

September 19, 2019

ECONOMIC DEVELOPMENT COMMITTEE
REPORT NO. 14

ALL MEMBERS PRESENT.

CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 18E-1 (2018)
COUNTY EXECUTIVE: “HVS Consultants – Convention Center Study”
(Chair’s Ruling)
 - b. COMM. 19E-2 (2018)
LORIGO: “Constituent Input Regarding the Convention Center”
(Chair’s Ruling)
 - c. COMM. 20M-3 (2018)
EDEN TOWN CLERK: “Resolution of Eden Town Board – Notifying EC of Defects on County Highways in Eden”
(Chair’s Ruling)
 - d. COMM. 21E-3 (2018)
LORIGO & LOUGHRAN: “Letter to Chair of Economic Development Committee Concerning Future of Buffalo Niagara Convention Center”
(Chair’s Ruling)
 - e. COMM. 7M-5 (2019)
TOWN HIGHWAY SUPERINTENDENTS ASSOC. OF EC: “Letter to DPW Commissioner Regarding Snow Removal & Ice Control Agreement”
(Chair’s Ruling)
 - f. COMM. 12M-7 (2019)
TOWN HIGHWAY SUPERINTENDENTS ASSOCIATION OF EC, INC.: “Letter to DPW Concerning Snow Removal & Ice Control Agreement”
(Chair’s Ruling)
 - g. COMM. 16M-5 (2019)
BUFFALO NIAGARA PARTNERSHIP: “Letter to Chair of Economic Development Committee in Support of Comm. 15E-25 (2019)”
(Chair’s Ruling)

- h. COMM. 16M-6 (2019)
CITY OBSERVATORY: “Web Article Titled, ‘The Convention Center Business Turns Ugly’”
(Chair’s Ruling)
- i. COMM. 18M-4 (2019)
NFTA: “NFTA Minutes for Board Meeting Held 6/27/2019”
(Chair’s Ruling)
- j. COMM. 18M-11 (2019)
NFTA: “NFTA Annual 17A Report for FYE 2019”
(Chair’s Ruling)

2. COMM. 16E-7 (2019)
COUNTY EXECUTIVE
WHEREAS, a project for the replacement of Cedar Street Bridge over Ledge Creek, BIN 3326580, PIN 5761.78, (the “Project”) is eligible for funding under Title 23, U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% non-Federal funds; and

WHEREAS, the County of Erie previously advanced the design of the Project via Legislative Communication 14E-34 dated July 26, 2018; and

WHEREAS, the Department of Public Works desires to advance the Construction and Construction Inspection phase of the Project by making a commitment of 100% of the costs of the work for the Project or portions thereof; and

WHEREAS, in order to facilitate the Construction and Construction Inspection Phases for the Project, it will be necessary for the County to execute a Supplemental Agreement with New York State Department of Transportation (NYSDOT) in the total amount of \$935,000 of which \$270,000 is the required local share, for the construction and construction inspection phases of the Project; and

WHEREAS, the Department of Public Works would like to successfully implement the Project in a timely manner, it will be necessary to execute the construction contract with the lowest responsible bidder, enter an into a construction phase engineering services agreement with TY Lin Inc., and establish a construction contingency in an amount of \$85,000, for a total project construction phase allowance of \$1,020,000.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into a Supplemental Agreement with New York State Department of Transportation (NYSDOT) for this Project in the total amount of \$935,000 of which \$270,000 is the required local share; and be it further

RESOLVED, that the County Legislature of the County of Erie hereby authorizes the County of Erie to pay in the first instance 100% of Federal and non-Federal shares of the cost of construction and construction inspection phases of the Project or portions thereof with the understanding that qualified costs may be eligible for Federal aid or State aid; and be it further

RESOLVED, that the County Executive is hereby authorized to execute the construction contract with the lowest responsible bidder, enter into a construction phase engineering services agreement with TY Lin Inc., and establish a construction contingency in a combined amount of \$85,000 from B.18015 and B.18016; and be it further

RESOLVED, that the County of Erie is hereby authorized to accept the Federal and State aid reimbursement for the Construction and Construction Inspection Phases from the Supplemental Agreement with the NYSDOT; and be it further

RESOLVED, that the estimated total sum, with adjustments for the anticipated Federal revenue, of the Construction, Construction Inspection Phase, and contingency for the Project, in an amount of \$1,020,000 is hereby appropriated from Fund 420, Funds Center 123, in the following Projects:

B.18015 – Federal Aid Bridge Project Construction	\$ 83,000
<u>B.18016 – Federal Aid Bridge Project, Cedar St. Bridge</u>	<u>\$ 937,000</u>
TOTAL PROJECT	\$1,020,000

and be it further

RESOLVED, that the Erie County Division of Budget and Management is hereby authorized to adjust the budget in B.18016, as follows:

Account	Description	Current Budget	Increase / (Decrease)	Revised Budget
REVENUES				
405160	Marchiselli Aid	\$ 0	\$ 105,000	\$ 105,000
414000	Federal Aid	\$ 728,000	(\$ 168,000)	\$560,000
475000	Gen Oblig Bond Proc	<u>\$ 272,000</u>	<u>\$ 0</u>	<u>\$ 272,000</u>
TOTAL REVENUES		\$ 1,000,000	(\$ 63,000)	\$937,000

APPROPRIATIONS

CAPITALPROJECTS	Capital Project Expense	\$ 272,000	\$ 665,000	\$937,000
UNALLOCATED	Unallocated Capital	<u>\$ 728,000</u>	<u>(\$ 728,000)</u>	<u>\$ 0</u>
TOTAL		\$ 1,000,000	(\$ 63,000)	\$937,000
APPROPRIATIONS				

and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to adjust the project budget accordingly for any and all additions or reductions in Federal and/or State revenue that are necessary for this Project; and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to adjust the project budget for the Federal revenue in accordance with the current Supplemental Agreement; and be it further

RESOLVED, that the County Legislature hereby agrees that the County of Erie shall be responsible for all costs of the Project which exceed the amount of Federal aid or State aid funding awarded to the County of Erie; and be it further

RESOLVED, that in the event the amount required to pay in the first instance 100% of the Federal and non-Federal shares of the costs of the Project's construction and construction inspection phases exceeds the amount appropriated, \$1,020,000 the County of Erie shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the NYSDOT thereof; and be it further

RESOLVED, that the County Executive of the County of Erie is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or State aid on behalf of the County of Erie, with the NYSDOT in connection with the advancement or approval of the Project and providing for the administration of the Project and the Municipality's first instance funding of Project costs and permanent funding of the local share of Federal and State aid-eligible Project costs and all Project costs within appropriations therefore that are not so eligible; 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 forward ten (10) certified copies of this Resolution to the Department of Public Works, Office of the Commissioner, to be forwarded to the NYSDOT; and be it further

RESOLVED, that the Clerk of the Legislature forward one (1) certified copy of this Resolution to the Department of Public Works, Division of Highways, and also one copy each to the Office of the County Executive, the Division of Budget and Management and the Office of the Comptroller.
 (5-0) Chair Baskin not present for vote.

3. COMM. 18E-22 (2019)
COUNTY EXECUTIVE

WHEREAS, the Elmwood Square Apartments Project consists of 138 existing units of affordable housing in the City of Buffalo located at 505 Elmwood Avenue; and

WHEREAS, the Erie County Legislature adopted a policy on Payment in Lieu of Taxes (PILOT) on December 16, 1999, and the PILOT is consistent with said policy; and

WHEREAS, in order to make the Project economically feasible for Elmwood Square Preservation, L.P. to continue to operate the housing project it is necessary to extend 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) Extension Agreement with Elmwood Square Preservation, L.P, the City of Buffalo, and any other organizations necessary to conclude this PILOT Agreement; 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; 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.

AMENDED SCHEDULE A
 ELMWOOD SQUARE APARTMENTS PILOT EXTENSION

Fiscal Year	Total PILOT	City of Buffalo	Erie County
		75 %	25%
Year 1	\$64,656.69	\$48,492.52	\$16,164.17
Year 2	\$66,596.90	\$49,947.68	\$16,649.23
Year 3	\$68,594.28	\$51,445.71	\$17,148.57
Year 4	\$70,652.11	\$52,989.08	\$17,663.03
Year 5	\$72,771.67	\$54,578.75	\$18,192.92
Year 6	\$74,954.82	\$56,216.12	\$18,738.71
Year 7	\$77,203.47	\$57,902.60	\$19,300.87
Year 8	\$79,519.57	\$59,639.68	\$19,879.89
Year 9	\$81,905.16	\$61,428.87	\$20,476.29
Year 10	\$84,362.31	\$63,271.74	\$21,090.58
Year 11	\$86,893.18	\$65,169.89	\$21,723.30
Year 12	\$89,499.98	\$67,124.98	\$22,374.99
Year 13	\$92,184.98	\$69,138.73	\$23,046.24
Year 14	\$94,950.53	\$71,212.90	\$23,737.63
Year 15	\$97,799.04	\$73,349.28	\$24,449.76
Year 16	\$100,733.02	\$75,549.76	\$25,183.25
Year 17	\$103,755.01	\$77,816.25	\$25,938.75
Year 18	\$106,867.66	\$80,150.74	\$26,716.91
Year 19	\$110,073.69	\$82,555.26	\$27,518.42
Year 20	\$113,375.90	\$85,031.92	\$28,343.97
Year 21	\$116,777.17	\$87,582.88	\$29,194.29
Year 22	\$120,280.49	\$90,210.37	\$30,070.12
Year 23	\$123,888.90	\$92,916.68	\$30,972.23
Year 24	\$127,605.57	\$95,704.18	\$31,901.39
Year 25	\$131,433.74	\$98,575.30	\$32,858.43
Year 26	\$135,376.75	\$101,532.56	\$33,844.19
Year 27	\$139,438.05	\$104,578.54	\$34,859.51
Year 28	\$143,621.19	\$107,715.89	\$35,905.30
Year 29	\$147,929.83	\$110,947.37	\$36,982.46
Year 30	\$152,367.72	\$114,275.79	\$38,091.93

4. COMM. 18E-31 (2019)

COUNTY EXECUTIVE

WHEREAS, the Department of Public Works, as part of its duties and responsibilities, maintains various County buildings within the City of Buffalo; and

WHEREAS, the City of Buffalo provides garbage and recycling bin pick-up; and

WHEREAS, the current Memorandum of Understanding (MOU) has is outdated; and

WHEREAS, the Department of Public Works has negotiated with the City of Buffalo to pay for said garbage and recycling bin pick-up services; and

WHEREAS, the terms of this arrangement are favorable to the County and adequate funding for all associated costs is available within the Department of Public Works Budget, Account 520050-Garbage Disposal, Fund 110, Fund Center 12220.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the County Executive to sign a Memorandum of Understanding (MOU) between the County of Erie and the City of Buffalo for the City to pick up trash and recycling bins at several County-owned buildings; and be it further

RESOLVED, that the cost to Erie County is \$7,910 per month and that this MOU shall be reviewed annually for any agreed-upon changes in costs or locations and renewed automatically unless one or both parties agree to terminate the arrangement upon reasonable notice to the other; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive, the Department of Public Works, the Director of Budget and Management, the County Attorney and the County Comptroller.

(6-0)

5. COMM. 18E-32 (2019)

COUNTY EXECUTIVE

WHEREAS, construction of the above project was approved by this Honorable Body via Comm. 14E-17 (July 26, 2018) (the "Project"); and

WHEREAS, construction of the Project is complete and the work has been accepted by the County; and

WHEREAS, it is necessary to execute a change order to the construction contract in the amount of \$10,576.40 in order to fully reimburse the contractor, Union Concrete and Construction Corp., for the work done; and

WHEREAS, the project included two funding sources, one eligible for FEMA reimbursement as it addressed damages from 2014 Winter Storm "Knife" as included in FEMA Project Worksheet (PW) 371 and one ineligible, and therefore a capital expense, as it addressed other needed work; and

WHEREAS, funding for the construction change order is broken down as follows:

Project	Fund	Funds Center	Account	Amount
FEMA Eligible	251	123	516020	\$3,597.59
B.17017-2017 Rehabilitation of Flagged Bridges	420	123	516020	\$6,978.81
Total Change Order				\$10,576.40

NOW, THEREFORE, BE IT

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

RESOLVED, the County Executive is hereby authorized to execute a construction contract final change order in the amount of \$10,576.40 for the Project with the contractor, Union Concrete and Construction Corp., for which funds are available from two funding sources as follows: the \$3,597.59 FEMA-eligible portion - Fund 251, Fund Center 123, Account 516020 and the \$6,978.81 capital project portion - B.17017 - 2017 Rehabilitation of Flagged Bridges, Fund 420, Fund Center 123 and which are hereby appropriated and made available for the project; 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, Division of Highways and one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller. (5-0) Chair Baskin not present for vote.

6. COMM. 18E-33 (2019)

COUNTY EXECUTIVE

WHEREAS, the Elmwood Ave. Pedestrian & Bicycle Improvements Project, PIN 5762.30 (the "Project") is eligible for funding under the Federal Transportation Alternatives Program (TAP) administered by the New York State Department of Transportation (NYSDOT), such funding being apportioned as stated in Title 23 U.S. Code, as amended, that calls for the costs of such program to be borne at the ratio of 80% Federal funds and 20% Non-Federal funds; and

WHEREAS, under TAP the Federal cost share is limited to the amount set forth in the agreement with NYSDOT with any additional costs being borne 100% by the local sponsor; and

WHEREAS, the County of Erie has agreed to act as sponsor of the Project at the request of the Village of Kenmore; and

WHEREAS, the Village of Kenmore, through an Inter-Municipal Agreement (IMA), has agreed to reimburse the County of Erie for the entire local (non-federal) cost share, including 100% of any overruns up to a maximum of \$334,680 in local funds; and

WHEREAS, in Comm. 19E-5 (November 2, 2017) this Honorable Body approved this project and participation in the Preliminary Engineering (Scoping & Design I-VI) and Right of Way Incidentals phases of the project; and

WHEREAS, the County of Erie would like to advance the Project's Supplemental Agreement No.1 with NYSDOT which includes the removal of the Right Of Way (ROW) Incidentals phase and the addition of the Construction and Construction Inspection phases of the Project, by making a commitment of 100% of the Non-Federal share of the costs; and

WHEREAS, the NYSDOT supplemental agreement is in the total amount of \$1,673,400 an increase of \$1,548,400 over the County's existing Project agreement with NYSDOT; and

WHEREAS, the \$1,548,400 increase includes a \$309,680 local (non-federal) share which is available from the capital projects hereinafter noted.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves the above subject Project and Supplemental Agreement No. 1; and be it further

RESOLVED, that the County Legislature of the County of Erie hereby authorizes the County of Erie to pay in the first instance 100% of the Federal and Non-Federal shares of the cost of the Construction and Construction Inspection phases of the Project or portions thereof; and be it further

RESOLVED, that authorization is hereby given for the County to accept the additional \$1,238,720 in Federal revenue and the additional \$309,680 in funds from the Village of Kenmore, as well as any additional funds authorized in any future NYSDOT Supplemental agreements; and be it further

RESOLVED, that the Division of Budget and Management is hereby authorized to adjust the budget in B.17081 – 2017 Pedestrian & Bicycle Improvements, PIN 5762.30, Fund 420, Funds Center 123 to reflect the anticipated federal revenue and Village of Kenmore reimbursement for the Construction and Construction Inspection phases as follows:

REVENUES		ORIGINAL BUDGET	ADJUSTMENTS	CURRENT BUDGET
Account	Description			
414000	Federal Aid	\$100,000	\$1,238,720	\$1,338,720
420499	OthLocal Source Rev	\$25,000	\$309,680	\$334,680
TOTAL REVENUES		\$125,000	\$1,548,400	\$1,673,400
APPROPRIATIONS				
Capital Projects	Capital Project Exp	\$125,000	\$1,548,400	\$1,673,400
TOTAL APPROPRIATIONS		\$125,000	\$1,548,400	\$1,673,400

and be it further

RESOLVED, that in the event the amount required to pay in the first instance 100% of the Federal and Non-Federal shares of the cost of the Project's Phases as described above exceed the amounts noted, the County of Erie shall convene its Legislature as soon as possible to appropriate said excess amount; and be it further

RESOLVED, that the County Executive of the County of Erie is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid on behalf of the County of Erie, (subject to the County of Erie Attorney's approval as to form and content), with the New York State Department of Transportation (NYSDOT) in connection with the advancement or approval of the Project identified in the State/Local Agreement; and providing for the administration of the Project and the County's first instance funding of Project costs and the local share of Federal Aid-eligible Project costs and all Project costs within appropriations therefore that are not so eligible; 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 ten (10) certified copies of this resolution be forwarded to the Department of Public Works, Division of Highways, and one copy each to the Office of the County Executive, the Division of Budget and Management, the Office of the County Attorney, and the Office of the Comptroller.

(5-0) Chair Baskin not present for vote.

7. COMM. 18E-36 (2019)

COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Environment and Planning (DEP) has played a crucial role in pollution prevention and sustainability issues throughout the region for decades and has more recently played an important role in the formation of the Western New York Sustainable Business Roundtable (WNYSBR); and

WHEREAS, DEP is committed to provide staff support and conduct work to assist and expand the WNYSBR; and

WHEREAS, the United States Protection Agency (USEPA) awarded a grant to DEP in 2016 to provide staff and other support the WNYSBR; and

WHEREAS, Erie County and the USEPA entered into a contract (Grant #162WNYSBR1618) authorized by COMM. 20E-7 (2016); and

WHEREAS, the New York State Pollution Prevention Institute (NYSP2I) is a sub-awardee on the grant and has executed a contract, as authorized by the above resolution, with Erie County; and

WHEREAS, Erie County was authorized to extend the grant, add the WNYSBR as a contractor, and make budget adjustments by Comm. 4E-20 (2019); and

WHEREAS, the USEPA and DEP wish to extend the term of these contracts to September 30, 2020, which will allow for successful completion of the grant work scope.

NOW, THEREFORE, BE IT

RESOLVED, that County Executive is authorized to execute the necessary agreements with both USEPA, NYSP2I, and the WNYSBR to extend the project until September 30, 2020; 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 County Attorney; the County Comptroller; Thomas R. Hersey, Jr., Commissioner of Environment and Planning; Bonnie Lawrence, Deputy Commissioner of Environment and Planning; and Josh Wilson, Pollution Prevention Coordinator.
(6-0)

8. COMM. 18E-44 (2019)

COUNTY EXECUTIVE

WHEREAS, the Westminster Commons Project consists of 84 existing units of affordable housing in the City of Buffalo located at Monroe and Adams streets; and

WHEREAS, the Erie County Legislature adopted a policy on Payment in Lieu of Taxes (PILOT) on December 16, 1999, and the PILOT is consistent with said policy; and

WHEREAS, in order to make the Project economically feasible for Buffalo Federation of Neighborhood Centers, Inc. (BFNC) to operate the housing project it is necessary to extend 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) Extension Agreement with Buffalo Federation of Neighborhood Centers, Inc. (BFNC), the City of Buffalo, and any other organizations necessary to conclude this PILOT Agreement; 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; 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.

AMENDED SCHEDULE A
WESTMINSTER COMMONS PILOT

Year	PILOT Payment	City share	County Share
1	\$ 18,809	\$ 14,107	\$ 4,702
2	\$ 19,373	\$ 14,530	\$ 4,843
3	\$ 19,954	\$ 14,966	\$ 4,989
4	\$ 20,553	\$ 15,415	\$ 5,138
5	\$ 21,170	\$ 15,877	\$ 5,292
6	\$ 21,805	\$ 16,354	\$ 5,451
7	\$ 22,459	\$ 16,844	\$ 5,615
8	\$ 23,133	\$ 17,350	\$ 5,783
9	\$ 23,827	\$ 17,870	\$ 5,957
10	\$ 24,541	\$ 18,406	\$ 6,135
11	\$ 25,278	\$ 18,958	\$ 6,319
12	\$ 26,036	\$ 19,527	\$ 6,509
13	\$ 26,817	\$ 20,113	\$ 6,704
14	\$ 27,622	\$ 20,716	\$ 6,905
15	\$ 28,450	\$ 21,338	\$ 7,113

(6-0)

HOWARD J. JOHNSON, JR.
CHAIR