

October 12, 2023

ECONOMIC DEVELOPMENT COMMITTEE  
REPORT NO. 14

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

1. RESOLVED, the following item is hereby received, filed & printed:

September 25, 2023

*(Via Hand-Delivery)*

Hon. Robert Graber Erie County Legislature  
92 Franklin Street, 4th Floor Buffalo, New York 14202

Re: Local Law No. 3 A Local Law in relation to ensuring that service-disabled veterans have greater participation in Erie County contracts.  
Our File No.: 22-20230012

Dear Hon. Robert Graber:

Enclosed please find a copy of the New York Department of State filing receipt of the above-referenced Local Law for filing in your office.

Thank you.

Very truly yours,  
JEREMY C. TOTH  
Erie County Attorney

By Gregory P. Kammer, Esq.  
Assistant County Attorney

August 23, 2023

Jeremy C Toth  
Erie County Attorney  
95 Franklin Avenue  
Room 1634  
Buffalo NY 14202

RE: County of Erie, Local Law 3 2023, filed on August 10 2023

Dear Sir/Madam:

The above referenced material was filed by this office as indicated. Additional local law filing forms can be obtained from our website, [www.dos.ny.gov](http://www.dos.ny.gov).

Sincerely,  
State Records and Law Bureau  
(518) 473-2492

(Chair's Ruling)

2. COMM. 18E-7 (2023)  
**COUNTY EXECUTIVE**

WHEREAS, the Erie County Department of Public Works desires to rehabilitate the Clarksburg Road Bridge over South Branch of Eighteen Mile Creek (BIN 3327890/BR 715) in the Town of Eden, Project No. CAP-BR715-23, (the "Project"); and

WHEREAS, the design of the bridge rehabilitation was authorized under COMM. 18E-15 (2021) is completed and the project publicly bid; and

WHEREAS, there is funding available for the Clarksburg Bridge rehabilitation, including an insurance settlement, that was accepted via COMM. 18E-15 (2021); and

WHEREAS, the Department of Public Works desires to implement the Project in a timely manner, it is necessary to execute a construction contract with the lowest responsible bidder, McLaughlin Construction Corp. dba Edbauer Construction in the amount of \$1,850,822, enter into an agreement with CHA Consultants for construction phase engineering and inspection services in an amount not to exceed \$267,027, and establish a construction contingency of \$157,151, for a total project cost of \$2,275,000.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to execute a contract for ECDPW Project CAP-BR715-23, rehabilitation of the Clarksburg Road Bridge, with the lowest responsible bidder, McLaughlin Construction Corp. dba Edbauer Construction for \$1,850,822; and be it further

RESOLVED, that authorization is hereby given to the County Executive to enter into an agreement with CHA Consultants for construction phase engineering and inspection services in an amount no to exceed \$267,027; and be it further

RESOLVED, that authorization is hereby given to establish a project contingency be in the amount of \$157,151 with authorization for the County Executive to execute project related change orders, amendments and agreements, as necessary; and be it further

RESOLVED, that the estimated total sum of \$2,275,000 for the construction and contingency for the Project is available in Fund 420, Funds Center 123, as follows:

• B.16014 – 2016 Preservation of Bridges & Culverts	\$ 52,988
• B.16015 – 2016 Bridge & Culvert Design	\$ 53,027
• B.18019 – 2018 Preservation of Bridges & Culverts	\$ 120,000
• B.20013 – 2020 Capital Bridge Design	\$ 214,000
• B.20050 – 2020 Capital Overlay	\$ 234,159
• B.21167 – 2021 Clarksburg Bridge	\$1,249,164
• B.22005 – 2022 Preservation of Bridges & Culverts	\$ 184,738
• <u>B.23052 – 2023 Preservation of Bridges &amp; Culverts</u>	<u>\$ 166,924</u>
TOTAL PROJECT	\$2,275,000

and be it further

RESOLVED, that three (3) certified copies of this resolution be forwarded to the Department of Public Works, Office of the Commissioner, and one copy each to the County Executive’s Office, the Comptroller’s Office, the Division of Budget and Management, and the Department of Law. (6-0)

3. COMM. 18E-8 (2023)  
**COUNTY EXECUTIVE**

WHEREAS, the County of Erie desires to encourage the remediation and development of urban brownfields for productive use, be it industrial, commercial, or recreational; and

WHEREAS, the County of Erie is interested in expanding public access to waterfront sites and growing the network of multi-use trails within Erie County; and

WHEREAS, the development of transportation infrastructure is necessary for the continued remediation and redevelopment of the site; and

WHEREAS, Acquest Development is the owner of the 37-acre parcel at 4002 River Road, where the site of the former Roblin Steel facility is currently undergoing brownfield remediation; and

WHEREAS, the County of Erie is the owner of an 8.2-acre linear parcel where the Shoreline Trail is located, which is situated between River Road (NYS Route 266) and 4002 River Road; and

WHEREAS, Acquest Development requested a utility and transportation easement over the County parcel to provide vehicular and utility access from 4002 River Road, Tonawanda to River Road (NYS Route 266); and

WHEREAS, the Department of Environment and Planning will coordinate the easement with the Law and Parks, Recreation and Forestry Departments to minimize the disruption of the Shoreline Trail and conform to the County requirements relative to disturbance and restoration of the Trail; and

WHEREAS, the Erie County Lands Advisory Review Committee reviewed the proposed utility and access easement for consistency with the Erie County Parks Protection Law and SEQRA and approved it contingent on certain conditions.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into a utility and transportation access easement with WW River Road LLC, Acquest Development or related Acquest Development land owning subsidiaries as needed to facilitate the development of 4002 River Road; 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, Department of Environment and Planning, Department of Real Property Tax Services, the Department of Parks, Recreation and Forestry, and Department of Law. (6-0)

4. COMM. 18E-9 (2023)  
**COUNTY EXECUTIVE**

WHEREAS, Magnolia Housing Project consists of the acquisition and rehabilitation of a deteriorated housing complex in the Town of Cheektowaga into twenty-four (24) affordable rental units for multi-family housing located at 30 Alpine Place, Cheektowaga, NY 14225; 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 Magnolia Housing LLC, Magnolia Housing Development Fund Company, Inc. to operate the housing project it is necessary to extend tax relief from the County of Erie, Town of Cheektowaga and Cheektowaga Central School District.

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 Magnolia Housing LLC, Magnolia Housing Development Fund Company, Inc., Inc., the Town of Cheektowaga, the Cheektowaga Central School District 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, Division of Budget and Management, Department of Real Property Tax Services, Department of Environment and Planning, Office of the Comptroller, and Department of Law.

SCHEDULE A  
PILOT Payments

Magnolia Housing PILOT				
SHARE		60.94%	25%	14.06%
	Proposed PILOT Payments	Town	County	School
YEAR				
1	\$7,406	\$4,294	\$1,762	\$991
2	\$7,187	\$4,380	\$1,797	\$1,010
3	\$7,331	\$4,468	\$1,833	\$1,031
4	\$7,478	\$4,557	\$1,870	\$1,051
5	\$7,628	\$4,649	\$1,907	\$1,072
6	\$7,781	\$4,742	\$1,945	\$1,094
7	\$7,937	\$4,837	\$1,984	\$1,116
8	\$8,096	\$4,934	\$2,024	\$1,138
9	\$8,258	\$5,032	\$2,065	\$1,161

10	\$8,423	\$5,133	\$2,106	\$1,184
11	\$8,591	\$5,235	\$2,148	\$1,208
12	\$8,763	\$5,340	\$2,191	\$1,232
13	\$8,938	\$5,447	\$2,235	\$1,257
14	\$9,117	\$5,556	\$2,279	\$1,282
15	\$9,299	\$5,667	\$2,325	\$1,307

(6-0)

5. COMM. 18E-14 (2023)  
**COUNTY EXECUTIVE**

WHEREAS, the 19<sup>th</sup> at Grover Grill, LLC is the current Concession Operator at Grover Cleveland Golf Course and Elma Meadows Golf Course; and

WHEREAS, the concessionaire has provided food and refreshments at those locations for park patrons with success; and

WHEREAS, the 19<sup>th</sup> at Grover Grill, LLC has submitted a proposal in response to RFP# 2023-042VF to operate the concessions at the Chestnut Ridge Casino; and

WHEREAS, the proposal submitted received the highest score.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into a 3-year contract with 19<sup>th</sup> at Grover Grill, LLC for the operation of the concession stand at Chestnut Ridge Park; and be it further

RESOLVED, that authorization is hereby given for the Erie County Parks Department accept 5% of the gross revenues monthly from 19<sup>th</sup> at Grover Grill, LLC for the length of the contract, in addition to regular monthly rent; and be it further

RESOLVED, that certified copies of this Resolution be sent to the Erie County Executive's Office, Department of Parks, Recreation & Forestry, Department of Law, and Division of Budget and Management.

(6-0)

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

