"), (collectively "Loans"); and

WHEREAS, the Bonds are to be issued pursuant to an Indenture of Trust (the "Indenture"), between the Authority and The Bank of New York Mellon, as trustee (the "Trustee"), pursuant to which the Authority will pledge principal and interest payments on, and prepayments of, Loans as security for the Bonds and

WHEREAS, the Authority has entered into an agreement with Slipstream Group Incorporated d/b/a Energy Finance Solutions, a not-for-profit corporation, to serve as a loan originator under the Green Jobs – Green New York Program; and

WHEREAS, the Authority has entered into an agreement with Concord Servicing Corporation who will act as the loan servicer and will be the custodian of the original promissory notes for the Loans issued under the Green Jobs – Green New York Program; and

WHEREAS, the proceeds of the Bonds will be used to reimburse the Green Jobs-Green New York Program revolving loan fund for Loans heretofore originated and outstanding and to provide funding for new Loans originated and to be originated thereafter; and

WHEREAS, Ramirez & Co., Inc., acting as underwriter (the "Underwriter"), pursuant to the terms of a Bond Purchase Agreement among the Authority and the Underwriter (the "Purchase Contract"), propose to purchase the Bonds from the Authority and offer the Bonds to the public pursuant to the terms of such Purchase Contract; and

WHEREAS, it is expected that the Bonds will be offered by the Underwriter pursuant to a Preliminary Official Statement, as may be approved by an Authorized Representative (hereinafter referred to) of the Authority and an Official Statement to be approved by an Authorized Representative; and

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY AS FOLLOWS:

Section 1. The offering, issuance, sale, and delivery of the Bonds upon the terms and conditions and for the purposes described in this resolution are hereby authorized. The Bonds shall be issued in one or more series in an aggregate principal amount not to exceed \$50,000,000 and shall bear interest at rates determined by the Chair, the Vice Chair, the President and CEO, the Chief Financial Officer, the Executive Vice President, the Chief Program Officer, or the Secretary of the Authority (collectively, the "Authorized Representatives"). The Bonds shall bear interest at a weighted average fixed rate of interest not to exceed 7.5%. The Bonds shall mature no later than twenty years after the date of issuance. The Bonds shall be dated, have the final maturity, have the designation or designations, be subject to redemption, be payable as to principal, premium, if any, and interest, and have such other provisions all as set forth in the Indenture. The form of the Bonds and all other provisions with respect thereto shall be as set forth in the Indenture or determined in the manner set forth therein. No Bonds shall be issued pursuant to this resolution after April 29, 2025. Any bonds issued under this Resolution must have upon issuance a rating of A or higher, as assigned by a nationally recognized statistical rating organization.

Section 2. Subject to the limitations set forth in Section 1 hereof, the Authorized Representatives are each hereby authorized to determine on behalf of the Authority with respect to the Bonds: the aggregate principal amount, the interest rates the Bonds shall bear and the particular redemption and purchase provisions of the Bonds. Any such determination shall be conclusively evidenced by the execution and delivery by an Authorized Representative of an indenture or other document setting forth such determination.

Section 3. The Authorized Representatives are each hereby authorized to execute, acknowledge, and deliver the Indenture as such Authorized Representative shall approve. Execution of such documents by an Authorized Representative shall be conclusive evidence of any approval required by this Section. The Authorized Representatives are also authorized to secure a second party opinion that the Bonds meet the Green Bond Principles as set by International Capital Market Association and to execute any agreement required in order to secure such opinion. The Authorized Representatives are each further authorized to obtain bond insurance or other credit enhancement for the Bonds to the extent that such Authorized Representative determines that such credit enhancement would facilitate the sale of the bonds on a cost effective basis or lower the debt service on the Bonds and to enter into agreements with the providers of such credit enhancement.

Section 4. The Authority authorizes each Authorized Representative to enter into the Purchase Contract. The Authorized Representatives of the Authority are each hereby authorized to determine the purchase price of the Bonds and are further authorized to execute, acknowledge, and deliver the Purchase Contract as may be approved by any such Authorized Representative. The execution of a Purchase Contract by any Authorized Representative shall be conclusive evidence of any determination or approval required or authorized by this Section. The purchase price to the Underwriters of the Bonds shall not be less than 97% of the principal thereof. In no event shall the compensation paid to the Underwriter in connection with the initial offering of the Bonds exceed 1% of the principal amount thereof whether such compensation is paid directly by the Authority or in the form of discount to the Underwriters. As an alternative to the execution of the Purchase Contract, the Authorized Representatives are authorized to execute a private placement agreement with a third party purchaser, with Ramirez & Co., Inc. acting as placement agent, should such a method of sale for the Bonds be determined by the Authorized Representatives to be a superior method of selling the Bonds.

Section 5. The Authority authorizes the Authorized Representatives to approve the Preliminary Official Statement and the Authority approves the use in accordance with the applicable legal requirements of one or more Preliminary Official Statements and Official Statements in connection with the offering and sale of the Bonds by the Underwriter, as may be approved by an Authorized Representative. Any Authorized Representative of the Authority is hereby authorized and directed to execute the final Official Statements in the name and on behalf of the Authority, and thereupon cause such final Official Statements to be delivered to the Underwriters. Any such approval shall be conclusively evidenced by such Authorized Representative's execution and delivery thereof. The Authorized Representatives are hereby authorized to provide any appropriate disclosure as part of the Preliminary Official Statements and Official Statements, including but not limited to the use of the Authority's financial statements. The foregoing approvals shall not be deemed to constitute an acknowledgment by the Authority of any responsibility for information contained therein which has been

furnished by the Underwriters, The Depository Trust Company, or any other party. In the event that the Authorized Representatives determine that a sale of the Bonds through a private placement is a superior method of sale, the Authorized Representatives are hereby authorized to use a placement memorandum to facilitate such a sale, in accordance with the disclosure requirements outlined in this section for preliminary official statements and official statements.

Section 6. Slipstream Group Incorporated d/b/a Energy Finance Solutions has been authorized to serve as loan originator for the pledged loans. Concord Servicing Corporation has been authorized to serve as loan servicer for the pledged loans and Vervent Inc. has been authorized to serve as backup loan servicer for Loans pledged to all bond series issued prior to Series 2023A Bonds. Carmel Solutions LLC has been authorized to serve as back up loan servicer for all other portfolio loans. The Authorized Representative are hereby authorized to enter into any other agreements, documents, or amendments to existing agreements relating to the origination and servicing of the loans as necessary. The Authorized Representatives are hereby authorized to approve the appointment of a successor loan originator, loan servicer and backup loan servicer for the pledged loans as necessary.

Section 7. The Authorized Representatives are each hereby authorized to execute, acknowledge, and deliver any other agreements, documents, or certificates, including certificates confirming on behalf of the Authority the accuracy and completeness of information relating to the Bonds, the Authority, the Loans and the Green Jobs – Green New York Program, and to do and cause to be done any such other acts and things and to make such other changes, omissions, insertions, revisions, or amendments to the documents referred to in Sections 1 through 6 of this resolution as they may determine necessary or proper for carrying out, giving effect to, and consummating the transactions contemplated by this resolution. Execution of such documents by an Authorized Representative shall be conclusive evidence of any approval required by this Section. Any Authorized Representative, the Assistant Treasurer, and the Acting Secretary of the Authority are each hereby authorized to affix the seal of the Authority on such documents and attest the same.

Section 8. The Bonds shall not be general obligations of the Authority, and shall not constitute an indebtedness of or a charge against the general credit of the Authority. The Bonds will not constitute a debt of the State of New York and the State of New York will not be liable thereon. No owner of the Bonds will have any right to demand payment of the principal and interest on the Bonds out of any funds to be raised by taxation. As shall be more particularly set forth in the Indenture and the Bonds, the liability of the Authority under the Bonds shall be enforceable only to the extent provided in the Indenture, and the Bonds shall be payable solely from the revenues and other funds pledged and available for the payment of the Bonds under the terms of the Indenture.

Resolution No. 1726

RESOLVED, that the Periodic Contracts Report, covering the period December 16, 2023 through March 15, 2024, as presented at this meeting, including but not limited to the contracts identified therein which have been, or are expected to be, executed and which do have, or are expected to have, a period of performance in excess of one year, is hereby approved in accordance with Public Authorities Law Section 2879.

At this time, the Chair returned to the discussion agenda and indicated that the next item on the agenda was a status report on the Authority's NYCI work. Executive Vice President for Policy and Regulatory Affairs John Williams provided the Members with a preliminary analysis and process summary.

In response to an inquiry from the Chair, Executive Vice President Williams stated that pricing will be based upon the Authority's existing suite of resource acquisition programs as well as the model's response to signals in the market.

In response to an inquiry from the Chair, Executive Vice President Williams explained that the analysis is being used to inform direction. When the investment portfolio is put together, it will identify what the Authority sees as high value opportunities for the state that might not be appropriately funded through other mechanisms.

In response to an inquiry from Vice Chair Bell, Executive Vice President Williams stated that in the modeling exercise affordability is taken into account. It equates to one-third of the revenues, and the distribution will be to a potential formula. Director of Energy and Environmental Analysis Vladimir Gutman-Britten explained that the initial analysis did not split between low-to-moderate income. The final formula will potentially be more progressive.

In response to an inquiry from the Chair, Executive Vice President Williams indicated that the Members would most likely be asked to consider a final proposal before the end of the year.

The Chair indicated that the next item on the discussion agenda was to meet in private session for the purpose of reviewing attorney-client privileged matters and to meet in executive session for the purpose of discussing the employment history of a particular person and the financial condition of the Authority.

Whereafter, upon motion duly made and seconded, and by unanimous voice vote of the Members present, the following resolution was adopted.

Resolution No. 1727

RESOLVED, that pursuant to Section 108 of the Public Officers Law, the Members shall convene in private session on April 29, 2024 for the purpose of discussing attorney-client privileged matters; and

RESOLVED, that pursuant to Section 105 of the Public Officers Law, the Members of the New York State Energy Research and Development Authority shall convene in executive session on April 29, 2024 for the purposes of discussing: (1) the employment history of a particular person and (2) the financial condition of the Authority.

Following the executive and private sessions, the Chair reconvened the meeting in open session and confirmed that no formal action was taken during the executive or private session.

The Chair indicated that the next item on the discussion agenda was to receive a report on the Authority's Diversity, Equity and Inclusion ("DEI") work. DEI Officer Michelle Andry discussed the results of the 2023 Engagement Survey, policies and procedures, DEI learning and development, and the DEI Strategic Plan infrastructure, evaluation and update.

In response to an inquiry from the Chair, DEI Officer Andry confirmed that the Authority's individual benchmark has stayed the same while the government trend that is used as a benchmark has gone down.

In response to an inquiry from Member Koh, DEI Officer Andry indicated that the Authority is working with a consultant to help review internal policies, procedures and operations to ensure that the Authority is embedding best practices around gender inclusion.

In response to an inquiry from Member Garcia-Costas, DEI Officer Andry confirmed that overall inclusion showed up as a positive area in the employee engagement survey.

In response to an inquiry from the Chair, DEI Officer Andry stated that the Authority has not launched any indicators at this time.

The Chair indicated that the last item on the discussion agenda was a report on the items considered by the Waste and Facilities Management Committee (“W&FMC”) from its Chair Charles Bell.

Vice Chair Bell reported that the W&FMC received a status report on the Western New York Nuclear Service Center from Program Managers Brad Frank and Andrea Mellon. The W&FMC was able to ask questions and was satisfied with the answers.

Lastly, Vice Chair Bell noted that the W&FMC met in executive session for the purpose of discussing the proposed sale, acquisition, or lease of real property and confirmed that no formal action was taken during the executive session.

The Chair indicated that the last item on the agenda was other business. There was one item under other business, Member Abbott recommended that the DEI discussion be at the top of the agenda.

The Chair asked if there were any other matters the Members wished to discuss. There being no other matters, the Chair called for a motion to adjourn.

Whereafter, upon motion duly made and seconded, and by unanimous voice vote of the Members present, the meeting was adjourned.



NOTICE OF MEETING AND AGENDA

April 16, 2024

TO THE MEMBERS OF THE NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY:

PLEASE TAKE NOTICE that a regular meeting the (266th) meeting of the New York State Energy Research and Development Authority (“Authority”) will be held at the NY Green Bank Office located at 1333 Broadway, Suite 300, New York, New York and 17 Columbia Circle, Albany, New York on Monday, April 29, 2024, commencing at 2:00 p.m., for the following purposes:

I. Discussion Agenda:

1. To receive a report from the President and CEO.
2. To consider and act upon a resolution commending Commissioner Basil Seggos.
3. To consider a resolution to enter into a private session to discuss attorney-client privileged matters, and to enter into an executive session for the purposes of discussing: (1) the employment history of a particular person, and (2) the financial condition of the Authority.
4. To consider appointments to the Authority’s various Committees.
5. To receive a report from the Program Planning Committee and to consider and act upon a resolution approving *NYSERDA’s Strategic Outlook for 2024-2027*.
6. To receive a report from the Governance Committee.
7. To receive a report from the Audit and Finance Committee.
8. To receive a report from the Waste and Facilities Management Committee.
9. To consider and act upon a resolution authorizing the Authority to adopt and issue a Notice of Adoption to establish a new Part 510 of Title 21 of the Official Compilation of Codes, Rules and Regulations of the State of New York.

New York State Energy Research and Development Authority

Albany
17 Columbia Circle, Albany, NY 12203-6399
(P) 1-866-NYSERDA (F) 518-862-1091
nyserdera.ny.gov | info@nyserdera.ny.gov

Buffalo
726 Exchange Street
Suite 821
Buffalo, NY
14210-1484
(P) 716-842-1522
(F) 716-842-0156

New York City
1359 Broadway
19th Floor
New York, NY
10018-7842
(P) 212-971-5342
(F) 518-862-1091

**West Valley Site
Management Program**
9030-B Route 219
West Valley, NY
14171-9500
(P) 716-942-9960
(F) 716-942-9961

10. To receive a report on the Authority's Diversity, Equity, and Inclusion work.
11. To receive a status report on New York Cap-and-Invest.

II. Consent Agenda

1. To consider and act upon resolutions approving:
 - a. amendments to the Authority's Conflict of Interest Policy;
 - b. the financing of the Green Jobs – Green New York Program; and
 - c. the periodic contracts report.

Members of the public may attend the meeting at any of the above locations or via the video conference which can be accessed at <https://www.nyserda.ny.gov/About/Board-Governance/Board-and-Committee-Meetings>.

The Authority will be posting a video and a transcript of the meeting to the web as soon as practicable after the meeting. The video and transcript will be posted at <http://www.nyserda.ny.gov/About/Board-Governance/Board-and-Committee-Meetings>.



Peter Costello
Secretary



KATHY HOCHUL
Governor

RICHARD L. KAUFFMAN
Chair

DOREEN M. HARRIS
President and CEO

NOTICE OF MEETING AND AGENDA

April 29, 2024

TO THE MEMBERS OF THE NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY:

PLEASE TAKE NOTICE that a regular meeting the (266th) meeting of the New York State Energy Research and Development Authority (“Authority”) will be held at the NY Green Bank Office located at 1333 Broadway, Suite 300, New York, New York at 17 Columbia Circle, Albany, New York, the New York State Department of Transportation located at 50 Wolf Road, Albany, New York 12232 and the Department of Public Service located at 3 Empire Plaza, Albany, New York 12223 on Monday, April 29, 2024, commencing at 2:00 p.m., for the following purposes:

I. Discussion Agenda:

1. To receive a report from the President and CEO.
2. To consider and act upon a resolution commending Commissioner Basil Seggos.
3. To consider a resolution to enter into a private session to discuss attorney-client privileged matters, and to enter into an executive session for the purposes of discussing: (1) the employment history of a particular person, and (2) the financial condition of the Authority.
4. To consider appointments to the Authority’s various Committees.
5. To receive a report from the Program Planning Committee and to consider and act upon a resolution approving *NYSERDA’s Strategic Outlook for 2024-2027*.
6. To receive a report from the Governance Committee.
7. To receive a report from the Audit and Finance Committee.
8. To receive a report from the Waste and Facilities Management Committee.
9. To consider and act upon a resolution authorizing the Authority to adopt and issue a Notice of Adoption to establish a new Part 510 of Title 21 of the Official Compilation of Codes, Rules and Regulations of the State of New York.

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10. To receive a report on the Authority's Diversity, Equity, and Inclusion work.
11. To receive a status report on New York Cap-and-Invest.

II. Consent Agenda

1. To consider and act upon resolutions approving:
 - a. amendments to the Authority's Conflict of Interest Policy;
 - b. the financing of the Green Jobs – Green New York Program; and
 - c. the periodic contracts report.

Members of the public may attend the meeting at any of the above locations or via the video conference which can be accessed at <https://www.nyserda.ny.gov/About/Board-Governance/Board-and-Committee-Meetings>.

The Authority will be posting a video and a transcript of the meeting to the web as soon as practicable after the meeting. The video and transcript will be posted at <http://www.nyserda.ny.gov/About/Board-Governance/Board-and-Committee-Meetings>.



Peter Costello
Secretary