

February 12, 2004

ECONOMIC DEVELOPMENT
COMMITTEE
REPORT NO. 2

ALL MEMBERS PRESENT.

1. RESOLVED, that the following item is hereby received, filed and referred to the PUBLIC SAFETY COMMITTEE.

	Item	Page	-2003	(Comm. 2E-17)
a.	COUNTY EXECUTIVE:			
	OPEN ITEM: New Central Police Public Safety Campus.			
	(5-0)			

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

	Item	Page	-2003	(Intro 9-7)
a.	DALE:			
	Request for Information on County Highway Property Found on Private Property.			
	(5-0)			

	Item	Page	-2003	(Comm. 14E-10)
b.	DALE:			
	Copy of Letter to County Executive Re: Intro 6-3 (2002).			
	(5-0)			

	Item	Page	-2003	(Comm. 22M-3)
c.	CANADIAN CONSULATE GENERAL:			
	Copy of Letter to Legislator Weinstein Re: Intro 18-14 (2003).			
	(5-0)			

	Item	Page	-2003	(Comm. 24E-1)
d.	DALE:			
	Copy of Letter to County Attorney Re: FOIL Request.			
	(5-0)			

	Item	Page	-2003	(Intro. 5-1)
3.	HOLT, SMITH, MARINELLI & FISHER			

WHEREAS, the State of New York took steps to ensure the inclusion of men and women of all races and backgrounds when Article 15-A of the Executive Law was enacted on July 19, 1988, and

WHEREAS, under Article 15-A, state agencies are charged with establishing employment and business participation goals for minorities and women, and

WHEREAS, Article 15-A authorized the establishment of the state Division of Minority and Women's Business Development, which implements a statewide program to assist the development of MBEs and WBEs and facilitates their access to state contracting opportunities and promotes equal employment opportunity, and

WHEREAS, under Article 15-A, the Division of Minority and Women's Business Development promulgates and disseminates rules and regulations applicable to equal employment of minorities and women on state contracts, and

WHEREAS, Article 15-A opened the door for many minority and women owned businesses to participate in government contracts, and once these businesses were certified they were able to expand their businesses, create jobs in urban communities, and increase access to other business opportunities, and

WHEREAS, the original legislation that created Article 15-A contained a sunset provision, meaning that the original statute will expire on December 31, 2003, and

WHEREAS, reauthorization of Article 15-A will ensure that this economic door of opportunity remains open during the difficult fiscal times facing New York State,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby reaffirm its commitment to economic development in all communities in Erie County and does reaffirm its commitment to equal opportunity for all people, and be it further

RESOLVED, that this Honorable Body does hereby memorialize the New York State Legislature to reauthorize Article 15-A of the Executive Law, to ensure the state's provisions concerning MBEs and WBEs are continued, and be it further

RESOLVED, that certified copies of this resolution be sent to Governor George Pataki, Assembly Speaker Sheldon Silver, Senate Majority Leader Joseph Bruno, the Western New York delegation to the New York State Assembly and Senate, the New York State Division of Minority and Women's Business Development, and to the Director of the Erie County Division of Equal Employment Opportunity.

Fiscal Impact: None for Resolution
(5-0)

4. Item Page -2003 (Intro. 5-15)
DALE, HOLT, KUWIK, SCHROEDER, FISHER, DEBENEDETTI, SMITH, DUSZA & MARINELLI

WHEREAS, Buffalo, Erie County and Western New York has been blessed with well trained and effective working men and women, and

WHEREAS, many of these men and women have worked hard as members of collective bargaining units -union members -having built our roads and bridges upon which we drive, the buildings within which we work, and the homes in which we live, and

WHEREAS, working men and women are those individuals without whom our infrastructure would never be built and maintained, public works would not be completed, and our goals for economic development could not be realized, and

WHEREAS, the State of New York has enacted various laws to ensure that men and women who work under contracts with the state receive wages and benefits that meet the prevailing rate for the same trade or occupation in the locality within the state, and

WHEREAS, New York State laws, including the labor law and the general municipal law, provide that assurance to working men and women, and

WHEREAS, Governor Pataki's 2003 budget seeks to revise provisions of these laws, which would in effect destroy prevailing wage and benefit protections for working people, and

WHEREAS, it is equally important that those individuals or corporations, that meet state requirements, have an impartial opportunity to bid on state contracts, facilitating the support of individuals employed under those contracts,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby recognize the unique and special contributions made to Buffalo, Erie County and Western New York by the working men and women of this community, and be it further

RESOLVED, that this Honorable Body does hereby reaffirm its commitment to the working men and women of our community, and be it further

RESOLVED, that this Honorable Body does hereby reaffirm its support for the various provisions of the New York State Labor Law and the New York State General Municipal law that seek to protect the wages and benefits of working men and women in New York State, and be it further

RESOLVED, that certified copies of this resolution be forwarded to Governor George E. Pataki, Assembly Speaker Sheldon Silver, Senate Majority Leader Joseph Bruno, the Western New York delegation to the State Assembly and State Senate, the President of the Buffalo Building and Construction Trades Council, and to the President of the Buffalo AFL-CIO Council.

Fiscal Impact: None for Resolution.
(5-0)

5.	Item	Page	-2003	AS AMENDED (Intro. 9-4)
	HOLT, SMITH, SCHROEDER			

WHEREAS, the U.S. Department of Housing and Urban Development (HUD) offers a program, the Dollar Homes Initiative, that allows local governments to purchase qualified HUD-owned single-family houses for \$1 each in order to help create housing for families in need while benefiting neighborhoods, and

WHEREAS, HUD offers houses to local governments for \$1 as a result of foreclosure actions and when HUD is unable to sell the houses for six months, and

WHEREAS, the Dollar Homes Initiative makes it possible for local governments and their non-profit community development partners to improve neighborhoods, develop affordable and sustainable homeownership, and serve as catalysts for community redevelopment, and

WHEREAS, the local governments and their non-profit partners resell the Dollar Homes at lower costs for low and middle-income residents, often first-time homebuyers, and thus benefiting the community, and

WHEREAS, Erie County has previously entered into a Dollar Home agreement with HUD, and involving its community partners, Belmont Shelter Corporation and Key Bank, and

WHEREAS, Erie County then transfers ownership and all responsibilities to its non-profit agency-partner who assumes ownership and responsibility for the property, including rehabilitating, if necessary, the property, and selling it to eligible homebuyers, and

WHEREAS, under the Dollar Homes agreement, Erie County assumes limited responsibility and liability in the transfer of the houses, and

WHEREAS, Belmont Shelter Corp. purchased a HUD Dollar Home for the first time in July 2002 in West Seneca, and

WHEREAS, separately of Erie County, the Town of Cheektowaga has purchased three vacant and deteriorating homes from HUD under the Dollar Home program, and is rehabilitating the houses for later sale to income-eligible homebuyers, and

WHEREAS, Erie County can play a major role in the improvement and development of neighborhoods and homeownership in communities in Erie County,

NOW THEREFORE BE IT

RESOLVED, the Erie County Legislature supports the Dollar Home Initiative and Erie County's agreement with HUD, and be it further

RESOLVED, that the Erie County Legislature supports the extension and application of this program to more houses and communities in Erie County, and specifically in the City of Buffalo, and be it further

RESOLVED, that the Erie County Legislature urges the Commissioner for Environment and Planning to continue to acquire more HUD houses through the Dollar Home program and continue work with community partners to offer those homes to eligible homebuyers, and be it further

RESOLVED, that certified copies of this resolution be forwarded to Erie County Executive Joel Giambra, Erie County Commissioner of Planning and Environment Laurence Rubin, the Mayors and Councils of the Cities of Buffalo, Lackawanna, and Tonawanda, the Supervisors and Councils of all Erie County Towns, the Mayors and Trustees of all Erie County Villages, the Buffalo regional office of the U.S. Department of Housing and Urban Development, and the local Congressional delegation.

Fiscal Impact: Highly beneficial for Erie County neighborhoods.
(5-0)

6. Item Page -2004 (Comm. 4E-11)
COUNTY EXECUTIVE

WHEREAS, Erie County, through the Department of Environment and Planning, serves as the administrative agent for the Erie County/Town of West Seneca Community Development Block Grant Consortium and Erie County/Town of West Seneca/Town of Hamburg HOME Investment Partnership Consortium; and

WHEREAS, a major responsibility of the Department as the administrative agent, is the submittal to the federal Department of Housing and Urban Development annual grant and program application materials,

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive, on behalf of the Erie County Community Development Block Grant Consortium and Town of Hamburg/Erie County HOME Consortium, is hereby authorized to submit a Year 2004 consolidated application to the federal Department of Housing and Urban Development (HUD) for the 2004 Program Year having an estimated dollar amount as indicated.

- 1. Erie County Consortium Community Development Block Grant Program: \$3,720,000
- 2. Emergency Shelter Grant Program: \$ 114,000
- 3. HOME Investment Partnership Program: \$1,245,733
- 4. American Dream Downpayment Initiative: \$ 136,925
- 5. Town of Hamburg Community Development Block Grant Program: \$ 500,000

and be it further

RESOLVED, that the County Executive is authorized to make adjustments to the application based on final 2004 budget figures received by HUD; and be it further

RESOLVED, that the County Executive on behalf of the Erie County Community Development Block Grant Consortium and Town of Hamburg/Erie County HOME Consortium is hereby authorized to execute any and all agreements with HUD, local governments, and non-profit agencies, necessary to implement the above programs; and be it further

RESOLVED, that copies of this resolution shall be forwarded to the Commissioner of the Department of Environment and Planning, the County Comptroller, and the Director of the Division of Budget, Management, and Finance.

(5-0)

7. Item Page -2004 (Comm. 4E-26)

COUNTY EXECUTIVE

WHEREAS, engineering design services are required for the Erie County Home Water Service Modifications, and

WHEREAS, the firm of Bergmann Associates presently has a contract with the County of Erie to provide design services for various projects,

NOW, THEREFORE, BE IT,

RESOLVED, that the Commissioner of Public Works be authorized to issue a supplemental agreement to Bergmann Associates in an amount not to exceed \$30,000, including testing, reimbursables, and miscellaneous expenses relative to engineering design services required for the Erie County Home Water Service Modifications, and be it further,

RESOLVED, that the \$30,000 fee allocation be taken from Project 293, Fund 410, and be it further,

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

(5-0)

8. Item Page -2004 (Comm. 4E-27)

COUNTY EXECUTIVE

WHEREAS, in a resolution, being Comm. No. 13E-47, dated July 10, 2003, your Honorable Body authorized entering into a contract with Siemens Building Technologies related to instituting Performance Contracting on the Sheriff's facilities and two health care facilities, and

WHEREAS, in a resolution, being Resolution 476-2003, dated July 10, 2003, authorized the sale of a bond in the amount of \$3,500,000 to pay for that work, and

WHEREAS, the Department of Public Works wishes to include energy-saving construction work at the Sheriff's Bunker in that contract, and

WHEREAS, the Department of Public Works wishes to integrate the EMS, fire and security systems, where feasible, at these and other County-owned facilities to one central location located at 1084 Harlem Road,

NOW, THEREFORE, BE IT,

RESOLVED, that the Erie County Legislature authorizes a change order be made to Siemens Building Technologies for up to \$500,000 for services related to their work in implementing the construction phase of a Performance Contract at the Sheriff's Bunker, as well as integrating the HVAC, Fire and Security Systems, where feasible, at these and other County facilities to one central facility located at 1084 Harlem Road, contingent upon approval of a revision of the bond description, from Project 449, Fund 410, and be it further,

RESOLVED, that two certified copies of this resolution be sent 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)

9. Item Page -2004 (Comm. 4E-28)

COUNTY EXECUTIVE

WHEREAS, the 2003 and 2004 budgets contain funding for Roof Replacement & Waterproofing of Various County Facilities, and

WHEREAS, the firm of Stievater & Associates: Architects is already engaged by the Department of Public Works under an Architect/Engineer contract for the Roof Replacement, Waterproofing & Exterior Rehabilitation of Various County Facilities, and

WHEREAS, it is now also desired to start design of this project immediately so it can be bid in April 2004,

NOW, THEREFORE, BE IT,

RESOLVED, that the County Executive be authorized to issue a supplemental agreement to Stievater & Associates: Architects to prepare contract documents and provide inspection services for the Roof Replacement, Waterproofing and Exterior Building Rehabilitation of Various County Facilities, and be it further,

RESOLVED, that the total amount paid for consulting services will be on a percentage of construction basis, not to exceed \$150,000, including reimbursables, and be it further,

RESOLVED, that the fee allocation be taken from Project 399, Fund 410, Roofing & Waterproofing capital funds, and be it further,

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

10. Item Page -2004 (Comm. 4E-59)

COUNTY EXECUTIVE

WHEREAS, the 2003 Capital Budget contains funding for Erie County Parks & Recreation Master Plan Improvements, and

WHEREAS, the firm of LiRo Kassner, Inc. is already engaged by the Department of Public Works under an Engineering contract, and

WHEREAS, on December 12, 2002, at Meeting Number 25, Communication Number 25E-24, your Honorable Body authorized the County Executive to enter into an engineering contract covering General Highway/Bridge Engineering Services with LiRo Kassner, Inc., and

WHEREAS, it is now also desired to start design of Chestnut Ridge Park Bridge so this project can be bid in 2004.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to issue a supplemental agreement to LiRo Kassner, Inc. to prepare contract documents and provide inspection services for the Erie County Parks & Recreation Chestnut Ridge Park Bridge, and be it further,

RESOLVED, that the total amount paid for consulting services shall be in an amount not to exceed \$90,000.00, including reimbursables, and be it further

RESOLVED, that the fee allocation be taken from Project 445, Fund 441, and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Office of the Commissioner; one copy to the Division of Budget Management & Finance; one copy to the Office of the Comptroller; and one copy to the Department of Parks & Recreation.
(5-0)

11. Item Page -2004 (Comm. 4E-60)

COUNTY EXECUTIVE

WHEREAS, bids were taken for the Northrup Road Bridge 728, Joint and Approach Slab Rehabilitation, Project Number BR-06-03, Town of Elma, on December 11, 2003, and the low bidder was Donald J. Braasch, Inc. of Lakeview, New York, at a low bid amount of \$120,996.51.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized and is hereby directed to execute a contract for Project Number BR 06-03 for the Northrup Road Bridge 728 Joint and Approach Slab Rehabilitation Project and the low bidder, Donald J. Braasch, Inc., at a low bid amount of \$120,996.51, and be it further

RESOLVED, that an amount of \$120,996.51 be allocated from the 2003 Preservation of Bridges, Dams and Culverts Program (SFG 420-356), and be it further

RESOLVED, that an additional amount of \$12,100.00 be allocated for a construction contingency fund with authorization for the Commissioner of Public Works to approve change orders in an amount not to exceed \$12,100.00 from the 2003 Preservation of Bridges, Dams and Culverts Program (SFG 420-356), and be it further

RESOLVED, that the Clerk of the Legislature be instructed to forward three (3) certified copies of this resolution to the Deputy Commissioner -Highways, Department of Public Works and one copy to the Commissioner of Public Works and one copy to the Erie County Comptroller.
(5-0)

12. Item Page -2004 (Comm. 4E-67)

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 for the 2004, 2005 and 2006 Program Years; 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 attached 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 said contract shall extend through March 31, 2007; and be it further

RESOLVED, that a certified copy of this resolution shall be forwarded to the Director of the Division of Budget, Management and Finance, the Commissioner of the Department of Environment and Planning, the County Comptroller and the County Attorney.
(5-0)

13. Item Page -2004 (Comm. 4E-68)

COUNTY EXECUTIVE

WHEREAS, bids were taken for the Reconstruction of the Zoeller Road Bridge 348-2, over Ellicott Creek, BIN 3-32870-0, in the Town of Alden, on October 30, 2003, and the low bidder was The L.C. Whitford Company, Inc. of Wellsville, New York, at a low bid amount of \$688,260.00

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized and is hereby directed to execute a contract for Project Number FA 348-2-03 (NYS PIN 5755.91) for the Reconstruction of the Zoeller Road Bridge 348-2, over Ellicott Creek, BIN 3-32870-0, in the Town of Alden, and the low bidder, The L.C. Whitford Company, Inc. at a low bid amount of \$688,260.00, and be it further

RESOLVED, that an amount of \$688,260.00 be allocated from the 2000 Various Federal Aid Road and Bridge Design and Construction Program (SFG 420-153), and be it further

RESOLVED, that an additional amount of \$68,000.00 be allocated for a construction contingency fund with authorization for the Commissioner of Public Works to approve change orders in an amount not to exceed \$68,000.00 from the 2000 Various Federal Aid Road and Bridge Design and Construction Program (SFG 420-153), and be it further

RESOLVED, that the Clerk of the Legislature be instructed to forward three (3) certified copies of this resolution to the Deputy Commissioner -Highways, Department of Public Works and one copy to the Commissioner of Public Works and one copy to the Erie County Comptroller.
(5-0)

14. Item Page -2004 (Comm. 4E-69)

COUNTY EXECUTIVE

WHEREAS, your Honorable Body approved a contract for the 2003 Mill & Fill Project No. MF-02-03 between Amherst Paving and the County of Erie, in Meeting No. 15, held on September 11, 2003, and

WHEREAS, additional work needs to be performed on the project that was not initially anticipated and the County needs to increase the project in order to expeditiously perform mill and fill overlay for the Erie County Parks Department, and

WHEREAS, the cost for the additional work exceeds the contingency amount previously authorized for this project, and

WHEREAS, the cost for this work was approved in the 2003 Capital Budget under a bonded project for EC Parks Roadways,

NOW, THEREFORE, BE IT,

RESOLVED, that the contingency fund amount be increased from \$80,537.00 to \$280,537.00 allocated from the EC Parks Roadway 2003 budget, Project 427, Fund 410, and be it further,

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

(5-0)

15. Item Page -2004 (Intro. 4-13)

HOLT, SCHROEDER, DEBENEDETTI, WROBLEWSKI, ET AL

WHEREAS, in August 2003, Oneida Ltd., the parent company of Buffalo China, announced plans to close its Buffalo factory, ending a 103-year tradition in Buffalo and resulting in the layoff of close to 400 employees, and

WHEREAS, over the past five years, Buffalo China has received a myriad of federal, state and county financial and other assistance, including bond financing; property and sales tax abatement; federal tariff removal; grants for new equipment, energy improvements and employee training; low-cost hydroelectricity; and placement in Empire Zones, and

WHEREAS, government has an interest in assisting Buffalo China or its successor company to remain in Buffalo and employing local residents, and

WHEREAS, in January 2003, an entity, BC Acquisition Co., led by Buffalo China's Buffalo factory general manager, announced a plan to purchase the Buffalo factory, retain hundreds of jobs, and maintain an operation in Buffalo, and

WHEREAS, as a part of those discussions, BC Acquisition is seeking government support and incentives, including grants, loans and other inducements from state and county government and has stated that its purchase is premised on governmental aid,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature expresses its support for the local managers and employees of Buffalo China in their efforts to purchase the Buffalo factory and retain its operations in our community, and be it further

RESOLVED, that this Honorable Body expresses its interest in assisting the new owners and employees through various appropriate means and measures, and be it further

RESOLVED, that the Erie County Legislature requests that the Deputy County Executive, the President of the ECIDA, representatives from Empire State Development, New York State Power Authority, Niagara Mohawk, and NYS Assemblyman Brian Higgins, appear at a future meeting of the Legislature's Economic Development Committee to discuss the County's and ECIDA's roles in this matter and ECIDA or County financial assistance for BC Acquisition Co., and be it further

RESOLVED, that certified copies of this resolution be submitted to the County Executive, Deputy County Executive, ECIDA President (275 Oak Street, Buffalo, NY 14203), New York State Power Authority, Empire State Development, Niagara Mohawk, and Assemblyman Brian Higgins.

Fiscal Impact: None for this Resolution.

(5-0)

MARK J. F. SCHROEDER
CHAIRMAN