

September 15, 2016

ECONOMIC DEVELOPMENT COMMITTEE
REPORT NO. 14

ALL MEMBERS PRESENT.

CHAIR MILLS PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following item is hereby received and filed:

a. COMM. 14E-14 (2016)
COUNTY EXECUTIVE: "Initiatives for a Smart Economy - 2016 Biannual Report"
(6-0)

2. COMM. 14E-11 (2016)
COUNTY EXECUTIVE

WHEREAS, the Bridge Steel Deck Repairs (6 bridges) PIN 5761.33, (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 15% Marchiselli and requires a 5% local share and

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

WHEREAS, in order to facilitate the Construction and Construction Inspection Phases for the Projects, it will be necessary for the County to execute an Agreement with New York State Department of Transportation in the total amount of \$1,190,000 of which \$59,500 is the required local share, for the construction and construction inspection phase of the Project; and

WHEREAS, the Department of Public Works would like to successfully implement the Project in a timely manner, it will be necessary for the County to execute the construction contract with the responsible low bidder, enter into a construction phase engineering services agreement with CHA Consultants, and establish a construction contingency all in an amount not to exceed the maximum project allowance of \$1,190,000.

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 Federal and non-Federal shares of the cost of Construction and Construction Inspection Phases of the Project or portions thereof; and be it further

RESOLVED, that the Project Fund B.14011, 2014 Bridge Preservation Programs, fund center 123, fund 420, be adjusted for the actual anticipated Federal and NYS Marchiselli revenue in the amount of \$1,130,500 as follows:

REVENUES		CURRENT BUDGET	INCREASE/DECREASE	REVISED BUDGET
Account	Description			
405160	NYS Marchiselli	\$ 250,500	\$ 178,500	\$ 429,000
414000	Federal Aid	\$1,540,000	\$ 952,000	\$ 2,492,000
445070	Prem on Obligation	\$ 30,638	\$ 0	\$ 30,638
475000	Gen Oblig Bond Proc	<u>\$ 198,562</u>	<u>\$ 0</u>	<u>\$ 198,562</u>
TOTAL REVENUES		<u>\$2,019,700</u>	<u>\$ 1,130,500</u>	<u>\$ 3,150,200</u>
APPROPRIATIONS				
Capital Projects	Capital Project Exp	\$2,019,700	\$ 1,130,500	\$ 3,150,200
TOTAL APPROPRIATIONS		<u>\$2,019,700</u>	<u>\$ 1,130,500</u>	<u>\$ 3,150,200</u>

; and be it further

RESOLVED, that the Current Budget, represented in the table above, reflects prior authorized budget adjustments with pending journal entries to illustrate actual budget revenue increases for the purposes of advancing this authorization; and be it further

RESOLVED, that the estimated total sum of the construction and construction inspection Phase of the Project, \$1,190,000 is hereby appropriated from B.14011 – 2014 Bridge Preservation 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, the County Executive is hereby authorized to execute the construction contract with the responsible low bidder, enter an into a construction phase engineering services amendment with CHA Consultants, and establish a construction contingency all in a total amount not to exceed \$1,190,000; and be it further

RESOLVED, that in the event the amount required to pay in the first instance 100% of the Federal, Marchiselli and non-Federal shares of the costs of the Project's construction and construction inspection phases exceeds the amount appropriated, \$1,190,000, 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 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 and State 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 six (6) 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 be it further

RESOLVED, that the Clerk of the Legislature forward one (1) 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)

3. COMM. 14E-12 (2016)

COUNTY EXECUTIVE

WHEREAS, the Bridge Painting and Repairs (4 bridges) PIN 5761.30, (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, 15% Marchiselli and a 5% local share and

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

WHEREAS, in order to facilitate the Construction and Construction Inspection Phases for the Projects, it will be necessary for the County to execute an Agreement with New York State Department of Transportation in the total amount of \$1,670,000 of which \$83,500 is the required local share, for the construction and construction inspection phase of the Project; and

WHEREAS, the Department of Public Works would like to successfully implement the Project in a timely manner, it will be necessary for the County to execute the construction contract with the responsible low bidder, to enter an into a construction phase engineering services agreement with CHA Consultants, and to establish a construction contingency all in an amount not to exceed the maximum project allowance of \$1,670,000.

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 Federal and non-Federal shares of the cost of Construction and Construction Inspection Phases of the Project or portions thereof; and be it further

RESOLVED, that the Project Fund B.14011, 2014 Bridge Preservation Programs, fund center 123, fund 420, be adjusted for the actual anticipated Federal and NYS Marchiselli revenue in the amount of \$1,586,500 as follows:

		CURRENT BUDGET	INCREASE/DECREASE	REVISED BUDGET
REVENUES				
Account	Description			
405160	NYS Marchiselli	\$ 0	\$ 250,500	\$ 250,500
414000	Federal Aid	\$ 204,000	\$ 1,336,000	\$ 1,540,000
445070	Prem on Obligation	\$ 30,638	\$ 0	\$ 30,638
475000	Gen Oblig Bond Proc	<u>\$ 198,562</u>	<u>\$ 0</u>	<u>\$ 198,562</u>
TOTAL REVENUES		<u>\$ 433,200</u>	<u>\$ 1,586,500</u>	<u>\$ 2,019,700</u>
APPROPRIATIONS				
Capital Projects	Capital Project Exp	<u>\$ 433,200</u>	<u>\$ 1,586,500</u>	<u>\$ 2,019,700</u>
TOTAL APPROPRIATIONS		<u>\$ 433,200</u>	<u>\$ 1,586,500</u>	<u>\$ 2,019,700</u>

; and be it further

RESOLVED, that the Current Budget, represented in the table above, reflects prior authorized budget adjustments with pending journal entries to illustrate actual budget revenue increases for the purposes of advancing this authorization; and be it further

RESOLVED, that the estimated total sum of the construction and construction inspection Phase of the Project, \$1,670,000 is hereby appropriated from B.14011 - 2014 Bridge Preservation 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, the County Executive is hereby authorized to execute the construction contract with the responsible low bidder, enter an into a construction phase engineering services amendment with CHA Consultants, and establish a construction contingency in a total not to exceed \$1,670,000; and be it further

RESOLVED, that in the event the amount required to pay in the first instance 100% of the Federal, Marchiselli and non-Federal shares of the costs of the Project's construction and construction inspection phases exceeds the amount appropriated, \$1,670,000 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 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 and State 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 six (6) 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 be it further

RESOLVED, that the Clerk of the Legislature forward one (1) 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)

4. COMM. 14E-13 (2016)

COUNTY EXECUTIVE

WHEREAS, the County of Erie had previously entered into a contract with the Erie County Soil and Water Conservation District who have the necessary expertise and personnel to perform the necessary

inspections and evaluations as well as to carry out administrative responsibilities related to the delivery of various technical services including stream bank maintenance, bridge and culvert scour maintenance; and

WHEREAS, it has become necessary to implement the County-wide Stream Maintenance Program to continue to reduce erosion and localized flood-related risk to roads, bridges, culverts and rights-of-way by removing gravel bars and vegetative debris obstructing or diverting the natural flow of streams, repair bridge and culvert scour or prevention of same; and

WHEREAS, Article 5-G of the General Municipal Law authorizes municipalities and districts to contract to perform together that which each public entity is authorized to perform individually; and Article 5, Section 99-R of the same General Municipal Law authorizes Erie County and the District to contract by direct negotiations for services of government not regularly provided to the public as part of general government services; and

WHEREAS, the Legislative Body of Erie County and the Board of Directors of the Erie County Soil and Water Conservation District have previously authorized a municipal agreement on October 6, 2011, at Meeting Number 20, Communication Number 18E-30 for the purpose of performing a County-wide Stream Maintenance Program.

NOW, THEREFORE, BE IT

RESOLVED, that the Agreement between the County of Erie and the Erie County Soil and Water Conservation District be renewed in an amount of \$100,000.00 to be allocated from Business Area 123, Cost Center 1231010, Fund 210, General Ledger Account 516020 – Professional Services, for technical services to reduce erosion, scour and localized flooding related risks to roads, bridges, culverts and rights-of-way at various locations; and be it further

RESOLVED, that three (3) certified copies of this resolution be sent 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, Management and Finance, and the Office of the Comptroller.
(6-0)

5. COMM. 17E-11 (2016)

COUNTY EXECUTIVE

WHEREAS, the Lofts at University Heights Project consists of a 45-unit affordable housing development in the City of Buffalo at 91 Lisbon; and

WHEREAS, UH Lofts Housing Development Fund Corporation is developing eight (8) units of affordable housing for households below 50% of the area median income and 30 units of affordable

housing for households below 60% of the area median income and seven (7) units of affordable housing for households with incomes up to 90% of the area median income; 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 UH Lofts Housing Development Fund Corporation 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 PILOT Agreement with UH Lofts Housing Development Fund Corporation, the City of Buffalo, and any other organizations necessary to conclude this PILOT Agreement; 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; 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
The Lofts at University Heights Project PILOT

Year	Total	City	County
1	9,691.00	7,268.25	2,422.75
2	9,981.73	7,486.30	2,495.43
3	10,281.18	7,710.89	2,570.30
4	10,589.62	7,942.21	2,647.40
5	10,907.31	8,180.48	2,726.83
6	11,234.53	8,425.89	2,808.63
7	11,571.56	8,678.67	2,892.89
8	11,918.71	8,939.03	2,979.68
9	12,276.27	9,207.20	3,069.07

10	12,644.56	9,483.42	3,161.14
11	13,023.89	9,767.92	3,255.97
12	13,414.61	10,060.96	3,353.65
13	13,817.05	10,362.79	3,454.26
14	14,231.56	10,673.67	3,557.89
15	14,658.51	10,993.88	3,664.63

(6-0)

6. COMM. 17E-12 (2016)
COUNTY EXECUTIVE

WHEREAS, a Project for the Right-of-Way Incidentals, Right-of-Way Acquisition, Construction, and Construction Supervision and Inspection of the Town of Evans Multi-Use Pathway, Phase III in the Town of Evans, Erie County, PIN 575802 (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 Right-of-Way Incidental, Right-of-Way Acquisition, Construction, and Construction Supervision and Inspection Phases of the Project, PIN 575802; and

WHEREAS, the total Right-of-Way Incidental, Right-of-Way Acquisition, Construction and Construction Supervision and Inspection Phases of the Project is \$2,440,000, and the County is required to provide the local share portion of the Project Phase in the amount of \$680,000.

NOW, THEREFORE BE IT

RESOLVED, the County Legislature of the County of Erie does hereby approve the Town of Evans Multi-Use Pathway, Phase III – Right-of-Way Incidentals, Right-of-Way Acquisition, Construction, and Construction Supervision and Inspection Phases Phase 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 Right-of-Way Incidental, Right-of-Way Acquisition, Construction, and Construction Supervision and Inspection Phases of the Project or portions thereof; 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 cost of the project's Right-of-Way Incidental, Right-of-Way Acquisition, Construction, and Construction Supervision and Inspection phases exceeds the amount

appropriated above, the County of Erie shall convene its County 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 with the New York State Department of Transportation 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 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 the County Executive is authorized to appropriate and make available \$680,000 to cover the local share cost of participation in the Right-of-Way Incidental, Right-of-Way Acquisition, Construction, and Construction Supervision and Inspection Phases of the Project, with said funds be allocated from funding approved in the 2016 Capital Budget and the 2016 Consolidated Bond Resolution as found in SAP projects A.16019 and A.16018; and be it further

RESOLVED, that authorization is hereby provided to accept funding in A.16018 in an amount not to exceed \$1,760,000 from New York State; 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 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; the Commissioner of the Department of Environment and Planning, Rath Building, 10th Floor; and 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, this Resolution shall take effect immediately.

(6-0)

EDWARD A. RATH, III
CHAIR