

June 15, 2023

ECONOMIC DEVELOPMENT COMMITTEE
REPORT NO. 9

ALL MEMBERS PRESENT.

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

a. COMM. 12D-2 (2023)
BUDGET DEPARTMENT: “Capital Projects Update”
(Chair’s Ruling)

2. COMM. 12E-2 (2023)
COUNTY EXECUTIVE
WHEREAS, the County regularly contracts with NYSDOT for the design and construction of projects utilizing federal aid; and

WHEREAS, NYSDOT has instituted a new web based civil rights reporting system called Equitable Business Opportunities (EBO); and

WHEREAS, NYSDOT has made use of the EBO system mandatory on all federal aid projects; and

WHEREAS, NYSDOT requires that in order to access the EBO system Erie County must designate an EBO administrator.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves the County Executive’s designation of the Director of the Division of Equal Employment Opportunity (EEO), James Blackwell, as the County’s EBO Administrator; and be it further

RESOLVED, that authorization is hereby given to the Director of the Erie County Division EEO, James Blackwell, to complete the EBO application and submit it to NYSDOT; and be it further

RESOLVED, that once approved as Erie County’s EBO administrator the Director, Division of EEO will be responsible for providing access to other County staff as required for the management of NYSDOT sponsored federal aid projects; and be it further

RESOLVED, that ten (10) certified copies of this resolution be forwarded to the Department of Public Works, Office of the Commissioner and one each to the Office of the County Executive, the Division of Budget and Management, the Office of the County Attorney, the Office of the Comptroller and the Division of the Equal Employment Opportunity.
(5-0)

3. COMM. 12E-8 (2023)
COUNTY EXECUTIVE
WHEREAS, the Department of Public Works, Division of Highways, and the New York State Department of Transportation (NYSDOT) perform annual and biannual inspections of County-owned bridges and culverts; and

WHEREAS, conditions noted from these inspections, department engineering or maintenance staff, or taxpayer notifications, Erie County desires to respond to conditions which may restrict access or present a hazard to the traveling public with a plan of action as soon as practicable; and

WHEREAS, engineering and design services are necessary for the annual bridge inspection and maintenance program; and

WHEREAS, the Department of Public Works, Division of Highways, determined that CHA Consultants, Inc. has the appropriate expertise and experience in emergency bridge design, technical/engineering services, construction management and inspection, short schedule projects and bridge maintenance design through an RFP process; and

WHEREAS, the Department of Public Works, Division of Highways, must be able to respond to these cited County bridge and culvert deficiencies with appropriate action, and deemed emergency conditions Legislative approval is required to authorize the County Executive to award a contract to CHA Consultants, Inc.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into a contract with CHA Consultants, Inc. for the 2023-2024 On-Call/Emergency Bridge and Culvert Engineering Services project in an amount of \$547,176 for this contract; and be it further

RESOLVED, that funds, in the total amount of \$547,176, be made available for the Project from the following Projects in Fund 420, Funds Center 123:

B.16050 – 2016 Capital Overlays	\$ 98,176
B.20053 – 2020 Federal Aid Bridge Preservation – Design	\$200,000
B.20056 – 2020 Preservation of Bridges & Culverts – Design	\$149,000
<u>B.21151 – 2021 As Directed/Emergency Engineering Design Services</u>	<u>\$100,000</u>
TOTAL	\$547,176

and be it further

RESOLVED, a possible two (2) year extension to this contract and the necessary funding for it may be appropriated pending legislative approval in the future; and be it further

RESOLVED, that five (5) certified copies of this resolution be sent to the Department of Public Works, Commissioner’s Office, and one copy each to the County Executive’s Office, the Comptroller’s Office, the Division of Budget and Management, and the Division of Purchase.
(5-0)

4. COMM. 12E-9 (2023)

COUNTY EXECUTIVE

WHEREAS, authorization is being requested for the County Executive to execute an amendment to the Professional Services Agreement for the Back Creek Road (CR438) Slope and Slide Remediation (the “Agreement”), which was authorized through COMM. 4E-21 on March 5, 2019 under the retired 2018-2021 On-Call Civil & Geotechnical Engineering Term Agreement, which was subsequently extended to the end of 2022, with Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C. (Bergmann Associates) for additional and alternative design phase engineering services performed under the Agreement; and

WHEREAS, the estimated total cost of the amendment shall not exceed \$48,178.00 and funds are available in Fund 420, Funds Center 123, Capital Projects B.16011 and B.17014.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to execute an amendment to the Professional Services Agreement with Bergmann Associates for additional and alternative design phase engineering services in an amount not to exceed \$48,178; and be it further

RESOLVED, the sufficient funding to cover the costs associated with this amendment budget exist in the Division of Highways’ Capital Projects (Fund 420, Funds Center 123) B.16011 – 2016 Road Design Countywide, and B.17014 – 2017 Road Slide Design Countywide; and be it further

RESOLVED, that the Clerk of the Legislature be instructed to forward five (5) certified copies of this resolution to the Department of Public Works, Division of Highways, and one (1) certified copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller.
(5-0)

5. COMM. 12E-11 (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, (Gowans Road 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 3.75 Megawatts AC on six parcels totaling approximately 128 acres of land located within the Town of Evans on Gowans Road and Eden Evans Center Road and identified by SBL numbers 236.00-1-28, 236.00-1-2.11, 236.00-1-1, 236.00-1-3.1, 236.00-1-2.12, and 236.00-1-29; 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 Evans 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 County Executive is hereby authorized to execute a Payment in Lieu of Taxes (PILOT) Agreement with Gowans Road Solar, LLC, and any other organizations necessary to complete this PILOT Agreement, pertaining to the Real Property located on Gowans Road and Eden

Evans Center Road, Evans New York (SBL numbers 236.00-1-28, 236.00-1-2.11, 236.00-1-1, 236.00-1-3.1, 236.00-1-2.12, and 236.00-1-29); and be it further

RESOLVED, that said Agreement shall include an annual approximate PILOT payment in the amount \$2,793, 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 Office of County Executive; the Division of Budget and Management; the Division of Real Property Tax Services; the Department of Environment and Planning; the Office of County Comptroller; and the County Attorney's Office.

Schedule A
PILOT Schedule

Calendar Year*	Term Year	County PILOT Payment**
2024	1	\$2,793
2025	2	\$2,849
2026	3	\$2,906
2027	4	\$2,964
2028	5	\$3,023
2029	6	\$3,084
2030	7	\$3,145
2031	8	\$3,208
2032	9	\$3,272
2033	10	\$3,338
2034	11	\$3,405
2035	12	\$3,473
2036	13	\$3,542
2037	14	\$3,613
2038	15	\$3,685
	TOTAL	\$48,299

* The following schedule is for illustrative purposes only. The PILOT will commence in accordance with Section 2(b) of the Agreement.

**Per the Agreement, this payment schedule is subject to adjustment if the capacity of the Project changes. (5-0)

HOWARD J. JOHNSON, JR.
CHAIR