

June 17, 2004

ECONOMIC DEVELOPMENT  
COMMITTEE  
REPORT NO. 10

ALL MEMBERS PRESENT. CHAIRMAN HOLT PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, that the following items are hereby received and filed.

Item Page -2004 (Comm. 11M-3)  
a. **BUFFALO MAYOR MASIELLO:** Letter to Chairman Holt Re: Development Activities at Buffalo Lakeside Commerce Park.  
(5-0)

Item Page -2004 (Intro. 11-9)  
b. **SWANICK, McCARVILLE & CUSACK:** Supporting the Creation of the Niagara River Greenway Commission.  
(5-0)

Item Page -2004 (Comm. 13D-4)  
c. **COUNTY ATTORNEY:** Legal Opinion Re: Modification of Prevailing Wage Enforcement Provisions of County Contracts.  
(5-0)

Item Page -2004 (Comm. 13M-3)  
d. **DEVELOPMENT DOWNTOWN:** Buffalo Lakeside Commerce Park.  
(5-0)

2. Item Page -2004 (Comm. 11E-14)  
**COUNTY EXECUTIVE**  
WHEREAS, the Erie County Main Library is in need of escalator replacement, and

WHEREAS, it is now also desired to start design of the replacement of escalators so it can be bid in 2004,

NOW, THEREFORE, BE IT,

RESOLVED, that the Commissioner of Public Works be authorized to issue a supplemental agreement to URS Corporation, on a percentage of construction basis, not to exceed \$113,000, including testing, reimbursables, and miscellaneous expenses relative to the engineering design services required for the Erie County Main Library Escalator Replacement, and be it further,

RESOLVED, that the \$113,000 fee allocation be taken from Project No. A.00248, and be it further,

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Office of the Commissioner; one copy to the Division of Budget Management & Finance; one copy to the Office of the Comptroller; one copy to the Erie County Library; and one copy to the Office of the County Executive.

(5-0)

3. Item Page -2004 (Comm. 11E-17)

**COUNTY EXECUTIVE**

WHEREAS, the Department of Public Works received bids for the EC Courts Master Plan Implementation Renovation on May 22, 2002, and

WHEREAS, your Honorable Body has previously awarded contracts to the lowest responsible bidders in an amount not to exceed \$42,731,953.00, and

WHEREAS, many design changes and unforeseen conditions related to asbestos buried piping and conduits in walls and floors and structural conditions for 77 West Eagle, 25 Delaware Avenue, and Old County Hall have exhausted our construction contingency fund, and

WHEREAS, due to the many changes and increased scope of this very complicated project, the general contingency which includes:

Owner's Contingency  
 Architect/Engineer's Contracts  
 Construction Manager's Contracts  
 A/E & CM Contingencies  
 Miscellaneous Contingency  
 Inspection Contingency  
 Department of Public Works' Consultants' Service Agreement, and salary costs for the Commissioner's Office, and  
 Commissioning and Testing, need to be fully funded, and

WHEREAS, the skylights and curbing on the roof of Old County Hall were not part of the original scope of work but have deteriorated to the point where they have become a safety concern and need to be replaced, and

WHEREAS, the Unified Court System, Office of Court Administration, has requested changes to the scope of the project, increasing the appropriations for the project in an amount not to exceed \$200,000,

NOW, THEREFORE, BE IT,

RESOLVED, that the construction contingency fund be increased by \$4,500,000.00 from \$6,227,195.00 to \$10,727,195.00, with authorization for the Commissioner of Public Works to approve change orders, not to exceed the construction contingency, and be it further,

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

RESOLVED, that the general contingency which includes –

Owner's Contingency,  
 Architect/Engineer's Contracts  
 Construction Manager's Contracts  
 A/E and CM Contingencies  
 Miscellaneous contingencies  
 Inspection contingencies  
 Department of Public Works' engineers and consultants service agreements, and  
 Commissioning and testing fees be increased by \$800,000 from \$11,027,000.00 to

\$11,827,000.00 with authorization for the Commissioner of Public Works to approve change orders, not to exceed the general contingency, and be it further,

RESOLVED, that the project's appropriations be increased in the amount of \$200,000.00 by Office of Courts Administration funds, and be it further,

RESOLVED, that the Comptroller's Office be authorized to make payments from the following: 2004 Courts Renovations, Project A.00018 for \$5,000,000 and 2003 Roof and Waterproofing, Project A.00070 for \$300,000, and be it further,

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Office of the Commissioner; one copy to the Division of Budget Management & Finance; one copy to the Office of the Comptroller; one copy to the Office of Courts Administration; and one copy to the Office of the County Executive.

(5-0)

4. Item Page -2004 (Comm. 13E-13)

**COUNTY EXECUTIVE**

WHEREAS, the Department of Environment and Planning Community Development has recommended personnel changes in the Departmental and Community Development Block Grant Budgets; and

WHEREAS, Department personnel provide services to Sewer, Capital and Grant Fund programs which are not currently being reimbursed from those sources; and

WHEREAS, savings to the Operating Fund will be achieved by charging back a portion of salary and fringes benefit costs for these personnel to those funds; and

WHEREAS, implementation of these chargebacks and personnel changes will result in a net savings of \$62,715 to the Operating Fund and \$23,201 to the Community Development Block Grant for the remainder of the year; and

WHEREAS, these changes will help the Department prepare for the anticipated retirement of several senior level personnel and maintain continuity of support for essential programs

NOW, THEREFORE, BE IT

RESOLVED, that the following personnel changes are hereby approved in the Community Development Block Grant Program Budget within the Department of Environment and Planning:

Delete – Senior Planner, JG 12 (2 positions)  
 Add – Assistant Planner, JG 8 (2 positions)  
 Reallocate – Sr. Housing Inspector from JG 9 to JG 10

and be it further

RESOLVED, that the following personnel changes are hereby approved within the Department of Environment and Planning:

Add – Supervising Accountant, JG 11  
 Delete – Accountant, JG 9  
 Reallocate – Secretary, Commissioner of Env. & Planning from JG 8 to JG 9  
 Add – Junior Planner – Cultural & Public Benefit Programs, JG 7

and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive; the Commissioner of Personnel; the Commissioner of the Department of Environment and Planning; and the Director of the Office of Budget, Management, and Finance.

(5-0)

5. Item Page -2004 (Comm. 13E-33)

**COUNTY EXECUTIVE**

WHEREAS, the Lackawanna Community Development Corporation (LCDC)(as lead agency) has requested \$25,000 to assist in efforts to restore Veterans Stadium on South Park Avenue in the City of Lackawanna; and

WHEREAS, the Veterans Stadium Restoration honors veterans who served in the Armed Forces; and

WHEREAS, the Stadium Restoration will enhance the tourist appeal of this area, as the site is adjacent to Our Lady of Victory Basilica and within 1 mile of South Park's restored Erie County Botanical Gardens; and

WHEREAS, the City of Lackawanna, the Lackawanna Community Development Corporation in conjunction with the Lackawanna Chamber of Commerce, and several veterans organizations have already raised over \$300,000 from various public and private sources to fund other portions of this project; and

WHEREAS, the Lackawanna Community Development Corporation requires the assistance of Erie County to help in restoring the playing field and grandstand portion of this project,

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into the necessary agreement with the Lackawanna Community Development Corporation for the purposes noted above; and be it further

RESOLVED, that funds in the amount of \$25,000 are hereby transferred from the Regionalism/Economic Development Fund (DAC 110 9043038301299) to a separate sub-account under Contractual Services in Department 302, Public Benefit Agencies, as monitored by Environment and Planning; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to the County Executive; the County Comptroller; the Director of the Division of Budget, Management and Finance; the Commissioner of the Department of Environment and Planning; and the County Attorney.

(5-0)

6. Item Page -2004 (Comm. 13E-34)

**COUNTY EXECUTIVE**

WHEREAS, The County of Erie holds an ownership interest in a railroad right-of-way in the Town of Cheektowaga and the Villages of Depew and Lancaster through a tax forgiveness agreement with the Erie-Lackawanna Railroad, with said right-of-way being designated Line 1242; and

WHEREAS, The County of Erie holds an ownership interest in a railroad right-of-way between the City of Buffalo and the Village of Gowanda through a tax forgiveness agreement with the Erie-Lackawanna Railroad, with said railroad right-of-way being designated Line 1246; and

WHEREAS, The most recent of the aforementioned lease agreements will expire by its own terms on September 15, 2004; and

WHEREAS, It is the desire of the County and the Erie County Industrial Development Agency to continue the operating relationship for Rail Lines 1242 and 1246 for an additional five years; and

NOW, THEREFORE, BE IT

RESOLVED, That the County Executive is authorized to enter into any necessary agreements and other documents with the Erie County Industrial Development Agency for the leasing and ongoing operation for railroad rights-of-way, being designated Lines 1242 and 1246, the term of which shall extend from September 15, 2004 to September 15, 2009; and be it further

RESOLVED, That the Clerk of the Legislature be directed to send certified copies of this resolution to the County Executive; the Director of the Division of Budget, Management and Finance; the Comptroller; the Commissioner of the Department of Environment and Planning; and the County Attorney.

(5-0)

7. Item Page -2004 **AS AMENDED**  
(Comm. 13E-35)

**COUNTY EXECUTIVE**

WHEREAS, the Department of Public Works received bids on March 11, 2004 for the Main Branch of the Buffalo & Erie County Library -Phases I & II Renovations Plan Implementation, and

WHEREAS, the Erie County Legislature is in the process of approving the low bidder, Ackerman Mechanical, in the amount of \$47,777.00, and

WHEREAS, Ackerman Mechanical stated his bid was only good for forty-five days, and

WHEREAS, it is now beyond the forty-five days, and

WHEREAS, the Department of Public Works contacted the second low bidder, Jim Ando Plumbing in the amount of \$59,170.00, and

WHEREAS, Jim Ando Plumbing stated his bid of March 11, 2004 would be honored with a forty-five day extension,

NOW, THEREFORE, BE IT,

RESOLVED, that the County Executive be authorized to enter into a contact as follows:

Plumbing Work

Jim Ando Plumbing

Base Bid	\$45,650.00
Alternate Bid No. 4	<u>+13,520.00</u>
Total	\$59,170.00

and be it further,

RESOLVED, that the Comptroller’s Office be authorized to make payment for all of the above from the 2003 Central Library Interior Improvements account, Project F.00006, and be it further,

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Office of the Commissioner; one copy to the Division of Budget Management & Finance; one copy to the Office of the Comptroller; one copy to the Office of the County Executive; and one copy to the Erie County Library.

(5-0)

8. Item Page -2004 (Comm. 13E-36)

**COUNTY EXECUTIVE**

WHEREAS, your Honorable Body approved a contract for the 2003 Contractor Placed Pavement, North, Project No. CPP-N-03 between DiPizio Construction and the County of Erie, in Meeting No. 15, held on September 11, 2003, and

WHEREAS, sitework needed to be performed in a timely manner at the Fire Training Academy campus, and

WHEREAS, the cost for this work was approved in the 2003 Capital Budget under a bonded project for the Erie County Fire Training Academy,

NOW, THEREFORE, BE IT,

RESOLVED, that the Highways Project No. CPP-N-03, 2003 Contractor Placed Pavement, North be reimbursed in the amount of \$213,000 from the EC Fire Training Academy Project A.00036, and be it further,

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Office of the Commissioner; one copy to the Department of Budget Management & Finance; one copy to the Office of the Comptroller; and one copy to the Office of the County Executive.  
(5-0)

9. Item Page -2004 (Comm. 13E-38)

**COUNTY EXECUTIVE**

WHEREAS, a project for the Signal Replacements on Colvin Avenue (CR 118) at Belmont Road, Colvin Avenue (CR 118) at Brighton Road (CR 196), and Brighton Road (CR 196) at Eggert Road (CR 130), in the Town of Tonawanda, Erie County, PIN 5756.86, (the "Project") is eligible for funding under Title 23, U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% non-Federal funds, and

WHEREAS, the County of Erie desires to advance the project by making a commitment of 100% of non-Federal share of the costs of the Preliminary Engineering ( Design I-V1) Phase of the Project, PIN 5756.86,

NOW, THEREFORE, the County Legislature of the County of Erie, duly convened does hereby

RESOLVE, that the County Legislature of the County of Erie hereby approves the above subject project, and be it further,

RESOLVED, that the County Legislature of the County of Erie hereby authorizes the County of Erie to pay in the first instance 100% of the Federal and non-Federal shares of the cost of the Preliminary Engineering (Design I-V1) Phase of the project or portions thereof, and be it further,

RESOLVED, that a sum of \$100,000 is hereby appropriated from the 2004 Colvin Boulevard-Brighton Road Signals 5756.86 Design Program and made available to cover the cost of participation in the above phase of the project, and be it further,

RESOLVED, that in the event the amount required to pay the full Federal and non-Federal shares of the cost of the project's Preliminary Engineering (Design I-V1) Phase exceeds the amount appropriated \$100,000, the County of Erie shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof, and be it further,

RESOLVED, that the County Executive of the County of Erie be and is hereby authorized to execute all necessary agreements, certifications or reimbursement requests for Federal Aid on behalf of the County of Erie with the New York State Department of Transportation in connection with the advancement or approval of the project and providing for the administration of the project and the Municipality's first instance funding of project costs and permanent funding of the local share of Federal-aid eligible project costs and all project costs within appropriations therefore that are not so eligible, and be it further,

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation, by attaching it to any necessary Agreement in connection with the Project, and be it further,

RESOLVED, that the Clerk of the Legislature forward ten (10) certified copies of this Resolution to the Deputy Commissioner, Highways, to be forwarded to the New York State Department of Transportation and one copy each to the County Executive, the Commissioner of Public Works, and the Erie County Comptroller.

(5-0)

10. Item Page -2004 (Comm. 13E-39)

**COUNTY EXECUTIVE**

WHEREAS, a project for the construction of a new Bicycle/Pedestrian Pathway, known as the Tonawanda Rails-To-Trails Project in the Town and City of Tonawanda, Erie County, PIN 5756.84, (the "Project") is eligible for funding under Title 23, U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% non-Federal funds, and

WHEREAS, the County of Erie desires to advance the Project by making a commitment of 100% of the non-Federal share of the costs of the Preliminary Engineering (Design I-V1) and Right-of-Way Incidentals Phases of the Project, PIN 5756.84.

NOW, THEREFORE, the County Legislature of the County of Erie, duly convened does hereby

RESOLVE, that the County Legislature of the County of Erie hereby approves the above subject Project, and be it further

RESOLVED, that the County Legislature of the County of Erie hereby authorizes the County of Erie to pay in the first instance 100% of the Federal and non-Federal shares of the cost of the Preliminary Engineering (Design I-V1) and Right-of-Way Incidentals Phases of the project or portions thereof, and be it further

RESOLVED, that a sum of \$350,000 is hereby appropriated from the 2004 Tonawanda Rails to Trails 5756.84 Design Program and made available to cover the cost of participation in the above phases of the project, and be it further

RESOLVED, that in the event the amount required to pay the full Federal and non-Federal shares of the cost of the project's Preliminary Engineering (Design I-V1) and Right-of-Way Incidentals Phases exceeds the amount appropriated \$350,000, the County of Erie shall convene its



Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof, and be it further

RESOLVED, that the County Executive of the County of Erie be and is hereby authorized to execute all necessary agreements, certifications or reimbursement requests for Federal Aid on behalf of the County of Erie with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the Municipality's first instance funding of project costs and permanent funding of the local share of Federal-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and be it further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation, by attaching it to any necessary Agreement in connection with the Project, and be it further

RESOLVED, that the Clerk of the Legislature forward ten (10) certified copies of this Resolution to the Deputy Commissioner, Highways, to be forwarded to the New York State Department of Transportation and one copy each to the County Executive, the Commissioner of Public Works, and the Erie County Comptroller.  
(5-0)

11. Item Page -2004 (Comm. 13E-40)

**COUNTY EXECUTIVE**

WHEREAS, a project for the Bicycle/Pedestrian Pathway, known as the Seneca Creek Pathway in the Towns of West Seneca and Cheektowaga, Erie County, PIN 5756.89 (the "Project") is eligible for funding under Title 23, U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% non-Federal funds, and

WHEREAS, the County of Erie desires to advance the Project by making a commitment of 100% of non-Federal share of the costs of the Preliminary Engineering ( Design I-V1) and Right-of-Way Incidentals Phases of the Project, PIN 5756.89.

NOW, THEREFORE, the County Legislature of the County of Erie, duly convened does hereby,

RESOLVE, that the County Legislature of the County of Erie hereby approves the above subject project, and be it further,

RESOLVED, that the County Legislature of the County of Erie hereby authorizes the County of Erie to pay in the first instance 100% of the Federal and non-Federal shares of the cost of the Preliminary Engineering (Design I-V1) and Right-of-Way Incidentals Phases of the project or portions thereof, and be it further,

RESOLVED, that a sum of \$210,000 is hereby appropriated from the 2004 Seneca Creek Pathway 5756.89 Design Program, and made available to cover the cost of participation in the above phases of the project, and be it further,

RESOLVED, that in the event the amount required to pay the full Federal and non-Federal shares of the cost of the Project's Preliminary Engineering (Design I-V1) and Right-of-Way Incidentals Phases exceeds the amount appropriated \$210,000, the County of Erie shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof, and be it further,

RESOLVED, that the County Executive of the County of Erie be and is hereby authorized to execute all necessary agreements, certifications or reimbursement requests for Federal Aid on behalf of the County of Erie with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the Municipality's first instance funding of project costs and permanent funding of the local share of Federal-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and be it further,

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation, by attaching it to any necessary Agreement in connection with the Project, and be it further,

RESOLVED, that the Clerk of the Legislature forward ten (10) certified copies of this Resolution to the Deputy Commissioner, Highways, to be forwarded to the New York State Department of Transportation and one copy each to the County Executive, the Commissioner of Public Works, and the Erie County Comptroller.

(5-0)

12. Item Page -2004 (Comm. 13E-41)

**COUNTY EXECUTIVE**

WHEREAS, a project for the Signal Replacements on Elmwood Avenue (CR 119) at Kenmore Avenue (CR 307); Victoria Boulevard; Washington Avenue; Girard Boulevard; Woodward Avenue; and Westchester Boulevard, in the Village of Kenmore and Town of Tonawanda, Erie County, PIN 5756.87 (the "Project") is eligible for funding under Title 23, U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% non-Federal funds, and

WHEREAS, the County of Erie desires to advance the Project by making a commitment of 100% of the non-Federal share of the costs of the Preliminary Engineering ( Design I-V1) Phase of the Project, PIN 5756.87,

NOW, THEREFORE, the County Legislature of the County of Erie, duly convened does hereby

RESOLVE, that the County Legislature of the County of Erie hereby approves the above subject project, and be it further,

RESOLVED, that the County Legislature of the County of Erie hereby authorizes the County of Erie to pay in the first instance 100% of the Federal and non-Federal shares of the cost of the Preliminary Engineering (Design I-V1) Phase of the project or portions thereof, and be it further,

RESOLVED, that a sum of \$70,000 is hereby appropriated from the 2004 Elmwood Avenue Corridor Signals 5756.87 Design Program and made available to cover the cost of participation in the above phase of the project, and be it further,

RESOLVED, that in the event the amount required to pay the full Federal and non-Federal shares of the cost of the Project's Preliminary Engineering (Design I-V1) Phase exceeds the amount appropriated \$70,000, the County of Erie shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof, and be it further,

RESOLVED, that the County Executive of the County of Erie be and is hereby authorized to execute all necessary agreements, certifications or reimbursement requests for Federal Aid on behalf of the County of Erie with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the Municipality's first instance funding of project costs and permanent funding of the local share of Federal-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and be it further,

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation, by attaching it to any necessary Agreement in connection with the Project, and be it further,

RESOLVED, that the Clerk of the Legislature forward ten (10) certified copies of this Resolution to the Deputy Commissioner, Highways, to be forwarded to the New York State Department of Transportation and one copy each to the County Executive, the Commissioner of Public Works, and the Erie County Comptroller.

(5-0)

13. Item Page -2004 (Comm. 13E-42)

**COUNTY EXECUTIVE**

WHEREAS, a project for the Intersection Improvement of Greiner Road (CR 37) and Shimerville Road (CR 279) in the Town of Clarence, Erie County, PIN 5756.85 (the "Project") is eligible for funding under Title 23, U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% non-Federal funds, and

WHEREAS, the County of Erie desires to advance the Project by making a commitment of 100% of the non-Federal share of the costs of the Preliminary Engineering ( Design I-V1) and Right-of-Way Incidentals Phases of the Project, PIN 5756.85,

NOW, THEREFORE, BE IT,

RESOLVED, that the County Legislature of the County of Erie, duly convened does hereby

RESOLVE, that the County Legislature of the County of Erie hereby approves the above subject project, and be it further,

RESOLVED, that the County Legislature of the County of Erie hereby authorizes the County of Erie to pay in the first instance 100% of the Federal and non-Federal shares of the cost of the Preliminary Engineering (Design I-V1) and Right-of-Way Incidentals Phases of the project or portions thereof, and be it further,

RESOLVED, that a sum of \$170,000 is hereby appropriated from the 2004 Greiner Road and Shimerville Road Intersection Signalization 5756.85 Design Program and made available to cover the cost of participation in the above phases of the project, and be it further,

RESOLVED, that in the event the amount required to pay the full Federal and non-Federal shares of the cost of the Project's Preliminary Engineering (Design I-V1) and Right-of-Way Incidentals Phases exceeds the amount appropriated \$170,000, the County of Erie shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof, and be it further,

RESOLVED, that the County Executive of the County of Erie be and is hereby authorized to execute all necessary agreements, certifications or reimbursement requests for Federal Aid on behalf of the County of Erie with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the Municipality's first instance funding of project costs and permanent funding of the local share of Federal-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and be it further,

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation, by attaching it to any necessary Agreement in connection with the Project, and be it further,

RESOLVED, that the Clerk of the Legislature forward ten (10) certified copies of this Resolution to the Deputy Commissioner, Highways, to be forwarded to the New York State Department of Transportation and one copy each to the County Executive, the Commissioner of Public Works, and the Erie County Comptroller.  
(5-0)

**AS AMENDED**

14. Item Page -2004 (Intro. 13-6)  
**SCHROEDER, KUWIK, SMITH, SWANICK, MARSHALL & HOLT**

WHEREAS, in February 2003, at the request of the Erie County Executive, the Erie County Legislature approved appropriating up to \$15,000 to pay for the travel and other expenses of a student research team from Harvard University's John F. Kennedy School of Government to, among other things, study the potential of creating a regional parks system connecting waterfront parks in Erie, Niagara, and Chautauqua Counties that mirrored the Niagara Parks Commission in Ontario, and

WHEREAS, that Harvard student team was apparently going to examine the "legal, financial and community impact" of linking parks along Lake Erie, the Niagara River and Lake Ontario, with the potentials ranging from "connecting waterfront parks through a system of trails to creating a new, overarching parks authority," and

WHEREAS, according to an Administration official, the Harvard team was to report their findings to the County by June 2003, and

WHEREAS, to-date, no such report has ever been reported, discussed, nor communicated to the Erie County Legislature, and

WHEREAS, in early 2003, Assemblyman Sam Hoyt introduced Assembly Bill 7418, the Niagara River Park Act, which “would benefit all residents of the state... the process will enhance the ability of New Yorkers to enjoy the Niagara River; protect the river, including its role as an aquatic habitat; promote the health, safety, and welfare of the people of the state; increase the quality of life in the adjoining community and the state as a whole; help alleviate the unhealthy and dangerous conditions that characterize the parts of the area; and boost tourism and stimulate the economy,” and

WHEREAS, in Summer 2003, the Buffalo Olmsted Parks Conservancy began studying and working on a proposal for a 40-mile “linear park” starting at Fort Niagara and running along the Niagara River to Buffalo’s South Park, including Gallagher Beach State Park, Tifft Nature Preserve, Times Beach Nature Preserve, LaSalle Park, Front Park, Riverside Park, Cherry Farm site, Beaver Island State Park, Buckhorn Island State Park, Isle View Park, Niawanda Park, the Niagara Falls State Reservation, Whirlpool State Park, Devil’s Hole State Park, Artpark, Joseph Davis State Park, and Fort Niagara State Park

WHEREAS, the Conservancy stated that they would apply to the National Park Service for a grant to study and plan the possibilities for such a linear park – a park that the Conservancy suggested could cost between \$50 and \$100 million, and

WHEREAS, in September 2003, Legislator Lynn Marinelli and former Legislator Judith Fisher sponsored Intro. 15-26, a resolution supporting the Olmsted Parks Conservancy’s proposal, and

WHEREAS, in 2003, the Greater Buffalo Niagara Regional Transportation Council suggested using a planned bike route connecting seven state parks and 20 municipal parks along the Niagara River as the basis for a linear park, and

WHEREAS, members of the WNY Relicensing Consensus Committee have called on the New York Power Authority (NYPA) to financially support the creation of a linear park system as a part of the relicensing of the Niagara Power Project, and to that end, to engage a neutral facilitator to identify and coordinate the interest and needs of all affected municipalities, community organizations and stakeholders, and

WHEREAS, in his January 2004 Executive Budget, Governor George Pataki called for the creation of a Niagara River Greenway, “to be modeled after the successful Hudson River Valley Greenway, which will lend communities in Western New York guidance and expertise in shaping the future of the Niagara River and its surrounding communities,” and

WHEREAS, on May 17, 2004, Governor Pataki introduced legislation to create the Niagara River Greenway Commission, a fourteen-member body to “aid in the planning and development of a Lake Ontario to Lake Erie greenway of interconnected parks, river access points and waterfront trails along the Niagara River,” and

WHEREAS, Pataki stated “the Niagara River Greenway Commission will provide a solid framework in helping local communities develop a linear park system along the Niagara River... the Commission will allow dozens of communities – both on the River and nearby – to boost local tourism, enhance recreation and create new jobs and economic opportunities for the people of Western New York,”

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature expresses its support for the creation of a linear park system stretching from Fort Niagara at the mouth of the Niagara River and Lake Ontario to Lake Erie State Park in Chautauqua County, and be it further

RESOLVED, that this Honorable Body encourages Governor George Pataki and the State Assembly and State Senate to increase the scope of the linear parks concept, to immediately engage a facilitator to represent the interests of the parks system concept before the NYPA Relicensing Committee beginning in August 2004, and to work cooperatively to enact legislation to create a Niagara Frontier Greenway Commission, including additional representatives and including a greater scope of the linear park system extending along Lake Erie including southern Erie County and into northern Chautauqua County, and including state government and Power Authority funds for the creation of a regional parks system, and be it further

RESOLVED, that certified copies of this resolution be transmitted to Governor George Pataki, the local delegation of the New York State Legislature, Bernadette Castro of the New York State Office of Parks, Recreation and Historic Preservation, Louis Ciminelli, Chairman of the New York State Power Authority, the Erie County Executive, Erie County Commissioner of Parks, Recreation and Forestry, Erie County Commissioner of Environment and Planning, the Niagara County Legislature, Chautauqua County Executive Mark Thomas, the Chautauqua County Legislature, Buffalo Mayor Anthony Masiello, the Buffalo Common Council, Town of Tonawanda Supervisor Ronald Moline, the Tonawanda Town Board, Grand Island Supervisor Peter McMahon, the Grand Island Town Board, Niagara Falls Mayor Vincent Anello, the Niagara Falls City Council, Tonawanda Mayor Jack Gallagher, the Tonawanda City Council, Deborah Trimble of the Buffalo Olmsted Parks Conservancy, David Colligan of Watson, Bennett, Colligan, Johnson & Schechter, Hal Morse of the Greater Buffalo Niagara Regional Transportation Council, and the Friends of the Buffalo Niagara Rivers.

Fiscal Impact: Not known at this time.  
(5-0)

**MARK J. F. SCHROEDER**  
**CHAIRMAN**