

November 29, 2018

ECONOMIC DEVELOPMENT COMMITTEE
REPORT NO. 17

ALL MEMBERS PRESENT.

CHAIR SAVAGE PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:

a. COMM. 21M-4 (2018)
ECIDA: "2019 Budgets for the ECIDA, RDC & ILDC"
(Chair's ruling)

b. COMM. 21M-7 (2018)
NFTA: "Minutes of NFTA Board Meeting Held on October 25, 2018"
(Chair's ruling)

2. COMM. 21E-8 (2018)

COUNTY EXECUTIVE

WHEREAS, the Elim Townhomes Project consists of 30-units of affordable housing in the City of Buffalo located at 205 Holden; and

WHEREAS, the project consists of new construction of 130-units of affordable housing; and

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

WHEREAS, in order to make the Project economically feasible for Elim Townhomes LLC, Elim Townhomes HDFC, Inc. to operate the housing project 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 Elim Townhomes LLC, Elim Townhomes HDFC, Inc., the City of Buffalo, and any other organizations necessary to conclude this PILOT 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; 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
ELIM TOWNHOMES PILOT

SCHEDULE A			
YEAR	TOTAL PILOT	COUNTY	CITY
1	7,082.82	1,770.71	5,312.11
2	7,295.30	1,823.82	5,471.48
3	7,514.16	1,878.54	5,635.62
4	7,739.58	1,934.90	5,804.68
5	7,971.77	1,992.94	5,978.83
6	8,210.92	2,052.73	6,158.19
7	8,457.25	2,114.31	6,342.94
8	8,710.97	2,177.74	6,533.23
9	8,972.30	2,243.08	6,729.22
10	9,241.47	2,310.37	6,931.10
11	9,518.71	2,379.68	7,139.03
12	9,804.27	2,451.07	7,353.20
13	10,098.40	2,524.60	7,573.80
14	10,401.35	2,600.34	7,801.01
15	10,713.39	2,678.35	8,035.04

(6-0)

3. COMM. 21E-9 (2018)
COUNTY EXECUTIVE

WHEREAS, the replacement of Quaker St. Bridge over Clear Creek, BIN 3328340, PIN 5762.14, (the "Project") is eligible for funding under Title 23, U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 95% Federal funds and 5% local share, depending upon the BridgeNY Funding program; and

WHEREAS, the County of Erie previously advanced the Project via Legislative Communication 8E-10 dated May 11, 2017; and

WHEREAS, the BridgeNY Program requires the Project to be let no later than 18 months after award of the Project to the County of Erie; and

WHEREAS, the County of Erie desires to advance the Construction and Construction Inspection phase of the Project by making a commitment for the Federal and non-Federal share of the costs of the project; and

WHEREAS, in order to facilitate the Construction and Construction Inspection Phases for the Project, it will be necessary for the County to execute a Supplemental Agreement with New York State Department of Transportation (NYSDOT) in the total amount of \$1,850,000 of which \$92,500 is the required local share, for the construction and construction inspection phase of the Project; and

WHEREAS, the Department of Public Works would like to successfully implement the Project in a timely manner, it will be necessary for the County to execute the construction contract with the responsible low bidder, enter into a construction phase engineering services agreement with CHA Consultants, and establish a local share construction contingency in an amount not to exceed \$200,000, for a total project allowance not to exceed \$2,050,000.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into a Supplemental Agreement with New York State Department of Transportation (NYSDOT) for this BridgeNY Project in the total amount of \$1,850,000 of which \$92,500 is the required local share; 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 Federal and non-Federal shares of the cost of construction and construction inspection phases of the Project or portions thereof; and be it further

RESOLVED, that the County Executive is hereby authorized to execute the construction contract with the responsible low bidder, enter into a construction phase engineering services agreement with CHA Consultants, and establish a local share construction contingency in an amount not to exceed \$200,000 for a total project cost not to exceed \$2,050,000; and be it further

RESOLVED, that the estimated total sum, with adjustments for the anticipated Federal revenue, of the Construction, Construction Inspection Phase, and contingency for the Project, in an amount not to exceed \$2,050,000 is hereby appropriated from the Project B.18015 – Federal Aid Bridge Project, Fund 420, Funds Center 123; and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to adjust the project budget for the Federal revenue in accordance with the current Supplemental Agreement; and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to adjust the project budget accordingly should additional Federal and/or State revenue be made available for this 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 costs of the Project's construction and construction inspection phases exceeds the amount appropriated, \$2,050,000 the County of Erie shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the NYSDOT thereof; 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, with the NYSDOT in connection with the advancement or approval of the Project and providing for the administration of the Project and the Municipality's first instance funding of Project costs and permanent funding of the local share of Federal aid and State 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 the Clerk of the Legislature forward six (6) certified copies of this Resolution to the Department of Public Works, Office of the Commissioner, to be forwarded to the NYSDOT; and be it further

RESOLVED, that the Clerk of the Legislature forward one (1) certified copy of this Resolution to the Department of Public Works, Division of Highways, and also one copy each to the Office of the County Executive, the Division of Budget and Management and the Office of the Comptroller.
(6-0)

PATRICK B. BURKE
CHAIR