

JUNE 14, 2007

ECONOMIC DEVELOPMENT COMMITTEE  
REPORT NO. 11

ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 11M-2 (2007)  
**NFTA:** Two (2) Cash Flow Statements - Actual Cash Flow for the Period 4/1/06 - 3/31/07 & the Projected Cash Flow for the Period 4/1/07 - 3/31/08  
(4-0)
  - b. COMM. 11M-14 (2007)  
**ECIDA:** Notice of Board Meeting to be Held 6/11/07  
(4-0)
  - c. COMM. 11M-18 (2007)  
**TOWN OF CHEEKTOWAGA:** Copy of Certified Resolution Re: Authorize Supervisor to Execute Agreement of Cooperation With Erie County  
(4-0)

2. COMM. 11E-11 (2007)  
**COUNTY EXECUTIVE**  
WHEREAS, funds were authorized and contracts were awarded by the Department of Public Works for the Roof Repair – Emergency Response Services – All County-owned Buildings, and

WHEREAS, a contract was awarded to Grove Roofing Services, Inc., the total expenditure of which shall be based upon a project-by-project basis, and

WHEREAS, several emergency roof repairs have been needed and the contract allowance must be increased in order for the contractor to continue making emergency roof repairs, and

WHEREAS, ECC has transferred \$40,000.00 from their operating and maintenance account to assist the County in maintaining the college facility buildings located at their City, North and South campuses, and

WHEREAS, major repairs were made to the Casino Building at Chestnut Ridge Park, costing approximately \$25,000.00.

NOW, THEREFORE, BE IT,

RESOLVED, that the total expenditure be increased by \$85,000.00 from \$75,000.00 to \$160,000.00 with authorization for the Commissioner of Public Works to approve the work based upon the NYS Department of Labor Prevailing Wage Rate Schedule and for all materials furnished and installed for each emergency response repair, and be it further,

RESOLVED, that the budgeted appropriations and revenues in SAP Project A.00227, 2004 – Roof Replacement and Waterproofing of Various County Buildings, be increased by \$40,000.00, and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all of the above from SAP Project A.00227 – 2004 Roof Replacement and Waterproofing of Various County Buildings for an amount not to exceed \$60,000.00 and from SAP Project A.00054 – 2002 Improvements to Various County Parks for an amount not to exceed \$25,000.00, 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 one copy to the Office of the Comptroller.  
(4-0)

3. COMM. 11E-12 (2007)  
**COUNTY EXECUTIVE**

WHEREAS, the Erie County Department of Public Works has received notice of acceptance of a grant from the New York State Department of State for their Shared Municipal Services Incentive Grant Program titled Utility Procurement Aggregation Group Expansion in conjunction with Niagara County and Chautauqua County, and,

WHEREAS, the grant funds potential expansion of the Erie County and Niagara County Utility Aggregate by contacting each town and village within Erie, Niagara and Chautauqua County, investigating how their current utility bills are paid and offering a potential low cost alternative, and

WHEREAS, extensive work by the County's Energy Technical Services Consultant will be required to perform the analysis required of the grant, and

WHEREAS, the Erie County Legislature supported the grant in a resolution being Communications Number 3E-6 dated February 14, 2006.

NOW, THEREFORE, BE IT,

RESOLVED, that authorization is hereby provided for the County Executive to enter into a contract and accept the grant award in the amount of \$65,466.00 with a Local Match of \$7,274.00; and be it further,

RESOLVED, that authorization is hereby provided to amend Department of Public Works - Highways to accommodate transactions relative to the grant as follows:

<u>Revenue</u>	<u>Current</u>	<u>Changes</u>	<u>Amended</u>
Acct. 486000 Interfund Subsidy	\$3,315,024	<u>-10,667</u>	3,304,357
 <u>Appropriations</u>			
Acct. 575000 Interfund Expenditures	\$-0-	7,274	7,274
Acct. 912300	\$-0-	<u>-17,941</u>	17,941
		<u>-10,667</u>	

and, be it further,

RESOLVED, that authorization is hereby provided to establish the grant in the Department of Public Works as follows:

Grant Fund 280 Shared Municipal Services Incentive

Revenue

Acct. 409000 State Aid	\$65,466.00
Acct. 479000 County Share	<u>7,274.00</u>
	<u>\$72,740.00</u>

Appropriations

Acct. 505000 Office Supplies	\$ 859.38
Acct. 516020 Professional Services Contracts	53,939.62
Acct. 912300 Interdepartmental Billing	<u>17,941.00</u>
	<u>\$72,740.00</u>

and, be it further,

RESOLVED, that the Erie County Legislature authorizes a supplemental agreement be issued to Fluent Energy for their work as outlined in the grant in an amount not to exceed \$49,500.00; and, be it further,

RESOLVED, that the County Executive is authorized to enter into agreements with various municipalities as required under the terms of the grant; and, be it further,

RESOLVED, that two certified copies of this resolution shall be forwarded to the Commissioner of Public Works, and one copy each to the Deputy Commissioner – Highways, the Office of the County Executive, the Director of Budget and Management and the Office of the Comptroller.  
(4-0)

4. COMM. 11E-13 (2007)

**COUNTY EXECUTIVE**

WHEREAS, the County of Erie is obligated to provide \$5M in Capital Maintenance for Dunn Tire Park pursuant to an agreement between the County of Erie, City of Buffalo and Buffalo Bisons, and

WHEREAS, the Bisons have requested using part of these funds to construct a Center Field Pavilion for use this baseball season and replace the concession stands exhaust hood fire suppression system to comply with current building codes, and

WHEREAS, the Department of Public Works has prepared plans and specifications and received bids on May 10, 2007 for this project, and

WHEREAS, the baseball season has already started and in order for the Bisons to obtain beneficial use from the Pavilion during the current baseball season, work must begin immediately, and

WHEREAS, in order to accomplish this, the Bisons wish to enter into a contract with the lowest responsible bidders and pay the construction cost and be reimbursed by the County at a later date, and

WHEREAS, the Buffalo Bisons are asking for reimbursement for replacing the concession stands exhaust hood fire suppression system, and

WHEREAS, the County has a General A/E Agreement with Greenman - Pedersen, Inc. for providing engineering services, and

WHEREAS, a change order is required to Greenman – Pedersen Inc.’s contract for providing Construction Administration Services during the construction phase.

NOW, THEREFORE, BE IT,

RESOLVED, that the Legislature agrees to have the Buffalo Bisons expedite this work by the Bisons entering into a contract with the lowest responsible bidders to construct the Center Field Pavilion, and be it further,

RESOLVED, that the Commissioner of Public Works and the Comptroller be authorized to reimburse the Buffalo Bisons for the cost of construction in an amount not to exceed \$105,000.00 plus an additional contingency amount of \$10,000.00, for a total amount not to exceed \$115,000.00 and be it further,

RESOLVED, that the Commissioner of Public Works and the Comptroller be authorized to reimburse the Buffalo Bisons for the cost of replacing the concession stands exhaust hood suppression system in an amount not to exceed \$16,430.00, and be it further,

RESOLVED, that the Commissioner of Public Works is authorized to issue a change order to Greenman – Pedersen Inc. for providing Construction Administration Services in an amount not to exceed \$24,000.00, and be it further,

RESOLVED, that the Comptroller’s Office be authorized to make payment for all of the above from SAP Project A.09019 – 2001 – Dunn Tire Park Improvements, and be it further,

RESOLVED, that certified copies of this Resolution be sent to the Department of Public Works, Commissioner’s Office, the County Attorney’s office and the Comptroller’s office.  
(4-0)

5. COMM. 11E-22 (2007)

**COUNTY EXECUTIVE**

WHEREAS, the Erie County Legislature authorized the County Executive to enter into General Architect/Engineer contracts with Watts Architecture & Engineering, P.C., which included Asbestos, Industrial Hygiene & Indoor Air Quality Environmental Engineering Services in many of our County facilities, and

WHEREAS, in order to assure these necessary services, the Commissioner of Public Works is requesting a fee allocation of \$25,000.00 be paid on a time and material project-by-project basis, and testing.

NOW, THEREFORE, BE IT

RESOLVED, that the Commissioner of Public Works be authorized to issue a change order to the Environmental Engineering contract with the firm of Watts Architecture & Engineering, P.C., and be it further

RESOLVED, that payment for said fees be from the following:

Project A.00027 – ’01 Asbestos Abatement	\$25,000.00
Total	\$25,000.00

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 to the Office of the County Executive, the Division of Budget, Management & Finance, and the Office of the Comptroller.  
(4-0)

6. COMM. 11E-23 (2007)

**COUNTY EXECUTIVE**

WHEREAS, 245 North Street LLC and 245 North Street Housing Development Fund Corp. is developing housing for very low and low income households (Project), pursuant to Article XI of the New York Private Housing Finance; and

WHEREAS, the project is located at 245 North Street in the City of Buffalo, New York contains 63 residential apartment units for very low and low income senior households; and

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

WHEREAS, in order to make the Project economically feasible for 245 North Street LLC to operate the apartment complex 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 245 North Street LLC and 245 North Street Housing Development Fund Corp. relating to the North Street Y Apartments and all other agreements necessary to conclude this Project; and be it further

RESOLVED, that said Agreement shall include an annual PILOT in the amount of taxes dues as set forth on Schedule A attached hereto. Payment under the agreement will be for fifteen (15) years with the County share of each annual payment being twenty-five (25) percent of the total amount; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive, the Director of Budget, Management, and Finance, the Commissioner of the Department of Environment and Planning, the County Comptroller, and the County Attorney.

(4-0)

7. COMM. 11E-30 (2007)  
**COUNTY EXECUTIVE**

WHEREAS, property owners along County Roads in the Town of Cheektowaga are continuing to place large amounts of debris from the October 2006 storm next to County roads for pick up; and

WHEREAS, the Town of Cheektowaga and the County Department of Public Works propose to pool resources in order to provide for a one-time removal of the debris; and

WHEREAS, the implementation of this plan requires an Inter-Municipal Agreement with additional County funding of \$49,000 for equipment rental; and

WHEREAS, the County has generated additional reimbursement from FEMA claims that include administrative overhead expense; and

WHEREAS, although the specific cost of removing this debris is not eligible for direct reimbursed by the Federal Government, the funds generated by the administrative overhead claims are available and provide an available balance of \$49,000 which can be used for this project.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive, acting by and through the County Department of Public Works, be authorized to enter into an Inter-Municipal Agreement with the Town of Cheektowaga for the purpose of removing debris along County Roads within the Town, whereby the County Division of Highways will provide the following:

1. Flagman and equipment for traffic control;
2. Three dump trucks and drivers and other miscellaneous equipment as determined by the County Deputy Commissioner of Highways;

3. A not to exceed amount of \$49,000 for the rental of a Grinder,  
and be it further

RESOLVED, that the Division of Budget and Management is hereby authorized to adjust Fund 250, the October Storm Emergency Response fund, in order to provide \$49,000 in account 545000, rental, for the Division of Highways; and

RESOLVED, that six certified copies of this resolution be forwarded to the Department of Public Works, Office of the Commissioner; and one copy each to the County Executive; the Division of Budget and Management; the County Attorney; and to the Office of the Comptroller.  
(3-1) Legislator Mills in the negative.

**TIMOTHY M. KENNEDY**  
**CHAIRMAN**