

JULY 2, 2008

ECONOMIC DEVELOPMENT COMMITTEE  
REPORT NO. 11

ALL MEMBERS PRESENT, EXCEPT LEGISLATOR MILLER-WILLIAMS. CHAIR MARINELLI  
PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 13D-9 (2008)  
**PUBLIC WORKS:** Performance Assurance Reports Pertaining to Energy Performance Contract for EC Sheriff's Department and B & EC Public Library  
(5-0)
2. COMM. 13E-8 (2008)  
**COUNTY EXECUTIVE**  
WHEREAS, Cazenovia Recovery Systems, Inc. is developing housing for low and very low income households (Project), pursuant to Article XI of the New York Private Housing Finance Law; and  
  
WHEREAS, the Project, located at 2665-2671 Main Street in the City of Buffalo, New York, will contain 24 one-bedroom and two-bedroom apartments for low and very low income persons; 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 Cazenovia Recovery Systems, Inc. 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 Cazenovia Recovery Systems Inc. relating to the Amherst Station 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 due as set forth on Schedule B 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 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.  
(5-0)

3. COMM. 13E-9 (2008)  
**COUNTY EXECUTIVE**  
WHEREAS, the Town of Lancaster is requesting the County of Erie to grant a permanent easement on the above County owned parcel of land located in the Town of Lancaster; and  
  
WHEREAS, the Town of Lancaster is developing a bike path using New York State DEC grant funds; and  
  
WHEREAS, the Town of Lancaster bike path will cross over land owned by the County of Erie; and  
  
WHEREAS, a condition of the NYS grant requires a permanent easement be granted by the owner of record; and  
  
WHEREAS, the Director of Real Property Tax Services has determined that this easement can be granted; and  
  
WHEREAS, the Advisory Review Committee (ARC) has reviewed and approved this proposal; and  
  
WHEREAS, the parties of the first part, in consideration of other goods and valuable consideration of One and 00/100 Dollars (\$1.00), lawful money, paid by the party of the second part, does hereby grant and release unto the party of the second part, its successors and assigns a permanent right of way and easement, which includes the perpetual and exclusive right to construct, maintain, inspect, protect, replace, repair and operate utilities on the subject property; and  
  
WHEREAS, the Grantee, its successors and assigns, shall have the right of reasonable ingress and egress over the premises of the parties of the first part for all of the above purposes and any other purposes reasonably incidental thereto, including the right to clear and keep cleared all trees, roots and brush, and other obstructions located in and around the easement property; and

WHEREAS, the party of the first part reserves its right, title and interest in and to the property described above, provided that such use shall not interfere with or obstruct the party of the second part in its exercise of the rights and privileges herein granted. The party of the first part specifically covenants and agrees not to impound water, excavate, or construct buildings or structures of any type whatsoever on, over or under that portion of the lands and property covered by this easement without the written consent of the Grantee, which will not be unreasonably withheld; and

WHEREAS, the party of the first part hereby represents and warrants that it is the sole owner in fee simple of this property and that it has the lawful right and authority to grant the permanent easement conveyed herein; and

WHEREAS, the party of the second part agrees to pay the reasonable amount of any actual damage to growing shrubs, bushes, landscaping or other structural improvements located outside and within the easement property and caused by their construction or maintenance activities; and

WHEREAS, the party of the second part agrees to maintain the property as deemed appropriate and indemnify and hold harmless the County of Erie from any litigation that may arise and name the County of Erie as an additional insured and provide the County Attorney with proof of such insurance certificate.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is authorized and directed to execute to the Town of Lancaster in consideration of the sum of One and 00/100 Dollar (\$1.00) a Permanent easement on the following:

All that tract or parcel of land situate in the Town of Lancaster, County of Erie, and State of New York, being part of Lot No. 8 in Section 7, Township 11, Range 6 of the Holland Land Company's Survey, bounded and described as follows:

Beginning at a point on the Easterly boundary Walter Winter Drive (67 feet wide) at its point of intersection with the division line of the lands now or formerly of the County of Erie (L. 8942, P.587) on the North, and the lands now or formerly of Larry Paul Robinson and Charlene Brandel Robinson (L. 9380 P.226 ) on the South; thence,

1. North 0 ° 46'20" East, 25.14 feet along the said easterly boundary of Walter Winter Drive (67') to a point; thence,
2. North 84 ° 40'48" East a distance of 107.90 feet through the property now or formerly of the County of Erie (L.8942, P.587) to a point on the division line between the lands now or formerly of the County of Erie (L. 8942, P.587) on the West and the lands now or formerly of the Town of Lancaster Industrial Development Agency (L11102, P8619) on the East; thence,

3. South 05 ° 19'12" East, 25.00 feet along the last mentioned division line to a point on the first mentioned division line between the lands now or formerly of the County of Erie (L. 8942, P.587) on the North and the lands now or formerly of Larry Paul Robinson and Charlene Brandel Robinson (L. 9380 P.226 ) on the South; thence,
4. South 84 ° 40'48" West a distance of 110.57 feet along the said first mentioned division line to the Point of Beginning; containing 0.063 acres or 2,731 square feet more or less.

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, the Office of the County Comptroller, the County Attorney and the Department of Real Property Tax Services.  
(5-0)

4. COMM. 13E-17 (2008)  
**COUNTY EXECUTIVE**

WHEREAS, The County Legislature via Comm. 19E-32 of July 14, 2005 authorized Erie County to negotiate an inter-municipal agreement with the Town of Evans to establish a Project for the construction of the Lake Shore Shoreline Trail; via Comm. 25E-9 of November 10, 2005 resolved to have the County of Erie with the Town of Evans advance construction of the Project; via Comm. 12E-53 of July 12, 2007 approved the use of Wendel-Duchscherer as project engineers to design the improved recreational access to the County waterfront; and

WHEREAS, in order to advance the Project, Erie County will provide the improvement of drainage along a section of Lake Shore Road (County Road 111) with the construction of closed drainage system and a portion of regraded open ditch, from Ainsworth Parkway to Roat Drive at an approximate cost of \$140,000.00; and

WHEREAS, the Town of Evans will provide the materials for this phase of the project at an approximate cost of \$37,000.00; and

WHEREAS, it will be necessary for the County of Erie to engage the construction inspection services of project engineers, Wendel-Duchscherer at a cost of \$26,000.00.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive of the County of Erie is hereby authorized to execute an inter-municipal agreement with the Town of Evans in connection with the advancement of the Project; and be it further

RESOLVED, that the Erie County Legislature does hereby approve the acceptance by the Department of Public Works – Division of Highways the necessary materials provided by the Town of Evans for this Project; and be it further

RESOLVED, that the Erie County Bureau of Purchase, on behalf of the Erie County Department of Public Works, bid and award a construction contract not to exceed \$140,000.00 from Fund A.00213 Lake Shore Shoreline Trail – Drainage Phase 1; and be it further

RESOLVED, that the Erie County Legislature does hereby authorize a construction inspection services agreement with Wendel-Duchscherer not to exceed \$26,000.00 from Fund A.00213 Lake Shore Shoreline Trail – Drainage Phase 1; and be it further

RESOLVED, that a certified copy of this resolution be filed with the Town of Evans Town Clerk; 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, and one copy each to the Office of the County Executive, the Office of Budget, Management and Finance, the Office of the Comptroller and the Department of Environment and Planning.  
(5-0)

5. COMM. 13E-18 (2008)  
**COUNTY EXECUTIVE**

WHEREAS, the Department of Public Works received bids for replacing the existing roof at the Jesse Nash Health Center on June 5, 2008; and

WHEREAS, Grove Roofing Services, Inc. is the lowest responsible bidder for the work; and

WHEREAS, the Erie County Department of Public Works along with the Architect are recommending award to the lowest responsible bidder; and

WHEREAS, your honorable body has previously authorized a General Architectural/ Engineering Agreement with the firm of Stievater & Associates for providing professional design services; and

WHEREAS, the County Executive is requesting authorization from your honorable body to issue a Supplemental Agreement to Stievater & Associates for providing professional design services for the Jesse Nash Health Center – Roof Replacement.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to enter into a contract for the Jesse Nash Health Center – Roof Replacement Project with Grove Roofing Services, Inc. for an amount not to exceed \$238,800.00; and be it further

RESOLVED, that the sum of \$33,200.00 be allocated to a construction contingency fund with authorization for the County Executive to approve change orders in an amount not to exceed the contingency; and be it further

RESOLVED, that deduct change orders will result in these funds returned to the contingency fund, and be it further

RESOLVED, that the County Executive be authorized to issue a Supplemental Agreement to Stievater & Associates for professional design services for the Jesse Nash Health Center – Roof Replacement Project for an amount not to exceed \$22,000.00; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from SAP Project A.00070 – 2003 – Roof Replacement & Waterproofing in an amount not to exceed \$294,000.00; 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 Division of Budget, Management & Finance, and the Office of the Comptroller.  
(5-0)

**TIMOTHY M. KENNEDY**  
**CHAIR**