

November 6, 2003

COMMUNITY ENRICHMENT
COMMITTEE
REPORT NO. 10

ALL MEMBERS PRESENT EXCEPT LEGISLATOR FISHER.

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

Item Page -2003 (Comm. 13M-10)
a. **STUDIO ARENA:** Copy of Published Article in American Theatre Magazine.
(4-0) Legislator Fisher absent.

Item Page -2003 (Comm. 18E-2)
b. **COMPTROLLER:** Deloitte & Touche LLP Management Letter – Audit of ECC for Year
Ended 8/31/02.
(4-0) Legislator Fisher absent.

2. Item Page -2003 (Comm. 18E-10)
COUNTY EXECUTIVE

WHEREAS, Erie County is committed to providing opportunities for youth in Erie County so these individuals can participate in programs that enhance their opportunities for future success and prosperity in our community and region; and

WHEREAS, Junior Achievement of WNY Inc., has requested County funds in order to develop programs that link community volunteers with at-risk, low-income youth to better prepare them to enter the working world; and Kids Voting Western New York – Erie 1 BOCES has requested County funds to focus on programs that increase understanding and involvement by youth in our voting process and procedures; and

WHEREAS, both of these programs have been determined to be important components to enhancing educational opportunities for youth in this County, and these programs can assist in preparing our youth to become more involved in making decisions regarding their well being and that of our community,

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into the necessary agreements which will provide funds, as specified below, to the two organizations administering funds for these youth focused programs; and be it further

RESOLVED, that funds for these programs in the amount of \$15,000 are hereby transferred from the Extraordinary County Aid to Local Governments Regionalism/Economic Development Funds (DAC 110 9043038301299) to separate sub-accounts under Contractual Services in Department 302, Public Benefit Agencies, as monitored by Environment and Planning:

Junior Achievement of WNY, Inc.
Kids At Risk Program – \$5,000

Kids Voting Western New York – Erie 1 BOCES
Voting Process Education Program – \$10,000

and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive; the County Comptroller; the Director of the Division of Budget, Management and Finance; the Commissioner of the Department of Environment and Planning; Janice Zigel, President, Junior Achievement of WNY, Inc., 181 Franklin Street, Buffalo, New York 14202; and Tracy Reed, Executive Director, Kid’s Voting Western New York – Erie 1 BOCES, 1050 Maryvale Drive, Cheektowaga, New York 14225.

(4-0) Legislator Fisher absent.

3. Item Page -2003 (Comm. 18E-11)

COUNTY EXECUTIVE

WHEREAS, the Frank Lloyd Wright’s Rowing Boathouse Corporation (the “Boathouse Corporation”), a local not-for-profit agency, has obtained the rights from the Frank Lloyd Wright Foundation to utilize plans prepared by Frank Lloyd Wright, the “Father of American Architecture”, for a rowing boathouse that was designed in 1907 but never constructed; and

WHEREAS, the Boathouse Corporation proposes to build this world-class architecture on a parcel located at the foot of Porter Avenue, and that parcel is owned by the State University of New York, acting by and through the State University of New York at Buffalo (the “College”); and this parcel was originally intended to be used by the College for the expansion of its Great Lakes Center, if and when the College could obtain the necessary funding; and

WHEREAS, construction of the Frank Lloyd Wright’s Rowing Boathouse (the “Boathouse”) would make the City of Buffalo and Erie County a destination with the second largest collection of work by Frank Lloyd Wright in the world, and the Boathouse would also serve as a new facility for the world-famous West Side Rowing Club; and this combination of community recreation, historic preservation and cultural tourism purposes provides a prime example of the new economic development strategies being implemented in this City and County; and

WHEREAS, in order for this Boathouse Project to proceed, certain real property transactions must be effectuated with respect to the Boathouse parcel and replacement parcels needed by the State of New York regarding the Great Lakes Center Building, and the New York State Division of Military and Naval (DMNA) Affairs National Guard truck depot which is located adjacent to the Boathouse parcel; and

WHEREAS, a State Environmental Quality Review (SEQR) coordinated review for the construction of the Frank Lloyd Wright’s Rowing Boathouse was conducted by the City of Buffalo, and this review included review of the land transfers that are necessary for the completion of the

action, and the City of Buffalo issued a SEQR negative declaration for this action in March 2003; and

WHEREAS, the State of New York acting by and through its State Commissioner of General Services, the State University of New York, the County of Erie and the Frank Lloyd Wright's Rowing Boathouse Corporation have determined that this Boathouse Project will provide a public benefit to the people of the City of Buffalo, County of Erie and State of New York; and

WHEREAS, in order to effectuate the Boathouse Project an "Inter-Municipal Exchange Agreement" involving the aforesaid parties stipulates the necessary requirements and conditions required of all parties in order to facilitate and construct this Frank Lloyd Wright's Rowing Boathouse Project; and

WHEREAS, as part of this "Inter-Municipal Agreement", New York State will cause those portions of the State-owned Boathouse parcel, located outside of the Federal Harbor Line, to be conveyed in fee title to the County of Erie pursuant to Section 75 of the Public Lands Law contingent upon the County satisfying certain conditions; and

WHEREAS, one of these precedent conditions regarding ownership transfer of this Boathouse parcel to Erie County requires that Erie County lease the Boathouse parcel to the Boathouse Corporation for a term not less than 25 years for public/recreational purposes; and

WHEREAS, as required by this condition in the "Inter-Municipal Exchange Agreement", Erie County will execute an agreement with the Frank Lloyd Wright's Rowing Boathouse Corporation, and as part of this agreement Erie County will further stipulate that in consideration of the Boathouse Corporation's considerable commitment of resources to this Boathouse Project, the County shall require the Boathouse Corporation to pay an annual lease fee to the County for an amount not to exceed one dollar (\$1.00); and

WHEREAS, an additional precedent to approval of this "Inter-Municipal Exchange Agreement", requires that Erie County provide written certification confirming the availability of funds, for an amount not to exceed \$800,000, for the design and construction the new DMNA truck depot necessitated by these parcel transfers,

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into agreements necessary for the construction of the Frank Lloyd Wright's Rowing Boathouse Project which will include (1) an "Inter-Municipal Exchange Agreement" between Erie County and the New York State Commissioner of General Services, the State University of New York, and the Frank Lloyd Wright's Rowing Boathouse Corporation (Boathouse Corporation), as well as (2) an Agreement between Erie County and the Frank Lloyd Wright's Rowing Boathouse Corporation, as well as (3) other related agreements with involved and interested agencies necessary for the construction of the Boathouse Project; and be it further

RESOLVED, that a requirement in the Erie County-Boathouse Corporation Agreement will require the Boathouse Corporation pay to Erie County an annual lease fee for the parcel that shall not exceed one dollar (\$1.00); and be it further

RESOLVED, that the 2003 Capital Budget is hereby amended to provide \$800,000 for the design and construction of the new DMNA truck depot’s total cost, with County funds being made available from the Tobacco Trust Fund; and be it further

RESOLVED, that Clerk of the Legislature be directed to send certified copies of this resolution to the County Executive; the County Comptroller; the Director of the Division of Budget, Management and Finance; the Commissioner of the Department of Environment and Planning, Hon. Anthony Masiello, Mayor of the City of Buffalo, City Hall, 65 Niagara Square, Buffalo, New York 14202; and members of the Inter-Municipal Exchange Agreement: Commissioner of General Services, Erastus Corning Tower, 41st Floor, The Governor Nelson A. Rockefeller Empire State Plaza, Albany, New York 12242; Robert Ruggeri, Esq., Associate Counsel, the State University of New York, State University Plaza, Albany, New York 12246; Dr. Stanley Kardonsky, Vice President for Finance, SUNY College at Buffalo, 1300 Elmwood Avenue, Buffalo, New York 14222; and Theodore E. Marks, President, the Frank Lloyd Wright’s Rowing Boathouse Corporation, 100 River Rock Drive, Buffalo, New York 14207.
(4-0) Legisla tor Fisher absent.

AS AMENDED
(Comm. 18E-23)

4. Item Page -2003

COUNTY EXECUTIVE

WHEREAS, the County of Erie owns title to the ECC buildings and grounds and holds such property in trust for the College’s use and purposes; and

WHEREAS, ECC is, according to Education Law, “empowered and authorized through its board of trustees to accept gifts, grants, bequests and devices absolutely or in trust for such purposes as the college trustees may deem appropriate or proper for carrying on the programs and objectives of the college”; and

WHEREAS, the ECC Board of Trustees wishes to implement the attached naming rights policy in an effort to enhance the marketability of ECC’s academic programs and its commitment to workforce development for the Western New York community; and

WHEREAS, the ECC Board of Trustees has previously approved a Board policy pertaining to naming rights with an attached fee schedule particular to the area being named; and

WHEREAS, in accordance with such Board policy, naming rights revenues are to be deposited in a restricted account in the Erie Community College Foundation;

NOW, THEREFORE, BE IT

RESOLVED, that the ECC Board of Trustees is hereby authorized to implement the attached naming rights policy in an effort to enhance the marketability of ECC's academic programs and its commitment to workforce development for the Western New York community; and be it further

RESOLVED, that the components to which the naming rights may attach include, but are not limited to, buildings, individual rooms, labs, classrooms and other structural components of the College; and be it further

RESOLVED, that the fees received pursuant to the naming rights agreements shall be used exclusively for the operation and improvement of the College; and be it further

RESOLVED, that each naming rights agreement shall be approved by the ECC Board of Trustees, approved as to content by the ECC President or his designee, approved as to form by the County Attorney and signed by the County Executive; and be it further

RESOLVED, that the ECC Board of Trustees shall obtain all necessary approvals from the State University of New York and other appropriate agencies prior to selling the naming rights; and be it further

RESOLVED, that the Erie Community College shall provide the Erie County Legislature with a copy of the quarterly financial reports which reflect revenues and expenditures of the accounts associated with the naming rights policy, and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the President of ECC, the Chairman of the ECC Board of Trustees, the Director of Budget, Management & Finance, the Comptroller and the County Attorney.
(4-0) Legislator Fisher absent.

5. Item Page -2003 (Comm. 18E-24)

COUNTY EXECUTIVE

WHEREAS, the Erie Community College Foundation, Inc. (Foundation) was incorporated in 1987 with its primary mission to support the educational objectives of the College; and

WHEREAS, as the Foundation becomes more active in fulfilling its mission, certain operational issues and relationships need to be clarified with the College; and

WHEREAS, the ECC Board of Trustees wishes to enter into an Operating Agreement with the Foundation which clarifies many issues;

NOW, THEREFORE, BE IT

RESOLVED, that the ECC Board of Trustees is hereby authorized to sign the attached Operating Agreement with the ECC Foundation in order to set forth a contractual agreement concerning their continued relationship; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the President of ECC, the Chairman of the ECC Board of Trustees, the Erie County Executive, the Director of Budget, Management & Finance, the Comptroller and the County Attorney.

(4-0) Legislator Fisher absent.

6. Item Page -2003 (Comm. 18E-32)

COUNTY EXECUTIVE

WHEREAS, Erie County has a long history of supporting community programs and activities that are determined to be important to the County’s social and economic vitality; and

WHEREAS, Alleyway Theatre, Inc., the Iron Island Preservation Society of Lovejoy, Inc., Mudpies Children’s Museum, and the Town of West Seneca have requested funds for community projects detailed below, and the merits of these projects have been substantiated by support from other funding sources, as well as by significant volunteer help from members of the community; and

WHEREAS, these organizations are requesting funds for the following community projects and purposes: Alleyway Theatre – a matching grant for a sprinkler system at Upper West Arts Center; the Iron Island Preservation Society of Lovejoy – Iron Island Museum rehabilitation and programming; Mudpies Children’s Museum – Phase I architectural and design plans for the proposed downtown children’s museum; and the Town of West Seneca – expansion plans and studies for the West Seneca Senior Citizen Center,

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into the necessary agreements to provide funds, as specified below, to the organizations administering funds for these community programs; and be it further

RESOLVED, that funds for these cultural projects and programs in the amount of \$157,000 are hereby transferred from the Extraordinary County Aid to Local Governments Regionalism/Economic Development Funds (DAC 110 9043038301299) to separate sub-accounts under Contractual Services in Department 302, Public Benefit Agencies, as monitored by Environment and Planning:

Alleyway Theatre, Inc.
Upper West Arts Center/Sprinkler System – \$35,000

Iron Island Preservation Society of Lovejoy, Inc.
Iron Island Museum/Rehabilitation and Programming – \$25,000

Mudpies Children’s Museum
Phase I Architectural and Design Plans – \$72,000

Town of West Seneca
West Seneca Senior Citizens Center- expansion plans/studies – \$25,000

and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive; the County Comptroller; the Director of the Division of Budget, Management and Finance; the Commissioner of the Department of Environment and Planning; Neal Radice, Executive Director, Alleyway Theatre, One Curtain Up Alley, Buffalo, New York 14202-1911; Linda J. Duvall, President, Iron Island Preservation Society of Lovejoy, Inc., 998 Lovejoy Street, Buffalo, New York 14204; Bonny K. Ryder, Director, Mudpies Children's Museum, 185 Elm Street, Buffalo, New York 14203; and the Honorable Paul T. Clark, Supervisor, Town of West Seneca, West Seneca Town Hall, 1250 Union Road, West Seneca, New York 14224.
(4-0) Legislator Fisher absent.

**ELISE M. CUSACK
CHAIRPERSON**