

February 2, 2017

ECONOMIC DEVELOPMENT COMMITTEE
REPORT NO. 2

ALL MEMBERS PRESENT.

CHAIR MILLS PRESENT AS EX-OFFICIO MEMBER.

1. COMM. 2E-5 (2017)

COUNTY EXECUTIVE

WHEREAS, the County of Erie is interested in the fostering of business growth and job creation within Erie County; and

WHEREAS, Erie County desires to encourage the sound reuse of urban brownfields for productive use, be it industrial, commercial, or recreational; and

WHEREAS, the former INS Scrapyard at 4111 River Road, Town of Tonawanda, is now owned by Erie County, subsequent to foreclosure which was completed on November 16, 2016; and

WHEREAS, Erie County has agreed to transfer the 4111 River Road property to the Buffalo and Erie County Industrial Land Development Corporation (ILDC) and the ILDC has agreed to receive the property; and

WHEREAS, Erie County has written a grant application to the National Grid Brownfield Program and been award \$20,000 towards the remediation of this property; and

WHEREAS, Erie County desires to transfer the funds to the Buffalo and Erie County Industrial Land Development Corporation which will be owning the property to allow the funds to be used for remediation, demolition and clean up of the site.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into contracts with National Grid to receive funds, and enter into contracts with the Buffalo and Erie County Industrial Land Development Corporation in amounts not to exceed a total of \$20,000, for the purpose of receiving and transferring funds to be used in the remediation, demolition and clean up or the 4111 River Road site; and be it further

RESOLVED, that the source of these funds shall be \$20,000 available from the National Grid Brownfield Redevelopment Program; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to the County Executive; the Director of the Division of Budget and Management; the

Comptroller; the Commissioner of the Department of Environment and Planning; and the County Attorney.

(5-0-1) Legislator Lorigo abstained.

2. COMM. 2E-6 (2017)

COUNTY EXECUTIVE

WHEREAS, the County of Erie is interested in the fostering of business growth and job creation within Erie County; and

WHEREAS, Erie County desires to encourage the sound reuse of urban brownfields for productive use, be it industrial, commercial, or recreational; and

WHEREAS, the former Bethlehem Steel site in Lackawanna is now owned by Tecumseh Redevelopment Inc. and that Tecumseh Redevelopment Inc., the City of Lackawanna and the County of Erie entered into a Memorandum of Understanding on April 12, 2005 to work cooperatively toward the goal of the redevelopment of this under utilized site; and

WHEREAS, the County of Erie, City of Lackawanna, Erie County Industrial Development Agency, South Buffalo Railway, and Tecumseh Redevelopment Incorporated continue to work cooperatively toward achieving the redevelopment of the former Bethlehem Steel site; and

WHEREAS, railroad tracks adjacent to Route 5 must be relocated prior to the start of redevelopment of this property and for the continuation of the Erie County Shoreline Trail; and

WHEREAS, the Erie County Industrial Development Agency has extensive experience in contracting with consultants and contractors specializing in railroad development; and

WHEREAS, the County of Erie has approved funding in the County Budget in years 2014, 2015 and 2016, to be utilized specifically for infrastructure and redevelopment on the former Bethlehem Steel site.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into contracts with the Erie County Industrial Development Agency, consultants, and other state and federal agencies, in amounts not to exceed a total of \$4,550,000, for the purpose of the removal, relocation and construction of rail track and related utilities on the former Bethlehem Steel site in the City of Lackawanna; and be it further

RESOLVED, that the County Executive is authorized to enter into agreements with Tecumseh Redevelopment, South Buffalo Railway, Gateway Trade Corporation, and Welded Tube USA to obtain necessary land, easements, and maintenance agreements to complete the work; and be it further

RESOLVED, that the source of these funds shall be in SAP accounts A.14010 – \$2,000,000; A.15018 – \$1,250,000, and A.16017 – \$1,300,000, available in the Erie County Capital Budgets 2014, 2015 and 2016 respectively, and part of the approved County budgets; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to the County Executive; the Director of the Division of Budget and Management; the Comptroller; the Commissioner of the Department of Environment and Planning; and the County Attorney.

(5-0-1) Legislator Lorigo abstained.

3. COMM. 2E-7 (2017)

COUNTY EXECUTIVE

WHEREAS, Erie County, through the Department of Environment and Planning, serves as the administrative agent for the Erie County/Town of West Seneca Community Development Consortium and Erie County/Town of West Seneca/Town of Hamburg HOME Investment Partnership Consortium; and

WHEREAS, a major responsibility of the Department as the administrative agent, is the preparation of the annual program application materials, and submittal of same to the federal Department of Housing and Urban Development; and

WHEREAS, the Erie County Community Development Block Grant Consortium and HOME Consortium approved the 2017 Action Plan at their session held on January 26, 2017.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive, on behalf of the Erie County Community Development Consortium and Town of Hamburg/Erie County HOME Consortium, is hereby authorized to submit this resolution to the United States Department of Housing and Urban Development (HUD) as supportive material to the 2017 Annual Action Plan for the Community Development Block Grant, Emergency Solutions, and HOME Investment Partnership Programs having estimated dollar amounts as indicated.

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| 1. Erie County Consortium Community Development Program: | \$2,699,960 |
| 2. Emergency Solutions Program: | \$ 217,650 |
| 3. HOME Investment Partnership Program: | \$ 652,871 |
| 4. Town of Hamburg Community Development Program: | \$ 360,000 |

and be it further

RESOLVED, that the County Executive on behalf of the Erie County Community Development Consortium and Town of Hamburg/Erie County HOME Consortium is hereby authorized to submit and execute any and all applications and agreements with HUD, local governments, property owners receiving housing assistance, non-profit, and for-profit agencies, which are necessary to implement the above programs with the exception that any proposed agreement that transfers all or a portion of the administrative functions of the program from Erie County to a sub-recipient or contractual agency shall require approval from the Erie County Community Development Consortium and the Erie County Legislature; and be it further

RESOLVED, that the Commissioner of the Department of Environment and Planning is hereby authorized to execute any and all HOME Agreements with property owners participating in County housing programs assisted with federal HOME Investment Partnership funds; and be it further

RESOLVED, that the Commissioner of the Department of Environment and Planning is hereby authorized to execute any and all discharges of Erie County Note and Mortgages and/or Lien documents associated with any and all Erie County Housing Programs funded through the federal Community Development Block Grant and/or HOME Investment Partnership Programs; and be it further

RESOLVED, that copies of this resolution shall 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)

4. COMM. 2E-8 (2017)

COUNTY EXECUTIVE

WHEREAS, the Tonawanda Rails to Trails Extension Project PIN 5761.02 (the "Project") is eligible for funding under the Federal Transportation Alternatives Program (TAP) administered by the New York State Department of Transportation (NYSDOT), such funding being apportioned as stated in Title 23 U.S. Code, as amended, that calls for the appointment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% Non-Federal funds; and

WHEREAS, under TAP the federal cost share is limited to the amount set forth in the agreement with NYSDOT with any additional costs being borne 100% by the local sponsor; and

WHEREAS, the County of Erie previously advanced the Project by making a commitment of 100% of the Non-Federal share of the costs of the Preliminary Engineering and Right of Way Incidentals Phases via Legislative Communication 11E-10, June 11, 2015; and

WHEREAS, the County of Erie would like to advance the Project's Supplemental Agreement with New York State Department of Transportation which includes the addition of the Right-of-Way (ROW) Acquisition phase of the Project, by making a commitment of 100% of the Non-Federal share of the costs; and

WHEREAS, the NYSDOT supplemental agreement is in the total amount of \$237,000 an increase of \$77,000 over the County's existing Project agreement with NYSDOT; and

WHEREAS, the County is required to pay the estimated local share for the increase in Project costs in the amount of \$15,400 which is available from the SAP projects hereinafter noted.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves the above subject Project; and be it further

RESOLVED, that the County Legislature of the County of Erie hereby authorizes the County of Erie to pay in the first instance 100% of the Federal and Non-Federal shares of the cost of the ROW acquisition phase of the Project or portions thereof; and be it further

RESOLVED, that the Project budget be adjusted to reflect the anticipated federal revenue for the ROW acquisition phase as follows:

Fund 420, BA 123, B.16007, 2016 Federal Aid Projects Right-of-Way:

REVENUES		CURRENT BUDGET	INCREASE/ DECREASE	REVISED BUDGET
Account	Description			
414000	Federal Aid	\$ 32,000.	\$ 37,600.	\$ 69,600.
475000	Gen Oblig Bond Proc	<u>\$ 18,000.</u>	<u>\$ 0.</u>	<u>\$ 18,000.</u>
TOTAL REVENUES		<u>\$ 50,000.</u>	<u>\$ 37,600.</u>	<u>\$ 87,600.</u>
APPROPRIATIONS				
Capital Projects	Capital Project Exp	\$18,000.	\$ 0.	\$18,000.
Unallocated	Unallocated Capital	<u>\$32,000.</u>	<u>\$ 37,600.</u>	<u>\$69,600.</u>
TOTAL APPROPRIATIONS		<u>\$50,000.</u>	<u>\$ 37,600.</u>	<u>\$87,600.</u>

; and be it further

RESOLVED, that the current estimated total cost increase due to the addition of the ROW acquisition phase of the Project, \$77,000, is hereby appropriated from Fund 420 SAP Projects B.16007, 2016 Federal Aid Projects ROW and made available to cover the cost of participation in the above phases of the Project; and be it further

RESOLVED, that in the event the amount required to pay in the first instance 100% of the Federal and Non-Federal shares of the cost of the Project's Phases as described above exceed the amounts noted the County of Erie shall convene its Legislature as soon as possible to appropriate said excess amount; and be it further

RESOLVED, that the County Executive of the County of Erie is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid on behalf of the County of Erie, (subject to the County of Erie Attorney's approval as to form and content), with the New York State Department of Transportation in connection with the advancement or approval of the Project identified in the State/Local Agreement; and providing for the administration of the Project and the County's first instance funding of Project costs and permanent funding of the local share of Federal-Aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and be it further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation, by attaching it to any necessary Agreement in connection with the Project; and be it further

RESOLVED, that ten (10) certified copies 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.
(6-0)

5. COMM. 2E-9 (2017)
COUNTY EXECUTIVE

WHEREAS, a few months ago a fire occurred at the Board of Elections offices at 134 West Eagle Street; and

WHEREAS, it is imperative that a number of repairs and building modifications be made, as soon as possible, in order to move the people back into their space at 134 West Eagle Street; and

WHEREAS, the third floor toilet rooms require renovation from fire damage and alterations for ADA compliance; and

WHEREAS, the existing roof and skylights continue to leak causing mold and environmental concerns, posing health and safety risks for County workers and the public; and

WHEREAS, the County Executive is requesting authorization to issue an Agreement to Clark Patterson Lee for providing design, construction documents and construction administration services for 134 W. Eagle Street – 2016 Repair of Fire Damage.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to issue an Agreement to Clark Patterson Lee for providing professional A/E design, construction documents and construction administration services for 134 W. Eagle Street – 2016 Repair of Fire Damage, including a design contingency and reimbursables for an amount not to exceed \$18,000.00; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from SAP Project Account A.15004 – Countywide Roof Replacement and Exterior Waterproofing, for an amount not to exceed \$18,000.00; 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, the Commissioners of Elections, and the Office of the Comptroller.
(6-0)

6. COMM. 2E-10 (2017)

COUNTY EXECUTIVE

WHEREAS, The Erie County Department of Public Works, Division of Highways, works closely with the NYSDOT; and

WHEREAS, many times, the NYSDOT requires the services of Erie County and vice versa; and

WHEREAS, it is cost effective for Erie County to work jointly with the NYSDOT; and

WHEREAS, an executed Intermunicipal Agreement between the NYSDOT and Erie County should be in effect before these cooperative services are undertaken.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to execute a no-cost Intermunicipal Agreement with the NYSDOT whereby the Division of Highways may exchange services with the NYSDOT; 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 Office of the Erie County Attorney, the Division of Budget, Management and Finance and the Office of the Comptroller.
(6-0)

**JOSEPH C. LORIGO
CHAIR**