

July 21, 2014

ECONOMIC DEVELOPMENT COMMITTEE
REPORT NO. 10

ALL MEMBERS PRESENT.
CHAIR MILLS PRESENT AS EX-OFFICIO MEMBER.

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

- a. COMM. 6D-1 (2014)
COMPTROLLER'S OFFICE: "Notice of Audit of Fleet Services"
(6-0)
- b. COMM. 14M-1 (2014)
NFTA: "NFTA Board Minutes"
(6-0)
- c. COMM. 14M-2 (2014)
NFTA: "Notice of Audited Financial Statement Available on Website"
(6-0)

2. INTRO. 14-1 (2014)

BURKE

WHEREAS, Erie County is limited to two Internet Service Providers, Time Warner and Verizon;
and

WHEREAS, the City of Buffalo is limited to only one high speed Internet Service Provider, Time Warner; and

WHEREAS, many rural areas have very limited access to internet service which is needed in our modern society; and

WHEREAS, the cost of internet access is unreasonably high due to a lack of competition; and

WHEREAS, people of low income, often the people who need internet access the most are not able to afford this necessary service; and

WHEREAS, Erie County does not have a provider that offers top level internet speed; and

WHEREAS, Chattanooga Tennessee as well as several other local governments throughout our nation have developed their own high speed broadband service that has served their citizens well, added

much needed revenue to their books and worked as a mechanism for attracting companies to their region;
and

WHEREAS, several companies such as Volkswagen America, sighted Chattanooga's municipal broadband service as a reason for investing in that city; and

WHEREAS, several new technology companies are committing to the Buffalo region and their chances of viability will be aided with the increased capacity of a top speed fiber optic broadband network; and

WHEREAS, municipal broadband service acts as a necessary counter to the negative effects of anti-net neutrality policies; and

WHEREAS, municipal broadband service could serve as an alternative revenue source for County government, reducing our dependence on sales tax revenue; and

WHEREAS, municipal broadband service acts as a necessary counter to the growing monopoly created by the potential Time Warner/Comcast merger.

NOW, THEREFORE, BE IT

RESOLVED, that this Legislature recognizes the positive economic and social impact that a county wide broadband system could have on our region; and be it further

RESOLVED, that the Economic Development Committee make serious consideration through discussions of this matter at its earliest possible convenience, and that the appropriate persons be invited to address the committee; and be it further

RESOLVED, that the Clerk of the Legislature forward certified copies of this resolution to the Erie County Executive, the Honorable Mark Poloncarz; the New York State Governor, the Honorable Andrew Cuomo; and all New York State Assembly and Senate representatives whose district encompasses any portion of Erie County.
(6-0)

3. COMM. 14E-7 (2014)

COUNTY EXECUTIVE

WHEREAS, it is the mission of the Buffalo Erie Niagara Land Improvement Corporation to confront and alleviate the problems distressed properties cause to communities by supporting municipal and regional revitalization efforts and strategically acquiring, improving, assembling, and selling distressed, vacant, abandoned, and/or tax-delinquent properties; and

WHEREAS, section 1616(i) of the New York Not-for-Profit Corporation Law provides that New York Land banks, including the Buffalo Erie Niagara Land Improvement Corporation, may tender a preemptive bid at In Rem tax sales in an amount equal to the total amount of all municipal claims and liens which were the basis for the judgment and in the event of such tender by a land bank, the property shall be deemed sold to the land bank regardless of any bids by any other third parties; and

WHEREAS, the bid of the land bank shall be paid as to its form, substance, and timing according to such agreement as is mutually acceptable to the plaintiff and the land bank wherein the obligation of the land bank to perform in accordance with such agreement shall be deemed to be in full satisfaction of the municipal claim which was the basis for the judgment.

WHEREAS, it is anticipated that the Buffalo Erie Niagara Land Improvement Corporation will exercise its preemptive bid powers at the upcoming County In Rem 162 tax sale; and

WHEREAS, agreements between the County and the Buffalo Erie Niagara Land Improvement Corporation are necessary to outline the obligations of the land bank and the expected repayment, if any, of the County taxes which were the basis for the judgment; and

NOW, THEREFORE, BE IT

RESOLVED, that the County, through its Director of Real Property Tax Services, is hereby authorized to enter into agreements with the Buffalo Erie Niagara Land Improvement Corporation (BENLIC) which outline the obligations of the Land bank and the expected repayment, if any, of the County taxes which were the basis for the judgment consistent with the Property Tax and Maintenance/Foreclosure Cost Recapture Policy for In Rem 162 to be held on September 24, 2014; and be it further

RESOLVED, that to the extent that such agreement results in the repayment of county taxes in the amount less than the amount of County taxes which were the basis for the judgment, pursuant to Section 12-1.0 of the Erie County Tax Act the Director of Real Property Tax Services is hereby authorized to cancel such past due real property taxes

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, Erie County Comptroller, County Attorney, Director of Real Property Tax Services and the Buffalo Erie Niagara Land Improvement Corporation.

(6-0)

4. COMM. 14E-8 (2014)
COUNTY EXECUTIVE

WHEREAS, it is the mission of the Buffalo Erie Niagara Land Improvement Corporation to confront and alleviate the problems distressed properties cause to communities by supporting municipal and regional revitalization efforts and strategically acquiring, improving, assembling, and selling distressed, vacant, abandoned, and/or tax-delinquent properties; and

WHEREAS, section 1616(i) of the New York Not-for-Profit Corporation Law provides that New York Land banks, including the Buffalo Erie Niagara Land Improvement Corporation, may tender a preemptive bid at tax sales in an amount equal to the total amount of all municipal claims and liens which were the basis for the judgment and in the event of such tender by a land bank, the property shall be deemed sold to the land bank regardless of any bids by any other third parties; and

WHEREAS, the bid of the land bank shall be paid as to its form, substance, and timing according to such agreement as is mutually acceptable to the plaintiff and the land bank wherein the obligation of the land bank to perform in accordance with such agreement shall be deemed to be in full satisfaction of the municipal claim which was the basis for the judgment.

WHEREAS, it is anticipated that the Buffalo Erie Niagara Land Improvement Corporation will exercise its preemptive bid powers at the upcoming City of Lackawanna tax foreclosure sale; and

WHEREAS, agreements between the City of Lackawanna and the Buffalo Erie Niagara Land Improvement Corporation are necessary to outline the obligations of the land bank and the expected repayment, if any, of the City and County taxes which were the basis for the judgment; and

NOW, THEREFORE, BE IT

RESOLVED, that the County, through its Director of Real Property Tax Services, is hereby authorized to enter into agreements with the Buffalo Erie Niagara Land Improvement Corporation (BENLIC) which outline the obligations of the Land bank and the expected repayment, if any, of the County taxes which were the basis for the judgment consistent with the Property Tax and Maintenance/Foreclosure Cost Recapture Policy for the City of Lackawanna tax sale; and be it further

RESOLVED, that to the extent that such agreement results in the repayment of county taxes in the amount less than the amount of County taxes which were the basis for the judgment, pursuant to Section 12-1.0 of the Erie County Tax Act the Director of Real Property Tax Services is hereby authorized to cancel such past due real property taxes

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, Erie County Comptroller, County Attorney, City of Lackawanna, Director of Real Property Tax Services and the Buffalo Erie Niagara Land Improvement Corporation.

(6-0)

5. COMM. 14E-9 (2014)

COUNTY EXECUTIVE

WHEREAS, the Abbott Road Bridge over Newman Creek Reconstruction Project in the Town of Orchard Park, Erie County, PIN 5758.74 (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; 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 Construction & Construction Inspection phase of the Project, PIN 5758.74; and

WHEREAS, the County of Erie advanced the Project's Construction Phase via Comm. Nos. 10E-14 (2013) adopted on June 6, 2013 and 5E-13 (2014) adopted on April 3, 2014; and

WHEREAS, the County of Erie desires to accept Federal and Marchiselli funds for the Construction phase of the Project, PIN 5758.74 through a Supplemental Agreement with NYSDOT that increases the Project Agreement by \$118,750 and related project budget in Fund 420, B.13001, 2013 Abbott Road Bridge over Newman Creek Reconstruction; and

WHEREAS, the Abbott Road Bridge over Newman Creek Reconstruction Project PIN 5758.74 has been advertised, bid, awarded to the responsible low bidder Edbauer Construction, and work is now complete; and

WHEREAS, the SAP project is currently estimated at \$1,281,250; and

WHEREAS, it is necessary that this approval be granted, so that the project budget can be increased and the County can request Federal and Marchiselli reimbursement.

NOW, THEREFORE, BE IT

RESOLVED, 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 Construction and Construction Inspection phase of the Project or portions thereof; and be it further

RESOLVED, that the Project Fund B.13001 - 2013 Abbott Road Bridge over Newman Creek Reconstruction, fund center 123, fund 420, be increased by the anticipated Federal and State revenue in the amount of \$118,750 as follows:

REVENUES		CURRENT BUDGET	INCREASE/ DECREASE	REVISED BUDGET
Account	Description			
405160	NYS Marchiselli	\$142,500	\$18,750	\$161,250
414000	Federal Aid	760,000	100,000	860,000
445070	Prem on Obligation	35,205	0	35,205
475000	Gen Oblig Bond Proc	<u>224,795</u>	<u>0</u>	<u>224,795</u>
TOTAL REVENUES		<u>\$1,162,500</u>	<u>\$118,750</u>	<u>\$1,281,250</u>
APPROPRIATIONS				
Capital Projects	Capital Project Exp	<u>\$1,162,500</u>	<u>\$118,750</u>	<u>\$1,281,250</u>
TOTAL APPROPRIATIONS		<u>\$1,162,500</u>	<u>\$118,750</u>	<u>\$1,281,250</u>

; and be it further

RESOLVED, the estimated total sum of the Construction and Construction Inspection phase of the Project, \$1,281,250 is hereby appropriated from B.13001 – 2013 Abbott Road Bridge over Newman Creek Reconstruction and made available to cover the cost of participation in the Construction and Construction Inspection phase of the Project; and be it further

RESOLVED, that in the event the amount required to pay in the first instance 100% of the full Federal and non-Federal shares of the cost of the Project's Construction and Construction Inspection phase exceeds the amount appropriated, \$1,281,250, 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 is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli 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 and State Aid eligible Project costs and all Project costs within appropriations therefor 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 be instructed to forward three (3) certified copies of this resolution to the Department of Public Works, Office of the Commissioner, and also one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller.

(6-0)

6. COMM. 14E-10 (2014)

COUNTY EXECUTIVE

WHEREAS, the Federal Aid Bridge Painting Project, Five (5) Bridges, BIN 3327390, 3327770, 3327830, 33128110 and 3328410, in the Towns of Evans, Brant, Aurora and Concord, in Erie County, PIN 5760.41; the Federal Aid Bridge Deck Sealing of Various Bridges in Various Towns in Erie County, PIN 5760.42 ; and the Federal Aid Bridge Joint Replacement of Four Bridges in Towns of Aurora, Alden and Amherst in Erie County, PIN 5760.43 (the Projects) are eligible for funding under Title 23 US Code, as amended, that calls for the appointment of the costs of such programs to be borne at the ratio of 80% Federal Funds and 20% Non-Federal funds; and

WHEREAS, in order to facilitate the Construction and Construction Inspection Phases for the Projects, it will be necessary for the County to execute Supplemental Agreements with New York State Department of Transportation in the total amount of \$1,225,000; and

WHEREAS, the Legislature of the County of Erie via Comm. 8E-4 of April 24, 2014 approved the above subject projects design phase; and

WHEREAS, the County of Erie desires to advance the Construction phase of the Projects by making a commitment for the Non-Federal share of the costs of the project, PIN 5760.41, PIN 5760.42, PIN 5760.43; and

WHEREAS, the total Construction and Construction Inspection Phases of the project is \$1,225,000, and the County is required to provide the local share portion of the Project phase in the amount of \$97,250.

NOW, THEREFORE, BE IT

RESOLVED, that the County Legislature hereby approves the Department of Public Works' Federal Aid Projects 5760.41, 5760.42, and 5760.43 Construction and Construction Inspection Phases; and be it further

RESOLVED, that the County Legislature hereby authorizes the County to pay in the first instance 100% of the Federal and Non-Federal shares of the cost of the Construction Phase of the Projects or portions thereof; and be it further

RESOLVED, that the Project Fund B.13002, 2013 Bridge Enhancement Programs, Fund Center 123, Fund 420, be increased by the anticipated Federal and New York State revenue in the amount of \$1,127,750 as follows:

		CURRENT BUDGET	INCREASE/ DECREASE	REVISED BUDGET
REVENUES				
Account	Description			
405160	NYS Marchiselli	\$ 0	\$ 147,750	\$147,500
414000	Federal Aid	\$ 0	\$ 980,000	\$980,000
475000	Gen Oblig Bond Proc	<u>\$ 400,000</u>	<u>\$ 0</u>	<u>\$400,000</u>
TOTAL REVENUES		<u>\$400,000</u>	<u>\$ 1,127,750</u>	<u>\$1,527,750</u>
APPROPRIATIONS				
Capital Projects	Capital Project Exp	<u>\$400,000</u>	<u>\$ 1,127,750</u>	<u>\$1,527,750</u>
TOTAL APPROPRIATIONS		<u>\$400,000</u>	<u>\$ 1,127,750</u>	<u>\$1,527,750</u>

; and be it further

RESOLVED, the estimated total sum of the Construction and Construction Inspection phase of the Project, \$1,225,000 is hereby appropriated from B.13002 – 2013 Bridge Enhancement Programs and made available to cover the cost of participation in the Construction and Construction Inspection Phase of the Project; and be it further

RESOLVED, that in the event the amount required to pay in the first instance 100% of the Federal and non-Federal shares of the costs of the Project exceeds the amount appropriated above and/or 100% of the full Federal and non-Federal shares of the cost of the Project exceeds the amount appropriated above, 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 is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid should it become available, 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 be it further

RESOLVED, that the County Executive be authorized and is hereby directed to execute the New York State Federal Aid Supplemental Agreements, award the respective project responsible low bidder(s), contract with LiRo Engineers, Inc. and CHA Consultants, Inc. for construction engineering and inspection services, establish respective project contingencies for approved related project change orders in an amount not to exceed \$1,225,000; and be it further

RESOLVED, that the Clerk of the Legislature forward six (6) certified copies of this Resolution to the Deputy Commissioner, Highways, to be forwarded to the New York State Department of Transportation, by attaching it to any necessary Agreement in connection with the Projects, and be it further,

RESOLVED, that the Clerk of the Legislature be instructed to forward one (1) certified copy each to the Office of the County Executive, the Office of Budget, Management and Finance, and the Office of the Comptroller.
(6-0)

7. COMM. 14E-11 (2014)
COUNTY EXECUTIVE

WHEREAS, on June 18, 1934 Congress approved an Act “to provide for the establishment, operation, and maintenance of foreign trade zones in ports of entry of the United States to expedite and encourage foreign commerce and for other purposes” (hereafter the “Foreign Trade Zones Act”); and

WHEREAS, in accordance with the Foreign Trade Zones Act and regulations relating thereto, the County of Erie did apply to the Foreign Trade Zones Board (“Board”) for a GRANT to establish, operate and maintain Foreign Trade Zone No. 23 at Buffalo, New York and received such GRANT pursuant to Board Order No. 110 on March 31, 1976; and

WHEREAS, the County of Erie has determined, in accordance with the Foreign Trade Zones Act and regulations relating thereto, that it is desirable to restructure Foreign Trade Zone No. 23 under the Alternative Site Framework as announced by the Board in *74 Federal Register* 1170 on January 12, 2009.

NOW, THEREFORE, BE IT

RESOLVED, that the County of Erie and the County Executive, Grantee of Foreign Trade Zone No. 23, is hereby duly authorized to submit an Application to reorganize General Purpose Foreign Trade Zone No. 23 under the Alternative Site Framework and the County Executive is hereby authorized to execute any Agreements with the Foreign Trade Zone Board, with any prospective companies to be in the Zone, and the Erie County Industrial Development Agency for management of the Zone; and be it further

RESOLVED, that any subsequent Administrative Actions, such as the addition of a Usage Driven Boundary Modification application to be filed at the Foreign Trade Zones Board relating to this application are also specifically authorized. This will provide the County of Erie with the ability to quickly react to a request by a company under the Alternative Site Framework; and be it further

RESOLVED, that this Resolution takes effect from and after its date of adoption; and be it further

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

EDWARD A. RATH, III
CHAIR