

September 18, 2003

ECONOMIC DEVELOPMENT  
COMMITTEE  
REPORT NO. 11

ALL MEMBERS PRESENT EXCEPT LEGISLATOR FALKNER. CHAIRMAN SWANICK PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, that the following item is hereby received and referred to the REGIONALISM AD HOC COMMITTEE.

- |    | Item  | Page | -2003 | (Intro. 13-8) |
|----|---|------|-------|---------------|
| a. | <b>HOLT:</b> Potential Casino in Buffalo's Historic Central Terminal.           |      |       |               |
|    | (5-0) Legislator Falkner absent. Chairman Swanick present as Ex-Officio Member. |      |       |               |

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

- |    | Item  | Page | -2003 | (Comm. 5E-8) |
|----|---|------|-------|--------------|
| a. | <b>SCHROEDER:</b> Erie Canal Harbor Project Timeline.                           |      |       |              |
|    | (5-0) Legislator Falkner absent. Chairman Swanick present as Ex-Officio Member. |      |       |              |

- |    | Item   | Page | -2003 | (Comm. 7M-9) |
|----|--|------|-------|--------------|
| b. | <b>CONGRESSMAN QUINN &amp; MAYOR MASIELLO:</b> Buffalo Waterfront Projects Update Meeting. |      |       |              |
|    | (5-0) Legislator Falkner absent. Chairman Swanick present as Ex-Officio Member.            |      |       |              |

- |    | Item  | Page | -2003 | (Comm. 10M-1) |
|----|---|------|-------|---------------|
| c. | <b>EMPIRE STATE DEVELOPMENT:</b> Erie Canal Harbor Project Supplemental Draft EIS – Draft Scoping Report. |      |       |               |
|    | (5-0) Legislator Falkner absent. Chairman Swanick present as Ex-Officio Member.                           |      |       |               |

- |    | Item  | Page | -2003 | (Comm. 11M-5) |
|----|---|------|-------|---------------|
| d. | <b>ECIDA:</b> Buffalo Waterfront Projects – Summary & Update Report.            |      |       |               |
|    | (5-0) Legislator Falkner absent. Chairman Swanick present as Ex-Officio Member. |      |       |               |

- |    | Item  | Page | -2003 | (Comm. 15M-19) |
|----|---|------|-------|----------------|
| e. | <b>NYS DOT:</b> Letter in Response to EC Resolution – Buffalo Skyway.           |      |       |                |
|    | (5-0) Legislator Falkner absent. Chairman Swanick present as Ex-Officio Member. |      |       |                |

- |    | Item                    | Page | -2003 | (Comm. 15E-22) |
|----|-------------------------|------|-------|----------------|
| 3. | <b>COUNTY EXECUTIVE</b> |      |       |                |

WHEREAS, construction of the new Youth Detention Facility is almost complete and the building is about to reopen after the old facility was demolished, and

WHEREAS, the building must be staffed properly so that the New York State accreditation is not lost, and

WHEREAS, the Department of Public Works, Division of Buildings and Grounds is responsible for the maintenance of this new facility, and

WHEREAS, the Deputy Commissioner of Public Works has concluded that two Stationary Engineers (grade 7), one Head Janitor (grade 6) and two Head Laborers (grade 4) are required to maintain the facility, and

WHEREAS, these positions were not added to the 2003 O&M Budget as the date of opening was not known at the time the budget was prepared, and

WHEREAS, these positions are fifty percent (50%) reimbursed by New York State and fifty percent (50%) reimbursed from Youth Detention,

NOW, THEREFORE, BE IT,

RESOLVED, that the Erie County Legislature authorizes the following positions be added to the Department of Public Works, Division of Buildings and Grounds:

Two – Stationary Engineers (grade 7)

One – Head Janitor (grade 6)

Two – Head Laborers (grade 4)

and be it further,

RESOLVED, that two certified copies of this resolution shall be forwarded to the Commissioner of Public Works, the Commissioner of Personnel, the Director of Budget Management & Finance and the Office of the Comptroller.

(5-0) Legislator Falkner absent. Chairman Swanick present as Ex-Officio Member.

4. Item Page -2003 (Comm. 15E-50)

**COUNTY EXECUTIVE**

WHEREAS, the weather during the winter season of 2002-2003 was extremely harsh in the State of New York, particularly Erie County, and

WHEREAS, the Department of Public Works – Road Fund expended all of the 2003 overtime budget and most of the highway supplies budget during the early months of the year, and

WHEREAS, the Department of Public Works – Road Fund is anticipated to close the 2003 fiscal year with a deficit due to the magnitude of costs associated with the extraordinary winter season, and

WHEREAS, the New York State Legislature has passed legislation allowing municipalities to borrow moneys to reimburse extraordinary expenses related to snow and ice removal,

NOW, THEREFORE, BE IT

RESOLVED, that authorization is hereby provided to bond \$2,000,000 over a period of five years, and be it further

RESOLVED, that the 2003 Capital Budget is hereby amended to include this \$2,000,000 snow removal project, and be it further

RESOLVED, that the revenues associated with the pending bond sale be offset by a transfer of funds to Highway Supplies 210-817 (\$1,300,000) and Overtime 210-801(\$700,000) in the Department of Public Works – Road Fund, and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Commissioner of Public Works, the Director of Budget, Management and Finance and the County Comptroller. (5-0) Legislator Falkner absent. Chairman Swanick present as Ex-Officio Member.

5. Item Page -2003 (Comm. 15E-51)

**COUNTY EXECUTIVE**

WHEREAS, the Department of Public Works planned to perform work on Center Street and Emery Road, and

WHEREAS, as part of that work, the Town of Aurora requested that the Department of Public Works furnish and install 70 feet of steel casing pipes for future water line and road crossings, and

WHEREAS, the Town of Aurora agreed to reimburse the Department of Public Works \$7,841 for this work,

NOW, THEREFORE, BE IT,

RESOLVED, that the Erie County Legislature accepts \$7,841 from the Town of Aurora for furnishing and installing 70 feet of steel casing pipe and appropriates that money in Fund 210-County Road Fund, Account 817 – Highway Supplies, and be it further,

RESOLVED, that two certified copies of this resolution be forwarded to the Department of Public Works, Office of the Commissioner; and one copy to the Division of Budget Management & Finance; and the Office of the Comptroller.

(5-0) Legislator Falkner absent. Chairman Swanick present as Ex-Officio Member.

6. Item Page -2003 (Comm. 15E-52)

**COUNTY EXECUTIVE**

WHEREAS, in a resolution dated June 5, 2003, being Communications No. 10-E-23, your Honorable Body approved assuming responsibility for the City of Buffalo's portion of the Contracts-for-Differences until the end of that contract, and

WHEREAS, by that legislation, any money left in the escrow at the end of the contract will be used to implement energy conservation programs throughout County facilities, and

WHEREAS, that contract has now ended and the amount credited to the County exceeds \$750,000, and

WHEREAS, the Department of Public Works now desires to award a Supplemental Agreement to C.J. Brown Energy, P.C. in the amount of \$75,000 from those funds to further our ongoing conservation program, assist in construction and contract review of the Performance Contracts and assist in the implementation of new programs,

NOW, THEREFORE, BE IT,

RESOLVED, that the Erie County Legislature authorizes a Supplemental Agreement be issued to C.J. Brown Energy, P.C. in the amount of \$75,000 to be taken from these funds for work related to energy conservation/utility work, and be it further,

RESOLVED, that two certified copies of this resolution be forwarded to the Department of Public Works, Office of the Commissioner; one copy to the Division of Budget Management & Finance; and one copy to the Office of the Comptroller.

(5-0) Legislator Falkner absent. Chairman Swanick present as Ex-Officio Member.

7. Item Page -2003 (Comm. 15E-53)

**COUNTY EXECUTIVE**

WHEREAS, in an earlier resolution, dated the 7<sup>th</sup> Day of September 2000, A.D. being Communications No. 18E-29, your Honorable Body authorized the acceptance of funds from HUD for a previous flooding event, and

WHEREAS, the Department of Public Works has worked closely with the HUD Steering Committee to ensure that the funds expended are in accordance with the grant, and

WHEREAS, the HUD Steering Committee has recommended that \$75,000 be awarded to the Department of Public Works for work previously performed and \$26,424.71 in administrative costs, for a total of \$101,424.71, and

WHEREAS, the Department of Public Works wishes to increase the budget in Fund 210- County Road Fund, Account 817- Highway Supplies by \$101,424.71

NOW, THEREFORE, BE IT,

RESOLVED, that the Erie County Legislature authorizes Fund 210 – County Road Fund, Account 817 – Highway Supplies be increased by \$101,424.71, the source of funds being unanticipated Federal Funds awarded by the HUD Steering Committee for a previous flooding event, and be it further,

RESOLVED, that two certified copies of this resolution be forwarded to the Department of Public Works, Office of the Commissioner; and one copy to the Division of Budget Management & Finance; and the Office of the Comptroller.

(5-0) Legislator Falkner absent. Chairman Swanick present as Ex-Officio Member.

8. Item Page -2003 (Comm. 15E-54)

**COUNTY EXECUTIVE**

WHEREAS, the Department of Public Works, Division of Highways, is presently experiencing a shortage of funds in Account 817 (Highway Supplies) due to severe weather conditions experienced during the 2002-2003 winter season, and

WHEREAS, additional salting and plowing on State roads is recoverable by contract with New York State, and

WHEREAS, the Division of Highways will realize unanticipated revenues in Account 474 (State-Aid-Snow Plowing) exceeding \$433,395.00,

NOW, THEREFORE, BE IT,

RESOLVED, that appropriations in Account 817 (Highway Supplies) be increased by \$433,395.00, to provide for the payment of materials purchased in 2003 to combat snow and ice, the source of funds being unanticipated revenues in the amount of \$433,395.00 in Account 474 (State-Aid-Snow Plowing), the annual budget for these accounts having being realized, and be it further,

RESOLVED, that the Division of Budget Management & Finance be authorized to increase the budget for revenue and the appropriation for Account 474 (State-Aid-Snow Plowing) by the amount of \$433,395.00 and Account 817 by \$433,395.00, and be it further,

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Office of the Commissioner and Division of Highways; one copy to the Division of Budget Management & Finance; and one copy to the Office of the Comptroller.

(5-0) Legislator Falkner absent. Chairman Swanick present as Ex-Officio Member.

9. Item page -2003 (Comm. 15E-55)

**COUNTY EXECUTIVE**

WHEREAS, Pursuant to New York State Highway Law, Article 6, Section 118A, the Deputy Commissioner of Public Works, Division of Highways, recommends to abandon to the adjacent property owner a portion of existing right-of-way on Milestrip Road, SH 9537 (formerly CR 460), in the Town of Orchard Park that is no longer needed for highway purposes.

NOW, THEREFORE BE IT

RESOLVED, that upon the recommendation of the Deputy Commissioner of Public Works, Division of Highways, a portion of the existing right-of-way as shown on the attached map No. 12-C and description of Parcel No. 255 be abandoned to the adjacent land owner known to be Frank A. Delia for consideration of \$25,000.00 as determined by the Division of Budget, Management and

Finance, payable to the County of Erie. The area of the abandonment being 0.566 acres, more or less, and be it further

RESOLVED, that the County Executive be authorized to execute and acknowledge in the name of the County and affix the seal of the County to a quit claim deed of the aforementioned land so to be abandoned, and be it further

RESOLVED, that the Clerk of the County Legislature be instructed to forward five (5) certified copies of this resolution to the Deputy Commissioner-Highways, Department of Public Works and one certified copy each to the Erie County Comptroller, the Commissioner of Public Works, and the County Attorney.

(5-0) Legislator Falkner absent. Chairman Swanick present as Ex-Officio Member.

**AS AMENDED**

10. Item Page -2003 (Intro. 15-33)

**DUSZA, SCHROEDER, KUWIK, HOLT, DEBENDETTI, SMITH, MARINELLI, DALE, FISHER, RANZENHOFER, LARSON & SWANICK**

WHEREAS, the proud tradition of steel-making is a vital part of our community's history and identity, and our local economy is still very linked to the steel industry as a provider of quality jobs, and

WHEREAS, a thorough Section 201 investigation by the U.S. International Trade Commission (ITC) has concluded that U.S. steel companies, communities, families and other, non-steel manufacturing operations have been injured as a result of illegally-dumped foreign steel, and

WHEREAS, as a result of that investigation, the ITC has recommended immediate action by the U.S. Department of Commerce to curb the illegal dumping of foreign steel in U.S. markets, and

WHEREAS, after receiving the ITC's recommendation and considering a range of remedies, the Department of Commerce and the Bush Administration took legal correction action and instituted limited tariffs on specific steel products for a period of three (3) years, and

WHEREAS, enactment of the tariffs has slowed the illegal dumping of foreign steel and has allowed U.S. steel-makers and their employees to partially recover from the crisis sparked in 1998 by the illegally dumped foreign steel, and

WHEREAS, if the U.S. steel industry is to survive, this recovery must continue, and

WHEREAS, the U.S. steel industry is currently experiencing wide-scale restructuring and consolidation that will enable the remaining U.S. steel companies to effectively compete in an increasingly global marketplace,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature expresses its support for the continuation of these protective tariffs through their three-year term, and opposes any efforts to terminate these

tariffs prematurely, given the devastating effects such a termination would have on our community, and be it further

RESOLVED, that this Honorable Body urges the Bush Administration to allow these tariffs to continue through their term, and to continue to support U.S. steel-makers, steelworkers, and their families and communities, and be it further

RESOLVED, that certified copies of this resolution be transmitted to President George W. Bush, Secretary of Commerce Donald Evans, ITC Chairman Deanna Tanner Okun, and Louis Thomas, Director of District 4 of the United Steelworkers of America (4285 Genesee Street, Suite 110, Cheektowaga, NY 14225-1932).

Fiscal Impact: None for this resolution.

(5-0) Legislator Falkner absent. Chairman Swanick present as Ex-Officio Member.

**MICHAEL H. RANZENHOFER**  
**CHAIRMAN**