

September 13, 2018

ECONOMIC DEVELOPMENT COMMITTEE
REPORT NO. 12

ALL MEMBERS PRESENT.

CHAIR SAVAGE PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 7E-31 (2018)
LORIGO: “Letter to Public Works Commissioner Concerning Road Conditions”
(Chair’s ruling)
 - b. COMM. 13D-5 (2018)
SECOND ASSISTANT COUNTY ATTORNEY: “Letter to Legislator Lorigo Regarding FOIL Requests”
(Chair’s ruling)
 - c. COMM. 16M-4 (2018)
NFTA: “17A & Capital Expenditure Reports for First Quarter of Fiscal Year”
(Chair’s ruling)
 - d. COMM. 16M-7 (2018)
NFTA: “Letter to Chair of Legislature Concerning Buffalo BOE Contract for 2018-19 School Year”
(Chair’s ruling)
 - e. COMM. 16M-13 (2018)
FAIR APPORTIONMENT OF INFRASTRUCTURE REVENUE: “Chair’s Message & Update on FAIR Committee”
(Chair’s ruling)
2. INTRO. 7-6 (2018)
LORIGO, MILLS & HARDWICK
WHEREAS, cellphone towers are a necessity as they provide a means for communication between and among residents, first responders, and other emergency service providers; and

WHEREAS, despite being a necessity, they are often found to be unattractive, as a result local governments have put limitations on the construction and placement of new cell towers based on their own individual preference; and

WHEREAS, locally the Town of Amherst and the Town of Tonawanda already have restrictions in place limiting or prohibiting the construction of new cell towers; and

WHEREAS, Governor Cuomo has introduced a new proposal that would eliminate local authority over the location of “small cells,” which are cell towers that can be placed over existing telephone poles that add several feet in height and weigh in at roughly 400 pounds; and

WHEREAS, Governor Cuomo’s proposal would entirely remove local control over the construction and placement of these cells in favor of a single statewide plan; and

WHEREAS, localities often have aesthetic concerns, and do not want these eyesores in the open to detract from the landscape and neighborhoods, as they add both height and size to the top of telephone poles, in addition to public safety concerns; and

WHEREAS, this proposal has already been opposed by the Association of Towns and the New York Conference of Mayors in a recent letter, which was co-signed by Mayor Brown favoring the continuation of local control over the placement of small cells; and

WHEREAS, it is the determination of this honorable body that residents are in the best position to determine whether they wish to allow the construction of additional cell phone towers in their neighborhoods, and local governments are in the best position to be responsive to the concerns of those residents; and

WHEREAS, it is also the finding of this body that if slow cell service and poor reception become an issue for residents of a particular city or town where a local restriction is in effect, residents living there can petition local representatives for changes to the local zoning ordinances or use their vote to effectuate local change.

NOW, THEREFORE, BE IT

RESOLVED, that this honorable body supports the continued ability of local governments to control the placement and regulations of cell towers and further opposes the Governor’s proposal for a statewide permitting process; and be it further

RESOLVED, that certified copies of this Resolution be sent to the Western New York delegation to the New York State Legislature, Governor Andrew Cuomo’s office, and any other party deemed necessary and proper.

(6-0)

3. COMM. 15E-9 (2018)
COUNTY EXECUTIVE

WHEREAS, the County of Erie owns the Buffalo and Erie County Botanical Gardens structure and is responsible for capital improvements that are needed periodically; and

WHEREAS, the County of Erie is interested in the fostering of tourism and the improvement of this historic structure; and

WHEREAS, the Erie County Department of Public Works applied for and was awarded a \$125,000 Dormitory Authority of the State of New York (DASNY) State and Municipal Facilities Program (SAM) grant to aid in the restoration and improvements of portions of the Botanical Gardens; and

WHEREAS, authorization is required from the Erie County Legislature for the County Executive to enter into a contract to accept the \$125,000 in grant funding for the capital improvements at the Botanical Gardens; and

WHEREAS, the required \$175,000 Erie County match is available in the approved, as amended 2017 Capital Budget, Project A.17002 – 2017 Botanical Gardens Rehabilitation, Fund 410, Funds Center 122.

NOW, THEREFORE, BE IT

RESOLVED, that authorization is hereby provided for the County Executive to execute any and all agreements to enter into a contract with the Dormitory Authority of the State of New York (DASNY) State and Municipal Facilities Program (SAM) grant program to accept \$125,000 in grant funding for the restoration and improvements of portions of the Buffalo and Erie County Botanical Gardens; and be it further

RESOLVED, that the required \$175,000 Erie County match be made available in the approved, as amended 2017 Capital Budget, Project A.17002 – 2017 Botanical Gardens Rehabilitation, Fund 410, Funds Center 122, GL Account 559000 – County Share Grants; and be it further

RESOLVED, that authorization is hereby provided to the Division of Budget and Management to establish funding in Grant Fund 281, Funds Center 1222010, as follows:

Erie County Department of Public Works
Dormitory Authority of the State of New York (DASNY)
State and Municipal Facilities Program (SAM) Grant
Project ID 9160
May 22, 2018 – May 21, 2021
122SAMBOTGARD1821

REVENUE	Budget
GL 409000 – State Aid	\$125,000
GL 479000 – County Share Contribution	<u>\$175,000</u>
TOTAL REVENUE	\$300,000
APPROPRIATIONS	
GL 516020 – Professional Services	<u>\$300,000</u>
TOTAL APPROPRIATIONS	\$300,000

and be it further

RESOLVED, that all expenditures meet the requirements of the SAM grant guidelines and that the Director of the Division of Budget and Management is hereby authorized to implement any budget adjustments as required to comply with State and County funding requirements; 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, and one copy to the Botanical Gardens c/o Dave Swarts and Financial Officer.
(6-0)

4. COMM. 16E-15 (2018)
COUNTY EXECUTIVE

WHEREAS, the existing fiber-reinforced insulated translucent sandwich panel day lighting system at the Ellicott Street Building is 39 years old and faces severe exterior facesheet fiberblooming and delaminations due to its age and exposure to the sun and weather resulting in water infiltration to the recently installed flat roof system; and

WHEREAS, the fiberglass gelcoat of the existing day lighting system is severely discolored, reducing the natural light levels within the building’s atrium; and

WHEREAS, the County will receive 50% reimbursement from New York State for this project; and

WHEREAS, the County Executive is requesting authorization from the Legislature to enter into an Agreement with Cannon Design to provide professional design and construction administration services for the Erie Community College City Campus 2017 Ellicott Street Building Skylight Reconstruction and Roof Repairs project.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into an Agreement with Cannon Design for an amount not to exceed \$330,000, including reimbursables and a design contingency, to provide professional design and construction document services for the Erie Community College City Campus 2017 Ellicott Street Building Skylight Reconstruction and Roof Repairs project; and be it further

RESOLVED, that the Comptroller’s Office be authorized to make payment for the above from the previously approved, as adopted Erie County capital budget E.15003 – 2015 ECC Roof Replacement and Waterproofing, Fund 480, Funds Center 122; 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, Erie Community College, Director of Finance and the Office of the Comptroller.
(6-0)

5. COMM. 16E-16 (2018)
COUNTY EXECUTIVE

WHEREAS, the Erie Community College STEM Building must be constructed to Leadership in Energy and Environmental Design (LEED) Silver certification; and

WHEREAS, your Honorable Body has previously authorized the County Executive to enter into an agreement with a New York State Energy Research and Development Authority (NYSERDA) qualified Technical Assistant for engineering services related to the New Construction Program incentives (COMM. 18E-4 (2015)); and

WHEREAS, the Erie County Department of Public Works applied for and was awarded an \$81,408 NYSERDA Commercial New Construction Program grant to implement selected electric energy efficiency improvements in the Erie Community College STEM Building project; and

WHEREAS, authorization is required from the Erie County Legislature for the County Executive to enter into a contract to accept the \$81,408 incentive award.

NOW, THEREFORE, BE IT

RESOLVED, that authorization is hereby provided for the County Executive to execute any and all agreements to enter into a contract with the New York State Energy Research and Development Authority (NYSERDA) Commercial New Construction Program grant program to accept an \$81,408 incentive award to implement selected electric energy efficiency improvements in the Erie Community College STEM Building; and be it further

RESOLVED, that authorization is hereby provided to the Division of Budget and Management and the Comptroller's Office to accept the incentive award and allocate such receipt into E.12002 – 2012 ECC New Academic Building, Fund 480, Funds Center 122; and be it further

RESOLVED, that all expenditures meet the requirements of the NYSERDA grant guidelines and that the Director of the Division of Budget and Management is hereby authorized to implement any budget adjustments as required to comply with State and County funding requirements; 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, and Financial Officer.

(6-0)

PATRICK B. BURKE
CHAIR