

APRIL 12, 2007

ECONOMIC DEVELOPMENT COMMITTEE  
REPORT NO. 7

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

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 6D-3 (2007)  
**PUBLIC WORKS:** Comm. 18E-11 (2006) – Ticor Building Renovations for County Attorney’s Office  
(4-0)
2. INTRO 7-8 (2007) **AS AMENDED**  
**MARINELLI, WHYTE, KOZUB, GRANT, KENNEDY, REYNOLDS, MILLS,**  
**IANNELLO & MILLER-WILLIAMS**

WHEREAS, TOPS Markets has a long history in Western New York. It was founded in Buffalo by Niagara Frontier Services (NFS), a locally owned company, nearly forty-five years ago and transformed from a small chain of grocery stores to a regional leader in the grocery marketplace with 65 TOPS Markets, 50 Wilson Farms stores and 15 B-Kwik Food Stores, employing 7,000 associates. Not only did TOPS open new stores in Western New York, but it also entered into the Rochester and Southern Pennsylvania market places as well; and

WHEREAS, in 1983, SB Investors, a private, New York-based investment group, purchased NFS. The next year, TOPS Markets introduced Western New York shoppers to direct debit service, Instabank ATMs and the first CarryOut Café. It was also the year that TOPS won the first of eight “Golden Penguin Awards” from the National Frozen Food Association; and

WHEREAS, by 1991, TOPS Markets had grown to 145 total stores with 11,000 employees. It was acquired during 1991 by Royal Ahold N.V., a major international food retailer based in the Netherlands. The same year, the first TOPS International Super Center opened in Amherst. At the time of the opening, the 112,000 square foot store was the largest in Western New York, and boasted the biggest in-store bakery in the entire U.S.; and

WHEREAS, since being purchased by Royal Ahold N.V., TOPS has continued to be a commendable corporate citizen in Erie County and is the epitome of what corporations should strive for in terms of employee relations and civic involvement; and

WHEREAS, TOPS Markets has a long history of favorable employee relations and has a positive relationship with the United Food and Commercial Workers Unions; and

WHEREAS, TOPS Markets, through collective bargaining agreements with Local One of the United Food and Commercial Workers, provides its employees with living wages, a fair pension plan, health benefits, opportunities for job advancements and scholarships to pursue higher education; and

WHEREAS, Ahold currently owns 72 TOPS Markets in New York and Pennsylvania and employs thousands of people in its stores; and

WHEREAS, in November 6, 2006 Royal Ahold announced that it intended to sell TOPS Markets, and in the past four months has been engaged in a careful search for a buyer.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature recognizes that TOPS Markets provides much-needed competition in the supermarket industry and helps to keep the costs of groceries competitive in Western New York; and be it further

RESOLVED, that the Erie County Legislature recognizes that TOPS Markets is the sole supermarket in many areas of Western New York and that the loss of a supermarket in such an area would have a detrimental impact on the community; and be it further

RESOLVED, that the Erie County Legislature recognizes that TOPS Markets, through collective bargaining agreements with Local One of the United Food and Commercial Workers, provides its employees with living wages, a fair pension plan, health benefits, opportunities for job advancements and scholarships to pursue higher education; and be it further

RESOLVED, that the Erie County Legislature does hereby request Royal Ahold seek a single buyer willing to buy all 72 of its stores, utilize all of its organized employees in their current capacity and recognize the current collective bargaining agreement; and be it further

RESOLVED, that certified copies of this resolution be forwarded to Royal Ahold (Piet Heinkade 167-173, 1019 GM Amsterdam, The Netherlands), TOPS Markets LLC (PO Box 1027, Buffalo, NY 14240-1027) and United Food & Commercial Workers Local One (UFCW Local One, 190 Lawrence Bell Drive, Suite 150, Williamsville, New York 14221).  
(4-0)

3. COMM. 7E-29 (2007)  
**COUNTY EXECUTIVE**

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

WHEREAS, the Buffalo Bisons have requested the County complete the remaining capital projects this year; and

WHEREAS, on February 14, 2006 your Honorable Body authorized the County Executive to enter into an agreement with the consulting firm of Greenman-Pedersen, Inc. for County projects; and

WHEREAS, it is now desired to start design work for the 2007 capital projects at Dunn Tire Park for completion this year.

NOW, THEREFORE, BE IT

RESOLVED, that the Commissioner of Public Works be authorized to issue amendment to the existing agreement with Greenman-Pedersen, Inc. to design and prepare contract documents for the 2007 projects for an amount not to exceed \$25,000.00; and be it further

RESOLVED that the unused appropriations from SAP project –2003 Zoo Sea Otter, A.09022, be transferred to the Dunn Tire Park capital SAP project, 2003 Dunn Tire Park Renovations, A.09019, in an amount not to exceed \$309,268.42 to fully fund the County’s obligation to Dunn Tire Park; and be it further

RESOLVED, that the budgeted appropriations and revenues in SAP Projects 2003 Dunn Tire Park Renovations, A.09019, be increased by \$309,28.42 to fully fund the County’s obligation to Dunn Tire Park; and be it further

RESOLVED, that the Comptroller be authorized to make payment for the above from SAP project – 2003 Dunn Tire Park, A.09019 for an amount not exceed \$25,000.00; 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 of the County Executive, the Division of Budget, Management and Finance, and the Office of the Comptroller.

(4-0)

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