

MAY 24, 2007

ECONOMIC DEVELOPMENT COMMITTEE
REPORT NO. 10

ALL MEMBERS PRESENT. LEGISLATOR MARINELLI PRESENT AS EX-OFFICIO MEMBER.

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

- a. COMM. 10M-10 (2007)
ECIDA: 2006 Annual Report
(4-0)
- b. COMM. 10M-11 (2007)
ECIDA:: 2006 Annual Audited Financial Statements
(4-0)

2. COMM. 10E-11 (2007)
COUNTY EXECUTIVE

WHEREAS, the New York State Department of Transportation proposed to reconstruct NY Route 270, Campbell Boulevard (SH 584 & SH 8162) Bridge (BIN 4044050), New York State PIN 5181.07, over Erie Barge Canal and Erie Canalway Trail, in the Town of Amherst, Erie County, and

WHEREAS, in conformance with Section 42 of the New York State Highway Law, the New York State Department of Transportation proposes to utilize the following roads as a detour during the period of construction (2007 – 2009 approximately 6-8 months) Tonawanda Creek Road (CR 2) and North French Road (CR 299) in the Town of Amherst, and

WHEREAS, the New York State Department of Transportation will provide traffic control devices on Tonawanda Creek Road (CR 2) for the automobile detour and make improvements or repairs when necessary to the above-mentioned road to make it adequate to handle additional detour traffic, and

WHEREAS, the New York State Department of Transportation will provide traffic control devices on North French Road (CR 299) and make improvements or repairs when necessary to the above-mentioned road to make it adequate to handle additional truck detour traffic.

NOW, THEREFORE, BE IT

RESOLVED, that the County Legislature of the County of Erie does hereby authorize the New York State Department of Transportation to utilize the above-mentioned roads as a detour during the period of construction, and be it further,

RESOLVED, that the County of Erie will continue to provide normal routine maintenance on the above-mentioned roads, including snow and ice control, and be it further,

RESOLVED, that the Clerk of the Legislature forward seven (7) certified copies of this Resolution to the Deputy Commissioner, Highways, to be forwarded to the New York State Department of Transportation and one copy each to the Department of Public Works, Office of the Commissioner; the Office of the County Executive; the Division of Budget, Management & Finance; and the Office of the Comptroller.
(4-0)

3. COMM. 10E-13 (2007)
COUNTY EXECUTIVE

WHEREAS, your Honorable Body previously authorized General Architectural/Engineering contracts with URS, Inc. and Foit-Albert Associates on July 15, 2004 for providing Architectural/Engineering Services Work, and

WHEREAS, the Botanical Gardens Society has requested that the County continue with the phased Botanical Gardens Master Plan Improvements, and

WHEREAS, the Botanical Gardens Society has received a grant from SHPO in an amount not to exceed \$200,000.00 for making remedial structural repairs to Houses #2 and #3, and

WHEREAS, a contract increase is required to Foit-Albert Associates' General Architectural/Engineering Contract for preparing a Project Initiation Report for the proposed Propagation House to be located adjacent to the new parking lot, and

WHEREAS, a contract increase is required to URS, Inc.'s General Architectural/Engineering Contract for preparing design and construction documents for the structural remediation repairs of Houses #2 and #3, and for redesign of the proposed parking lot, and

WHEREAS, the County as lead agency pursuant to Article 8 – State Environmental Quality Review Act of the Environmental Conservation Law and 6NYCRR Part 617 has completed a General Environmental Impact Statement with no significant environmental findings.

NOW, THEREFORE, BE IT

RESOLVED, that the Commissioner of Public Works be authorized to issue a change order to URS Inc.'s contract for an amount not to exceed \$80,000.00 for the 2007 Botanical Gardens Master Plan Improvements, and be it further,

RESOLVED, that the Commissioner of Public Works be authorized to issue a change order to Foit-Albert Associates' contract for an amount not to exceed \$30,000.00 for the Propagation House Project Initiation Report, and be it further,

RESOLVED, that the Erie County Legislature accepts and authorizes the County Executive to sign the Final Generic Environmental Impact Statement dated April 18, 2007, and be it further,

RESOLVED, that the Comptroller's Office be authorized to make payment for all of the above from SAP Project A.00291 – 2006 Botanical Gardens Master Plan Reconstruction, and be it further,

RESOLVED, that two 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 Division of Budget, Management & Finance; and the Office of the Comptroller.

(4-0)

4. COMM. 10E-16 (2007)
COUNTY EXECUTIVE

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

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

WHEREAS, Erie County desires to assist in increasing shipping and rail business in our region; and

WHEREAS, Erie County desires to work with the South Buffalo Railway Company, the Gateway Corporation, Tecumseh Redevelopment Inc. and the City of Lackawanna to redevelop this brownfield and participate in the construction through various state and federal programs and direct contracting for these services where appropriate.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into contracts to receive two million four hundred and twenty thousand dollars (\$2,420,000.00) from the State of New York's Multimodal 2000 Program, and enter into contracts with the New York State Department of Transportation, the Erie County Industrial Development Agency, the Lackawanna Community Development Corporation, the City of Lackawanna, Tecumseh Redevelopment, Inc. and the South Buffalo

Railway Company and other necessary parties for the purpose of funding rail projects which will progress the redevelopment of the former Bethlehem Steel site; and be it further

RESOLVED, that the County Executive is authorized to enter into agreements for ownership of property or easements as may be necessary for infrastructure improvements such as sewers, waterlines, rail, utility corridors, roadways, public greenways; and be it further

RESOLVED, that the County Executive is authorized to enter into agreements for purposes of environmental remediation, indemnification or environmental covenants with the South Buffalo Railway Company, Gateway Corporation, Tecumseh Redevelopment Inc., the City of Lackawanna, Lackawanna Community Development Corporation, Erie County Industrial Development Agency, the New York State Department of Environmental Conservation and other necessary parties; and be it further

RESOLVED, that the source of funds will be \$2,420,000.00 available in the approved New York State Multimodal 2000 Program; and be it further

RESOLVED, that the County Executive is authorized to apply for additional funding from various funding programs from local, state and federal agencies and enter into agreements with local, state and federal agencies to receive funding to be utilized toward the redevelopment of the former Bethlehem Steel site; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to the Director of the Division of Budget, Management and Finance, the Comptroller, the Commissioner of the Department of Environment and Planning and the County Attorney.
(4-0)

TIMOTHY M. KENNEDY
CHAIRMAN