

November 14, 2019

ECONOMIC DEVELOPMENT COMMITTEE
REPORT NO. 18

ALL MEMBERS PRESENT.

CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 22E-2 (2019)
COMPTROLLER: “ECDPW Audit of CHIPS Reimbursement Claims – 01/01/2018 – 12/31/2018”
(Chair’s Ruling)
 - b. COMM. 22E-7 (2019)
COMPTROLLER: “Letter to DPW Commissioner Regarding Hazards on Lake Shore Rd.”
(Chair’s Ruling)
 - c. COMM. 22E-9 (2019)
COMPTROLLER: “Report on Road Conditions in EC”
(Chair’s Ruling)
 - d. COMM. 22M-2 (2019)
NFTA: “NFTA Board Minutes for Meeting Held on 9/26/2019”
(Chair’s Ruling)
 - e. COMM. 22M-4 (2019)
ECIDA: “FY2020 Budgets for ECIDA, RDC & ILDC”
(Chair’s Ruling)
 - f. COMM. 22M-5 (2019)
BUFFALO PLACE: “FY2020 Budget for Buffalo Place Inc.”
(Chair’s Ruling)
 - g. COMM. 22M-7 (2019)
CITY OF BUFFALO, DEPT. OF ASSESSMENT AND TAXATION: “Final Roll – Transit Mall 2020”
(Chair’s Ruling)

2. INTRO. 22-1 (2019)

BASKIN

WHEREAS, the Erie County Legislature approved Local Law No. 8-1984, establishing a downtown pedestrian/transit mall special district; and

WHEREAS, the Erie County Legislature approved on December 19, 1985, a resolution authorizing the County Executive to enter into agreement with Downtown Buffalo Management Corporation, now known as Buffalo Place Inc., designating Buffalo Place Inc. as the not-for-profit corporation with which Erie County shall contract for the performance of mall special district services, for which annual contracts were executed in 1986, 1987, 1988, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, and 2019; and

WHEREAS, Local Law 8-1984 requires that the mall corporation present an annual budget to the County Legislature regarding the amount to be raised by mall district special charges; and

WHEREAS, pursuant to the said Local Law, Buffalo Place Inc. held a public hearing, on due notice to property owners within the district, regarding the proposed 2020 annual budget on October 29, 2019; and

WHEREAS, on October 30, 2013 the Board of Directors of Buffalo Place Inc. approved a resolution approving a payment in lieu of service charges for the HSBC Atrium Building and have included the same as part of its proposed 2020 budget.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby determine that the total amount to be raised by mall district service charges in 2020 shall be the sum of \$1,744,200 as contained in the attached budget which shall be a part of this Resolution, which amount does not exceed 80% of the service charges that could be assessed or levied against properties in the district; and be it further

RESOLVED, that the County of Erie be and hereby is authorized to enter into agreement with Buffalo Place Inc., the not-for-profit corporation described in Section 9 of Erie County Local Law No. 8-1984, providing for the performance by Buffalo Place Inc. of the mall special services set forth in Section 8 of said Local Law; the payment to Buffalo Place Inc. of the proceeds of the mall special district charges, less administrative costs, to be used by Buffalo Place Inc. in providing mall special district services; and such other terms and conditions as to the County Attorney appear necessary or appropriate for the implementation of Erie County Local Law No. 8-1984 and Chapter 673 of the Laws of 1982; and be it further

RESOLVED, that the Buffalo Place Inc. revenues, in addition to the special charges assessed as above set forth, include for the year 2020, \$18,000 in payment in lieu of service charges for KeyBank Center (1 Seymour H. Knox III Plaza, Buffalo, NY) and \$34,675 for HSBC Atrium Building (95 Washington Street, Buffalo, NY) totaling \$52,675 as set forth in said budget; and be it further

RESOLVED, that the Erie County Commissioner of Finance shall, not later than November 21, 2019, cause to be established a Mall District Special Charge Roll apportioning the amount herein above determined to be raised by mall district special charges and payment in lieu of special charges for 2020 in conformance with the formula set forth in Section 7 of Erie County Local Law N. 8-1984 using the latest available final general or special assessment roll prepared by The City of Buffalo; and be it further

RESOLVED, that certified copies of this resolution in its final form be forwarded to the Erie County Executive, the Mayor of the City of Buffalo, the Chairman and the Executive Director of Buffalo Place Inc., and the Erie County Commissioner of Budget and Management.
(6-0)

3. COMM. 22E-14 (2019)
COUNTY EXECUTIVE

WHEREAS, two large precast concrete panels at one bay of the Burt Flickinger Athletic Center are currently displaced as a result of water penetration and freeze-thaw action due to failing exterior building caulk; and

WHEREAS, per General Municipal Law Section 103, the work total is less than \$35,000 and therefore does not have to be publicly bid; and

WHEREAS, proposals were solicited from four contractors to perform the same scope of work; and Morris Masonry Restoration LLC was the only respondent upon solicitation of proposals to perform the scope of work; and

WHEREAS, the County will receive 50% reimbursement from New York State for this project; and

WHEREAS, the Department of Public Works and Bell & Spina Architects are recommending award of the contract to the lowest responsible respondent.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into a purchase order for construction work with the lowest responsible respondent for the SUNY Erie City Campus Burt Flickinger Athletic Center – 2019 – Concrete Panel Stabilization project, citing General Municipal Law Section 103, for an amount not to exceed as follows:

<u>General Construction Work</u>	
Morris Masonry Restoration LLC	Base Bid: \$ 18,950
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Total Award of General Construction Contract:	\$ 18,950

and be it further

RESOLVED, that the sum of \$4,050 be allocated to a construction contingency fund with authorization for the County Executive to approve change orders in an amount not to exceed the contingency fund; and be it further

RESOLVED, that change order reductions will result in these funds being returned to the construction contingency fund; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from the approved, as amended 2015 capital budget, Fund 480, Funds Center 122, follows:

E.15003 – 2015 Erie Community College – Roof Replacement & Waterproofing College-wide	\$ 23,000
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and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Commissioner's Office, and one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller, and one copy to SUNY Erie and Financial Officer.

(6-0)

4. COMM. 22E-17 (2019)
COUNTY EXECUTIVE

WHEREAS, the Alberta Place Project consists of 46 units of affordable housing in the Town of Amherst located at 64 Amsterdam 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 Attica Housing Development Fund Company, Inc. and Alberta Place LLC to operate the housing project it is necessary to extend tax relief from the County of Erie and the Town of Amherst.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to execute a Payment in Lieu of Taxes (PILOT) Agreement with Attica Housing Development Fund Company, Inc., Alberta Place LLC, the Town of Amherst, 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.

**SCHEDULE A
PILOT PAYMENT AGREEMENT**

Year	Total Effective Income	PILOT Amount	Town	County
Year 1	\$345,254	\$17,263	\$12,947	\$4,316
Year 2	\$352,159	\$17,781	\$13,336	\$4,445
Year 3	\$359,202	\$18,314	\$13,736	\$4,578
Year 4	\$366,386	\$18,863	\$14,147	\$4,716
Year 5	\$373,714	\$19,429	\$14,572	\$4,857
Year 6	\$381,188	\$20,012	\$15,009	\$5,003
Year 7	\$388,812	\$20,612	\$15,459	\$5,153
Year 8	\$396,588	\$21,230	\$15,923	\$5,307
Year 9	\$404,520	\$21,867	\$16,400	\$5,467
Year 10	\$412,610	\$22,523	\$16,892	\$5,631
Year 11	\$420,863	\$23,199	\$17,399	\$5,800
Year 12	\$429,280	\$23,895	\$17,921	\$5,974
Year 13	\$437,866	\$24,612	\$18,459	\$6,153
Year 14	\$446,623	\$25,350	\$19,013	\$6,337
Year 15	\$455,555	\$26,111	\$19,583	\$6,528

(6-0)

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

WHEREAS, the Watergate II Properties (Marina Vista) Project consists of 195 existing units of affordable housing in the City of Buffalo located at 10 and 12 Hertel 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 Watergate II Properties Housing Development Fund Company, Inc. 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 Watergate II Properties Housing Development Fund Company, Inc., 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.

SCHEDULE A
ANNUAL PILOT PAYMENTS

Amendment Year	Total Payment	City	County
Year 16	\$105,292	\$ 78,969.00	\$26,323.00
Year 17	\$108,451	\$ 81,338.07	\$27,112.69
Year 18	\$111,704	\$ 83,778.21	\$27,926.07
Year 19	\$115,055	\$ 86,291.56	\$28,763.85
Year 20	\$118,507	\$ 88,880.31	\$29,626.77
Year 21	\$122,062	\$ 91,546.71	\$30,515.57
Year 22	\$125,724	\$ 94,293.12	\$31,431.04
Year 23	\$129,496	\$ 97,121.91	\$32,373.97
Year 24	\$133,381	\$ 100,035.57	\$33,345.19
Year 25	\$137,382	\$ 103,036.63	\$34,345.54
Year 26	\$141,504	\$ 106,127.73	\$35,375.91
Year 27	\$145,749	\$ 109,311.56	\$36,437.19
Year 28	\$150,121	\$ 112,590.91	\$37,530.30
Year 29	\$154,625	\$ 115,968.64	\$38,656.21
Year 30	\$159,264	\$ 119,447.70	\$39,815.90

(6-0)

6. COMM. 22E-24 (2019)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Public Works issues permits for utilities located within Erie County owned right-of-ways (“ROW”); and

WHEREAS, an orderly permitting process is needed to ensure the proper operation of County roads and ROWs; and

WHEREAS, wireless communication companies are now seeking to deploy a new small type of wireless facility (“SWF”) within County ROWs; and

WHEREAS, the Erie County Attorney’s Office, in conjunction with the Departments of Public Works and Environment and Planning have worked to develop a license agreement with small cell carriers to address SWFs in County ROWs; and

WHEREAS, Verizon Wireless is the first carrier seeking to deploy SWFs within County ROWs.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into license agreements with telecommunication companies seeking to place small cell wireless facilities (SWFs) within County owned ROWs; and be it further

RESOLVED, that the County Executive is hereby authorized to enter into a license agreement with Verizon Wireless for the purposes described herein; and be it further

RESOLVED, that the Erie County Legislature hereby authorizes a fee structure for SWFs as follows:

ROW Authorization Fee. Prior to Licensee’s application to the County for approval for a specific location and for a highway work permit, Licensee shall pay the County a one-time ROW Authorization Fee, which shall be calculated based upon the number of Small Wireless Facilities (SWF) that are proposed to be installed pursuant to the application, as follows: \$500 for up to five (5) SWFs, plus \$100 for each additional SWF that is a part of the same application. Alternatively, \$1,000 per new Support Structure shall be due if the Licensee proposes an SWF on a new Support Structure. Subsequent or additional applications for the construction of additional Small Wireless Facilities/Support Structures shall require additional ROW Authorization Fees, calculated in the same manner provided for herein.

Annual License Fee. For each SWF and Support Structure, an Annual License Fee shall be due. The amount of the Annual License Fee shall be \$270 for each SWF and/or Support Structure located within the County ROW. The Annual License Fee shall be paid within ninety (90) days following completion of construction of the SWF and Support Structure(s) and then annually thereafter beginning on January 1 of the year following completion of construction of the SWF and Support Structure(s).

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, the Division of Budget and Management, the Department of Law and to Commissioner William Geary, Department of Public Works.

(6-0)

HOWARD J. JOHNSON, JR.
CHAIR