

June 13, 2024

ECONOMIC DEVELOPMENT COMMITTEE
REPORT NO. 11

ALL MEMBERS PRESENT.
CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER.

1. COMM. 11E-12 (2024)
COUNTY EXECUTIVE

WHEREAS, Ellicott Park Townhomes consists of the acquisition and rehabilitation of two hundred eighteen (218) residential rental units at 10 Durham Court in the City of Buffalo, NY; and

WHEREAS, the Erie County Legislature adopted a policy on Payment in Lieu of Taxes (PILOT) on December 16, 1999, and the PILOT is consistent with said policy; and

WHEREAS, in order to make the Project economically feasible for Ellicott Park Townhomes Community Partners, LP to operate the housing project it is necessary to extend tax relief from the County of Erie and the City of Buffalo.

NOW, THEREFORE, BE IT

RESOLVED, that Erie County Legislature hereby authorizes the County Executive or Deputy County Executive to execute a Payment in Lieu of Taxes (PILOT) Agreement with Ellicott Park Townhomes Community Partners, LP and the City of Buffalo, and any other organizations necessary to conclude this PILOT Agreement; and be it further

RESOLVED, that said Agreement shall include an annual PILOT in the amount of taxes due as set forth on Schedule A attached hereto; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Office of the County Executive, the Division of Budget and Management, the Department of Real Property Tax Services, the Department of Environment and Planning, the Office of the Comptroller, and the Department of Law.

SCHEDULE A
PILOT Payments

| YEAR | PILOT | CITY | COUNTY |
|------|------------|------------|-----------|
| 1 | \$ 102,711 | \$ 77,033 | \$ 25,678 |
| 2 | \$ 105,792 | \$ 79,344 | \$ 26,448 |
| 3 | \$ 108,966 | \$ 81,725 | \$ 27,242 |
| 4 | \$ 112,235 | \$ 84,176 | \$ 28,059 |
| 5 | \$ 115,602 | \$ 86,702 | \$ 28,901 |
| 6 | \$ 119,070 | \$ 89,303 | \$ 29,768 |
| 7 | \$ 122,642 | \$ 91,982 | \$ 30,661 |
| 8 | \$ 126,322 | \$ 94,741 | \$ 31,580 |
| 9 | \$ 130,111 | \$ 97,583 | \$ 32,528 |
| 10 | \$ 134,015 | \$ 100,511 | \$ 33,504 |
| 11 | \$ 138,035 | \$ 103,526 | \$ 34,509 |
| 12 | \$ 142,176 | \$ 106,632 | \$ 35,544 |
| 13 | \$ 146,441 | \$ 109,831 | \$ 36,610 |
| 14 | \$ 150,835 | \$ 113,126 | \$ 37,709 |
| 15 | \$ 155,360 | \$ 116,520 | \$ 38,840 |

(6-0)

2. COMM.11E-13 (2024)
COUNTY EXECUTIVE

WHEREAS, the County of Erie holds an ownership interest in a railroad right-of-way located in the Town of Cheektowaga and the Villages of Depew and Lancaster through a tax forgiveness agreement with the Erie-Lackawanna Railroad, with said right-of-way being designated Line 1242; and

WHEREAS, the County of Erie holds an ownership interest in a railroad right-of-way located between the City of Buffalo and the Village of Gowanda through a tax forgiveness agreement with the Erie-Lackawanna Railroad, with said right-of-way being designated Line 1246; and

WHEREAS, the County has leased the aforementioned rail lines to the Erie County Industrial Development Agency (ECIDA) under a management agreement since 1985; and

WHEREAS, said management agreement has been renewed on a five-year basis and is due for renewal; and

WHEREAS, the County and the ECIDA desire to continue the operating relationship for Rail Lines 1242 and 1246 for an additional five-year term.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive or Deputy County Executive to enter into any necessary agreements and other documents with the Erie County Industrial Land Development Agency for purposes of extending the lease agreement and operation of Rail Lines 1242 and 1246 for a 5-year period; and be it further

RESOLVED, that the Clerk of the Legislature forward one certified copy of this Resolution to the Office of the County Executive, Office of the Comptroller, the Department of Law, the Division of Budget and Management, and the Department of Environment and Planning.
(6-0)

3. COMM. 11E-14 (2024)
COUNTY EXECUTIVE

WHEREAS, there has existed an unmet need for additional quality affordable housing in our region, only made worse in recent post-pandemic years; and

WHEREAS, with the end of the local COVID-19 State of Emergency, previously appropriated funding remained that was eligible for reallocation; and

WHEREAS, the County seeks to address the ongoing lack of affordable housing that has been exacerbated by the pandemic; and

WHEREAS, development of affordable housing is an enumerated eligible use within ARPA funding to respond to the negative economic impacts of the pandemic; and

WHEREAS, this Honorable Body approved the reappropriation of \$6,500,000 in American Rescue Plan Act funds (Comm. 16E-38 (2023)) to complete multi-family affordable housing projects; and

WHEREAS, the County of Erie issued an RFP with responses due by December 31, 2023, seeking development partners to assist with the above stated goals of increasing affordable housing in Erie County with the construction of new units for sale or rent to low- and moderate-income households whose incomes do not exceed 80% of the Area Median Income (AMI); and

WHEREAS, in compliance with Section 26.08 of the Erie County Administrative Code a consultant selection process was undertaken to evaluate responses to Request for Proposal #2023-052VF; and

WHEREAS, Erie County is desirous of funding eleven (11) affordable housing development projects in various localities throughout Erie County.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive or Deputy County Executive to enter into contract with the below noted agencies to award \$500,000 in funding for each of the following eleven (11) multi-family affordable housing development projects:

| AGENCY | PROJECT | LOCATION | AWARD |
|--|--------------------------------|------------------|-------------|
| Belmont Housing Resources for WNY Inc. | 875 Lafayette Avenue Project | Buffalo | \$500,000 |
| Belmont Housing Resources for WNY Inc. | Victoria Place Project | Tonawanda (Town) | \$500,000 |
| BestSelf Properties Inc. | Manhattan Village Project | Buffalo | \$500,000 |
| BestSelf Properties Inc. | Chalmers Apartments Project | Buffalo | \$500,000 |
| Lackawanna Life Center Campus | Lackawanna Life Center Project | Lackawanna | \$500,000 |
| People Inc | Juniper Apartments | Hamburg | \$500,000 |
| Tonawanda Housing Authority | Hillview Commons Project | Tonawanda (City) | \$500,000 |
| Beacon Communities Services LLC | Deaconess Apartments Project | Buffalo | \$500,000 |
| Urban Vantage LLC | 1762-1766 Main Street Project | Buffalo | \$500,000 |
| Legacy Landmark Developers LLC | 273 Hickory Street Project | Buffalo | \$500,000 |
| PathStone Housing Action Corporation | Harlem Villa Commons Project | Cheektowaga | \$500,000 |
| TOTAL | | | \$5,500,000 |

and be it further

RESOLVED, that sufficient funding is available for this purpose in the American Rescue Plan Fund (Fund 253, Funds Center 16200) Account 516048 – Affordable Housing – Multi-Family; and be it further

RESOLVED, authorization is hereby given to the County Executive and Deputy County Executive to execute contract amendments to provide for no-cost extensions; and be it further

RESOLVED, that authorization is hereby given to the Director of the Division of Budget and Management to implement any budget adjustments as required to comply with American Rescue Plan funding; and be it further

RESOLVED, that certified copies of this resolution be sent to the Office of the County Executive, Comptroller's Office, the Division of Budget and Management, Department of Law, and Department of Environment and Planning.
(6-0)

4. COMM. 11E-15 (2024) **AS AMENDED**
COUNTY EXECUTIVE

WHEREAS, Honorable Gerald J. Whelan, Presiding Justice of the Fourth Department Appellate Division, along with the New York State Office of Court Administration ("OCA") have requested that three additional local chambers be added to their current office space located at 701 Seneca Street, Buffalo, New York; and

WHEREAS, the County established a lease agreement in 2016 (authorized by Comm. 25E-10 (2016)) with Seneca Larkin 701, LLC for office space for the Fourth Department Appellate Justices at 701 Seneca Street, City of Buffalo, with the initial five-year term expiring on or about January 31, 2022; and

WHEREAS, the County then exercised the first option contained within the original lease agreement to extend the lease for an additional five-year term from February 1, 2022 to January 31, 2027, at a two percent increase in base rent per year (authorized by Comm. 9E-11 (2021)); and

WHEREAS, the Fourth Department Appellate Justices and Seneca Larkin 701, LLC would like to commence the construction of the requested three additional local chambers and have requested that the County enter into any necessary agreements with Seneca Larkin 701, LLC to commence the buildout; and

WHEREAS, upon completion of the construction, the Fourth Department Justices and Seneca Larkin 701, LLC have requested that the County amend the current lease agreement to include the additional three newly constructed chambers; and

WHEREAS, in order to have one consistent lease agreement, the parties have requested to discontinue the current five-year term at the end of the current term year (current term ends 1/31/2025) and commence a new five-year lease agreement from February 1, 2025 to January 31, 2030, at a two percent increase in base rent per year; and

WHEREAS, pursuant to New York State Finance Law § 54-j(1-a)(a), the County is entitled to one hundred percent (100%) reimbursement from New York State for the costs associated with providing facilities for the transaction of business by an appellate division; and

WHEREAS, the County Executive is requesting authorization from the Legislature to enter into any necessary agreements with Seneca Larkin 701, LLC and OCA to construct three additional local chambers and to enter into an amended agreement with Seneca Larkin 701, LLC as the landlord to include the three newly constructed local chambers in addition to the current space and commence a new five-year term beginning on February 1, 2025 to January 31, 2030, along with three five-year options to renew.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the County Executive or Deputy County Executive to enter into any and all necessary agreements with Seneca Larkin 701, LLC and/or the New York State Office of Court Administration for the purposes of commencing the construction of three additional local chambers for the Fourth Department Appellate Justices at 701 Seneca Street, City of Buffalo, State of New York in an amount not to exceed \$1,602,812; and be it further

RESOLVED, that authorization is hereby given for Erie County to accept reimbursement from the New York State Office of Court Administration for any expenses related to construction costs per New York State Finance Law § 54-j(1-a)(a); and be it further

RESOLVED, that authorization is hereby given to amend the Division of Building and Grounds' 2024 Adopted Budget (Fund 110, Funds Center 12220) in order to accept 100% reimbursement for construction costs of by the New York State Office of Court Administration as follows:

| 2024 Adopted Budget | |
|-----------------------------------|--------------------|
| Division of Buildings and Grounds | |
| Fund 110, Funds Center 12220 | |
| REVENUES | CHANGE |
| 405170 State Aid Court Facility | <u>\$1,602,812</u> |
| TOTAL | <u>\$1,602,812</u> |
| | |
| APPROPRIATIONS | CHANGE |
| 545000 Rental Charges | <u>\$1,602,812</u> |
| TOTAL | <u>\$1,602,812</u> |

and be it further

RESOLVED, that authorization is hereby given to the County Executive or Deputy County Executive to enter into an amended contract with Seneca Larkin 701, LLC as the landlord for the purposes of providing local chambers for the Fourth Department Appellate Justices at 701 Seneca Street, City of Buffalo for a five-year term from February 1, 2025 to January 31, 2030, along with three five-year options to renew upon legislative approval, in order to include the three newly constructed local chambers in addition to the current space; and be it further

RESOLVED, that the County is hereby authorized to accept reimbursement from the New York State Office of Court Administration for the County's provision of leased space at 701 Seneca Street, City of Buffalo, for the term specified herein, or for as long as said agreement between the County and Seneca Larkin 701, LLC remains in effect; and be it further

RESOLVED, that authorization is hereby given to the Director of Budget and Management to make any necessary budgetary adjustments to appropriations and revenues in the 2024 Budget and future year budgets, to provide payment to Seneca Larkin 701, LLC and to receive reimbursement from New York State with said expense and revenue inuring in the Department of Public Works, Division of Buildings and Grounds; and be it further

RESOLVED, that authorization is hereby given for the Director of Budget and Management to make any technical adjustments necessary to effectuate this resolution and facilitate the completion of the project; and be it further

RESOLVED, that the Clerk of the Legislature shall forward certified copies of this Resolution to the County Executive's Office, Comptroller's Office, Division of Budget and Management and Department of Law.

(6-0)

HOWARD J. JOHNSON, JR.
CHAIR