

June 12, 2012

ECONOMIC DEVELOPMENT COMMITTEE  
REPORT NO. 7

ALL MEMBERS PRESENT.

CHAIR GRANT PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 9M-7 (2012)  
**NFTA:** “Copy of Actual Cash Flow for Period 4/1/11-3/31/12 & Projected Cash Flow for Period 4/1/12-3/31/13”  
(6-0)
  - b. COMM. 9M-11 (2012)  
**NFTA:** “Notice of Proposed Rulemaking”  
(6-0)
  - c. COMM. 11M-2 (2012)  
**NFTA:** “Minutes from Meeting Held 4/23/2012”  
(6-0)
  - d. COMM. 11M-5 (2012)  
**NYS DOT:** “Petition for the At-Grade Crossing for the Sherwood Trail”  
(6-0)
2. COMM. 10E-7 (2012)  
**COUNTY EXECUTIVE**  
WHEREAS, the rehabilitation of Beach Road and Eden-Evans Center Road Project will be advertised, bid, and ready for award of construction contract to the responsible low bidder after bids are taken on 31 May 2012; and

WHEREAS, funding for this project was approved and is available as follows:

\$428,769.63 is available in B.21001 – 2010 Capital Overlay  
\$20,164.56 is available in B.11001.2 – 2011 Capital Overlay  
\$557,582.40 is available in B.11005 – 2011 Various County Roads  
\$2,000,000.00 is available in B.12007 – 2012 Preservation of Roads – Construction and  
\$353,000.00 is available in B.12015 - 2012 Capital Overlay Program; and

WHEREAS, due to the limited construction season, it is necessary that this approval be granted, so that the contract can be awarded to allow the contractor to begin construction as soon as possible; and

WHEREAS, in order to facilitate the rehabilitation of Beach Road and Eden-Evans Center Road, it will be necessary for the County to execute the construction contract with the responsible low bidder and establish a construction contingency; and

WHEREAS, a contract must be negotiated with DiDonato Associates for construction inspection and services during construction,

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized and is hereby directed to award and execute a contract for the rehabilitation of Beach Road and Eden-Evans Center Road Project Number CAP-32.221-12, between the County of Erie and the lowest responsible bidder, establish a construction contingency and execute a negotiated contract between the County of Erie and project engineers DiDonato Associates, in an amount not to exceed \$3,359,516.59; and be it further

RESOLVED, that the funds for the Beach Road and Eden-Evans Center Road Project be allocated as follows: \$428,769.63 in B.21001 – 2010 Capital Overlay, \$20,164.56 in B.11001.2 – 2011 Capital Overlay, \$557,582.40 in B.11005 – 2011 Various County Roads, \$2,000,000.00 in B.12007 – 2012 Preservation of Roads – Construction, and \$353,000.00 in B.12015 - 2012 Capital Overlay Program, for a total, not to exceed \$3,359,516.59; and be it further

RESOLVED, that the Department of Public Works will inform the Erie County Legislature as to which contractor was the successful lowest responsible bidder for the rehabilitation of Beach Road and Eden-Evans Center Road, Project Number CAP-32.221-12; and be it further

RESOLVED, that the Clerk of the Legislature be instructed to forward three (3) 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 Division of Budget and Management, and the Office of the Comptroller.  
(6-0)

3. COMM. 10E-8 (2012)  
**COUNTY EXECUTIVE**  
WHEREAS, most of the North Campus buildings at Erie Community College were constructed in the late 1950’s and do not have air-conditioning; and

WHEREAS, Erie Community College now wishes to provide air-conditioning in the classrooms for a safe environment in educational buildings and keeping the campus competitive with other area colleges; and

WHEREAS, this Honorable Body has previously authorized the County Executive to enter into a General Engineering Services Agreement with Buffalo Engineering, P.C. Mechanical/Electrical Engineers for providing professional design and construction document services on Erie County projects; and

WHEREAS, the County Executive is requesting authorization from your honorable body to issue an Agreement Amendment to Buffalo Engineering, P.C. Mechanical/Electrical Engineers for providing design and construction document services for air-conditioning for Buildings K and B, and

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to issue an Agreement Amendment to Buffalo Engineering, P.C. Mechanical/Electrical Engineers for providing professional design and construction document services for the ECC North Campus air conditioning project for Buildings K and B, including reimbursables; and be further

RESOLVED, that the Comptroller's Office is authorized to make payment for this matter from SAP project account E.11005 – Erie Community College Cooling System for an amount not to exceed \$94,000.00; 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, Office of the Comptroller, and Erie Community College.  
(6-0)

4. COMM. 11E-8 (2012)  
**COUNTY EXECUTIVE**

WHEREAS, current New York State building codes require sprinklers in high-rise buildings. In order for the Rath Building to receive major renovations, a sprinkler system must be installed; and

WHEREAS, this Honorable Body has previously authorized the County Executive to enter into a General Architectural/Engineering Services Agreement with Trautman Associates Architects & Engineers for providing professional design and construction document services on Erie County projects; and

WHEREAS, the County Executive is requesting authorization from your honorable body to issue an Agreement Amendment to Trautman Associates Architects & Engineers for providing design and

construction document services for the fire protection/sprinkler standpipe project in the Rath County Office Building;

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to issue an Agreement Amendment to Trautman Associates Architects & Engineers for providing professional design and construction document services for the fire protection/sprinkler standpipe project in the Rath County Office Building, including reimbursables; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from SAP project account A.11006 – 2011 – Countywide Mechanical, Electrical & Plumbing Improvements for an amount not to exceed \$65,000.00; 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)

5. COMM. 11E-10 (2012)  
**COUNTY EXECUTIVE**

WHEREAS, True Bethel Townhomes, L.P. 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 a new construction multi-family housing development located at 858 East Ferry Street in the City of Buffalo, New York, and will contain thirty (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, L.P. 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 True Bethel Townhomes, L.P. and the City of Buffalo relating to the True Bethel Townhomes and all other agreements necessary to conclude this Project; 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 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.

Schedule A

PILOT for True Bethel Townhomes – Affordable Housing Development

	PILOT	City	County
Year 1	\$6,570.27	\$4,927.70	\$1642.56
Year 2	\$6,767.38	\$5,075.53	\$1691.84
Year 3	\$6,970.40	\$5228.00	\$1742.60
Year 4	\$7,179.51	\$5384.63	\$1794.87
Year 5	\$7,394.90	\$5546.17	\$1848.72
Year 6	\$7,616.74	\$5757.55	\$1904.18
Year 7	\$7,845.25	\$5883.93	\$1961.31
Year 8	\$8,080.60	\$6060.45	\$2020.15
Year 9	\$8,323.02	\$6242.26	\$2080.75
Year 10	\$8,572.71	\$6429.53	\$2143.17

Year 11	\$8,829.89	\$6622.41	\$2207.47
Year 12	\$9,094.79	\$6821.09	\$2273.69
Year 13	\$9,367.63	\$7025.72	\$2341.90
Year 14	\$9,648.66	\$7236.49	\$2412.16
Year 15	\$9,938.12	\$7453.59	\$2484.53

(6-0)

6. COMM. 11E-11 (2012)  
**COUNTY EXECUTIVE**

WHEREAS, Community Housing Development Organizations (CHDO) are non-profit agencies established under federal or state law where their governance structure is inclusive of and responds to the needs of low-income households within a specific service area; and

WHEREAS, New Opportunities Community Housing Development Corporation is a qualified CHDO and executed a \$225,467 contract with Erie County on October 21, 2011 to undertake a purchase, rehab, and sale program within the Erie County HOME Consortium for low and moderate income households; and

WHEREAS, New Opportunities has requested an additional \$233,033.85 allowing the purchase of two more housing units for eventual improvement and sale as affordable housing; and

WHEREAS, The Service Collaborative of Western New York, Inc. (FKA Western New York Americorps) is a qualified CHDO and executed a \$95,000 contract with Erie County on July 27, 2008, and a \$13,950 amendment on June 17, 2010, to undertake the rehabilitation of a two-unit residential structure located at 20 School Street in the Town of West Seneca; and

WHEREAS, The Service Collaborative is seeking an additional \$21,500 to address foundation and lead paint issues within the structure; and

WHEREAS, the County of Erie has been awarded a federal HOME Investment Partnership grant of \$1,052,135 for fiscal year 2011 and \$694,898 for fiscal year 2012 by the United States Department of Housing and Urban Development; and

WHEREAS, a minimum of fifteen percent of said funds are to be provided to eligible Community Housing Development Organizations (CHDOs).

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is hereby authorized to execute a First Amendatory Agreement to the October 21, 2011 contract with New Opportunities Community Housing Development Corporation for the Purchase, Rehab, and Sale Program increasing the contract amount from \$225,467 to \$458,500.85; and be it further

RESOLVED, that the Erie County Executive is hereby authorized to execute a Second Amendatory Agreement to the July 27, 2008 contract with The Service Collaborative of Western New York, Inc. for the rehabilitation of 20 School Street in the Town of West Seneca, increasing the contract amount from \$108,950 to \$139,450; and be it further

RESOLVED, that disbursement of said funds shall be conditioned on the following:

1. Completion of all state and federal environmental review requirements.
2. Completion of all necessary subsidy layering analyses as required by the federal Department of Housing and Urban Development.

and be it further

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

**THOMAS A. LOUGHRAN  
CHAIR**