

October 13, 2010

ECONOMIC DEVELOPMENT COMMITTEE
REPORT NO. 7

ALL MEMBERS PRESENT.

CHAIR MILLER-WILLIAMS PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 9M-12 (2010)
EMPIRE STATE DEVELOPMENT: "Empire State Development Corporation Findings Statement: Canal Side Project"
(6-0)
 - b. COMM. 14M-4 (2010)
PUBLIC ACCOUNTABILITY INITIATIVE: "Letter to Legislator Whyte Concerning Bass Pro & Attached Report Entitled "Fishing for the Taxpayer Cash""
(6-0)
 - c. COMM. 14M-11 (2010)
ECIDA: "Copy of 2009 Annual Audited Financial Statements"
(6-0)
 - d. COMM. 15E-37 (2010)
MARINELLI: "Letter to Commissioner Kathy Konst Concerning Waterfront Development"
(6-0)
 - e. COMM. 15D-20 (2010)
ENVIRONMENT & PLANNING COMMISSIONER: "Letter to Legislator Marinelli Concerning Erie Canal Harbor Development Corporation"
(6-0)
 - f. COMM. 15M-1 (2010)
NFTA: "Minutes of Meeting Held 6/28/2010"
(6-0)
 - g. COMM. 15M-2 (2010)
DORETHA FANNING: "Letter to Clerk of Legislature Concerning a Better Investment Climate for Verizon Corporation in NYS"
(6-0)

- h. COMM. 15M-7 (2010)
NFTA: "17A Report & Capital Expenditure Reports for First Quarter of Fiscal Year Ending 3/21/2011"
(6-0)
 - i. COMM. 15M-16 (2010)
NFTA: "Minutes of Meeting Held 7/26/2010"
(6-0)
2. COMM. 15E-16 (2010)
COUNTY EXECUTIVE
WHEREAS, Main-Ferry Housing Development Fund Company, Inc. is developing housing for low and very low income households (Project), pursuant to Article XI of the New York Private Housing Finance; and

WHEREAS, the Project, located at 1542 Main Street in the City of Buffalo, New York, will contain 10 one-bedroom and two-bedroom apartments for low and very low income persons; 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 Main-Ferry Housing Development Fund Company, Inc. to operate the apartment 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 Main-Ferry Housing Development Fund Company, Inc. relating to the Main-Ferry Housing and all other agreements 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)

3. COMM. 15E-17 (2010)
COUNTY EXECUTIVE

WHEREAS, Erie Wind, LLC, is developing a Wind Energy Conversion System (Wind Farm) Project on the former Bethlehem Steel site; and

WHEREAS, the Project is located in both the City of Lackawanna and the Town of Hamburg; and

WHEREAS, Erie County desires to encourage environmentally sound reuse of urban brownfields; and

WHEREAS, Erie County desires to work with the City of Lackawanna, Town of Hamburg, Frontier Central School District, and Erie Wind LLC in the development of alternative green energy production through the use of Wind Energy Conversion Systems; and

WHEREAS, New York State Real Property Tax Law §487 provides a real property tax exemption for Wind Energy Conversion Systems and allows for local taxing jurisdictions to develop Payment in Lieu of Taxes (PILOT) agreements with the developers of Wind Energy Conversion Systems; and

WHEREAS, the New York State Comptroller's Office has issued an Accounting Bulletin establishing account codes to record these revenues.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to execute PILOT agreements with Erie Wind, LLC, and all other agreements necessary to conclude this Project; and be it further

RESOLVED, that said Agreements 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 payment under the Agreement will be for a period of fifteen (15) years with the County; and be it further

RESOLVED, that all revenues received from Wind Power Payments in Lieu of Taxes will be recorded in SAP Fund Center 14010 County-Wide Budget Accounts, GL 400042 Wind Power PILOTs; 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; Darren E. Kempner, Deputy Commissioner of the Department of Environment and Planning; the County Comptroller; and the County Attorney.

(6-0)

4. COMM. 15E-19 (2010)
COUNTY EXECUTIVE

WHEREAS, the County owns ten dams and, in accordance to the New York State Department of Environment and Conservation, one is rated as a high hazard dam, one is rated as a medium hazard and the remaining are rated as low hazard dams; and

WHEREAS, there is a need for Dam Safety, Inspection and Design Engineering Services performed by a firm specializing in the provision of such services; and

WHEREAS, after careful review of each firm's capabilities by the Department of Public Works, one firm was selected as having the necessary expertise, experience and manpower to provide the required service.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to enter into an agreement with Bergmann Associates, to provide Dam Safety, Inspection and Design Engineering Services County-wide; and be it further

RESOLVED, that the negotiated contract fee will be appropriated from B.21030, Dam Safety and Preservation Design in an amount which will not exceed \$500,000.00; and be it further

RESOLVED, that three (3) 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)

5. COMM. 15E-20 (2010)

COUNTY EXECUTIVE

WHEREAS, there is a need for Culvert Inspection and Design Engineering Services performed by firms specializing in the provision of such services; and

WHEREAS, after careful review of each firm's capabilities by the Department of Public Works, two firms were selected having the necessary expertise, experience and manpower to provide the required service.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to enter into an agreement with each of the following firms to provide Culvert Inspection and Design Engineering Services for the following projects:

Foit-Albert Associates	North Half of Erie County Various Towns	\$250,000.00	B.21029
DiDonato Associates	South Half of Erie County Various Towns	\$250,000.00	B.21029
TOTAL OF ALL CONTRACTS NOT TO EXCEED		\$500,000.00	

and be it further

RESOLVED, that the fees for the contracts to the above noted engineering firms will be negotiated with a not to exceed amount placed on the work; and be it further

RESOLVED, that the contract duration will be for one year, with a clause to renew the contract for one additional year at the discretion of the Commissioner of Public Works; and be it further

RESOLVED, that funding for such services is identified separately for each such project that is to be accomplished; and be it further

RESOLVED, that fees will be appropriated from B.21029, 2010 Preservation of Bridges & Culverts (Design) in individual amounts which will not exceed the total within this account of \$500,000.00; and be it further

RESOLVED, that three (3) 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)

6. COMM. 15E-34 (2010)

COUNTY EXECUTIVE

WHEREAS, Title II of the National Affordable Housing Act of 1990, authorizes the Secretary of the United States Department of Housing and Urban Development (HUD) to make grants to units of general local government through the Federal HOME Investment Partnership Program (HOME); and

WHEREAS, the Erie County/Town of West Seneca/Town of Hamburg HOME Consortium has been designated a participating jurisdiction for the HOME program by HUD; and

WHEREAS, Erie County has established a First Time Home Buyer Program (FTHB) through funding assistance from the Federal HOME Investment Partnership Program; and

WHEREAS, the County desires to enter into an agreement with a preferred lender for the purpose of providing home mortgages and related services to applicants participating in the First Time Home Buyer Program; and

WHEREAS, the request for proposal provision of Section 19.08 of the Erie County Administrative Code was complied with and a summary of the process is included as Attachment A to this resolution.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into all necessary agreements with M&T Mortgage Corporation for the purpose of serving as a preferred home mortgage lender under the Erie County First Time Home Buyer Program; 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)

7. COMM. 15E-36 (2010)

COUNTY EXECUTIVE

WHEREAS, bids were taken for the Federal Aid Project for the Reconstruction of Youngs Road and Aero Drive Intersection (the "Project"), in the Town of Cheektowaga, on August 19, 2010, and the

low bidder was Accadia Site Contracting, Inc. of Depew, New York at a low bid amount of \$745,154.75; and

WHEREAS, a contract was previously awarded for design and engineering services for the above noted project to the engineering firm of Hatch Mott MacDonald NY, Inc. of Buffalo, New York via Communication No. 15E-7 of July 12, 2001, and it has been determined that the contract must be increased to include construction inspection services.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized and is hereby directed to execute a contract for Erie County Project No. FA 554/324-10, NYDOT PIN 5756.46 between the County of Erie and the low bidder, Accadia Site Contracting, Inc. of Depew, New York at a low bid amount of \$745,154.75; and be it further

RESOLVED, that an amount of \$745,154.75 be allocated from the 2007 Youngs at Aero Construction Program (SAP Account B.00175), and an additional amount of \$85,000.00 be allocated for a Department of Public Works, Division of Highways construction contingency fund with authorization for the County Executive to approve change orders in an amount not-to-exceed \$85,000.00, also to be allocated from 2007 Youngs at Aero Construction Program (SAP Account B.00175); and be it further

RESOLVED, that an amount of \$108,110.00 be allocated from the 2007 Youngs at Aero Construction Program (SAP Account B.00175) for a change order to the contract for engineering services, right-of-way services and services during construction, construction reimbursables, and construction inspection with Hatch Mott MacDonald NY, Inc. of Buffalo, New York; and be it further

RESOLVED, that the Clerk of the Legislature be instructed to forward five (5) certified copies of this resolution to the Department of Public Works, Office of the Commissioner, and one copy each to the Office of the County Executive, the Office of Budget and Management, and the Office of the Comptroller.
(6-0)

8. **COMM. 16E-3 (2010)**
COUNTY EXECUTIVE

WHEREAS, bids were taken for the Maple Road Rehabilitation Project, in the Town of Amherst, on June 18, 2009. The lowest responsible bidder was Concrete Applied Technologies Corporation (CATCO) of Alden, New York, at a low bid amount of \$6,944,936.15; and

WHEREAS, the Project was awarded to the lowest responsible bidder via Legislative approval at the 7th Session, dated April 2, 2009, Communication 6E-16 (2009); and

WHEREAS, this is a Federal Aid Project primarily funded (\$7,000,000.00) through the 2009 American Recovery and Reinvestment Act (ARRA) Stimulus Program, which is 100% reimbursable; and

WHEREAS, the Legislature approved an Overlay Extension of the Maple Road Project from Flint Road to North Forest Road which is not eligible under the Federal Aid Program at the 21st Session, dated November 5, 2009, Communication 21E-20 (2009) financed with a portion of the available bond reserves; and

WHEREAS, the Project bond reserves are available due to the County's financing of the required Local Share prior to the ARRA Program, reducing the necessity for the bonded local share; and

WHEREAS, it has been determined that the project Scope of Work must be increased for the required modifications.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to approve an increase in the Scope of Work to the existing Maple Road Rehabilitation Project, in an amount not to exceed \$150,000.00 for the required modifications; and be it further

RESOLVED, that the Change Order, in an amount not to exceed \$150,000.00, be funded by the available bond reserves in B.20902 – 2009 Federal Aid Maple Road Reconstruction; and be it further

RESOLVED, that three 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)

TIMOTHY M. KENNEDY
CHAIR