

January 15, 2013

ECONOMIC DEVELOPMENT COMMITTEE  
REPORT NO. 1

ALL MEMBERS PRESENT.

CHAIR GRANT PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 19M-11 (2012)  
**PAT FREEMAN:** "Letter to Legislator Loughran Requesting to Appear before the Economic Development Committee"  
(6-0)
  - b. COMM. 1E-5 (2013)  
**COMPTROLLER:** "EC DPW Audit of the Eden-Evans Center Rd. Project for the Period 7/1/2011 - 8/31/2012"  
(6-0)
  - c. COMM. 1D-1 (2013)  
**COMMISSIONER OF ENVIRONMENT & PLANNING:** "Buffalo Erie Niagara Land Improvement Corporation Board of Directors Meeting Notice - 2013 Meeting Schedule"  
(6-0)
  - d. COMM. 1M-9 (2013)  
**NFTA:** "Minutes from Meeting Held 11/26/2012"  
(6-0)
2. COMM. 26E-11 (2012)  
**COUNTY EXECUTIVE**  
WHEREAS, a Project for Black Rock Canal Park improvements was awarded \$900,000 in New York State Power Authority (Greenway) monies of which \$440,000 has yet to be properly accounted for within the appropriate County budget accounts; and

WHEREAS, an additional \$1,100 in local source revenue is available from unclaimed bid deposit funds received from contractors during the bidding of Phase I Black Rock Canal Park Improvements.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is hereby authorized to accept \$440,000 in New York State Power Authority funding (Greenway) for improvements to the Black Rock Canal Park; and be it further

RESOLVED, that the Erie County Executive is authorized to accept \$1,100 in contractor bid deposits for improvements to Black Rock Canal Park; and be it further

RESOLVED, that authorization is hereby provided to complete the following budget adjustment to SAP Project #A.21016 within the Erie County Budget

- Increase Revenue and Appropriations totaling \$441,100 as follows:

Revenue

Commitment Item #409010 (State Aid-Other)	(\$440,000)
Commitment Item #420499 (Other Local Source Revenue)	(\$1,100)

Appropriations

Commitment Item #516020 (Professional Services-Contractual Fees)	\$441,100
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and be it further

RESOLVED, that the Director of the Division of Budget and Management is hereby authorized to implement any budget adjustments as required to comply with Federal, State, and New York State Power Authority funding requirements; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive's Office; the Comptroller's Office; the Director of the Division of Budget and Management; the County Attorney; and the Commissioner of the Department of Environment and Planning, Rath Building, 10th Floor.  
(6-0)

3. COMM. 26E-14 (2012)  
**COUNTY EXECUTIVE**  
WHEREAS, the County is required pursuant to the Lease Agreement between the Buffalo Bills and Erie County to provide capital improvements to Ralph Wilson Stadium on an annual basis; and

WHEREAS, the Erie County Legislature previously authorized contracts for Parking Lot Improvements and Sound System Upgrades-Phase 3; and

WHEREAS, not all Alternates were accepted in awarding the above noted contracts due to insufficient funds; and

WHEREAS, additional funds are now available to accept Alternates S-2 for additional paving in Lot 5 and for accepting Alternate S-1 for Phase 3 of the Sound System Upgrades; and

WHEREAS, unforeseen field conditions warrant an increase in the construction contingency account for the RWS-2011-Miscellaneous Improvements, Phase 2 project; and

WHEREAS, your Honorable Body has previously approved a general Architectural/Engineering agreement with the engineering firm of DiDonato Associates for providing professional services on County projects; and

WHEREAS, the County Executive is requesting authorization to issue an Agreement Amendment to DiDonato Associates for providing construction administration services for the additional work.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to issue a Contract Amendment to Louis Del Prince & Sons, Inc. for accepting Alternate Bid S-1 for an amount not to exceed \$289,500.00; and be it further

RESOLVED, that the County Executive be authorized to issue a Contract Amendment to Frey Electrical Construction Company, for accepting Alternate Bid No. 1 for an amount not to exceed \$518,000.00; and be it further

RESOLVED, that the Construction Contingency for the RWS-2011-Phase 2- Miscellaneous Improvements account be increased by \$150,000.00, from \$168,331.00 to \$318,331.00; and be it further

RESOLVED, that the County Executive is authorized to issue an Agreement Amendment to DiDonato Associates for an amount not to exceed \$25,000.00 for additional construction administration services; and be it further

RESOLVED, that the Comptroller's office be authorized to make payment for all the above from SAP Project Account A.12001-2012 – Rehabilitation of Ralph Wilson Stadium for an amount not to exceed \$982,500.00; and be it further

RESOLVED, that two 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, and the Office of the Comptroller.  
(6-0)

4. COMM. 26E-15 (2012)  
**COUNTY EXECUTIVE**

WHEREAS, the Erie County Division of Real Estate received bids for the Erie County Courts – 2010 – Exterior Site Work – Old County Hall and Erie County Court Building on July 1, 2010 ; and

WHEREAS, the contractor performing the work, Patrick Development, has failed to perform and pay their subcontractors and the County was forced to invoke their Performance Bond on December 6, 2011, and have their Surety Company complete the work. This has caused the A/E firm of Greenman-Petersen, Inc. (formerly Abate Engineering) to expend a considerable amount of additional time on the project; and

WHEREAS, your Honorable Body has previously approved a General Architectural/Engineering Agreement with the Engineering firm of Greenman-Petersen, Inc. (formerly Abate Engineering) for providing professional services on County projects; and

WHEREAS, the County Executive is requesting authorization to issue an Agreement Amendment to Greenman-Petersen, Inc. (formerly Abate Engineering) for providing additional professional design and construction services for the Erie County Courts – 2010 – Exterior Site Work – Old County Hall and Erie County Court Building project.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to issue an Agreement Amendment with the firm of Greenman-Petersen, Inc. (formerly Abate Engineering) to provide additional design work for an amount not to exceed \$25,000.00; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from SAP Project account A.20919 - 2009 – Exterior Waterproofing and Site Work, for an amount not to exceed \$25,000; 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, and the Office of the Comptroller.  
(6-0)

5. COMM. 1E-12 (2013)  
**COUNTY EXECUTIVE AS AMENDED**

WHEREAS, the Erie County Legislature approved a resolution Comm. 11E-10 (2012) dated June 21, 2012 authorizing the County Executive to executive a Payment in Lieu of Taxes (PILOT) agreement with True Bethel Townhomes, L.P. and the City of Buffalo relating to the True Bethel Townhomes; and

WHEREAS, the project developer has informed Erie County of a new development team including True Bethel Townhomes, LLC and True Bethel Townhomes Development Fund Company, Inc.; and

WHEREAS, the Project will be a new construction multi family housing development located at 858 East Ferry Street in the City of Buffalo, New York, and will contain 30 rehabilitated housing units, ten (10) two-bedroom units, fourteen (14) three bedroom units and six (6) four bedroom units. The housing units will be affordable to households with income at or below 60% of the median income for Erie County; and

WHEREAS, the Erie County Legislature adopted a policy on Payment in Lieu of Taxes (PILOT) on December 16, 1999, and this PILOT is consistent with said policy; and

WHEREAS, in order to make the Project economically feasible for True Bethel Townhomes, LLC to operate 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 True Bethel Townhomes, LLC; True Bethel Townhomes Housing Development Fund Company, Inc.; the City of Buffalo; and any other organizations involved in the sponsorship, development, financing, and ownership of the True Bethel Townhomes; and be it further

RESOLVED, that at least 60% of the units remain affordable to and occupied by households earning no greater than 50% of the area median income, adjusted for family size, as determined by the Department of Housing and Urban Development for the period of the 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. Payment under the Agreement shall be for fifteen (15) years with the County share of each annual payment being twenty-five (25) percent of the total amount; 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  
True Bethel Townhomes – 358 East Ferry Street, Buffalo, NY  
Affordable Housing Development

	PILOT	City	County
Year 1	\$6,570.27	\$4,927.70	\$1,642.56
Year 2	\$6,767.38	\$5,075.53	\$1,691.84
Year 3	\$6,970.40	\$5,228.00	\$1,742.60
Year 4	\$7,179.51	\$5,384.63	\$1,794.87
Year 5	\$7,394.90	\$5,546.17	\$1,848.72
Year 6	\$7,616.74	\$5,757.55	\$1,904.18
Year 7	\$7,845.25	\$5,883.93	\$1,961.31
Year 8	\$8,080.60	\$6,060.45	\$2,020.15
Year 9	\$8,323.02	\$6,242.26	\$2,080.75
Year 10	\$8,572.71	\$6,429.53	\$2,143.17
Year 11	\$8,829.89	\$6,622.41	\$2,207.47
Year 12	\$9,094.79	\$6,821.09	\$2,273.69
Year 13	\$9,367.63	\$7,025.72	\$2,341.90
Year 14	\$9,648.66	\$7,236.49	\$2,412.16
Year 15	\$9,938.12	\$7,453.59	\$2,484.53

(6-0)

**THOMAS A. LOUGHRAN**  
**CHAIR**