

THE ASSEMBLY  
STATE OF NEW YORK  
ALBANY



MICHAEL P. KEARNS  
Assemblyman 142nd District

May 12, 2015

Commissioner Rose Harvey  
New York State Office of Parks, Recreation, and Historic Preservation  
Empire State Plaza  
Agency Building 1  
Albany, New York 12238

RE: Small Boat Harbor: Buffalo, New York - Public Access and Proposed \$5 Parking.

Dear Commissioner Harvey:

In February, the New York State Office of Parks, Recreation and Historic Preservation selected Safe Harbor a Knoxville-based corporation over two competing companies to oversee the 1,037-slip marina, 8,000-square-foot restaurant, administration building, parking spaces, bait shop and storage facilities. As stated in the Request for Proposals – October 29, 2014 – page 9; one of the project goals is to, “Maintain the public aspects of the marina.”

Despite this stated goal, it was surprising to read in the May 10, 2015 Buffalo News that, according to Darby Campbell, owner of Safe Harbor, “It’s a marina now, not a public park.” This statement is inconsistent with the Request for Proposals.

What is also more disturbing at another fundamental level is that the Request for Proposals – October 29, 2014 – page 9, states, “The site is currently owned by the Erie County Harbor Development Corporation and is exempt from property taxes . . . . [Safe Harbor] is able to utilize Erie County Harbor Development’s sales tax exemption for capital improvements and mortgage recording tax under a long-term lease.” Safe Harbor has received generous subsidies in the form of tax exemptions and plans on charging the general public five dollars (\$5) for parking just to enjoy a public park, which up to this point was free and readily accessible to all members of the community.

It is worth repeating that 30.1% of the people in Buffalo, New York are living below the federal poverty level, according to the 2014 figures from the U.S. Census Bureau, many of these families live in my Assembly District, which is in close proximity to this area. A five dollar fee will impact and restrict this public area for those who cannot afford to pay, where this area was never restricted previously. The Request for Proposals – October 29, 2014 – page 13 (b) states, “All parking operation plans are subject to the prior review and approval of State Parks.” I am asking that you exercise your discretion and not approve any plans, which drastically limits a significant portion of Buffalo’s citizens from accessing this park, after they have paid for this access in the form of tax breaks.

Finally, the Request for Proposals – October 29, 2014 – page 16 - Parking Lot(s) c. states, “If [Safe Harbor] intends to charge for the use of any parking facilities, Respondents should describe such plans in their Proposal and include accompanying revenue projections.” I am formally asking for this plan and revenue projections.

Comm. 11M-3

Page 1 of 2

If you have any questions, please contact me at the number below.

Sincerely,

A handwritten signature in cursive script that reads "Michael P. Kearns". The signature is written in dark ink and is positioned above the typed name.

MICHAEL P. KEARNS  
NEW YORK STATE ASSEMBLY - 142nd DISTRICT  
(716) 608-6099

CC:

Erie Canal Harbor Development Corporation  
Erie County Executive Mark Poloncarz  
Mayor Byron Brown  
NYS Senator Marc Panepinto  
NYS Assembly member Sean Ryan  
Buffalo Common Council  
Erie County Legislature