

January 30, 2024

ECONOMIC DEVELOPMENT COMMITTEE
REPORT NO. 2

ALL MEMBERS PRESENT, EXCEPT LEGISLATORS GILMOUR & MILLS.
CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER.

1. COMM. 2E-16 (2024)
COUNTY EXECUTIVE

WHEREAS, community solar programs offer subscribers solar credits which provide a discount to an electric utility bill; and

WHEREAS, the County has 168 electric utility accounts that could be enrolled into a Community Solar program; and

WHEREAS, enrolling these accounts is projected to save the County approximately \$75,000 in electric utility expenses; and

WHEREAS, Project Economics, d/b/a PowerMarket, a New York company that provides services to the community solar industry, was selected from a competitive solicitation to provide Community Solar services; and

WHEREAS, the County operates a utility aggregate involving other municipalities who can also work with PowerMarket to enroll into Community Solar for which this competitive solicitation can satisfy procurement requirements; and

WHEREAS, the County will receive a small fee for each aggregate account that gets enrolled.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the Erie County Department of Public Works to enroll electric accounts for the purpose of reducing utility expenses; and be it further

RESOLVED, that the County will accept all related grants, awards, fees and funds related to the enrollment of utility accounts into Community Solar and authorizes the Department of Budget and Management to add funds to the budget in A.20007 – Energy Conservation Implementation Measures, Fund 410, Funds Center 122; and be it further

RESOLVED, that the Clerk of the Legislature forward three (3) certified copies of this Resolution to the Department of Public Works, and also one copy each to the, Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller.
(3-0) Chair Baskin not present for vote.

2. COMM.2E-17 (2024)
COUNTY EXECUTIVE

WHEREAS, the existing 29 year old roof system and two air-handling units (AHU) at SUNY Erie Community College North Campus Bell Sports Center have far exceeded their useful lives and to reduce maintenance costs associated with temporary “stop-gap” measures to keep the building weather-tight and functioning, a full roof and AHU replacement are warranted; and

WHEREAS, Bell & Spina Architects Planners P.C. previously completed professional design and construction administration services for Erie Community College North Campus 2017 Spring Student Center Roof Replacement project (COMM. 20E-10 on December 7, 2017), and an Agreement Amendment was approved for design services for roof repairs, recoating and replacement work at Bell Sports Center (COMM. 20E-6 on November 15, 2018); and

WHEREAS, bids for roof replacement scope were received by DPW on December 18, 2020 but due to funding restrictions from SUNY resulting from the COVID pandemic, the project could not proceed; and

WHEREAS, the additional A/E design fee is for increased design costs from the previous agreements as referenced above as well as additional design services to replace the two existing AHU’s and associated mechanical penthouses, re-bidding and construction administration services to complete the entire project; and

WHEREAS, the County will receive 50% reimbursement from New York State for this project; and

WHEREAS, the County Executive is requesting authorization to issue a Second Agreement Amendment to Bell & Spina Architects Planners P.C. to increase their A/E base fee by a total amount not to exceed \$121,660 for the SUNY Erie Community College North Campus Bell Sports Center Roof Repairs, Recoating and Roof and AHU Replacement project.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to issue a Second Agreement Amendment to Bell & Spina Architects Planners P.C. to to increase their A/E base fee and design contingency for the SUNY Erie Community College North Campus Bell Sports Center Roof Repairs, Recoating and Roof and AHU Replacement project; and be it further

RESOLVED, that authorization is hereby give to Comptroller’s Office to make payment for all the above from the approved Capital Budgets, Fund 480, Funds Center 122, as follows:

E.17002 2017 ECC Roof Replacement, Exterior Waterproofing and Masonry Collegewide	\$ 41,498.25
E.19001 2019 Collegewide Improvements and Renovations	\$ 80,161.75
For a Total Amount Not to Exceed	\$ 121,660.00

and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Commissioner’s Office, and one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller, and one copy to Erie Community College of the Chief Administrative and Financial Officer.

(3-0) Chair Baskin not present for vote.

3. COMM. 2E-18 (2024)

COUNTY EXECUTIVE

WHEREAS, consistent with Erie County’s Commitment to Paris goals, the County encourages the development of solar facilities which reduce dependence upon fossil fuels and further climate goals to mitigate global warming; and

WHEREAS, Project Owner (NYSOLAR06 LLC), has submitted a Notice of Intent to the Taxing Jurisdictions that it plans to build and operate a Solar Energy System as defined in New York Real Property Tax Law (“RPTL”) Section 487(1)(b) (the “Project”) with an expected nameplate capacity (“Capacity”) of approximately 3.45 Megawatts AC on one parcel totaling approximately 35.6 acres of land located within the Town of Grand Island, identified as 2595 Whitehaven Road, SBL: 36.00-1-28; and

WHEREAS, the County has not opted out of RPTL § 487; and

WHEREAS, pursuant to RPTL § 487(9)(a) the County has indicated their intent to require a Payment in Lieu of Taxes Agreement (“PILOT”) with the Project Owner, under which the Project Owner will be required to make annual payments to the Taxing Jurisdictions for each year during the term of this Agreement; and

WHEREAS, the Project Owner has submitted or will submit to the Assessor of the Town of Grand Island an Application for Tax Exemption of Solar or Wind Energy Systems or Farm Waste Energy Systems (“Form RP-487”); and

WHEREAS, the Real Property not part of the Project will be assessed for any statutory real property taxes levied by the Taxing Jurisdictions;

WHEREAS, Project parcel identification numbers and/or addresses may be amended.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to execute a Payment in Lieu of Taxes (PILOT) Agreement with NYSOLAR06 LLC, and any other associated legal entities necessary to complete this PILOT Agreement, pertaining to the 35.6 acre parcel located at 2595 Whitehaven Road, SBL: 36.00-1-28; and be it further

RESOLVED, that said Agreement shall include an annual approximate PILOT payment to Erie County in the amount \$7,475.00, subject to annual escalation of 2%; and be it further

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

RESOLVED, authorization is hereby given to the Director of Real Property Tax Services to amend said Agreement based on revisions to parcel identification numbers and/or addresses in a manner consistent with the description of land, set forth in the P.I.L.O.T. Agreement; 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 Office of the Comptroller, the Department of Real Property Tax Services, the Department of Law, and the Department of Environment and Planning.

Schedule A

PILOT Schedule

Note: The following schedule is for illustrative purposes only. The PILOT will commence in accordance with Section 2(b) of this Agreement and the payment schedule is subject to adjustment if the capacity of the Project changes.

Agreement Year	Year	Payment Amount Erie County	Payment Amount Town	Payment Amount School District	Payment Amount Total
1	2024	\$7,475.00	\$7,475.00	\$7,475.00	\$22,425.00
2	2025	\$7,624.50	\$7,624.50	\$7,624.50	\$22,873.50
3	2026	\$7,776.99	\$7,776.99	\$7,776.99	\$23,330.97
4	2027	\$7,932.53	\$7,932.53	\$7,932.53	\$23,797.59
5	2028	\$8,091.18	\$8,091.18	\$8,091.18	\$24,273.54
6	2029	\$8,253.00	\$8,253.00	\$8,253.00	\$24,759.00
7	2030	\$8,418.06	\$8,418.06	\$8,418.06	\$25,254.19
8	2031	\$8,586.43	\$8,586.43	\$8,586.43	\$25,759.28
9	2032	\$8,758.15	\$8,758.15	\$8,758.15	\$26,274.46
10	2033	\$8,933.32	\$8,933.32	\$8,933.32	\$26,799.95
11	2034	\$9,111.98	\$9,111.98	\$9,111.98	\$27,335.95
12	2035	\$9,294.22	\$9,294.22	\$9,294.22	\$27,882.67
13	2036	\$9,480.11	\$9,480.11	\$9,480.11	\$28,440.32
14	2037	\$9,669.71	\$9,669.71	\$9,669.71	\$29,009.13
15	2038	\$9,863.10	\$9,863.10	\$9,863.10	\$29,589.31

(3-0) Chair Baskin not present for vote.

4. COMM. 2E-20 (2024)

COUNTY EXECUTIVE

WHEREAS, Erie County, through the Department of Environment and Planning, serves as the administrative agent for the Erie County/Town of West Seneca Community Development Consortium and Erie County/Town of West Seneca/Town of Hamburg HOME Investment Partnership Consortium; and

WHEREAS, a major responsibility of the Department as the administrative agent, is the preparation of the annual program application materials, and submittal of same to the federal Department of Housing and Urban Development; and

WHEREAS, the Erie County Community Development Block Grant Consortium and HOME Consortium approved the 2024 Annual Action Plan at their session held on January 25, 2024.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive, on behalf of the Erie County Community Development Consortium and Town of Hamburg/Erie County HOME Consortium, to submit this resolution to the United States Department of Housing and Urban Development (HUD) as supportive material to the 2024 Annual Action Plan for the Community Development Block Grant, Emergency Solutions, and HOME Investment Partnership Programs having estimated dollar amounts as indicated:

- | | |
|--|-------------|
| 1. Erie County Consortium Community Development Program: | \$3,085,828 |
| 2. Emergency Solutions Program: | \$ 244,521 |
| 3. HOME Investment Partnership Program: | \$1,117,772 |
| 4. Town of Hamburg Community Development Program: | \$ 435,000 |

and be it further

RESOLVED, that authorization is hereby given to the County Executive to, on behalf of the Erie County Community Development Consortium and Town of Hamburg/Erie County HOME Consortium to submit and execute any and all applications and agreements with HUD, local governments, property owners receiving housing assistance, non-profit, and for-profit agencies, which are necessary to implement the above programs with the exception that any proposed agreement that transfers all or a portion of the administrative functions of the program from Erie County to a sub-recipient or contractual agency shall require approval from the Erie County Community Development Consortium and the Erie County Legislature; and be it further

RESOLVED, that authorization is hereby given to the Commissioner of the Department of Environment and Planning to execute any and all HOME Agreements with property owners participating in County housing programs assisted with federal HOME Investment Partnership funds; and be it further

RESOLVED, that authorization is hereby given to the Commissioner of the Department of Environment and Planning to execute any and all discharges of Erie County Note and Mortgages and/or Lien documents associated with any and all Erie County Housing Programs funded through the federal Community Development Block Grant and/or HOME Investment Partnership Programs; and be it further

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

(3-0) Chair Baskin not present for vote.

HOWARD J. JOHNSON, JR.
CHAIR