

October 15, 2015

ECONOMIC DEVELOPMENT COMMITTEE
REPORT NO. 12

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

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 18E-7 (2015)
RATH: "Letter to Commissioner of Department of Public Works Regarding Designation of a County Road"
(6-0)
 - b. COMM. 18M-3 (2015)
NYS DEPARTMENT OF TRANSPORTATION: "Letter Regarding Scajauada Expressway Safety"
(6-0)

2. COMM. 18E-5 (2015)
COUNTY EXECUTIVE
WHEREAS, the Clarence Center Bridge Replacement Project PIN 5757.28 ("Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the appointment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% Non-Federal funds; and

WHEREAS, the State of New York has made available Marchiselli funding in the amount of 14.96% of the projected costs of the Project, leaving a Local share of 5.04% of the projected project costs; and

WHEREAS, the County of Erie previously advanced the Project by making a commitment of 100% of the Non-Federal share of the costs of the Design via Legislative Communication 19E-11 of November 21, 2013; and

WHEREAS, the County of Erie would like to advance the Project's Supplemental Agreement with New York State Department of Transportation which provides funding for the Construction phase of the Project, by making a commitment of 100% of the Local share of the costs; and

WHEREAS, the NYSDOT supplemental agreement is in the total amount of \$977,000.00 an increase of \$752,000.00 over the County's existing Project agreement with NYSDOT; and

WHEREAS, the County is required to pay the estimated Local share for the increase in Project costs in the amount of \$37,900.00 which is available from the SAP project hereinafter noted.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature 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, State and Local shares of the cost of Construction phase of the Project or portions thereof; and be it further

RESOLVED, that the Project budget Fund 420, BA123, B.14007, 2014 Clarence Center Road Bridge 5757.28 Construction be adjusted to reflect the anticipated federal and state revenue for the construction phase as follows:

REVENUES		CURRENT BUDGET	INCREASE/ DECREASE	REVISED BUDGET
Account	Description			
414000	Federal Aid	\$480,000	\$121,600	\$601,600
405160	Marchiselli Fund	0	\$112,500	\$112,500
445070	Prem On Obligations	\$16,041.09	0	\$16,041.09
475000	Gen Oblig Bond Proc	<u>\$103,958.91</u>	<u>0</u>	<u>\$103,958.91</u>
TOTAL REVENUES		<u>\$600,000.</u>	<u>\$234,100</u>	<u>\$834,100.</u>

APPROPRIATIONS				
516020	Pro Ser Cntr & Fees			
Capital Projects	Capital Project Exp	\$120,000.	\$632,000	\$752,000
Unallocated	Unallocated Capital	<u>\$480,000.</u>	<u>(\$397,900)</u>	<u>\$82,100</u>
TOTAL APPROPRIATIONS		<u>\$600,000.</u>	<u>\$234,100</u>	<u>\$834,100.</u>

; and be it further

RESOLVED, that the estimated total cost increase of the Construction Phase of the Project, \$752,000.00, is hereby appropriated from Fund 420, BA123 SAP Projects B.14007, 2014 Clarence Center

Road Bridge 5757.28 Construction, 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 in the first instance 100% of the Federal, State and Local shares of the cost of the Project's Phase as described above exceed the amounts noted the County of Erie shall convene its Legislature as soon as possible to appropriate said excess amount; 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 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 County's first instance funding of Project costs and permanent funding of the local share of Federal-Aid and Marchiselli 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 six (6) certified copies of this resolution be forwarded 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 and Management, the Office of the County Attorney, and the Office of the Comptroller.
(6-0)

3. COMM. 18E-16 (2015)

COUNTY EXECUTIVE

WHEREAS, Parkview Apartments of Buffalo LLC is developing housing for low and very low income households pursuant to Article XI of the New York Private Housing Finance Law; and

WHEREAS, the 26 unit Project is located at 769-781 Best Street (former Public School 59) in the City of Buffalo with nineteen (19) of the units affordable to households with income at and below 50% of the area median income (AMI), six (6) of the units set aside for households earning at or below 30% AMI and one (1) of the units will be set-aside for a household earning at or below 60% AMI; and

WHEREAS, the Erie County Legislature adopted a policy on Payment in Lieu of Taxes (PILOT) on December 16, 1999, and the PILOT is consistent with said policy; and

WHEREAS, in order to make the Project economically feasible for Parkview Apartments of Buffalo, LLC to operate the housing project 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 Parkview Apartments Development Fund Corp., Parkview Apartments of Buffalo, LLC, and the City of Buffalo relating to Parkview Apartments and all other agreements necessary to conclude this housing project; and be it further

RESOLVED, that said Agreement shall include an annual PILOT in the amount of taxes due as set forth on Schedule A 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 the Division of Budget and Management; the Director of Real Property Tax Services; the Commissioner of the Department of Environment and Planning; the County Comptroller; and the County Attorney.

SCHEDULE A

Parkview Apartments PILOT
Schedule of Payments

Year	City	County	Total
1	3,492.11	1,164.04	4,656.14
2	3,596.87	1,198.96	4,795.83
3	3,704.78	1,234.93	4,939.70
4	3,815.92	1,271.97	5,087.90
5	3,930.40	1,310.13	5,240.53
6	4,048.31	1,349.44	5,397.75
7	4,169.76	1,389.92	5,559.68
8	4,294.85	1,431.62	5,726.47
9	4,423.70	1,474.57	5,898.26
10	4,556.41	1,518.80	6,075.21

11	4,693.10	1,564.37	6,257.47
12	4,833.89	1,611.30	6,445.19
13	4,978.91	1,659.64	6,638.55
14	5,128.28	1,709.43	6,837.71
15	5,282.13	1,760.71	7,042.84

(6-0)

4. COMM. 18E-17 (2015)
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 Buffalo tax foreclosure sale; and

WHEREAS, agreements between the City of Buffalo 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 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 Buffalo 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 Buffalo, Director of Real Property Tax Services and the Buffalo Erie Niagara Land Improvement Corporation.

(6-0)

EDWARD A. RATH, III
CHAIR