

September 28, 2023

ECONOMIC DEVELOPMENT COMMITTEE  
REPORT NO. 13

ALL MEMBERS PRESENT.

1. COMM. 17E-6 (2023)  
**COUNTY EXECUTIVE**

WHEREAS, the County is interested in the fostering of business growth and job retention within the County; and

WHEREAS, the County is the owner of a short line railroad, running between Lancaster and Cheektowaga which serves numerous commercial and industrial customers; and

WHEREAS, the County leases the rail line to the Erie County Industrial Development Agency (the "Organization"), and the Organization manages or causes to be managed, the operation of the aforementioned line; and

WHEREAS, portions of the line are slated for various safety and efficiency improvements and the County desires to fund a portion of such improvements; and

WHEREAS, the Organization has experience in contracting for construction projects on behalf of the County; and

WHEREAS, the County has allocated \$150,000 for improvements to the Depew Lancaster & Western Railroad (the "DL&W Railroad Bridge Capital Project") in its 2023 Capital Budget in Capital Account A.23063.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to execute contracts as necessary with the Erie County Industrial Development Agency and DL&W in amounts not to exceed \$150,000 from Capital Account A.23063 (pay as you go) to implement the Project; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to the Office of the County Executive; the Division of Budget and Management; the Office of the Comptroller; the Department of Environment and Planning; and the Department of Law.  
(4-0) Legislator Gilmour not present for vote.

2. COMM. 17E-7 (2023)  
**COUNTY EXECUTIVE**

WHEREAS, the County of Erie desires to improve recreational access to the County waterfront; and

WHEREAS, the County has advanced the development of the Shoreline Trail in the County; and

WHEREAS, sections of the Trail have been developed or are in the process of being developed in the Town of Evans; and

WHEREAS, the County desires to define maintenance responsibilities of the Trail in the Town of Evans.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into Inter-municipal agreements with the Town of Evans regarding maintenance responsibilities of the Shoreline Trail in the Town of Evans; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Department of Environment and Planning, Department of Public Works, and Office of the County Attorney.  
(4-0) Legislator Gilmour not present for vote.

3. COMM. 17E-8 (2023)  
**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, (Comfort Solar 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 4.00 Megawatts AC on one parcel totaling approximately 54.1 acres of land located within the Town of Grand Island, identified as 2180 Alvin Road, SBL: 36.00-2-7.111; 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; and

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 Comfort Solar LLC, and any other organizations necessary to complete this PILOT Agreement, pertaining to the Real Property located at 2180 Alvin Road, SBL: 36.00-2-7.111; and be it further

RESOLVED, that said Agreement shall include an annual approximate PILOT payment in the amount \$13,000.00, 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, that 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 contained within in the PILOT 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 Department of Real Property Tax Services, the Department of Environment and Planning, the Office of the County Comptroller, and the Department of Law.

Schedule A  
PILOT Schedule\*

Agreement Year	Calendar Year	Payment Amount
1	2024	\$13,000.00
2	2025	\$13,260.00
3	2026	\$13,525.20
4	2027	\$13,795.70
5	2028	\$14,071.62
6	2029	\$14,353.05
7	2030	\$14,640.11
8	2031	\$14,932.91
9	2032	\$15,231.57
10	2033	\$15,536.20
11	2034	\$15,846.93
12	2035	\$16,163.87
13	2036	\$16,487.14
14	2037	\$16,816.89
15	2038	\$17,153.22

\*Please note that, as per the PILOT Agreement, this payment schedule is subject to adjustment if the capacity of the Project changes.

(4-0) Legislator Gilmour not present for vote.

4. COMM. 17E-9 (2023)

**COUNTY EXECUTIVE**

WHEREAS, the Mill St. bridge over Cattaraugus Creek, BIN 3328370 is a jointly owned bridge between Erie and Cattaraugus County, in the Town of Concord, Erie County and the Town of Ashford in Cattaraugus County; and

WHEREAS, Cattaraugus County was able to secure a federal aid project which rehabilitated the structure to a safe, and durable structure at a total cost of \$1,570,183.90; and

WHEREAS, that portion of the costs in which the two Counties are responsible equates to approx. 5% of the total thus Erie County’s share of the costs are \$40,679; and

WHEREAS, the Department of Public Works requests authorization for the County Executive to enter into an inter-municipal agreement to reimburse Cattaraugus County for Erie County’s share of the costs for this project.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into an inter-municipal agreement between Erie County and Cattaraugus County to reimburse Cattaraugus County for Erie County's share of the bridge replacement; and be it further

RESOLVED, that authorization is hereby given for funds totaling \$40,379, available in the Project B.170018 – replacement of Mill St. Bridge, Fund 420, Funds Center 123, to be disbursed to Cattaraugus County having completed said work; and be it further

RESOLVED, the Clerk of the Legislature is directed to send five (5) certified copies of this resolution to the Department of Public Works, Commissioner's Office and one certified copy each to the County Executive's Office, the Comptroller's Office, the Division of Budget and Management and the Department of Law.

(5-0)

**HOWARD J. JOHNSON, JR.**  
**CHAIR**