



## COUNTY OF ERIE

**MARK C. POLONCARZ**

COUNTY EXECUTIVE

July 25, 2016

Erie County Legislature  
92 Franklin Street, 4<sup>th</sup> Floor  
Buffalo, New York 14202

**Re: Department of Social Services  
10-12 Fountain Plaza**

Dear Honorable Members:

Erie County is in the process of negotiating a lease for property located at Bank Of America Building, 10-12 Fountain Plaza, Buffalo, NY 14202 to house the the Family Wellness Division and the Home Energy Assistance Program of the Department of Social Services. Although the lease will not be completed before the Legislature begins its summer recess, the Department hopes to begin work on the new space in order for it to be completed before the lease expires at their current location.

This resolution authorizes the County to enter into an agreement with Ciminelli Real Estate Corporation so they can begin architectural, engineering and permitting for the Premises in order to begin construction of the tenant improvements in a timely manner.

Should your Honorable Body require further information, I encourage you to contact the Department of Social Services. Thank you for your consideration on this matter.

Sincerely yours,

A handwritten signature in dark ink, appearing to read "Mark C. Poloncarz".

Mark C. Poloncarz, Esq.  
Erie County Executive

MCP/bb  
Enclosure

cc: Al Dirschberger, Department of Social Services

## **MEMORANDUM**

**To:** Honorable Members of the Erie County Legislature  
**From:** Department of Social Services  
**Re:** 10-12 Fountain Plaza  
**Date:** July 25, 2016

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### **SUMMARY**

The Department of Social Services is in negotiations with Ciminelli Real Estate Corporation to lease property at Bank of America Building, 10-12 Fountain Plaza, Buffalo, NY 14202. The Department hopes to begin work on the new space in order for it to be completed before the lease expires at the current location. Although the terms of a lease for the Bank of America Building will not be completed before the Legislature goes into recess, the Department expects to agree to terms with the landlord soon. In order to begin work in a timely manner, Ciminelli Real Estate Corporation has requested the County authorize it to contract for architectural, engineering and permitting for the space in order to begin construction of the tenant improvements.

### **FISCAL IMPLICATIONS**

If Erie County does not lease the space for any reason, then it will reimburse Ciminelli Real Estate Corporation for any fees incurred payable within thirty days from invoice up to \$159,000. If the County does lease the space, these expenses will be included in the leaseholder improvements.

### **REASONS FOR RECOMMENDATION**

The build-out of the Bank of America Building to meet the needs of the Department has been projected to take several months. In order to begin the required work, the Department would like to authorize Ciminelli Real Estate Corporation to contract for architectural, engineering and permitting. This will allow the Department to maximize the time it has until it must move from its current location.

### **BACKGROUND INFORMATION**

The Family Wellness Division and the Home Energy Assistance Program of the Department of Social Services are currently located at leased space. The space they are in currently does not meet their needs and the Department began the process of looking for new space. On April 28, 2016, the Legislature authorized the Department to enter into a contract with CBRE Buffalo for commercial real estate brokerage services. Since that time, a RFP was issued for new space and the Department considered several options. The Department concluded that the best location for these programs was the Bank of America Building. The Department has been negotiating with Ciminelli Real Estate Corporation and is close to an agreement.

### **CONSEQUENCES OF NEGATIVE ACTION**

There may not be enough time to complete the build-out before the lease at the current location expires. The County may incur a penalty for not moving out of its current space or may have to pay a higher cost to have the build-out completed timely.

## **STEPS FOLLOWING APPROVAL**

The Social Services Department will enter into an agreement with Ciminelli Real Estate Corporation to authorize it to contract for architectural, engineering and permitting .

A RESOLUTION SUBMITTED BY:  
DEPARTMENT OF SOCIAL SERVICES

RE: Department of Social Services  
10-12 Fountain Plaza

WHEREAS, the Family Wellness Division and the Home Energy Assistance Program of the Department of Social Services are currently located at leased space that does not meet their needs; and

WHEREAS, a Request for Proposal was issued for new space and the Department considered several options, eventually concluding that the best location for these programs was the Bank of America Building, 10-12 Fountain Plaza, Buffalo, NY 14202; and

WHEREAS, the Department is in negotiations with Ciminelli Real Estate Corporation to lease the space and strong progress has been made; and

WHEREAS, the Department wants Ciminelli Real Estate Corporation to begin work on the new space in order for it to be completed before the lease expires at the current location; and

WHEREAS, Ciminelli Real Estate Corporation has requested the County authorize it to contract for architectural, engineering and permitting for the space in order to begin construction of the tenant improvements.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive and/or the Commissioner of Social Services is hereby authorized to enter into an agreement with Ciminelli Real Estate allowing it to begin architectural, engineering and permitting work on the space; and be it further

RESOLVED, the Legislature authorizes the County to reimburse Ciminelli Real Estate Corporation for any fees incurred payable within thirty (30) days from invoice; and be it further

RESOLVED, that under no circumstances shall those expenses exceed \$159,000; and

RESOLVED, that certified copies of this resolution be sent to the County Executive, Commissioner of Social Services and the County Attorney.



## COUNTY OF ERIE

**MARK C. POLONCARZ**

COUNTY EXECUTIVE

July 25, 2016

Erie County Legislature  
92 Franklin Street, 4<sup>th</sup> Floor  
Buffalo, New York 14202


**Re: Placeholder for Resolution  
Department of Social Services  
10-12 Fountain Plaza**

Dear Honorable Members:

Erie County is in the process of negotiating a lease for property located at Bank Of America Building, 10-12 Fountain Plaza, Buffalo, NY 14202 to house the the Family Wellness Division and the Home Energy Assistance Program of the Department of Social Services. Although the lease will not be completed before the Legislature begins its summer recess, the Department hopes to begin work on the new space in order for it to be completed before the lease expires at their current location. Please accept this letter as a placeholder for a forthcoming resolution on this matter.

Should your Honorable Body require further information, I encourage you to contact the Department of Social Services. Thank you for your consideration on this matter.

Sincerely yours,

  
Mark C. Poloncarz, Esq.  
Erie County Executive

MCP/bb  
Enclosure

cc: Al Dirschberger, Department of Social Services