

November 12, 2009

ECONOMIC DEVELOPMENT COMMITTEE
REPORT NO. 14

ALL MEMBERS PRESENT.

CHAIR MARINELLI PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 20E-30 (2009)
KOZUB: "Letter to Erie Canal Harbor Development Corp Concerning Marine Drive Parking Ramp"
(6-0)
 - b. COMM. 21M-3 (2009)
NYSDOT.: "Response Concerning High-Speed Rail Across NYS"
(6-0)
 - c. COMM. 21M-6 (2009)
ASSEMBLYMAN HOYT: "Requesting Relocation of the Riverwalk Pathway"
(6-0)
 - d. COMM. 21M-13 (2009)
NFTA: "Agenda Items & Minutes from NFTA Board Meeting Held 9/28/09"
(6-0)
2. COMM. 20E-11 (2009)
COUNTY EXECUTIVE

WHEREAS, Big Tree Road - Route US 20A is being re-configured at its intersection with Southwestern Boulevard - Route US 20 and McKinley Parkway - CR 204 under a project contracted by the New York State Department of Transportation (NYSDOT); and

WHEREAS, the re-configuration has resulted in two remaining dead-end road segments of Big Tree Road east and west of the newly constructed intersection of Southwestern Boulevard and McKinley Parkway; and

WHEREAS, the New York State Department of Transportation is reverting jurisdictional ownership and right of way of these dead-end Big Tree Road segments under New York State Highway Law to Erie County which will not contribute to intra-county mobility; and

WHEREAS, the Town of Hamburg has passed the necessary resolution accepting a further transfer of jurisdictional ownership of these dead-end segments of Big Tree Road to the Town of Hamburg from the County of Erie, in support of maintaining the local business accessibility, in exchange for a county installed traffic control signal at the intersection of Quinby Drive and McKinley Parkway in the Town of Hamburg; and

WHEREAS, the County of Erie will be relieved of costs associated with the ownership and maintenance of Big Tree Road with the transfer to the Town of Hamburg.

NOW, THEREFORE, BE IT

RESOLVED, that as permitted by New York State Highway Law, Article VI, Section 115-b, that jurisdiction for the respective portions of Big Tree Road be transferred to the Town of Hamburg; and be it further

RESOLVED, that as required by New York State Highway Law, Article VI, Section 115-c, a notice of reverter be provided to the Town of Hamburg thirty days prior to the effective date of the transfer of jurisdiction; and be it further

RESOLVED, that the County Executive is hereby authorized to execute the necessary agreements to effect the desired transfer of jurisdiction, subject to the approval of the County Attorney; and be it further

RESOLVED, that the County Attorney is hereby authorized to draw up the necessary agreements for signature by the County Executive; and be it further

RESOLVED, that the County will install and turn over maintenance operation and ownership of a new traffic control signal at the intersection of Quinby Drive and McKinley Parkway; and be it further

RESOLVED, that two certified copies of this resolution be sent to the Town of Hamburg, 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 and the Office of the Comptroller.
(6-0)

3. COMM. 20E-15 (2009)
COUNTY EXECUTIVE
WHEREAS, Erie County has embarked upon an aggressive risk management and safety program;
and

WHEREAS, grant funds have been secured to contract for the performance of safety training, and

WHEREAS, the County has been awarded \$37,862 from the NYS Occupational Safety and Health-Hazard Abatement Board to provide safety training; and

WHEREAS, the training provided will assist the workforce in identifying potential hazards, and train employees to prevent injuries in the work area, and

WHEREAS, an RFP has been conducted and a vendor has been chosen to provide the safety training.

NOW, THEREFORE, BE IT

RESOLVED, that this Honorable Body authorize the County Executive to enter into contract with the NYS Occupational Safety and Health Hazard Abatement Board to accept the funds for safety training; and be it further

RESOLVED, that the County Executive is authorized to enter into a contract with ErgoWorks to provide the training; and be it further

RESOLVED, the Erie County Legislature does hereby provide authorization to establish a NYS OSHA Hazard Abatement Board Grant within the Personnel Department as follows:

NYS OSHA Hazard Abatement Board Grant
August 1, 2009 to July 31, 2010
Fund: 281, Cost Center: 16110 Personnel
Grant: 161OSHATraining0910

Revenues	
409000 State Revenue	\$37,862

Appropriations	
516020 Pro Ser Cnt & Fees	\$37,862

and be it further

RESOLVED, that certified copies of this resolution be sent to the Office of the County Executive; two (2) copies to the Department of Personnel; the Division of Budget and Management; Office of the Comptroller and the Department of Law.

(6-0)

4. COMM. 21E-6 (2009)
COUNTY EXECUTIVE

WHEREAS, the County of Erie, is interested in fostering business growth and job creation within Erie County; and

WHEREAS, Erie County desires to encourage the environmentally sound reuse of urban brownfields for productive use, be it industrial, commercial or recreational; and

WHEREAS, Erie County desires to assist in increasing shipping and rail business in our region; and

WHEREAS, Erie County desires to work with the South Buffalo Railway Company, the Gateway Trade Center Corporation, Tecumseh Redevelopment Inc. and the City of Lackawanna to redevelop this brownfield and participate in the construction through various state and federal programs and direct contracting for these services where appropriate; and

WHEREAS, the Project for rail track relocation at the former Bethlehem Steel site, P.I.N. 5396.38.301 (the "Project") is eligible for funding, under Title U.S. 23 Code, as amended, by the New York State Multi-Modal Program administered by the NYS Department of Transportation (NYSDOT); and

WHEREAS, the County of Erie desires to advance the Project by making a commitment of advance funding of the non-local share of the costs of the Project; and

WHEREAS, the authority to enter into contracts was previously approved by resolutions (Comm. 10E-16, dated June 7, 2007 and Comm. 19E-79, dated September 23, 2004); and

WHEREAS, the Commissioner of the Department of Environment and Planning, as designated by the County Executive, shall apply for reimbursement of State funds as outlined in the State Multi-Modal contracts.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves the above subject project; and be it further

RESOVLED, that the \$2,000,000 of New York State Multi-Modal II funds and the \$2,420,000 of New York State Multi-Modal I funds (a total of \$4,420,000) constitutes the total project cost; and be if further

RESOLVED, that the County Executive is authorized to enter into contracts to receive two million four hundred and twenty thousand dollars (\$2,420,000.00) from the State of New York's Multimodal I Program, and enter into contracts with the New York State Department of Transportation, the Erie County Industrial Development Agency, the City of Lackawanna, Tecumseh Redevelopment, Inc., Gateway Trade Center Corporation and the South Buffalo Railway Company and other necessary parties for the purpose of funding rail and infrastructure projects which will progress the redevelopment of the former Bethlehem Steel site; and be it further

RESOLVED, that the County Executive is authorized to enter into agreements for ownership of property or easements as may be necessary for infrastructure improvements such as sewers, waterlines, rail, utility corridors, roadways, public greenways; and be it further

RESOLVED, that the County Executive is authorized to enter into agreements for purposes of environmental remediation, indemnification or environmental covenants with the South Buffalo Railway Company, Gateway Trade Center Corporation, Tecumseh Redevelopment Inc., the City of Lackawanna, Lackawanna Community Development Corporation, Erie County Industrial Development Agency, the New York State Department of Environmental Conservation and other necessary parties; and be it further

RESOLVED, that the source of funds will be \$2,420,000.00 available in the approved New York State Multimodal I Program; and be it further

RESOLVED, that the Commissioner of Environment and Planning is authorized to execute necessary certifications and reimbursement requests for Federal Aid and/ or Multi-Modal Funding on behalf of the County of Erie with NYSDOT in connection of the advancement of funding of the Project and providing for the administration of the Project; and be it further

RESOLVED, that the County Executive is authorized to apply for additional funding from various funding programs from local, state and federal agencies and enter into agreements with local, state and federal agencies to receive funding to be utilized toward the redevelopment of the former Bethlehem Steel site; 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 be directed to send certified copies of this resolution to the Director of Budget and Management; the County Comptroller; the Commissioner of the Department of Environment and Planning (two certified copies); and the County Attorney.
(6-0)

5. COMM. 21E-15 (2009)
COUNTY EXECUTIVE

WHEREAS, the County of Erie is obligated to provide \$5M in capital maintenance for Coca-Cola Field (formerly Dunn Tire Park) pursuant to an agreement between the County of Erie, City of Buffalo and the Buffalo Bisons; and

WHEREAS, the Buffalo Bisons have performed some of the work on their own due to the critical nature of the work during the baseball season; and

WHEREAS, the Buffalo Bisons are asking for reimbursement for emergency repairs to the sanitary sewer line, replacement of the loading dock overhead door and repairs to the left outfield sub-drainage system.

NOW, THEREFORE, BE IT

RESOLVED, that the Director of Real Estate and the Comptroller be authorized to reimburse the Buffalo Bisons for the cost of emergency repairs to the sanitary sewer line, replacement of the loading dock overhead door and repairs to the left outfield sub-drainage system for an amount not to exceed \$13,195.00; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from SAP Project A.09019 – 2001 – Dunn Tire Park Improvements for an amount not to exceed \$13,195.00; and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Division of Real Estate and Asset Management, 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)

6. COMM. 21E-16 (2009)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Public Works, Division of Highways is planning to replace the concrete culvert on Pontiac Road (CR 490), in the Town of Evans, County of Erie; and

WHEREAS, in order to facilitate the replacement of the concrete culvert, it will be necessary for the County to acquire by fee, two parcels of real property on Pontiac Road (CR 490); and

WHEREAS, individual property owner meetings and adjustments thorough design review and redesign as necessary and appropriate have been performed in order to minimize property acquisition; and

WHEREAS without these property acquisitions the replacement culvert cannot effectively be constructed; and

WHEREAS, the County has invested time and design effort on this culvert replacement to minimize necessary property acquisition and satisfy property owner concerns, so that the Project can be moved forward to construction.

NOW, THEREFORE, BE IT

RESOLVED, that for County purposes of construction and replacement of the Pontiac Road culvert, the County Executive is hereby authorized and directed to acquire the following interest in the parcels of land herein described for and in consideration of the sum described herein for the Pontiac Road Culvert Replacement Project (CR 490) in the Town of Evans:

PARCEL	OWNER(S)	AREA	FEE
6	Philip N. Howles	0.023 ± acres	\$500.00
7	Julius E. Kushner	0.023 ± acres	\$500.00

and be it further

RESOLVED, that funds not to exceed a total amount of \$1,000.00 for fee takings for the above noted parcels for the Pontiac Road Culvert Replacement Project be authorized from the Purchase of Permanent Right-of-Way Program (SAP B.00062); 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 and Management, and the Office of the Comptroller.
(6-0)

7. COMM. 21E-19 (2009)
COUNTY EXECUTIVE

WHEREAS, Erie County has undertaken a Commercial Center Improvement Program through the federally funded Community Development Block Grant; and

WHEREAS, the objective of the Program is to financially assist owners of commercial properties operating retail/business establishments within city, village, and hamlet retail centers located in Erie County Community Development Consortium communities; and

WHEREAS, in order to successfully carry out the Program professional architectural services are required to complete certain technical components of the Commercial Center Improvement Program; and

WHEREAS, Erie County executed a contract with Clinton Brown Company Architecture, P.C. dated May 31, 2007 to perform said architectural services in an amount not to exceed \$45,000; and

WHEREAS, due to complex issues arising with certain cases and high demand in the City of Tonawanda it is now necessary to increase the authorized contract amount.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is hereby authorized to execute a first amendatory agreement to the May 31, 2007 contract with Clinton Brown Company Architecture, P.C. increasing the contract amount from \$45,000 to \$60,000; and be it further

RESOLVED, that the source of funds is money available within the Erie County Department of Environment and Planning Budget, Project J.00506.2.28, Façade Program – Commercial; 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; and the Commissioner of the Department of Environment and Planning, Rath Building, 10th Floor.
(6-0)

TIMOTHY M. KENNEDY
CHAIR