

September 20, 2004

ECONOMIC DEVELOPMENT  
COMMITTEE  
REPORT NO. 13

ALL MEMBERS PRESENT.

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

- a. 

Item	Page	-2003	(Comm. 15E-10)
<b>RANZENHOFER:</b> Consolidation of Economic Development Committee Items. (5-0)			
  
- b. 

Item	Page	-2004	(Comm. 5E-14)
<b>SCHROEDER:</b> Consolidation of Items Related to LL Intro. No. 1 – 2003 – MBE/WBE Utilization Commitment Act, Comm. 3M-9, 15E-4, 17E-10 & 20E-7. (5-0)			
  
- c. 

Item	Page	-2004	(Comm. 9E-36)
<b>COUNTY EXECUTIVE:</b> Grover Cleveland Golf Course Irrigation System. (5-0)			
  
- d. 

Item	Page	-2004	(Comm. 16M-11)
<b>NFTA:</b> Audited Financial Statements for Fiscal Year Ended 3/31/04, Management Letter & Investment Audit for Fiscal Year 2004. (5-0)			
  
- e. 

Item	Page	-2004	(Comm. 19D-21)
<b>DPW:</b> New Oregon Road Bridge – Town of North Collins – Project Schedule/Status Update. (5-0)			
  
- f. 

Item	Page	-2004	(Comm. 19M-18)
<b>CITY OF BUFFALO DEPARTMENT OF ASSESSMENT &amp; TAXATION:</b> Transit Mall Service Charge Roll. (5-0)			
  
- g. 

Item	Page	-2004	(Comm. 19M-32)
<b>NFTA:</b> 17A Report & Capital Expenditure Reports for 1 <sup>st</sup> Quarter of FY Ending 3/31/05. (5-0)			
  
- h. 

Item	Page	-2004	(Comm. 19M-33)
<b>CITIZENS REGIONAL TRANSIT CORPORATION:</b> Expand Metrorail Now. (5-0)			

2. Item Page -2004 (Comm. 19E-56)

**COUNTY EXECUTIVE**

WHEREAS, on June 26, 1979, the City of Buffalo granted to the County of Erie a license (hereinafter "License") to use a portion of West Genesee Street and Franklin Street for the erection of an illuminated ground sign (hereinafter "Marquee") to be used in connection with the operation of the Buffalo Convention Center, now known as the Buffalo-Niagara Convention Center (hereinafter "Convention Center"); and

WHEREAS, the Marquee was constructed by the County at or about the same time that the Convention Center was constructed; and

WHEREAS, the Marquee has not been operational for many years; and

WHEREAS, the Buffalo-Niagara Convention Center Management Corporation (hereinafter "Management Corporation"), which has managed the Convention Center on behalf of the City and County since the facility opened, desires to reconstruct, operate and maintain the Marquee for purposes relating to promoting the Convention Center.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into an agreement with the Management Corporation whereby the Management Corporation, its successors and assigns, shall reconstruct, operate and maintain the Marquee at its sole cost and expense for purposes relating to promoting the Convention Center; and be it further

RESOLVED, that such agreement shall continue in effect for the life of the Convention Center building, unless otherwise terminated; and be it further

RESOLVED, that pursuant to the License Agreement between the City and the County, the Management Corporation will not undertake the reconstruction of such Marquee until the size, design, illumination and other physical details of such sign have the prior written approval of the Commissioner of Public Works of the County and the Commissioner of Public Works of the City; and be it further

RESOLVED, that the County shall permit the Management Corporation and its successors and assigns to sell advertising on the Marquee to help defray the costs of the reconstruction, operation and maintenance of the Marquee, provided that such advertising is tasteful and not unlawful, and the County shall make no claim to the proceeds of such advertising sales; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive, County Comptroller, County Attorney, Director of Budget, Management & Finance, Commissioner of Public Works of the County, Commissioner of Public Works of the City, and Facility Director of the Buffalo-Niagara Convention Center Management Corporation (Convention Center Plaza, Buffalo, NY 14202).

(5-0)

3. Item Page -2004 (Comm. 19E-79)

**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 Rail Road, the Gateway Corporation, the International Steel Group, 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,

NOW, THEREFORE, BE IT

RESOLVED, That the County Executive is authorized to enter into contracts to receive Two Million Dollars (\$2,000,000) from the State of New York's Multimodal 2000 Program and enter into contracts with the New York State Department of Transportation, the Erie County Industrial Development Agency, the Lackawanna Community Development Corporation, the City of Lackawanna and the South Buffalo Rail Road and other necessary parties for the purpose of funding rail projects which will move the redevelopment forward on 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, and 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 Rail Road, Gateway Corporation, International Steel Group, 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 \$2,000,000 available in the approved New York State Multimodal 2000 Program; and be it further

RESOLVED, That the Clerk of the Legislature be directed to send certified copies of this resolution to the County Executive; the Director of the Division of Budget, Management and Finance; the Comptroller; the Commissioner of the Department of Environment and Planning; and the County Attorney.

(5-0)

4. Item Page -2004 (Comm. 19E-80)

**COUNTY EXECUTIVE**

WHEREAS, the New York State Canal Corporation and the County of Erie have jointly undertaken the design of the Erie Canalway Trail in the Towns of Tonawanda and Amherst; and

WHEREAS, said trail represents a significant component to the regional recreation system to be enjoyed by all County residents; and

WHEREAS, prior to project construction the duties and responsibilities of Erie County and the Canal Corporation relative to trail maintenance require definition through a written agreement,

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into an agreement with the New York State Canal Corporation as pertains to future maintenance of the Erie Canalway Trail in the Towns of Tonawanda and Amherst; and be it further

RESOLVED, that the Clerk of the Legislature be directed to forward certified copies of this resolution to the County Executive; the Commissioners of the Departments of Environment and Planning; Parks, Recreation and Forestry; and Public Works.

(5-0)

**AS AMENDED**

5. Item Page -2004 (Intro. 19-4)

**RANZENHOFER, MARSHALL, SMITH, KUWIK, SWANICK & SCHROEDER**

WHEREAS, Erie County owns and maintains over 1,200 miles of roads, and

WHEREAS, each year a list of roads to be repaired with Erie County Department of Public Works, Highway Division Operation and Maintenance money is created, and

WHEREAS, during the year priorities for which roads need maintenance immediately and which roads can wait for repair may need to be altered, and

WHEREAS, \$28,000 was set aside to oil and chip Meahl Road and \$7,000 was set aside to oil and chip Schurr Road in the 2004 Department of Public Works, Highways Division Operation and Maintenance Budget, and

WHEREAS, it has become apparent that Keller Road and Rapids Road are in greater need of maintenance and repair in 2004, and

WHEREAS, Keller Road can be repaired for \$11,500 and Rapids Road can be repaired for \$18,000, for a total of \$30,300, leaving \$4,700, to be allocated for surface repairs on Meahl Road, and

WHEREAS, \$328,050, was originally budgeted to top coat East Holland Road, and

WHEREAS, it has become apparent that Hunters Creek Road between Route 78 and Warner Hill Road is also in desperate need of repair, and

WHEREAS, if \$200,000 originally budgeted for East Holland Road is used to recycle Hunters Creek Road between Route 78 and Warner Hill Road that will leave \$128,050 to also recycle East Holland Road.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature authorizes \$11,500 to oil and chip Keller Road, \$18,000 to oil and chip Rapids Road, and the remaining \$4,700 to do surface repairs on Meahl Road, and be it further

RESOLVED, that of the originally budgeted \$328,050 for top coating East Holland Road, \$200,000 be allocated to recycle Hunters Creek Road between Route 78 and Warner Hill Road with the remaining \$128,050 being used to recycle East Holland road, and be it further

RESOLVED, that the Department of Public Works Highway Division undertake these repairs as soon as possible, and be it further

RESOLVED, that certified copies of this resolution be sent to Erie County Executive Joel A. Giambra, Commissioner of Public Works, Maria Lehman, Director of the Division of Budget, Management and Finance, Joseph Passafiume.

Fiscal Impact: POSITIVE  
(5-0)

**AS AMENDED**

5. Item Page -2004 (Intro. 19-5)  
**SWANICK, CHASE, SMITH, KUWIK, SCHROEDER & MARSHALL**  
WHEREAS, Governor Pataki’s FYE 2005 New York State Budget contained \$241.8 million in Consolidated Highway Improvement Program (CHIPs) capital funds for counties and New York City, and

WHEREAS, this \$241.8 million in CHIPs capital funds proposed by the Governor represented the same level as the FYE 2003 New York State Budget, and

WHEREAS, the New York State Legislature’s budget adopted in August, 2004 saw fit to add an additional \$34.9 million to the CHIPs allocation to the FYE 2005 New York State Budget, and

WHEREAS, the FYE 2005 New York State Budget now contains \$276.7 million in CHIPs capital funds for counties and New York City, and

WHEREAS, \$276.7 million in CHIPs capital funds now equals the amount allocated in the adopted FYE 2004 New York State Budget, and

WHEREAS, Erie County now stands to receive \$1.2 million in additional CHIPs money for FYE 2005, and

WHEREAS, the Erie County Legislature wishes to express its desire to obtain the additional CHIPs capital funds approved by the New York State Legislature and allocated to Erie County in the adopted FYE 2005 New York State Budget, and

WHEREAS, this additional \$1.2 million in CHIPs capital funds be used to assist the Erie County Department of Public Works with its 2004 Road Program given that the Department maintains over 1200 miles of roads in the County,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature wishes to express its desire to obtain the full allocation of CHIPs capital funds, including the additional \$1.2 million adopted in the FYE 2005 New York State Budget, and be it further

RESOLVED, that up to an additional 1.3 million in CHIPs capital funds be used to assist the Erie County Department of Public Works with its 2004 Road Program given that the Department maintains over 1200 miles of roads in the County, and be it further

RESOLVED, that certified copies of this resolution be sent to Members of the Western New York Delegation to the New York State Legislature, Erie County Executive Joel A. Giambra, Erie County Comptroller Nancy Naples, Erie County Budget Director Joseph Passafiume, and the Erie County Department of Public Works Commissioner Maria Lehman.

FISCAL IMPACT: Positive for Erie County.  
(5-0)

**MARK J. F. SCHROEDER**  
**CHAIRMAN**