

JUNE 18, 2009

ECONOMIC DEVELOPMENT COMMITTEE
REPORT NO. 8

ALL MEMBERS PRESENT.

CHAIR MARINELLI PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 9M-37 (2009)
ASSEMBLYMEMBER CALHOUN: “EC Legislature Actions Regarding Buffalo Bills”
(6-0)
 - b. COMM. 11D-5 (2009)
COMMISSIONER OF PUBLIC WORKS: “Copy of Letter from Town of Holland Supervisor - Serious Road Erosion on Certain Holland Roads”
(6-0)
 - c. COMM. 11M-3 (2009)
NFTA: “Cash Flow Statements for 4/1/08 - 3/31/09 and 4/1/09 - 3/31/10”
(6-0)
 - d. COMM. 11M-13 (2009)
NFTA: “Minutes from NFTA Board Meeting Held April 27, 2009”
(6-0)
 - e. COMM. 11M-16 (2009)
ERIE CANAL HARBOR DEVELOPMENT CORP.: “Copy of Letter to Chair Marinelli Inviting Legislature to Attend Meeting Scheduled for 6/16/09 - Draft Coordination Plan/Initial Project Meeting”
(6-0)
 - f. COMM. 11M-18 (2009)
SOUTH BUFFALO DEVELOPMENT, LLC: “Copy of Letter Informing the Public that the Cleanup & Redevelopment of the Buffalo Color Site Has Begun”
(6-0)

2. COMM. 9E-29 (2009)
COUNTY EXECUTIVE

WHEREAS, Erie County, through the Department of Environment and Planning, serves as the administrative agent for the Erie County/Town of West Seneca Community Development Block Grant Consortium (Consortium); and

WHEREAS, the federal American Recovery and Reinvestment Act of 2009 has required that an allocation of \$1,209,200 be made to Erie County for the purpose of carrying out a Homelessness Prevention and Rapid Re-Housing Program within the Consortium communities.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive, on behalf of the Erie County Community Development Block Grant Consortium is hereby authorized to execute a grant agreement with HUD to undertake a Homelessness Prevention and Rapid Re-Housing Program in an amount not to exceed \$1,209,200; and be it further

RESOLVED, that the County Executive on behalf of the Erie County Community Development Block Grant Consortium is hereby authorized to execute any and all agreements with non-profit organizations necessary to implement the above program; and be it further

RESOLVED, that said funds shall be established in SAP Fund Account 290, J.00709; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive’s Office; the Comptroller’s Office; the Director of the Division of Budget and Management; the County Attorney; and the Commissioner of the Department of Environment and Planning, Rath Building, 10th Floor.
(6-0)

3. COMM. 11E-17 (2009)
COUNTY EXECUTIVE

WHEREAS, a project for replacement of Cemetery Road Bridge BR 341-RR-1, PIN 5755.27 (the “Project”) was authorized by this honorable body on April 29, 1999 via Comm. 6D-19; and

WHEREAS, in a resolution dated November 20, 2008 Comm. 21E-12, the Legislature authorized the County of Erie to acquire the acquisition in fee, permanent easement or temporary easement for the Project; and

WHEREAS, in order to facilitate the replacement of Cemetery Road Bridge, it will be necessary for the County to acquire by acquisition in fee, permanent easement or temporary easement, portions of real property in the vicinity of the Project,

<u>PORTIONS OF TAX MAP SBL NUMBERS</u>	<u>TOWNSHIP</u>
105.03-01-20	Lancaster
105.00-05-47.3	Lancaster
105.00-05-46	Lancaster
105.00-05-35.12	Lancaster
105.00-05-47.11	Lancaster
105.03-01-18	Lancaster
105.00-05-37	Lancaster
105.00-05-38	Lancaster
105.03-01-16	Lancaster
105.03-01-14.21	Lancaster
105.03-01-19	Lancaster
105.03-05-23	Lancaster

such property to be acquired by the County is herein referred to as the "Subject Properties"; and

WHEREAS, in order to acquire the acquisition in fee, permanent easement or temporary easement for the Project, it will be necessary for the County to establish an amount which it believes to represent just compensation for the real property interests to be acquired and to thereafter make a written offer to purchase the real property interests for the respective just compensation amounts; and

WHEREAS, the acquisitions of the portions of the Subject Properties are de minimis in nature so that the public interest will not be prejudiced by the reconstructed bridge and other general improvements to the subject section of Cemetery Road BR 341-RR-1 (CR 341); and

WHEREAS, should one or more owners of the Subject Properties refuse to convey such portions of their real property to the County for an amount not exceeding fair market value, it will be necessary for the County to acquire the Subject Properties by commencing eminent domain proceedings.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves the above subject actions; and be it further

RESOLVED, that the sum of \$930,000.00 has previously been appropriated from the 2007 Bridge Reconstruction, Federal Aid Program - Cemetery Road Bridge ROW (SAP B.00199) via County Resolution Comm. 21E-12 of November 20, 2008 and made available to cover the cost of Right-of-Way acquisition; and be it further

RESOLVED, that the County of Erie is authorized to acquiring fee and/or easement title to the aforementioned Subject Properties for the purpose of reconstructing and improving the aforementioned Cemetery Road Bridge Replacement BR 341-RR-1 (CR 341) Project; and be it further

RESOLVED, that the Commissioner of Public Works, or his authorized representatives, are hereby authorized to establish the amounts which he believes to represent just compensation for the real property to be acquired; and be it further

RESOLVED, that the Commissioner of Public Works, or his authorized representatives, are hereby authorized to negotiate and offer just compensation amounts to the owners of the Subject Properties for the purpose of acquiring interests in portions of their respective parcel of real property by fee, permanent easement or temporary easement, which acquisitions are necessary for the Cemetery Road Bridge Replacement BR 341-RR-1 (CR 341) project; and be it further

RESOLVED, that the Commissioner of Public Works, or his authorized representatives, are authorized to act on behalf of the County of Erie in connection with the acquisition of the portions of the aforementioned Subject Properties; and be it further

RESOLVED, that based upon the factors previously set forth herein, it is the determination of this County Legislature that such acquisitions of portions of the aforementioned Subject Properties are de minimis in nature; and be it further

RESOLVED, that the County Attorney shall prepare and the County Executive shall execute all appropriate documents relating to acquiring fee and/or easement interests in the Subject Properties; and be it further

RESOLVED, should one or more owners of the Subject Properties refuse to convey such portions of their real property to the County for an amount not to exceed the just compensation determined by the Commissioner of Public Works, or his authorized representatives, the County is authorized to commence eminent domain procedures; and be it further

RESOLVED, that the Clerk of the Legislature forward ten (10) certified copies of this resolution to the Department of Public Works, Office of the Commissioner, to be forwarded to the New York State Department of Transportation and also one copy each to the Office of the County Executive, the Office of Budget, Management and Finance and the Office of the Commissioner.

(6-0)

4. COMM. 11E-26 (2009)
COUNTY EXECUTIVE

WHEREAS, the Department of Public Works received bids on June 17, 2008 for the Chestnut Ridge Park – 2008 – Toboggan Run Tower Improvements and is recommending award, along with the Engineer, to the lowest responsible bidder; and

WHEREAS, Hohl Industrial Services, Inc. is the lowest responsible bidder for the work.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to enter into a contract for the Chestnut Ridge Park – 2008 – Toboggan Run Tower Improvements with Hohl Industrial Services, Inc. for an amount not to exceed \$129,883.00; and be it further

RESOLVED, that the sum of \$18,000.00 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 Comptroller's Office be authorized to make payment for all the above from SAP Project A.20913 – County-wide Park Improvements for an amount not to exceed \$147,883.00; and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Division of Real Estate and Asset Management, and one copy each to the Office of the County Executive, the Division of Budget, Management and Finance, the Division of Parks, Recreation and Forestry, and the Office of the Comptroller.

(6-0)

TIMOTHY M. KENNEDY
CHAIR