

March 16, 2017

ECONOMIC DEVELOPMENT COMMITTEE
REPORT NO. 4

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

1. COMM. 5E-15 (2017)
COUNTY EXECUTIVE AS AMENDED

WHEREAS, the School 77 Project consists of a 30-unit affordable housing development in the City of Buffalo at 429 Plymouth Street; and

WHEREAS, S77 Housing Development Fund Company, Inc. is developing twenty-six (26) one-bedroom apartments and four (4) two-bedroom apartments. Five (5) units will be designated for frail elderly, with referrals and services provided by Catholic Charities. In addition, three (3) of the units will be fully accessible and adapted for mobility impaired and two (2) of the units will be fully accessible and adapted for hearing and/or visually impaired; all of the units will be adaptable and visitable. Catholic Charities will provide referral and supportive services for the tenants in these units; 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 S77 Housing Development Fund Company, Inc. 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 S77 Housing Development Fund Company, Inc., 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; the County Attorney; and Paul D'Orlando, Principal Contract Monitor, ECDEP.

SCHEDULE A
The School 77 Project PILOT

Year	Total	City	County
1	6,667.00	5,000.25	1,666.75
2	6,867.01	5,150.26	1,716.75
3	7,073.02	5,304.77	1,768.26
4	7,285.21	5,463.91	1,821.30
5	7,503.77	5,627.83	1,875.94
6	7,728.88	5,796.66	1,932.22
7	7,960.75	5,970.56	1,990.19
8	8,199.57	6,149.68	2,049.89
9	8,445.56	6,334.17	2,111.39
10	8,698.92	6,524.19	2,174.73
11	8,959.89	6,719.92	2,239.97
12	9,228.69	6,921.52	2,307.17
13	9,505.55	7,129.16	2,376.39
14	9,790.71	7,343.04	2,447.68
15	10,084.44	7,563.33	2,521.11

(6-0)

2. COMM. 5E-16 (2017)
COUNTY EXECUTIVE

WHEREAS, Erie County owns the historic Buffalo and Erie County Botanical Gardens structure and is responsible for capital improvements that are needed periodically; and

WHEREAS, the County of Erie is interested in the fostering of tourism and the improvement of the historic structure; and

WHEREAS, the Erie County Department of Environment and Planning (DEP) applied for and was awarded a \$500,000 New York State Office of Parks, Recreation and Historic Preservation's (SHPO) Environmental Protection Fund (EPF) grant for the purposes of undertaking capital improvements at the Botanical Gardens; and

WHEREAS, authorization is required from the Erie County Legislature for the County Executive to enter into a contract to accept the \$500,000 in grant funding for the capital improvements at the Botanical Gardens; and

WHEREAS, the SHPO Grant requires a 50% match for which the County already has available in the Department of Public Works (DPW) Botanical Gardens Rehabilitation Project, A.16002, previously authorized in the 2016 Adopted Capital Budget; and

WHEREAS, the responsibility of performing the capital improvements at the Botanical Gardens will be placed entirely with the Department of Public Works; and

WHEREAS, the project management and claiming will be managed more efficiently by merging the funds from the DEP grant award and the 50% County match from the DPW capital project A.16002 into one location administered by DPW.

NOW, THEREFORE, BE IT

RESOLVED, that authorization is hereby provided for the County Executive to execute any and all agreements necessary to enter into a contract with the New York State Office of Parks, Recreation and Historic Preservation's (SHPO) Environmental Protection Fund (EPF) grant program to accept \$500,000 in DEP grant funding for capital improvements at the Buffalo and Erie County Botanical Gardens; and be it further

RESOLVED, that \$500,000 from the DPW Botanical Gardens Rehabilitation Project, A.16002, previously approved in the 2016 Adopted Capital Budget will be used to fulfill the required County match; and be it further

RESOLVED, that the responsibility of performing the capital improvements at the Botanical Gardens be placed entirely with DPW; and be it further

RESOLVED, the project management and claiming will be managed more efficiently by merging the funds from the DEP grant award and the 50% County match from the DPW capital project A.16002 into one location administered by DPW; and be it further

RESOLVED, that authorization is hereby provided to the Division of Budget and Management to establish funding in grant fund 281, business area 122 and cost center 1222010, as follows:

Erie County Department of Public Works
New York State Office of Parks, Recreation and Historic Preservation's
(SHPO) Environmental Protection Fund (EPF) Grant
December 8, 2016 – December 7, 2021
122SHPOBOTGARD1621

REVENUE	Budget
GL 409040 – State Aid-Capital Grants	\$500,000
TOTAL REVENUE	\$500,000

APPROPRIATIONS	Budget
GL 575000 – Interfund Exp Non-Subsidy	\$500,000
TOTAL APPROPRIATIONS	\$500,000

and be it further

RESOLVED, that authorization is hereby provided for a \$500,000 inter-fund transfer from the new SHPO grant to the Botanical Gardens Rehabilitation Project, A.16002, which was previously approved in the 2016 Adopted Capital Budget; and be it further

RESOLVED, that the budget in capital project A.16002, fund 410, business area 122 be increased as follows:

	Current Budget	Revision	Revised Budget
REVENUE			
GL 450000 – Interfund Rev Non-Subsidy	\$0	\$500,000	\$500,000
GL 475000 – Bond Proceeds	\$500,000	\$0	\$500,000
TOTAL REVENUE	\$500,000	\$500,000	\$1,000,000
APPROPRIATIONS			
Capital Project Exp	\$500,000	\$500,000	\$1,000,000
TOTAL APPROPRIATIONS	\$500,000	\$500,000	\$1,000,000

and be it further

RESOLVED, that all expenditures meet the requirements of the SHPO grant guidelines and that the Director of the Division of Budget and Management is hereby authorized to implement any budget adjustments as required to comply with State and County funding requirements; 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; Mark P. Rountree, ECDEP; and the Commissioner of the Department of Public Works, Rath Building, 14th Floor. (6-0)

3. COMM. 5E-20 (2017)
COUNTY EXECUTIVE

WHEREAS, this Honorable Body has previously authorized the County Executive to enter into Agreements for the previous phases of the Environmental Compliance Project with Wendel Companies, Architects & Engineers; and

WHEREAS, an additional Phase 6 is now required to provide, but not limited to, oil & water separator designs, environmental compliance audits, personnel training, record keeping reviews, and Phase 2 remediation of contaminated soils at the Clarence Highway Facility; and

WHEREAS, the County Executive is now requesting authorization from your Honorable Body, to issue an Agreement to Wendel Companies, Architects and Engineers, for Phase 6 of the Environmental Compliance Project; and

WHEREAS, it is also probable that additional environmental code deficiencies will be identified during the course of the work; and

WHEREAS, an additional design contingency amount should be authorized to fund change orders for this unforeseen design and compliance work in an amount not to exceed \$50,000.00.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into an Agreement with Wendel Companies, Architects and Engineers, including a design contingency and reimbursables for Phase 6 of the Environmental Compliance Project for an amount not to exceed \$234,500.00; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from SAP Project account A.16009 – 2016 – Countywide Environmental Regulatory Compliance, for an amount not to exceed \$234,500.00; and be it further

RESOLVED, that two certified copies of this resolution shall be sent to the Commissioner of the Department of Public Works; and one copy each to the Office of the County Executive; the County Comptroller; the County Attorney; and the Director of the Division of Budget and Management.
(6-0)

4. COMM. 5E-21 (2017)

COUNTY EXECUTIVE

WHEREAS, the Erie County Correctional Facility (ECCF)- 2015- Parking Lot and Access Road Reconstruction- Phase 1 project was awarded by your Honorable Body on December 17, 2015; and

WHEREAS, your Honorable Body authorized establishing a Construction Contingency Fund in the amount of \$40,239.00; and

WHEREAS, the Sheriff's Office has requested that the County perform additional reconstruction work with the remaining funds; and

WHEREAS, the Department of Public Works is requesting an increase to the Construction Contingency Fund to allow for more reconstruction work to be performed with the remaining funds.

NOW, THEREFORE, BE IT

RESOLVED, that the Construction Contingency Fund for the Erie County Correctional Facility (ECCF)- 2015- Parking Lot and Access Road Reconstruction- Phase 1 be increased by \$45,000.00 to a total of \$85,239.00; and be it further

RESOLVED, that deduct change orders will result in these funds being returned to the Construction Contingency Fund; and be it further

RESOLVED, that the Comptroller's office be authorized to make payments for the above from SAP Project Account A.15029 – 2015 Sheriffs (B&G) Correctional Facility Parking Lot for an amount not to exceed \$45,000.00; and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Commissioner's Office, and one copy each to the Office of the County Executive, Office of the Sheriff, the Division of Budget and Management, and the Office of the Comptroller.
(6-0)

5. COMM. 5E-22 (2017)

COUNTY EXECUTIVE

WHEREAS, your Honorable Body authorized the County Executive On September 11, 2011 to enter into a contract with DV Brown & Associates for providing mechanical and electrical energy improvements to the mechanical equipment located on the fifth floor of the Rath Building; and

WHEREAS, the Construction Contingency must be increased in order to fund the installation of a new strainer and make the necessary repairs to the existing DDC Controls via change order to DV Brown & Associates' contract; and

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to increase the current construction contingency fund by \$59,059.65 from \$283,000.00 to \$342,059.65; and be it further

RESOLVED, that the deduct change orders will result in these funds returned to the Contingent Fund; and be it further

RESOLVED, that the Comptroller's office be authorized to make payment for the above from SAP Project Account A.15005-2015-Countywide Mechanical, Electrical and Plumbing Improvement for an amount to exceed \$59,059.65; and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Commissioner's Office, and one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller.

(6-0)

JOSEPH C. LORIGO
CHAIR