

April 24, 2014

ECONOMIC DEVELOPMENT COMMITTEE  
REPORT NO. 5

ALL MEMBERS PRESENT.

CHAIR MILLS PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 7M-1 (2014)  
**NYS DEPARTMENT OF ENVIRONMENTAL CONSERVATION:** “89 LaSalle Ave Update”  
(6-0)
  - b. COMM. 8E-14 (2014)  
**MILLS:** “Public Hearing - Transfer Tax”  
(6-0)
  - c. COMM. 8D-2 (2014)  
**CLERK OF THE LEGISLATURE:** “Public Hearing Notice - Transfer Tax”  
(6-0)
  - d. COMM. 8M-2 (2014)  
**NFTA:** “Board Minutes from the Feb. 27, 2014 Meeting”  
(6-0)
  - e. COMM. 8M-3 (2014)  
**NFTA:** “Revised Annual Budget Ending FY2015”  
(6-0)
  - f. COMM. 8M-4 (2014)  
**NYSDEC:** “Copy of Record of Decision for 1318 Niagara St. Site”  
(6-0)
2. INTRO. 5-8 (2014)  
**BURKE** **AS AMENDED**  
WHEREAS, The Governor of New York State, Andrew Cuomo, has committed considerable state resources to Western New York commonly known as the Buffalo Billion; and  
  
WHEREAS, a Volkswagen site could prove to be a large economic driver to Western New York;  
and

WHEREAS, the labor rates at comparable plants in Western New York offer a competitive advantage compared to many Southern plants; and

WHEREAS, the New York State Power Authority could attract Volkswagen to Erie County with low cost power.

NOW, THEREFORE, BE IT

RESOLVED, that this honorable body does hereby express our support for attracting Volkswagen to Erie County; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Governor of New York State, Andrew Cuomo; Erie County Executive, Mark Poloncarz; City of Buffalo Mayor, Byron Brown; CEO of Volkswagen of America, Michael Horn; Western New York Regional President of the Empire State Development Corporation, Sam Hoyt; Co-Chair of the Western New York Regional Development Council, Howard Zemsky; United Auto Workers Region 9 Director, Scott Adams; Volkswagen Works Council, Bernd Osterloh; U.S. Representative for New York's 26th congressional district, Brian Higgins; City of Buffalo Common Council; New York State Assembly; New York State Senate; Erie County Industrial Development Agency; The Buffalo Niagara Enterprise.  
(6-0)

3. INTRO. 5-9 (2014)

**RATH**

WHEREAS, access to the internet allows for the dissemination of ideas and information at a pace unimagined only a decade ago; and

WHEREAS, the use of broadband cable to access the internet has allowed for individuals to examine and share enormous quantities of data almost instantaneously; and

WHEREAS, many of the crops and resources that we use and rely on everyday come from members of our community located in the outskirts of our cities and towns where broadband cable does not exist yet; and

WHEREAS, these members of our community who supply us with locally grown crops and related resources would benefit greatly from the ability to access high speed internet including real-time weather information, continuously updated commodity prices, and information on intended crops and pest outbreak details from the entire country; and

WHEREAS, other local community safety services, such as volunteer firefighters and EMTs, would benefit from the availability of high speed internet, which would assist in their communication with units in the field as well as the entire community; and

WHEREAS, there are still significant rural portions of Erie County that are not properly served by broadband internet access due to factors such as low population density and geographic isolation making their development by service providers unlikely; and

WHEREAS, in the past the State of New York and the Federal government have implemented funding and proposed plans to enable access to broadband services in these remote locations including Connect NY and Regional Economic Development Grants; and

WHEREAS, funding in 2014, through the State budget, has been dramatically decreased to \$9 million from \$25 million in 2013.

NOW, THEREFORE, BE IT

RESOLVED, that this honorable body encourages and supports initiatives, including the Connect NY Broadband Grant Program and the Regional Economic Development Councils, by the state and federal governments to enable high-speed internet access via broadband internet connectivity; and be it further

RESOLVED, that certified copies of this resolution be sent to the New York Governor's Office, the Local delegation of the New York State Legislature, and all other parties deemed necessary and proper.  
(6-0)

4. COMM. 8E-6 (2014)

**COUNTY EXECUTIVE**

**AS AMENDED**

WHEREAS, Mass Ave Community Homes Housing Development Fund Corporation and Mass Ave Community Homes, LLC are developing housing for low and very low income households (Project), pursuant to Article XI of the New York Private Housing Finance Law; and

WHEREAS, the Project is located in the City of Buffalo, New York along Sherwood Street, Hampshire Street, Massachusetts Avenue, 14<sup>th</sup> Street, 19<sup>th</sup> Street, Chenango Street, West Utica Street, Vermont Street and Normal Street; and

WHEREAS, the Project will serve low and very low income households and will include 16 buildings providing 46 rental housing units and 800 square feet of leasable commercial space; and

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

WHEREAS, in order to make the Project economically feasible for Mass Ave Community Homes Housing Development Fund Corporation and Mass Ave Community Homes, LLC to operate the housing complex 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 Mass Ave Community Homes Housing Development Fund Corporation, Mass Ave Community Homes, LLC, the City of Buffalo, New York and appropriate other organizations necessary to carry out the Agreement relating to Mass Ave Community Homes and all other contracts necessary to conclude this 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.  
(6-0)

5. COMM. 8E-7 (2014)

**COUNTY EXECUTIVE**

WHEREAS, the Erie County Rath Building parking garage exhibits various levels of deterioration and repairs are essential for the protection and preservation of the building; and

WHEREAS, your Honorable Body has previously authorized the County Executive to enter into an General A/E Agreement with the architectural firm of Clark Patterson Lee for providing Architectural/Engineering Services on Erie County projects; and

WHEREAS, the County Executive is requesting authorization to enter into an Agreement Amendment with the architectural and engineering firm of Clark Patterson Lee for providing Architectural/Engineering Services for the Erie County Rath Building Parking Garage Repairs and Waterproofing Project; and

WHEREAS, Lydon Architectural has recently submitted qualifications complying with this department's term agreements and this department is requesting this firm be added to the term list of Architectural/Engineering firms.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into an Agreement Amendment to Clark Patterson Lee for providing Architectural/Engineering Services for the Erie County Rath Building, Parking Garage Repairs and Waterproofing Project; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from SAP Project: A.00043 – 2002 – Rath Parking Garage for an amount not to exceed \$25,000.00, including a design contingency; and be it further

RESOLVED, that the firm of Lydon Architectural be added to this department's Architectural/Engineering term agreement; 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)

**EDWARD A. RATH, III**  
**CHAIR**