

April 19, 2018

ECONOMIC DEVELOPMENT COMMITTEE
REPORT NO. 6

ALL MEMBERS PRESENT.

CHAIR SAVAGE PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:

- a. COMM. 13E-15 (2017)
MILLS: "Letter to NYS Governor Regarding Recommendation to NFTA Board of Commissioners"
(Chair's ruling)
- b. LL INTRO. 21-1 (2017)
GRANT, SAVAGE, LOUGHRAN, BURKE & MILLER-WILLIAMS: "County of Erie Fair Housing Law: A LL in Relation to Fair Housing in Erie County"
(Chair's ruling)
- c. COMM. 2E-15 (2018)
COUNTY EXECUTIVE: "Amendment to Consultant Contract for Market Analysis/Feasibility Study for New or Expanded Convention Center in Erie County"
(Chair's ruling)
- d. COMM. 5E-18 (2018)
LORIGO: "Letter to Senior Planner, Dept. of Environment & Planning, Concerning FOIL Request"
(Chair's ruling)
- e. COMM. 6D-7 (2018)
DEPUTY COMMISSIONER, DEPT. OF ENVIRONMENT & PLANNING: "Letter to Minority Leader Acknowledging Receipt of FOIL Request"
(Chair's ruling)
- f. COMM. 7E-29 (2018)
LORIGO: "Letter to Environment & Planning Commissioner Concerning FOIL Request"
(Chair's ruling)
- g. COMM. 7D-6 (2018)
DEPT. OF ENVIRONMENT & PLANNING FOIL OFFICER: "Letter to Minority Leader Concerning FOIL Request"
(Chair's ruling)

- h. COMM. 7M-1 (2018)
NFTA: "NFTA Board Minutes for Meeting Held 1/25/18"
(Chair's ruling)
 - i. COMM. 7M-3 (2018)
NFTA: "Letter to Majority Leader Concerning NFTA/Buffalo School Students"
(Chair's ruling)
 - j. COMM. 7M-9 (2018)
NFTA: "NFTA Board Minutes for Meeting Held 2/22/18"
(Chair's ruling)
 - k. COMM. 7M-12 (2018)
NFTA: "NFTA Revised Annual Budget for FYE 2019"
(Chair's ruling)
 - l. COMM. 7M-13 (2018)
DAVID W. CLOY, II, PRESIDENT, DWC MECHANICAL INC.: "Written Comments Concerning Local Law Intro. 4-1 (2018)"
(Chair's ruling)
 - m. COMM. 7M-14 (2018)
SHAWN KIMMEL, AURORA PLUMBING & EXCAVATION: "Written Comments Concerning Local Law Intro. 4-1 (2018)"
(Chair's ruling)
2. COMM. 6E-19 (2018)
COUNTY EXECUTIVE
WHEREAS, the Department of Public Works, Division of Highways has implemented the construction of the 2017 Overlay projects; and
- WHEREAS, the County has benefited from additional construction inspection services on the overlay projects; and
- WHEREAS, via Comm. 1E-9 (2018) Erie County has entered into a Memorandum of Understanding (MOU) with the Village of Williamsville to turn back ownership of Garrison Road; and
- WHEREAS, a Change Order to CHA Consultant Inc. project contract is necessary to provide the extra engineering services to design those items needed by the Village of Williamsville to accept ownership of Garrison Road; and
- WHEREAS, via Comm. 10E-24 of July 31, 2017 the Legislature approved CHA Consultants, Inc., as Project Engineer for the 2017 On-Call Contract; and

WHEREAS, the Department of Public Works, Division of Highways, determined that CHA Consultants, Inc. has the appropriate expertise and experience to respond in a timely manner.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to execute a Change Order with CHA Consultants, Inc. for the required services in the amount of \$22,000; and be it further

RESOLVED, that \$10,000 will be distributed from Fund 420, Funds Center 123, Capital Project B.16050- 2016 Capital Overlay; and be it further

RESOLVED, that \$12,000 will be distributed from Fund 420, Funds Center 123, Capital Project B. 16002- 2016 Preservation of Roads – Design; and be it further

RESOLVED, that five (5) certified copies of this resolution be sent 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 Comptroller and the Division of Purchase. (5-0) Chair Savage not present for vote.

3. COMM. 7E-20 (2018)

COUNTY EXECUTIVE

WHEREAS, a project for the remediation of the slide on Belscher Road (CR 419) was approved by this Honorable Body via Comm. 12E-1(June 22, 2017) (the “Project”); and

WHEREAS, in order to facilitate the Project it will be necessary for the County to acquire by fee and/or easement portions of real property in the vicinity of the Project:

| <u>PORTIONS OF TAX MAP SBL NUMBERS</u> | <u>TOWNSHIP</u> |
|--|-----------------|
| SBL 334.00-2-5 | Concord |
| SBL 334.00-2-6 | Concord |
| SBL 334.00-2-27.1 | Concord |
| SBL 334.00-2-30.11 | Concord |

such properties to be acquired by the County are herein referred to as the “Subject Properties”; and

WHEREAS, in order to acquire the ROW for the Project, it will be necessary for the County to establish an amount which it believes to represent just compensation for the real property interest to be acquired and to thereafter make a written offer to purchase the real property interest for the respective just compensation amount; and

WHEREAS, the acquisition of the portions of the Subject Properties is expected to be de minimis in nature so that the public interest will not be prejudiced by the reconstruction and other general improvements to the subject location on Belscher Road (CR 419); and

WHEREAS, the estimated cost of acquisition of the required ROW is estimated not to exceed \$2,000; and

WHEREAS, the required funds are available from Fund 420, Funds Center 123, SAP Project No. B.16012 – 2016 Road Slides ROW Countywide; and

WHEREAS, should one or more owners of the Subject Properties refuse to convey such portion of their real property to the County for an amount not exceeding fair market value, it will be necessary for the County to acquire the Subject Property by commencing eminent domain proceedings.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves the subject action; and be it further

RESOLVED, the County Executive is authorized to acquire for an amount not to exceed \$2,000 the necessary real property interests from the aforementioned Subject Properties for the slide remediation at the aforementioned Belscher Road site; and be it further

RESOLVED, that the amount of \$2,000 be appropriated from Fund 420, Funds Center 123, SAP Project No. B. 16012 - 2016 Road Slides ROW Countywide to cover the cost of ROW acquisition; and be it further

RESOLVED, that the Commissioner of Public Works, or his authorized representatives, are hereby authorized to establish the amounts which he believes to represent just compensation for the real properties to be acquired; and be it further

RESOLVED, that the Commissioner of Public Works, or his authorized representatives, are hereby authorized to negotiate and offer just compensation amounts to the owners of the Subject Properties for the purpose of acquiring the necessary real property interest by easement and/or fee, which acquisition is necessary for the Belscher Road slide remediation project; and be it further

RESOLVED, that the Commissioner of Public Works, or his authorized representatives, are authorized to act on behalf of the County of Erie in connection with the acquisition of the portions of the aforementioned Subject Property; and be it further

RESOLVED, that the County Attorney shall prepare and the County Executive shall execute all appropriate documents relating to acquiring fee and/or easement interests in the Subject Properties; and be it further

RESOLVED, should one or more owners of the Subject Property refuse to convey such portions of their real property to the County for an amount not to exceed the just compensation determined by the Commissioner of Public Works, or his authorized representatives , the County is authorized to commence eminent domain procedures; 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, Office of the Commissioner, and one copy each to the Office of the County Executive, the Office of Budget and Management, and the Office of the Comptroller.
(5-0) Chair Savage not present for vote.

4. COMM. 7E-22 (2018)
COUNTY EXECUTIVE

WHEREAS, a portion of Belscher Road (C.R. 419) collapsed in March of 2015 reducing that section of road to one lane travel controlled by temporary signals; and

WHEREAS, said reduction has affected the safety and mobility of the traveling public; and

WHEREAS, your Honorable Body via Comm. 12E-1 (June 22, 2017) approved contracting with Greenman-Pedersen, Inc. (GPI) for the design of the necessary remedial measures; and

WHEREAS, to complete the design phase of the project additional engineering and Right-of-Way (ROW) acquisition services are required; and

WHEREAS, the estimated cost of the additional engineering and ROW acquisition services required is \$14,000; and

WHEREAS, it is desired to execute a contract amendment with GPI for said additional engineering and Right-of-Way (ROW) acquisition services not to exceed amount of \$14,000; and

WHEREAS, the required funds are available from Fund 420, Funds Center 123, SAP Projects No. B.16011 - 2016 Road Design Countywide (\$ 9,000) and B. 16012 - 2016 Road Slides ROW Countywide (\$5,000).

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves the subject action; and be it further

RESOLVED, that \$9,000 from Fund 420, Funds Center 123, SAP Project No. B.16011 – 2016 Road Design Countywide and \$5,000 from SAP Project No. B.16012 – 2016 Road Slides ROW Countywide be appropriated and made available for this project; and be it further

RESOLVED, that the County Executive be authorized to execute a contract amendment for additional engineering and ROW acquisition services for the Project with Greenman-Pedersen, Inc. (GPI) in a not to exceed amount of \$14,000; 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, Office of the Commissioner, and one copy each to the Office of

the County Executive, the Office of Budget and Management, and the Office of the Comptroller.
(5-0) Chair Savage not present for vote.

5. COMM. 7E-24 (2018)
COUNTY EXECUTIVE

WHEREAS, a large portion of design has been completed by Trautman Associates for the Various County Facilities – Various Backflow Preventers & Rath Building Parking Level Sprinkler System project (herein called the “Project”); and

WHEREAS, due to inadequate funding for construction, the Project was put on hold; and

WHEREAS, due to delays caused by lack of construction funding, the 09-296-PW contract must be amended to complete the next phase of design; and

WHEREAS, Trautman Associates has the necessary expertise and manpower to provide professional design and construction services for the Project and has been previously authorized to perform professional services for this Project; and

WHEREAS, the County Executive requests authorization to enter into an Amendment with the firm of Trautman Associates for providing additional Professional Architectural/Engineering Services for the Project.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to execute an Amendment with the firm of Trautman Associates for providing the above Professional Architectural/Engineering Services for the Project for an amount not to exceed \$6,500.00, including reimbursables and a design contingency; and be it further

RESOLVED, that the Comptroller’s Office be authorized to make payment for all the above from the following SAP project accounts:

| | |
|--|-------------|
| Funds Center 122, Fund 410 – A.13006 – 2013 Countywide Mechanical, Electrical, & Plumbing Improvements | \$ 682.48 |
| Funds Center 122, Fund 410 – A.17006 – 2017 Countywide Mechanical, Electrical, Plumbing and Miscellaneous Improvements | \$ 5,817.52 |
| For a Total Amount Not to Exceed: | \$ 6,500.00 |

and be it further

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

6. COMM. 7E-25 (2018)
COUNTY EXECUTIVE

WHEREAS, to improve the efficiency within the Department of Social Services, the County of Erie desires to renovate 12,000 square feet of attorney office space on the 7th floor of the Erie County Rath Building; and

WHEREAS, the Erie County Department of Public Works received bids for the Rath Building – Department of Social Services 7th Floor Renovations project on March 17, 2017; and

WHEREAS, this project is eligible for partial State and Federal reimbursement through the Department of Social Services; and

WHEREAS, since the project was delayed for almost 12 months, the lowest responsible bidder, Galbo Construction, with a bid amount of \$344,200, will no longer continue with this project; and

WHEREAS, the second lowest responsible bidder, Trason Development, with a bid amount of \$380,000 has accepted the original bid of March 17, 2017.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into contracts with the second lowest responsible bidders for the Rath Building – 2017 Department of Social Services 7th Floor Renovations project as follows:

General Construction Work
Trason Development Corp

Base Bid: \$380,000

and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from SAP project account Funds Center 122, Fund 410 – Project A.16035 – Social Services Project Office Space -Renovation and Purchase of Equipment and Furnishings, for an amount not to exceed \$380,000; and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Commissioner's Office, and one copy each to the Office of the County Executive, the Division of Budget and Management, the Office of the Comptroller, and the Department of Social Services.
(6-0)

7. COMM. 7E-26 (2018)
COUNTY EXECUTIVE

WHEREAS, it is desired to allocate monies to purchase Right-of-Way (ROW) necessary for the replacement of culvert 228-13 on Springville Boston Road in the Town of Concord for the "Project"; and

WHEREAS, it is desired to acquire the ROW necessary for the replacement of culvert 228-13 on Springville Boston Road in the Town of Concord for the "Project"; and

WHEREAS, to facilitate the construction of the Project it will be necessary for the County to acquire by easement and/or fee, such parcels as may become necessary for construction, including parcels that are portions of real property in the vicinity of the project as follows:

| <u>PORTIONS OF TAX MAP SBL NUMBER</u> | <u>TOWNSHIP</u> |
|---------------------------------------|-----------------|
| SBL 274.02-1-1.1 | Concord |
| SBL 274.02-1-2.1 | Concord |
| SBL 274.02-1-15 | Concord |
| SBL 274.02-1-14 | Concord |

Such property necessary to be acquired by the County is herein referred to as the "Subject Properties"; and

WHEREAS, the acquisition of the portions of the Subject Properties is to be de minimis in nature so the public interest will not be prejudiced by the construction of the Project; and

WHEREAS, should one or more owners of the Subject Properties refuse to convey such portion of their real property to the County for an amount not exceeding fair market value, it will be necessary for the County to acquire the Subject Property by commencing eminent domain proceedings.

NOW, THEREFORE, BE IT

RESOLVED, that the sum of monies not to exceed the limit of \$20,000 be made available in SAP Project B.17006 - 2017 Capital Right of Way, Fund 420, Funds Center123 for all costs of ROW acquisitions; and be it further

RESOLVED, that the Erie County Legislature hereby approves the acquisition of the ROW required to construct the Project; and be it further

RESOLVED, that the County of Erie is authorized to acquire the necessary real property interests from the aforementioned Subject Properties for the purpose of constructing the Project; and be it further

RESOLVED, that the County of Erie is authorized to enter into all necessary contracts and agreements for the acquisition of the required ROW to construct the Project; and be it further

RESOLVED, that the Commissioner of Public Works, or his authorized representatives, including Urban Engineers of New York, Inc., are hereby authorized to establish the amounts which he believes to represent just compensation for the real property interests to be acquired; and be it further

RESOLVED, that the Commissioner of Public Works, or his authorized representatives, including Urban Engineers of New York Inc., are hereby authorized to negotiate and offer just compensation amounts to the owners of the Subject Properties for the purpose of acquiring the necessary real property interest in portions of their respective parcels of real property by easement and/or fee, which acquisition is necessary for construction of the Project; and be it further

RESOLVED, that the Commissioner of Public Works, or his authorized representatives, including Urban Engineers of New York Inc., are authorized to act on behalf of the County of Erie in connection with the acquisition of the required ROW from the owners of the Subject Properties; and be it further

RESOLVED, that the County Attorney shall prepare and the County Executive shall execute all appropriate documents relating to acquiring easement and/or fee interests in the necessary ROW; and be it further

RESOLVED, should one or more owners of the Subject Properties refuse to convey such portions of their real property to the County for an amount not to exceed the just compensation determined by the Commissioner of Public Works, or his authorized representatives, including Urban Engineers of New York, Inc., the County is authorized to commence eminent domain procedures; and be it further

RESOLVED, that the Clerk of the Legislature forward three (3) certified copies of this resolution to the Department of Public Works, Office of the Commissioner, and also one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller.
(6-0)

8. COMM. 7E-36 (2018)
COUNTY EXECUTIVE

WHEREAS, bids were taken for the Bethlehem Steel Shoreline Trail – Phase I in the Cities of Lackawanna and Buffalo on March 5, 2018, and the low bidder for construction was Zoladz Construction Company, Inc. of 13600 Railroad Street, Alden, New York at a low responsible bid of \$1,302,747.77; and

WHEREAS, Erie County is desirous of extending the existing Shoreline Trail from the City of Buffalo into the City of Lackawanna; and

WHEREAS, Erie County has previously obtained necessary easements along public roadways in the Cities of Lackawanna and Buffalo; and

WHEREAS, Erie County wishes to start construction as soon as possible.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized and is hereby directed to execute a Contract for Erie County for the Bethlehem Steel Shoreline Trail Phase I project, between the County of Erie and the lowest responsible bidder, Zoladz Construction Company for construction work in the amount of \$1,302,747.77; and be it further

RESOLVED, that a total amount not to exceed \$932,748.00 be allocated from SAP Account No. A.13012 and a total amount not to exceed \$500,000 be allocated from SAP Account J.00516.2.39; and be it further

RESOLVED, that the County Executive be authorized to establish a project contingency and execute change orders not to exceed \$130,000 from the above identified funds; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Office of the County Executive; the Commissioner of the Department of Environment and Planning; the Commissioner of Parks, Recreation and Forestry; the Director of the Division of Budget and Management; the Comptroller's Office; and the County Attorney.
(6-0)

9. COMM. 7E-37 (2018)
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, the former Bethlehem Steel site in Lackawanna is now owned by Tecumseh Redevelopment Inc. and that Tecumseh Redevelopment Inc., the City of Lackawanna, and the County of Erie entered into a Memorandum of Understanding on April 12, 2005 to work cooperatively toward the goal of the redevelopment of this under-utilized site; and

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

WHEREAS, railroad tracks adjacent to Route 5 must be relocated prior to the start of redevelopment of this property and for the continuation of the Erie County Shoreline Trail; and

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

WHEREAS, the County of Erie approved Capital Project funding in 2017, to be utilized specifically for infrastructure and redevelopment on the former Bethlehem Steel site.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to execute an amendatory contract with the Erie County Industrial Development Agency, and contracts with other state and federal agencies, utility companies and consultants in amounts not to exceed a total of \$650,000 for the purpose of the removal, relocation and construction of rail track and related utilities and infrastructure 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 Tecumseh Redevelopment, South Buffalo Railway, Gateway Trade Corporation, and Welded Tube USA to obtain necessary land, easements, operation and maintenance agreements to complete the work; and be it further

RESOLVED, that the source of these funds shall be in SAP Project A.17016; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to the County Executive; the Director of the Division of Budget and Management; the Comptroller; the Commissioner of the Department of Environment and Planning; and the County Attorney.
(6-0)

10. COMM. 7E-42 (2018)
COUNTY EXECUTIVE

WHEREAS, the Hope House Project consists of 27-units of affordable housing project in the City of Buffalo located at 243 Sears Avenue; and

WHEREAS, the project site consists of substantial rehabilitation of a historically significant former Buffalo Public School. The project will include permanent supportive housing for homeless women and homeless women with children; 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 Matt Urban Hope House LLC, Matt Urban Hope House Housing Development Fund Company, Inc. to operate the housing project it is necessary to obtain tax relief from the County of Erie and the City of Buffalo.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to execute a Payment in Lieu of Taxes (PILOT) Agreement with Matt Urban Hope House LLC, Matt Urban Hope House Housing

Development Fund Company, Inc., the City of Buffalo, 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 County Executive; the Director of the Division of Budget and Management; the Director of Real Property Tax Services; the Commissioner of the Department of Environment and Planning; the County Comptroller; and the County Attorney.

SCHEDULE A
Hope House Project PILOT

| Year | Total | City | County |
|------|----------|----------|----------|
| 1 | 6,585.57 | 4,939.18 | 1,646.39 |
| 2 | 6,783.14 | 5,087.35 | 1,695.78 |
| 3 | 6,986.63 | 5,239.97 | 1,746.66 |
| 4 | 7,196.23 | 5,397.17 | 1,799.06 |
| 5 | 7,412.12 | 5,559.09 | 1,853.03 |
| 6 | 7,634.48 | 5,725.86 | 1,908.62 |
| 7 | 7,863.51 | 5,897.64 | 1,965.88 |
| 8 | 8,099.42 | 6,074.57 | 2,024.86 |
| 9 | 8,342.40 | 6,256.80 | 2,085.60 |
| 10 | 8,592.68 | 6,444.51 | 2,148.17 |
| 11 | 8,850.46 | 6,637.84 | 2,212.61 |
| 12 | 9,115.97 | 6,836.98 | 2,278.99 |
| 13 | 9,389.45 | 7,042.09 | 2,347.36 |
| 14 | 9,671.13 | 7,253.35 | 2,417.78 |
| 15 | 9,961.27 | 7,470.95 | 2,490.32 |

(6-0)

PATRICK B. BURKE
CHAIR