

September 24, 2012

ECONOMIC DEVELOPMENT COMMITTEE  
REPORT NO. 10

ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 6M-21 (2012)  
**AMHERST TOWN BOARD:** “Copy of Resolution Regarding Working with the Amherst Industrial Development Agency”  
(5-0)
  - b. COMM. 8E-9 (2012)  
**GRANT:** “Article from the Buffalo News Entitled, "What's the Bills' Game Plan?"”  
(5-0)
  - c. COMM. 8E-26 (2012)  
**COUNTY EXECUTIVE:** “Letter to Supervisor for Town of Lancaster Concerning Industrial Development Agencies”  
(5-0)
  - d. COMM. 9D-10 (2012)  
**CLERK OF ECONOMIC DEVELOPMENT:** “Copy of Buffalo News Article Entitled "\$200 Million Ought to Buy Peace of Mind””  
(5-0)
  - e. COMM. 9M-14 (2012)  
**ECIDA:** “Letter to Chair of Legislature Concerning PILOT Redistribution Agreement”  
(5-0)
  - f. COMM. 15E-7 (2012)  
**COMPTROLLER:** “Copy of EC's NYSDOT Single Audit Report for the Year Ended 12/31/2011”  
(5-0)
  - g. COMM. 15E-11 (2012)  
**COMPTROLLER:** “Copy of Letter to Public Works Commissioner Concerning a Review of the Eden-Evans Center Road Project for the Period 7/1/2011 through 8/31/2012”  
(5-0)

- h. COMM. 15M-3 (2012)  
**NFTA:** “Copy of Board Minutes from Meeting Held 6/25/2012”  
(5-0)
- i. COMM. 15M-9 (2012)  
**NFTA:** “Copy of Annual 17A Report”  
(5-0)
- j. COMM. 15M-13 (2012)  
**NFTA:** “Minutes of Meeting Held 7/23/2012”  
(5-0)
- k. COMM. 15M-14 (2012)  
**NYSDOT:** “Copy of Letter Concerning Cases 36030 Kenmore Avenue & 36047 Woodward Avenue”  
(5-0)

2. COMM. 15E-5 (2012)  
**COUNTY EXECUTIVE**  
WHEREAS, St. John Townhomes II, L.P. and People United for Sustainable Housing, Inc. (PUSH) are developing housing for low and very low income households pursuant to Article XI of the New York Private Housing Finance; and

WHEREAS, St. John Townhomes II will be a new construction multi family housing development located in the Fruit Belt neighborhood in the City of Buffalo, New York, and will contain 49 housing units, nine (9) two-bedroom units, thirty-four (34) three bedroom units and six (6) four bedroom units. The housing units will be affordable to households with income at or below 50% of the median income for Erie County; and

WHEREAS, Massachusetts Avenue Sustainable Neighborhoods Project will consist of the development of 5 rental residential units on the West Side of Buffalo, New York. Two of the properties are existing buildings and are located at 99 Chenago Avenue and 562 West Utica Both properties will be substantially rehabilitated. The third property will be new construction and located at 335-339 Massachusetts Avenue. The housing will be affordable for households with incomes at or below 60% of the area median income; and

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

WHEREAS, in order to make the Project economically feasible for St. John Townhomes II, L.P. and PUSH to operate the housing projects 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 St. John Townhomes II, L.P., St John Townhomes II Housing Development Fund Company, Inc. and the City of Buffalo relating to the St. John Townhomes II and all other agreements necessary to conclude this housing project; and be it further

RESOLVED, that the County Executive is hereby authorized to execute a Payment in Lieu of Taxes (PILOT) Agreement with People United for Sustainable Housing, Inc., Massachusetts Avenue Sustainable Homes Housing Development Fund Company, Inc. and the City of Buffalo relating to the Massachusetts Avenue Sustainable Neighborhoods Project and all other agreements necessary to conclude this housing project; and be it further

RESOLVED, that said Agreements shall include annual PILOTs in the amount of taxes due as set forth on Schedule A for St. John Townhomes II and attached hereto and Schedule B for Massachusetts Avenue Sustainable Neighborhoods Project and 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.

St. John Townhomes II  
PILOT Payments

Schedule A

| Year | Total     | City     | County   |
|------|-----------|----------|----------|
| 1    | 9,165.60  | 6,874.20 | 2,291.40 |
| 2    | 9,440.57  | 7,080.43 | 2,360.14 |
| 3    | 9,723.79  | 7,292.84 | 2,430.95 |
| 4    | 10,015.50 | 7,511.62 | 2,503.87 |

|    |           |           |          |
|----|-----------|-----------|----------|
| 5  | 10,315.96 | 7,736.97  | 2,578.99 |
| 6  | 10,625.44 | 7,969.08  | 2,656.36 |
| 7  | 10,944.21 | 8,208.15  | 2,736.05 |
| 8  | 11,272.53 | 8,454.40  | 2,818.13 |
| 9  | 11,610.71 | 8,708.03  | 2,902.68 |
| 10 | 11,959.03 | 8,969.27  | 2,989.76 |
| 11 | 12,317.80 | 9,238.35  | 3,079.45 |
| 12 | 12,687.33 | 9,515.50  | 3,171.83 |
| 13 | 13,067.95 | 9,800.97  | 3,266.99 |
| 14 | 13,459.99 | 10,094.99 | 3,365.00 |
| 15 | 13,863.79 | 10,397.84 | 3,465.95 |

Massachusetts Avenue Sustainable  
Neighborhoods  
Project

Schedule B

| Year | Total    | City   | County |
|------|----------|--------|--------|
| 1    | 957.60   | 718.20 | 239.40 |
| 2    | 986.33   | 739.75 | 246.58 |
| 3    | 1,015.92 | 761.94 | 253.98 |
| 4    | 1,046.40 | 784.80 | 261.60 |
| 5    | 1,077.79 | 808.34 | 269.45 |
| 6    | 1,110.12 | 832.59 | 277.53 |
| 7    | 1,143.42 | 857.57 | 285.86 |
| 8    | 1,177.73 | 883.30 | 294.43 |

|    |          |          |        |
|----|----------|----------|--------|
| 9  | 1,213.06 | 909.79   | 303.26 |
| 10 | 1,249.45 | 937.09   | 312.36 |
| 11 | 1,286.93 | 965.20   | 321.73 |
| 12 | 1,325.54 | 994.16   | 331.39 |
| 13 | 1,365.31 | 1,023.98 | 341.33 |
| 14 | 1,406.27 | 1,054.70 | 351.57 |
| 15 | 1,448.46 | 1,086.34 | 362.11 |

(4-0-1) Legislator Hogues abstained.

3. **COMM. 15E-22 (2012)**  
**COUNTY EXECUTIVE**

WHEREAS, the Erie County Department of Public Works administers the County's physical plant and all building construction; and

WHEREAS, in 1988 the professional design and construction staff consisted of 11 positions and in 2011 that number dropped to three; and

WHEREAS, five professional design and construction positions is the minimum necessary for the Department to properly monitor all ongoing building design and construction projects; and

WHEREAS, there is a need for one additional professional position in building design; and

WHEREAS, when the position of Director of Real Estate was created by the prior administration, the position of Deputy Commissioner of Building and Grounds was reduced one Grade level to JG 15 from its previous job grade JG 16, and since the position of Director of Real Estate has been eliminated, the Deputy Commissioner of Building and Grounds position is now assuming its previous responsibilities of also monitoring construction projects; and

WHEREAS, there is a critical need to fill the vacant position of Deputy Commissioner-Highways overseeing the County's 2,400 lane miles of roads.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Erie County Legislature hereby authorizes, in the Division of Buildings and Grounds, the creation of one position of Project Engineer Construction (Public Works) (JG 13/1), B-100 #6959, and one position of Assistant Mechanical Engineer (JG 11/1), B-100 #6971; and be it further

**RESOLVED**, that the Erie County Legislature hereby authorizes the deletion of one position of Principal Stores Clerk (JG 7/E) (position number 7437), one position of Building Maintenance Mechanic (JG 7/1), (position number 51005563) and one position of Code Compliance Officer Position (JG 10/3) (position number 51008110), B-100 #6958; and be it further

**RESOLVED**, that the position of Deputy Commissioner of Buildings and Grounds is hereby upgraded to JG 16, B-100 #6972; and be it further

**RESOLVED**, that the position of Deputy Commissioner-Highways is hereby authorized to be filled at variable minimum step 4; and be it further

**RESOLVED**, that the Division of Budget and Management and Department of Personnel are hereby authorized to make the necessary adjustments; and be it further

**RESOLVED**, that certified copies of this resolution will be forwarded to the County Executive, the Office of the Comptroller, the Department of Personnel, the Division of Budget and Management, and the Department of Public Works.

(5-0)

4. **COMM. 15E-24 (2012)**  
**COUNTY EXECUTIVE**

WHEREAS, Liberty Affordable Housing Inc., Mariner Towers Associates LLC and Mariner Housing Development Fund Company, Inc. are developing housing for low and very low income households (Project), pursuant to Article XI of the New York Private Housing Finance; and

WHEREAS, the Project will substantially rehabilitate Mariner Apartments located at 186 Efner Street, Buffalo, New York. The Project will consist of 292 apartment units in four (4) high-rise buildings and seventeen (17) two-story townhome buildings. Ninety-nine percent of the housing will be affordable to households with income at or below 50% 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 except that the first PILOT payment is higher than the first PILOT payment under the County Policy and the PILOT is for thirty-two years; and

WHEREAS, in order to make the Project economically feasible for Liberty Affordable Housing Inc. to operate the apartment complex 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 Liberty Affordable Housing Inc., Mariner Towers Associates LLC, Mariner Housing Development Fund Company, Inc. and the City of Buffalo relating to the Mariner Apartments and all other agreements necessary to conclude this Project; and be it further

RESOLVED, that 99% of the units remain affordable to and occupied by households earning no greater than 60% 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 will be for thirty-two (32) 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.

Liberty Affordable Housing Inc.  
 Mariner Towers Associates LLC  
 Mariner Housing Development Fund Company, Inc.  
 PILOT Payments

Schedule A

| Year | Total      | City      | County    |
|------|------------|-----------|-----------|
|      |            |           |           |
| 1    | 100,000.00 | 75,000.00 | 25,000.00 |
| 2    | 103,000.00 | 77,250.00 | 25,750.00 |
| 3    | 106,090.00 | 79,567.50 | 26,522.50 |
| 4    | 109,272.70 | 81,954.53 | 27,318.18 |
| 5    | 112,550.88 | 84,413.16 | 28,137.72 |
| 6    | 115,927.41 | 86,945.56 | 28,981.85 |

|    |            |            |           |
|----|------------|------------|-----------|
| 7  | 119,405.23 | 89,553.92  | 29,851.31 |
| 8  | 122,987.39 | 92,240.54  | 30,746.85 |
| 9  | 126,677.01 | 95,007.76  | 31,669.25 |
| 10 | 130,477.32 | 97,857.99  | 32,619.33 |
| 11 | 134,391.64 | 100,793.73 | 33,597.91 |
| 12 | 138,423.39 | 103,817.54 | 34,605.85 |
| 13 | 142,576.09 | 106,932.07 | 35,644.02 |
| 14 | 146,853.37 | 110,140.03 | 36,713.34 |
| 15 | 151,258.97 | 113,444.23 | 37,814.74 |
| 16 | 155,796.74 | 116,847.56 | 38,949.19 |
| 17 | 160,470.64 | 120,352.98 | 40,117.66 |
| 18 | 165,284.76 | 123,963.57 | 41,321.19 |
| 19 | 170,243.31 | 127,682.48 | 42,560.83 |
| 20 | 175,350.61 | 131,512.95 | 43,837.65 |
| 21 | 180,611.12 | 135,458.34 | 45,152.78 |
| 22 | 186,029.46 | 139,522.09 | 46,507.36 |
| 23 | 191,610.34 | 143,707.76 | 47,902.59 |
| 24 | 197,358.65 | 148,018.99 | 49,339.66 |
| 25 | 203,279.41 | 152,459.56 | 50,819.85 |
| 26 | 209,377.79 | 157,033.34 | 52,344.45 |
| 27 | 215,659.13 | 161,744.35 | 53,914.78 |
| 28 | 222,128.90 | 166,596.68 | 55,532.23 |
| 29 | 228,792.77 | 171,594.58 | 57,198.19 |
| 30 | 235,656.55 | 176,742.41 | 58,914.14 |
| 31 | 242,726.25 | 182,044.68 | 60,681.56 |

|    |            |            |           |
|----|------------|------------|-----------|
| 32 | 250,008.03 | 187,506.02 | 62,502.01 |
|----|------------|------------|-----------|

(5-0)

5. COMM. 15E-27 (2012)

**COUNTY EXECUTIVE**

WHEREAS, DePaul Properties, Inc. and Riverside SN Housing Development Fund Company, Inc. are developing housing for low and very low income households (Project), pursuant to Article XI of the New York Private Housing Finance; and

WHEREAS, the Project will substantially rehabilitate the former Buffalo Public School 60 located at 238 Ontario Street in the City of Buffalo, New York, and will contain 68 housing units, ten (10) studio units, fifty-seven (57) one bedroom units and one (1) two-bedroom unit. The housing units will be affordable to households with income at or below 50% 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 DePaul Properties, Inc., to operate the apartment complex 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 DePaul Properties, Inc., Riverside SN Housing Development Fund Company, Inc. and the City of Buffalo relating to the Riverside Apartments and all other agreements necessary to conclude this Project; and be it further

RESOLVED, that 100% 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 will 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.

DePaul Properties, Inc.

PILOT Payments

Schedule A

| Year | Total     | City      | County   |
|------|-----------|-----------|----------|
| 1    | 18,956.40 | 14,217.30 | 4,739.10 |
| 2    | 19,525.09 | 14,643.82 | 4,881.27 |
| 3    | 20,110.84 | 15,083.13 | 5,027.71 |
| 4    | 20,714.17 | 15,535.63 | 5,178.54 |
| 5    | 21,335.60 | 16,001.70 | 5,333.90 |
| 6    | 21,975.66 | 16,481.75 | 5,493.92 |
| 7    | 22,634.93 | 16,976.20 | 5,658.73 |
| 8    | 23,313.98 | 17,485.49 | 5,828.50 |
| 9    | 24,013.40 | 18,010.05 | 6,003.35 |
| 10   | 24,733.80 | 18,550.35 | 6,183.45 |
| 11   | 25,475.82 | 19,106.86 | 6,368.95 |
| 12   | 26,240.09 | 19,680.07 | 6,560.02 |
| 13   | 27,027.29 | 20,270.47 | 6,756.82 |
| 14   | 27,838.11 | 20,878.58 | 6,959.53 |
| 15   | 28,673.26 | 21,504.94 | 7,168.31 |

(5-0)

6. COMM. 15E-36 (2012)

**COUNTY EXECUTIVE**

WHEREAS, the County wishes to reconstruct portions of Zoar Valley Road damaged in FEMA DR-1857-NY, the "Project"; and

WHEREAS, in order to facilitate this reconstruction, it will be necessary for the County to acquire by easement and/or fee, parcels that are portions of real property in the vicinity of the Project as follows:

| <u>PORTRION OF TAX MAP SBL NUMBER</u> | <u>TOWNSHIP</u>          |
|---------------------------------------|--------------------------|
| SBL 353.00-3-12.11                    | Concord                  |
| SBL 353.00-2-12                       | Concord                  |
| SBL 353.00-3-6                        | Concord                  |
| SBL 353.00-2-11                       | Concord                  |
| SBL 353.00-2-10                       | Concord                  |
| Tax ID 10.003-2-2                     | Ashford, Cattaraugus Co. |

such property to be acquired by the County is 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, in order to advance the acquisition process, it will be necessary to retain the services of a ROW consultant and D&S Realty Consultants is an approved provider of such services; 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 sections of Zoar Valley Road (CR 457); 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 acquisition of the ROW required to construct the project; and be it further

RESOLVED, that the sum of \$49,300.00 from Business Area 123, Fund 420, SAP B.21025, 2010 FEMA Zoar Valley Road Right of Way be made available to cover all costs of ROW acquisition; 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 reconstructing and improving the aforementioned Zoar Valley Road sites; and be it further

RESOLVED, that the County of Erie is authorized to enter into a contract with D&S Realty Consultants to provide the ROW services necessary for the acquisition of the required ROW; 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 property interests 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 in portions of their respective parcels of real property by easement and/or fee, which acquisition is necessary for the Zoar Valley Road reconstruction 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 Properties; 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 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, 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. (5-0)

**THOMAS A. LOUGHRAN  
CHAIR**