

NOVEMBER 26, 2007

ECONOMIC DEVELOPMENT COMMITTEE
REPORT NO. 15

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

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 18M-8 (2007)
NFTA: NFTA Board Minutes for Meeting Held 9/27/07
(5-0)
 - b. COMM. 20M-7 (2007)
BUFFALO COMMON COUNCIL: Copy of Letter to NFTA Facilities Manager Re: Taxi Service at Bus Terminal
(5-0)
 - c. COMM. 21E-2 (2007)
KENNEDY: Copy of Letter to Buffalo Bills Re: Economic Development Committee Meeting
(5-0)
 - d. COMM. 21M-14 (2007)
NFTA: Actual/Projected Cash Flow for the Period 4/1/07 - 3/31/08 and Projected Cash Flow for the Period 10/1/07 - 9/30/08
(5-0)
2. COMM. 18E-11 (2007)
COUNTY EXECUTIVE
WHEREAS, your Honorable Body has previously awarded a Professional Services Agreement to Cannon Design, Inc. for the new Public Safety Building, Phase 1, and

WHEREAS, Cannon's original design scope did not include build-out of all interior spaces, and

WHEREAS, the Commissioner of Central Police Services has requested build-out of the remaining office space on the first floor, and

WHEREAS, Cannon Design's fee needs to be increased for the required Professional Design and Construction Services.

NOW, THEREFORE, BE IT

RESOLVED, that the Commissioner of Public Works be authorized to issue a Supplemental Agreement to Cannon Design, Inc. for providing additional design services for an amount not to exceed \$36,809.00, for a total design fee of \$4,358,908.77, and be it further,

RESOLVED, that the Comptroller's Office be authorized to make payments for the above from the following SAP Project accounts:

A.00059, '02 E.C. Regional Public Safety Campus -	\$26,959.00
A.00061, '02 Central Police Services Facility -	\$ <u>9,850.00</u>
Total amount not to exceed:	\$36,809.00

and be it further,

RESOLVED, that two certified copies 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, the Office of the Comptroller, and the Department of Central Police Services.
(5-0)

3. COMM. 18E-13 (2007)
COUNTY EXECUTIVE

WHEREAS, AD Price I LLC and AD Price I 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 in the Willert Park neighborhood, in the City of Buffalo, New York. The housing development will be bounded by Broadway Avenue on the north, Spring Street on the west, Jefferson Avenue on the east, and William Street on the south. The development will contain 55 residential apartment units for very low and low income 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 AD Price I LLC to operate the apartments 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 AD Price I LLC and AD Price I Housing Development Fund Corp. relating to the AD Price 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 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, Management, and Finance, the Commissioner of the Department of Environment and Planning, the County Comptroller, and the County Attorney.
(5-0)

4. INTRO 21-9 (2007) **AS AMENDED**
KENNEDY, IANNELLO, MARINELLI, WHYTE, KOZUB, RANZENHOFER, KONST, GRANT, REYNOLDS, MILLS, LOUGHRAN, MAZUR, MILLER-WILLIAMS and LOCKLEAR
WHEREAS, New York State Thruway Authority (NYSTA) collected \$554 million in tolls in 2006 and spent \$331 million operating the Thruway system; and

WHEREAS, the Thruway Authority's Finance and Audit Committee approved a 5% toll increase in 2009 and another 5% increase in 2010; and

WHEREAS, in addition to increasing tolls, the Thruway Authority is embarking on a \$2.7 billion capital borrowing program; and

WHEREAS, the Thruway Authority was built in the 1950s with the promise that the tolls would be eliminated and the Authority dissolved in 1996, when the bonds used to finance construction were paid off; and

WHEREAS, as is typical with Authorities in New York State that operate with very little governmental oversight and often use the issuance of debt to perpetuate their existence, in the early 1990s the Thruway Authority began borrowing billions of dollars, thereby guaranteeing that the Authority and the tolls would remain in place well beyond 1996; and

WHEREAS, the Thruway Authority opted to continue the tolls and accrue more debt rather than phase themselves and the tolls out of existence; and

WHEREAS, the Thruway Authority promised to use \$132 million of the 2005 toll increase for infrastructure improvements in Western New York -the promised investment has not been met; and

WHEREAS, in September 2007, United States Congressman Brian Higgins requested, pursuant to the Freedom of Information Law, information on how the Thruway Authority plans to spend revenue from the recent toll increases and to substantiate the promise of significant capital improvements in Western New York; and

WHEREAS, the Thruway Authority failed to respond to this reasonable request; and

WHEREAS, the Thruway Authority's failure to provide relevant financial information prompted Congressmen Brian Higgins to request that New York State Comptroller Thomas DiNapoli conduct a comprehensive audit of the Thruway Authority's finances.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature believes in transparency and openness in all areas of government and supports the reform of Public Authorities; and be it further

RESOLVED, that this honorable body respectfully urges the New York State Thruway Authority to provide all requested information to Congressman Brian Higgins; and be it further

RESOLVED, that this honorable body welcomes the New York State comptroller's comprehensive audit of the New York State Thruway Authority; and be it further

RESOLVED, that certified copies of this resolution are to be forwarded to Brian Higgins, Member of Congress; Thomas DiNapoli, New York State Comptroller; and Kathy Hochul, Erie County Clerk.
(5-0)

5. COMM. 21E-6 (2007)
COUNTY EXECUTIVE

WHEREAS, in 2002, the Empire State development Corporation ("ESDC") and the County agreed upon a revised development plan for public amenities along the Buffalo waterfront, including the development of a commercial slip, a new naval museum and veterans park and various public spaces, with the intent of supporting heritage tourism and future economic development along the Buffalo waterfront; and

WHEREAS, in 2005 ESDC created the Erie Canal Harbor Development Corporation ("ECHC") and, since its inception, ECHDC, in collaboration with the County and the City of Buffalo, has generally

succeeded ESDC as the primary State entity to promote economic development along the Buffalo waterfront and has actively been involved in the planning and redevelopment of additional improvements to the Buffalo waterfront; and

WHEREAS, the Memorial Auditorium, a public facility owned by the City of Buffalo, is situated on a parcel along the Buffalo waterfront and has been vacant for over ten years, and the Memorial auditorium parcel is a critical location for any plan to redevelop the Buffalo waterfront; and

WHEREAS, ECHDC, in cooperation with the City of Buffalo, has prepared a plan for the removal of hazardous materials and the remediation and removal of asbestos from within the Memorial Auditorium in preparation of future developments, including public improvements of the site; and

WHEREAS, in 2005, the County issued Fourteen Million Dollars (\$14,000,000) of general obligation bonds (“County bonds”) to assist in the development of public improvements related to the Buffalo waterfront development, of which Thirteen Million Five Hundred Thousand Dollars (\$13,500,000) remains available for such uses.

NOW, THEREFORE, BE IT

RESOLVED that the County Executive is authorized to negotiate and, on behalf of the County of Erie, enter into a Development and Funding Agreement (the “Agreement”) with the Erie Canal Harbor Development Corporation for the remediation and removal of asbestos and other hazardous materials from Memorial Auditorium (the “Aud Remediation and Removal Program”), and any and all ancillary agreements pertaining thereto; and be it further

RESOLVED, that the Agreement shall provide that the County’s contribution to the Aud Remediation and Removal Program shall not exceed the sum of seven million dollars (\$7,000,000) in existing County bond funds; and be it further

RESOLVED, that such agreement shall be subject to the review and approval of the County Attorney; and be it further

RESOLVED, that certified copies of this Resolution be sent to Joel A. Giambra, Erie County Executive, Mark C. Poloncarz, Erie County Comptroller, James M. Hartman, Director of the Division of Budget, Management and Finance, and Laurence K. Rubin, Erie County Attorney.

(5-0)

6. COMM. 21E-8 (2007)
COUNTY EXECUTIVE

WHEREAS, the County of Erie desires to accept Federal, State, and Town of Cheektowaga (Local) funding and to increase the project budget for the Como Park Boulevard Reconstruction project, and

WHEREAS, The Erie County Legislature on September 20, 2007, Comm.16E-30 approved the acceptance of \$45,000.00 from the Town of Cheektowaga to cover the Local and State shares for the bike path on Como Park Boulevard (CR 523) Reconstruction, and

WHEREAS, the County shall receive a total of \$224,000.00 to cover the costs associated with the construction of shoulders along both sides of Como Park Boulevard to accommodate the Cheektowaga Rails- to-Trails bike path.

NOW, THEREFORE, BE IT,

RESOLVED, that the County Comptroller is authorized to accept a total of \$224,000.00 in Federal, State, and Town of Cheektowaga (Local) funding and to increase the project budget for Como Park Boulevard (523) Reconstruction, and be it further,

RESOLVED, that project SAP B.00168 revenues and appropriations be equally increased by the amount of \$224,000.00 for the purpose of constructing shoulders along both sides of Como Park Boulevard to accommodate the Cheektowaga Rails-to-Trails bike path., and be it further,

RESOLVED, that the Clerk of the Legislature be instructed to forward three (3) certified copies of this resolution to the Deputy Commissioner-Highways, Department of Public Works and one copy each to the Office of the County Executive, the Commissioner of Public Works, the Division of Budget, Management & Finance, and the Office of the County Comptroller.
(5-0)

7. COMM. 21E-24 (2007)
COUNTY EXECUTIVE

WHEREAS, the County of Erie desires to assist the Erie County Water Authority (ECWA) to undertake the replacement of a watermain located within the County Highway Right-of-way on Como Park Boulevard (CR 523) as part of the Como Park Boulevard Reconstruction project; and

WHEREAS, the County of Erie and the ECWA desire to enter into an agreement relating to the design and construction of a watermain replacement which is located within the County Highway Right-of- way; and

WHEREAS, the ECWA is required to pay the County an amount of \$525,000.00 to cover the cost associated with the design and construction of a watermain located within the County Highway Right-of- Way.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into an agreement with the ECWA to facilitate the design and construction of a watermain located within the County Highway Right-of-way on Como Park Boulevard (CR523) as part of the Como Park Boulevard Reconstruction project, and be it further,

RESOLVED, that the payment of \$525,000.00 to accepted from the ECWA to the project fund SAP B.00167 for project expenditures, and be it further,

RESOLVED, that Project SAP B.00167 revenues and appropriations be equally increased by the amount of \$525,000.00 for the purposes of the design and construction of the watermain, and be it further,

RESOLVED, that the Clerk of the Legislature be instructed to forward three (3) certified copies of this resolution to the Deputy Commissioner-Highways, Department of Public Works and one copy each to the Office of the County Executive, the Commissioner of Public Works, the Division of Budget, Management & Finance, and the Office of the Comptroller.
(5-0)

TIMOTHY M. KENNEDY
CHAIRMAN