

March 14, 2024

ECONOMIC DEVELOPMENT COMMITTEE  
REPORT NO. 5

ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 5D-1 (2024)  
**COMMISSIONER OF PUBLIC WORKS:** “Response to COMM. 4E-3 (2024) – Conner Road in Clarence”  
(Chair’s Ruling)
  - b. COMM. 5M-1 (2024)  
**NFTA:** “NFTA Capital Expenditure Reports, 2<sup>nd</sup> Quarter”  
(Chair’s Ruling)
  - c. COMM. 5M-2 (2024)  
**NFTA:** “NFTA Capital Expenditure Reports, 3<sup>rd</sup> Quarter”  
(Chair’s Ruling)
2. COMM. 5E-10 (2024)  
**COUNTY EXECUTIVE**

WHEREAS, 1603 Seneca Street consists of the extension of an existing PILOT Agreement in the City of Buffalo for 75 affordable rental units at 1603 Seneca Street, City of Buffalo, NY; 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 SSSN Housing Development Fund Corporation, Seneca Street Special Needs, LP 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 Erie County Legislature hereby authorizes the County Executive or Deputy County Executive to execute a Payment in Lieu of Taxes (PILOT) Agreement with SSSN Housing Development Fund Corporation, Seneca Street Special Needs, LP, and 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 Office of the County Executive, the Division of Budget and Management, the Department of Real Property Tax Services, the Department of Environment and Planning, the Office of the Comptroller, and the Department of Law.

SCHEDULE A  
PILOT Payments

Year	PILOT Year	Total	City	County
2023-2024	15	\$ 13,595	\$ 10,196	\$ 3,399
2024-2025	1	\$ 14,003	\$ 10,502	\$ 3,501
2024-2026	2	\$ 14,423	\$ 10,817	\$ 3,606
2024-2027	3	\$ 14,856	\$ 11,142	\$ 3,714
2024-2028	4	\$ 15,301	\$ 11,476	\$ 3,825
2024-2029	5	\$ 15,760	\$ 11,820	\$ 3,940
2024-2030	6	\$ 16,233	\$ 12,175	\$ 4,058
2024-2031	7	\$ 16,720	\$ 12,540	\$ 4,180
2024-2032	8	\$ 17,222	\$ 12,916	\$ 4,305
2024-2033	9	\$ 17,738	\$ 13,304	\$ 4,435
2024-2034	10	\$ 18,271	\$ 13,703	\$ 4,568
2024-2035	11	\$ 18,819	\$ 14,114	\$ 4,705
2024-2036	12	\$ 19,383	\$ 14,537	\$ 4,846
2024-2037	13	\$ 19,965	\$ 14,974	\$ 4,991
2024-2038	14	\$ 20,564	\$ 15,423	\$ 5,141
2024-2039	15	\$ 21,181	\$ 15,885	\$ 5,295

(5-0)

3. COMM.5E-11 (2024)  
**COUNTY EXECUTIVE**  
WHEREAS, the County of Erie is interested in the fostering of business growth and job creation within Erie County; and

WHEREAS, Erie County desires to encourage the sound reuse of urban brownfields for productive use, be it industrial, commercial, or recreational; and

WHEREAS, County of Erie, City of Lackawanna, Erie County Industrial Development Agency, continue to work cooperatively toward achieving the redevelopment of the former Bethlehem Steel site; and

WHEREAS, the development of water and sewer infrastructure on the on the former Bethlehem Steel site is necessary to market the site as shovel ready; and

WHEREAS, the County and the Erie County Industrial Development Agency entered into an Agreement (“Agreement”) dated August 7<sup>th</sup>, 2020, whereby the Erie County Industrial Development Agency shall contract with consultants and contractors specializing in the design of utility infrastructure for the purpose of developing water and sewer infrastructure at the future Odell Street on the former Bethlehem Steel site; and

WHEREAS, the parties desire to amend the Agreement to reflect additional costs incurred as a result of unforeseen obstructions and groundwater encountered during construction and resultant testing and treatment required by NYSDEC.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive or Deputy County Executive to enter into a First Amendment to Agreement with the Erie County Industrial Development Agency to increase the original contract amount of \$700,000 by \$50,000 to a new total of \$750,000, for the purpose of completing the construction of utilities at the former Bethlehem Steel site in the City of Lackawanna; and be it further

RESOLVED, that the source of the additional funds shall be in SAP accounts A.19025 in the amount of \$50,000; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to the Office of the County Executive, the Division of Budget and Management, the Office of Comptroller, the Department of Environment and Planning, and the Department of Law.  
(5-0)

4. **COMM. 5E-12 (2024)**  
**COUNTY EXECUTIVE**

WHEREAS, BestSelf Behavioral Health provides critical services to Erie County families and children suffering from trauma and abuse; and

WHEREAS, Erie County has the second-highest incidence of child abuse and neglect in New York State, with over 3,000 estimated cases of child abuse and neglect annually; and

WHEREAS, BestSelf seeks to relocate its Child Advocacy Center in order to better address the significant need; and

WHEREAS, BestSelf plans to relocate the Child Advocacy Center to 899 Main Street, Buffalo to better suit its operational needs; and

WHEREAS, the proposed facility will co-locate many of the trauma and abuse service agencies and organizations into one location; and

WHEREAS, Erie County wishes to fund a portion of the construction of the Child Advocacy Center; and

WHEREAS, Best Self has agreed to provide space to Erie County Child Protective Services at no charge; and

WHEREAS, the County of Erie allocated \$1,000,000 for the construction of the Child Advocacy Center in the 2023 Capital Budget.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive or Deputy County Executive to enter into contracts, easements, and agreements with BestSelf Behavioral Health in amounts not to exceed a total of \$1,000,000 for the purpose of constructing the Child Advocacy Center; and be it further

RESOLVED, that the source of these funds shall be \$1,000,000 available in the 2023 Erie County Capital Budget, A.23069; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to the Office of the County Executive, the Division of Budget and Management, the Office of the Comptroller, the Department of Law, and the Department of Environment and Planning.  
(5-0)

5. **COMM. 5E-19 (2024)**  
**COUNTY EXECUTIVE**

WHEREAS, the Erie County Road Repair Reserve Fund has been established pursuant to Tax Law Section 1432 and General Municipal Law, Section 6-d; and

WHEREAS, the 2024 Adopted County Budget contains available funds from the collection of Real Estate Transfer Tax for repair of roads, bridges, and equipment; and

WHEREAS, use of Road Repair Reserve funds is restricted to repair of roads and bridges in the County; and

WHEREAS, the Division of Budget and Management recommends the appropriation of \$4,000,000 in 2023 surplus Transfer Tax revenue in the Road Fund’s Road Repair Reserve Fund to conduct important road work in 2024; and

WHEREAS, appropriations from the Road Repair Reserve Fund may be made only following a public hearing; and

WHEREAS, a public hearing was held on February 15, 2024.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the appropriation of \$4,000,000 in 2023 surplus Transfer Tax revenue into the 2024 Road Repair Reserve Fund (Fund 210, Funds Center 12330) and amend the Division of Highways’ 2024 Road Fund Budget (Fund 210, Funds Center 1231010) as follows:

2024 Road Fund Budget – Road Repair Reserve  
Fund 210, Funds Center 12330

	CURRENT BUDGET	ADJUSTMENT	REVISED BUDGET
REVENUES			
402190 Appropriated Fund Balance		\$4,000,000	\$ 4,000,000
402600 Transfer Tax	<u>\$14,500,000</u>	<u>\$ 0</u>	<u>\$14,500,000</u>
Total Revenues	<u>\$14,500,000</u>	<u>\$4,000,000</u>	<u>\$18,500,000</u>
APPROPRIATIONS			
912300 ID Highway Services	<u>\$14,500,000</u>	<u>\$4,000,000</u>	<u>\$18,500,000</u>
Total Appropriations	<u>\$14,500,000</u>	<u>\$4,000,000</u>	<u>\$18,500,000</u>
Net Change – Road Repair Reserve		\$ 0	

2024 Road Fund Budget – Division of Highways  
Fund 210, Funds Center 1231010

	CURRENT BUDGET	ADJUSTMENT	REVISED BUDGET
APPROPRIATIONS			
570000 Interfund Transfer Subsidy	\$11,650,000	\$4,000,000	\$15,650,000
912300 ID Highway Services	<u>(\$14,533,100)</u>	<u>(\$4,000,000)</u>	<u>(\$18,533,100)</u>
Total Appropriations	<u>(\$ 2,883,100)</u>	<u>\$ 0</u>	<u>(\$ 2,883,100)</u>
Net Change – Highways		\$ 0	

and be it further

RESOLVED, that authorization is hereby given for \$4,000,000 in funding within the Division of Highways’ 2024 Road Fund Budget (Fund 210, Funds Center 1231010) Account # 570000 – Interfund Transfer Subsidy be appropriated into Capital Project B.24050 – Capital Overlay Program Countywide as follows:

Capital Project B.24050  
Capital Overlay Program Countywide  
Fund 420, Funds Center 123

	CURRENT BUDGET	ADJUSTMENT	REVISED BUDGET
REVENUES			
486000 Interfund Revenue Subsidy	<u>\$10,000,000</u>	<u>\$4,000,000</u>	<u>\$14,000,000</u>
Total Revenues	<u>\$10,000,000</u>	<u>\$4,000,000</u>	<u>\$14,000,000</u>
APPROPRIATIONS			
Capital Projects	<u>\$10,000,000</u>	<u>\$4,000,000</u>	<u>\$14,000,000</u>
Total Appropriations	<u>\$10,000,000</u>	<u>\$4,000,000</u>	<u>\$14,000,000</u>

and be it further

RESOLVED, that the Clerk of the Legislature did publish a Notice of Public Hearing once in each of the official newspapers of the County, at least five days prior to the date of the Public Hearing and said hearing took place on February 15, 2024; and be it further

RESOLVED, that authorization is given to the Director of Budget and Management to make any technical adjustments necessary to effectuate this transfer; and be it further

RESOLVED, that the Clerk of the Legislature be instructed to forward three (3) certified copies of this resolution to the Department of Public Works, Office of the Commissioner, and one copy each to the County Executive's Office, Comptroller's Office, Department of Law and Division of Budget and Management.

(5-0)

6. COMM. 5E-20 (2024)

**COUNTY EXECUTIVE**

WHEREAS, the County of Erie must comply with NYS Department of Environmental Conservation (DEC) and the US Environmental Protection Agency (EPA) regulations; and

WHEREAS, the East Concord Highway Facility and Erie County Correctional Facility – Fuel Tank Replacement & Upgrades, titled “2022 Fuel Tank Replacement” project (herein called the “Project”) seeks to replace petroleum bulk storage tanks at both facilities; and

WHEREAS, the below ground storage tanks at both facilities are well beyond their useful life and will be replaced with above ground storage tanks that are easier to maintain; and

WHEREAS, completion of the Project will relocate the existing tank location at the Erie County Correctional Facility outside the secure perimeter as it is currently located inside the perimeter and will ensure that the emergency generators at this facility are supplied with the necessary diesel fuel to operate in the event of electric service interruptions; and

WHEREAS, completion of the Project will satisfy the documented petroleum spill with the DEC at the Concord Highway Facility by replacing the existing below ground diesel and gasoline storage tanks with above ground storage tanks as well as relocating them on the northern side of the site considering Highway operations; and

WHEREAS, the tank replacement at the Concord Highway Facility will also include a fueling station for vehicles with a fire suppression system tied to the existing building monitoring system; and

WHEREAS, the County of Erie Department of Public Works publicly advertised and received Construction bids in conformance with General Municipal Law 103 for the Project on January 12, 2024; and

WHEREAS, the Department of Public Works and Wendel Architecture, Engineering, Surveying & Landscaping Architecture, P.C. are recommending award of the contracts to the lowest responsible bidder for the Electrical Contract and to the lowest responsible bidder for the General Construction Contract.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive or Deputy County Executive to enter into contracts with the lowest responsible bidders for the Project for an amount not to exceed as follows:

General Construction Work		
The Pump Doctor Inc.	Base Bid:	\$ 1,402,886.00
	Alternate G-1	\$ 49,507.00
Total Award of General Construction Contract:		\$ 1,452,393.00
Electrical Construction Work		
The Pump Doctor Inc.	Base Bid:	\$ 266,512.00
	Alternate E-1	\$ 7,328.00
Total Award of Electrical Construction Contract:		\$ 273,840.00

and be it further

RESOLVED, that authorization is hereby given for the sum of \$100,000 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 the above from the previously approved, as adopted capital projects in Fund 410, Funds Center 122 as follows:

A.23002 – DPW (Buildings and Grounds) – Mechanical, Electrical, Plumbing, and Miscellaneous Improvements	\$ 400,000.00
A.21157 – DPW (Buildings and Grounds) – Preservation of County Highway Facilities - Countywide	\$ 141,438.42
A.23051 – 2023 EPA Environmental Regulatory Compliance	\$ 85,000.00
A.21150 – 2021 EPA Environmental Regulatory Compliance	\$ 578,602.75
A.19003 – 2019 Countywide Code and Environmental Compliance	\$ 11,191.83
A.23004 – DPW (Buildings and Grounds) – Erie County Sheriff's Department – Miscellaneous Renovations	\$ 610,000.00
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Total not to exceed	\$1,826,233.00

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 County Executive, Comptroller's Office and Division of Budget and Management.  
(5-0)

7. COMM. 5E-21 (2024)  
**COUNTY EXECUTIVE**

WHEREAS, the Erie County Department of Public Works, in collaboration with the Buffalo & Erie County Public Library, have various capital improvement projects at the Central Library requiring continued professional design services; and

WHEREAS, under COMM. 15E-34 (2019), your Honorable Body previously authorized for the County Executive to enter into a two (2) year Term Agreement with the firm of Trautman Associates on both a lump sum and on-call basis with a (3) one-year extensions for the Buffalo & Erie County Public Library – Various Capital Projects (herein called the “Project”); and

WHEREAS, the (2) year Term Agreement with the (3) one-year extensions will expire on July 25, 2024; and

WHEREAS, the current on-call design scope at the Buffalo & Erie County Public Library includes the loading dock renovations, emergency egress and fire alarm upgrades, electrical switch gear replacement and other miscellaneous work; and

WHEREAS, to complete these projects through construction administration, a (1) year extension from July 25, 2024 to July 25, 2025 is requested; and

WHEREAS, no additional funding is required.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive or Deputy County Executive to amend the existing agreement for professional engineering services on both a lump sum and on-call basis with the firm of Trautman Associates to extend the term of the agreement for one (1) additional year from July 25, 2024 to July 25, 2025; and be it further

RESOLVED, that two certified copies each of this resolution be sent to the Department of Public Works and one copy each to the County Executive's Office, Comptroller's Office, Division of Budget and Management and Buffalo & Erie County Central Library.  
(5-0)

**HOWARD J. JOHNSON, JR.**  
**CHAIR**