

April 20, 2023

ECONOMIC DEVELOPMENT COMMITTEE
REPORT NO. 5

ALL MEMBERS PRESENT.

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

a. COMM. 7M-3 (2023)
NFTA: "NFTA Revised Budget for FYE 24"
(Chair's Ruling)

2. COMM. 7E-14 (2023)
COUNTY EXECUTIVE
WHEREAS, the 2022 Miscellaneous Culvert Group Construction (Project CUL-MISC-2-22) (the "Project"), for the replacement of two (2) culverts was approved by your Honorable Body via COMM 13E-20 (July 21, 2022); and

WHEREAS, constructability and additional slope failure at the Emery Road (CR 67) culvert in the Town of Aurora, it was determined that this culvert needed to be removed from this contract for further design and investigation; and

WHEREAS, a culvert carrying East Eden Road (CR 220) between Schintzius Road (CR 483) and Hardt Road (CR 473) in the Town of Eden was substituted for the Emery Road culvert for replacement; and

WHEREAS, changing the Project name and number to the Replacement of 2022 Culvert Group 1 (Project CAP-CUL-2022) will clarify the pre and post amended resolution; and

WHEREAS, there are no financial changes in the project previously approved.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the amendment to remove the Emery Road (CR 67) culvert from the Project and the addition of the East Eden Road (CR 220) culvert to the Project; and be it further

RESOLVED, that the project be known as the Replacement of 2022 Culvert Group 1 (Project CAP-CUL-2022); 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 Office of the County Executive, the Division of Budget and Management, the Office of the County Attorney, and the Office of the Comptroller.

(5-0)

3. COMM. 7E-16 (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, (Grand Island Sunrise 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 5.00 Megawatts AC on an approximately 167-acre parcel of land located within the Town of Grand Island, identified as 871 Whitehaven Road, SBL: 38.09-3-1; 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.

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 Grand Island Sunrise LLC, and any other organizations necessary to complete this PILOT Agreement, pertaining to the Real Property located at 871 Whitehaven Road, Grand Island New York (SBL: 38.09-3-1); and be it further

RESOLVED, that said Agreement shall include an annual approximate PILOT payment in the amount \$17,500.00, 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 certified copies of this resolution shall be forwarded to the Erie County Executive's Office; Division of Budget and Management; Department of Real Property Tax Services; Department of Environment and Planning; County Comptroller; and the County Attorney.

Schedule A
PILOT Schedule*

PILOT Term Year	Calendar Year	County Payment Amount
Year 1	2024	\$ 17,500.00
Year 2	2025	\$ 17,850.00
Year 3	2026	\$ 18,207.00
Year 4	2027	\$ 18,571.14
Year 5	2028	\$ 18,942.56
Year 6	2029	\$ 19,321.41
Year 7	2030	\$ 19,707.84
Year 8	2031	\$ 20,102.00
Year 9	2032	\$ 20,504.04
Year 10	2033	\$ 20,914.12
Year 11	2034	\$ 21,332.40
Year 12	2035	\$ 21,759.05
Year 13	2036	\$ 22,194.23
Year 14	2037	\$ 22,638.12
Year 15	2038	\$ 23,090.88

*Please note that, as per the PILOT Agreement, this payment schedule is subject to adjustment if the capacity of the Project changes.
(5-0)

4. COMM. 7E-18 (2023)
COUNTY EXECUTIVE

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

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

WHEREAS, County of Erie, City of Lackawanna, Erie County Industrial Development Agency, continue to work cooperatively toward achieving the redevelopment of the former Bethlehem Steel site; and

WHEREAS, the relocation of existing railroad lines is necessary to develop the site into a shovel ready site ready for development; and

WHEREAS, the Erie County Industrial Development Agency has extensive experience in contracting with consultants and contractors specializing in design of railroad infrastructure; and

WHEREAS, the County of Erie has approved funding in the County Budget to be utilized specifically for infrastructure and redevelopment on the former Bethlehem Steel site.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into contracts with the Erie County Industrial Development Agency or Buffalo and Erie County Industrial Land Development Corporation, or other state and federal agencies, and consultants in amounts not to exceed a total of \$600,000, for the purpose of the design and construction of railroad on the former Bethlehem Steel site in the City of Lackawanna; and be it further

RESOLVED, that the County Executive is authorized to enter into agreements with the Genesee and Wyoming Railroad Inc., New York State Department of Transportation, Erie County Water Authority as necessary to execute this project and complete the work; and be it further

RESOLVED, that the source of these funds shall be in SAP accounts A.19025 in the amount of \$237,367.56 and A.13012 in the amount of \$362,632.44 available respectively as part of the approved County budgets; and be it further

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

RESOLVED, that certified copies of this resolution will be forwarded to the Erie County Executive's Office, County Attorney, Comptroller's Office, Division of Budget and Management, and the Department of Environment & Planning.
(5-0)

HOWARD J. JOHNSON, JR.
CHAIR