

September 12, 2011

ECONOMIC DEVELOPMENT COMMITTEE  
REPORT NO. 11

ALL MEMBERS PRESENT, EXCEPT LEGISLATOR KOZUB.  
CHAIR MILLER-WILLIAMS PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 14M-8 (2011)  
**NYS PUBLIC SERVICE COMMISSION:** "Copy of Proceeding on Motion of the Commission to Examine Mobile Testing Requirements of Safety Standards"  
(5-0)
  - b. COMM. 18M-1 (2011)  
**NFTA:** "Minutes from Meeting Held 6/20/2011"  
(5-0)
  - c. COMM. 18M-5 (2011)  
**NFTA:** "Copy of Annual 17A Report"  
(5-0)
  - d. COMM. 18M-6 (2011)  
**NFTA:** "Copies of the Annual 17A Report and Capital Expenditure Reports for the First Quarter of Fiscal Year Ending 3/31/2012"  
(5-0)
  - e. COMM. 18M-11 (2011)  
**NFTA:** "Minutes from Meeting Held 7/25/2011"  
(5-0)
2. COMM. 18E-24 (2011)  
**COUNTY EXECUTIVE**  
WHEREAS, the New York State Consolidated Highway Improvement Program (CHIPS) award to Erie County has been increased by \$312,150.14; and

WHEREAS, the Department of Public Works, Division of Highways desires to utilize this additional award to continue the rehabilitation of Erie County roads and bridges; and

WHEREAS, the 2011 road fund budget must be increased by \$312,150.14 to accept and utilize the additional award; and

WHEREAS, the additional CHIPS award is available for reimbursement of expenditures related to repair of Erie County roads and bridges during the 2011-2012 State fiscal year ending March 31, 2012.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby approve the following budget amendments:

Cost Center 1231010, Fund 210, Administration – Highways

Account	Description	CURRENT BUDGET	INCREASE/ (DECREASE)	REVISED BUDGET
<b>REVENUE</b>				
407000	Consolidated Highway Aid	<u>\$7,200,000.00</u>	<u>\$ 312,150.14</u>	<u>\$7,512,150.14</u>
<b>TOTAL REVENUE</b>		<u>\$7,200,000.00</u>	<u>\$ 312,150.14</u>	<u>\$7,512,150.14</u>
<b>APPROPRIATIONS</b>				
570000	Interfund Transfers Subsidy	<u>\$5,200,000.00</u>	<u>\$ 312,150.14</u>	<u>\$5,512,150.14</u>
<b>TOTAL APPROPRIATIONS</b>		<u>\$5,200,000.00</u>	<u>\$ 312,150.14</u>	<u>\$5,512,150.14</u>

Capital Account B.11001, Fund 420, 2011 Capital Overlay Program - Countywide

<b>REVENUE</b>				
486000	Interfund Revenue Subsidy	<u>\$7,000,000.00</u>	<u>\$312,150.14</u>	<u>\$7,312,150.14</u>
<b>TOTAL REVENUE</b>		<u>\$7,000,000.00</u>	<u>\$312,150.14</u>	<u>\$7,312,150.14</u>

APPROPRIATIONS

Capital Projects	Capital Project Exp	<u>\$7,000,000.00</u>	<u>\$312,150.14</u>	<u>\$7,312,150.14</u>
TOTAL APPROPRIATIONS		<u>\$7,000,000.00</u>	<u>\$312,150.14</u>	<u>\$7,312,150.14</u>

and be it further

RESOLVED, that one certified copy of this resolution be forwarded 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 County Attorney, and the Office of the Comptroller.

(5-0)

3. COMM. 18E-26 (2011)

**COUNTY EXECUTIVE**

WHEREAS, the Erie County Division of Real Estate and Asset Management received bids for the Rath Building Mechanical and Electrical Renovations - Energy Efficiency and Conservation Block Grant Program (EECBG) project on June 16, 2011; and

WHEREAS, the Erie County Division of Real Estate and Asset Management is recommending award of contract to the lowest responsible bidders, along with the engineer; and

WHEREAS, your honorable body has previously approved a General Architectural/Engineering Agreement with the Engineering firm of CJ Brown Energy, PC for providing professional services on Erie County projects; and

WHEREAS, the County Executive is seeking authorization from your honorable body to enter into construction contracts with DV Brown & Associates, Inc. and Weydman Electric for the Rath Building Mechanical and Electrical Renovations - Energy Efficiency and Conservation Block Grant Program (EECBG) project.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into a contract with the lowest responsible bidders for the Rath Building Mechanical and Electrical Renovations - Energy Efficiency and Conservation Block Grant Program (EECBG) project as follows:

Mechanical Construction Work  
DV Brown & Associates, Inc. for a base bid and total contract in the amount of \$2,617,000.00

Plumbing Construction Work  
DV Brown & Associates, Inc. for a total bid and contract in the amount of \$183,000.00

Electrical Construction Work  
Weydman Electric for a base bid and total contract in the amount of \$124,000.00

and be it further

RESOLVED, that the sum of \$158,000.00 be allocated to a construction contingency fund with authorization for the County Executive to approve change orders in an amount not to exceed the contingency; and be it further

RESOLVED, that deduct change orders will result in these funds returned to the contingency fund; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment as follows:

A.11003.1 –Countywide Code and Environmental Compliance in the amount of \$469,124.00 and DOE Efficiency & Conservation Block Grant; Grant #:122DOEECBG\_0912 in the amount of \$2,612,876.00. Total payments will not exceed \$3,082,000.00; and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Division of Real Estate and Asset Management, and one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller.  
(5-0)

4. COMM. 18E-29 (2011)

**COUNTY EXECUTIVE**

WHEREAS, Cynthia Gardens Housing Development Fund, Inc. is 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 be located on vacant land at 294-302 Hudson Street in the City of Buffalo, New York, will contain 8 new constructed housing units, four (4) two-bedroom apartments and four (4) three-bedroom apartments for 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 Cynthia Gardens Housing Development Fund, 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 Cynthia Gardens Housing Development Fund, Inc. , Heart of the City Neighborhoods, Inc. and the City of Buffalo relating to the Cynthia Gardens and all other agreements necessary to conclude this Project; 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.  
(5-0)

5. COMM. 18E-34 (2011)  
**COUNTY EXECUTIVE**

WHEREAS, it is desired to reconstruct approximately 900 linear feet of Zoar Valley Road, FEMA PW 667, the "Project"; and

WHEREAS, in order to facilitate this reconstruction, it will be necessary for the County to acquire two parcels by permanent easement, portions of real property in the vicinity of the Project;

PORTION OF TAX MAP SBL NUMBER	TOWNSHIP
SBL 353.00-2-5.1	Concord
SBL 353.00-2-8	Concord

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

WHEREAS, in order to acquire the permanent easement 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 portion of the Subject Property is de minimis in nature so that the public interest will not be prejudiced by the reconstruction and other general improvements to the subject section of Zoar Valley Road (CR 457); and

WHEREAS, should one or more owners of the Subject Property 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 above subject actions; and be it further

RESOLVED, that the sum of \$18,199.82 from the 2010 FEMA Zoar Valley Road Right of Way account, SAP B.21025 be made available to cover the cost of Right-of-Way acquisition; and be it further

RESOLVED, that the County of Erie is authorized to acquire easement title to the aforementioned Subject Properties for the purpose of reconstructing and improving the aforementioned Zoar Valley Road PW 667 site; 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 interests in portions of their respective parcels of real property by permanent easement, which acquisition is necessary for the Zoar Valley Road PW 667 site 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 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 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)

**TIMOTHY J. WHALEN**  
**CHAIR**