

March 28, 2024

ECONOMIC DEVELOPMENT COMMITTEE  
REPORT NO. 6

ALL MEMBERS PRESENT.

1. RESOLVED, the following item is hereby received and filed:

a. COMM. 6D-5 (2024)  
**COMMISSIONER OF PUBLIC WORKS: “Timelines – Borden Road and New Road”**  
(Chair’s Ruling)

2. COMM. 4E-19 (2024)  
**COUNTY EXECUTIVE**  
WHEREAS, Amherst Ridge Senior Apartments consists of the development of one hundred fifty (150) low income rental units for seniors at 467 John James Audubon Parkway, Amherst, 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 Amherst Senior Apartments LP 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 Erie County Legislature hereby authorizes the County Executive to execute a Payment in Lieu of Taxes (PILOT) Agreement with Amherst Senior Apartments LP, and 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 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 County Comptroller, and the Department of Law.

Schedule A  
PILOT Payment Schedule

TAX YEAR	Town of Amherst	Erie County	Williamsville CSD	Total Annual PILOT Payment
2024-25	36,721	15,300	9,180	61,201
2025-26	37,822	15,759	9,456	63,037
2026-27	38,957	16,232	9,739	64,928
2027-28	40,126	16,719	10,031	66,876
2028-29	41,329	17,221	10,332	68,882
2029-30	42,569	17,737	10,642	70,949
2030-31	43,846	18,269	10,962	73,077
2031-32	45,162	18,817	11,290	75,270
2032-33	46,517	19,382	11,629	77,528
2033-34	47,912	19,963	11,978	79,853
2034-35	49,349	20,562	12,337	82,249
2035-36	50,830	21,179	12,707	84,716
2036-37	52,355	21,814	13,089	87,258
2037-38	53,925	22,469	13,481	89,876
2038-39	55,543	23,143	13,886	92,572
TOTALS	682,963	284,568	170,741	1,138,272

(5-0)

3. COMM.6E-10 (2024)  
**COUNTY EXECUTIVE**

WHEREAS, it is necessary to address outstanding land issues within the operations of a highway division and in conjunction with the County Attorney’s office; and

WHEREAS, Greenman Pedersen Inc. was selected via the County’s RFP process and approved via COMM. 2E-21 (February 2, 2023) for the provision of On-Call General Civil and Land Surveying Services; and

WHEREAS, it is desired to amend the agreement with Greenman Pedersen Inc. for the land surveying, legal descriptions and mapping services required for these transactions; and

WHEREAS, it is desired to also establish a budget of \$45,865 for this task within the term agreement; and

WHEREAS, the funding required is available from Project B. 18051, 2018 Capital Right of Way.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive or Deputy County Executive to amend the existing term contract with Greenman Pedersen, Inc. in the amount of \$45,865 to perform additional land surveying services; and be it further

RESOLVED, that sufficient funding for this contract is available in capital project B.18051 –2018 Capital Right of Way (Fund 420, Funds Center 123); 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 County Executive’s Office, Comptroller’s Office and Division of Budget and Management. (5-0)

4. COMM. 6E-13 (2024)  
**COUNTY EXECUTIVE**

WHEREAS, the Rehabilitation of Abbott Road (CR 4) from Fisher Road (TH) to City of Buffalo Line, in the City of Lackawanna, PIN 5764.15 (the “Project”) is eligible for funding under Title 23, U.S. Code, as amended, that calls for the apportionment of federal funds and a local share; and

WHEREAS, the County of Erie desires to execute an Agreement with the New York State Department of Transportation (NYSDOT) to obtain federal and non-federal reimbursement funds, for the Project; and

WHEREAS, the County of Erie desires to advance the Project by making a commitment to advance the reimbursable federal and non-federal shares of the costs of the Engineering Design and Right of Way Incidentals phases of the Project; and

WHEREAS, this agreement, is in the amount of \$902,000, which provides for the County of Erie’s required local share commitment of \$45,100 and acceptance of federal revenue in the amount of \$721,600 and State Marchiselli revenue in the amount of \$135,300 for the design engineering and Right of Way incidentals phases of the Project; and

WHEREAS, after the Federal Aid RFQ process, the firm of Bergmann Associates, was selected as having the necessary expertise, experience, and manpower to provide the County of Erie with design engineering services for the rehabilitation of the above noted segment of Abbott Road; and

WHEREAS, the Department desires to enter into an Engineering Design Services agreement with Bergmann Associates for \$830,600 and establish a project contingency of \$71,400 with the project total not to exceed \$902,000; and

WHEREAS, there are sufficient funds for the project in Fund 420, Funds Center 123, B.23005 – 2023 Federal Aid – Road Design.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive or Deputy County Executive enter into agreement between the County of Erie and NYSDOT for the Rehabilitation of Abbott Road, PIN 5764.15; and be it further

RESOLVED, that the NYSDOT Agreement, in the amount of \$902,000, provides for \$721,600 in Federal Aid, \$135,300 in Marchiselli State Aid, and \$45,100 in local share funds; and be it further

RESOLVED, that authorization is hereby given to the Department of Public Works, Division of Highways with the Division of Budget and Management to adjust the budget of Capital Project B.23005 – 2023 Federal Aid – Road Design (Fund 420, Funds Center 123) and that the funds be made available to cover the cost of participation in the above phases of the Project, as follows:

Project B.23005  
2023 Federal Aid – Road Design  
Fund 420, Funds Center 123

REVENUES	BUDGET	CHANGE	REVISED BUDGET
405160 Marchiselli Aid	<u>\$ 150,000</u>	<u>\$135,000</u>	<u>\$ 285,300</u>
414000 Federal Aid	<u>\$3,850,000</u>	<u>(\$135,300)</u>	<u>\$3,714,700</u>
475000 General Obligation Bond	<u>\$1,750,000</u>	<u>\$ 0</u>	<u>\$1,750,000</u>
	<u>\$5,750,000</u>	<u>\$ 0</u>	<u>\$5,750,000</u>
<b>APPROPRIATIONS</b>			
Capital Project Expense	<u>\$5,750,000</u>	<u>\$ 0</u>	<u>\$5,750,000</u>
<b>TOTAL</b>	<u>\$5,750,000</u>	<u>\$ 0</u>	<u>\$5,750,000</u>

and be it further

RESOLVED, that authorization is hereby given to the County Executive or Deputy County Executive execute an agreement between the County of Erie and the selected Project Design Engineers, Bergmann Associates, for engineering design services in the amount of \$830,600; and be it further

RESOLVED, that authorization is hereby given to the County Executive to establish a project contingency in the amount of \$71,400 with a project total not to exceed \$902,000; and be it further

RESOLVED, that authorization is hereby given for the Director of Budget and Management to adjust the Project budget for any and all additions or reductions in federal and/or non-federal revenue that are made available for this Project; and be it further

RESOLVED, that authorization is hereby given to accept all federal and state reimbursements from the NYSDOT Agreement, as well as any other federal or non-federal funding which may be made available; and be it further

RESOLVED, that authorization is hereby given to the County of Erie to pay for the first instance 100% of the federal and non-federal shares of the cost of the Project or portions thereof, with an understanding that qualified costs may be eligible for federal aid and or state aid reimbursement; 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 Design Engineering and Right of Way Incidentals phases exceeds the amount appropriated above, the County of Erie shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof; and be it further

RESOLVED, that authorization is hereby given to the County Executive or Deputy County Executive of the County of Erie to execute all necessary Agreements, certifications or reimbursement requests for federal and non-federal aid on behalf of the County of Erie with the New York State Department of Transportation in connection with the advancement or approval of the Project; and providing for the administration of the Project and the County's first instance funding of Project costs and all Project costs within appropriations therefore that are not so eligible; and be it further

RESOLVED, that authorization is hereby given to the County executive to execute any necessary change orders, amendments, and agreements; 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 six (6) certified copies of this Resolution to the Department of Public Works, Office of the Commissioner, to be forwarded to the New York State Department of Transportation; and be it further

RESOLVED, that the Clerk of the Legislature 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 and Division of Budget and Management.  
(5-0)

5. COMM. 6E-16 (2024)  
**COUNTY EXECUTIVE**

WHEREAS, Erie County is home to a vibrant and growing film and television production industry; and

WHEREAS, Buffalo Filmworks in south Buffalo is home to the largest film production soundstage, by square-footage, in North America; and

WHEREAS, Great Points Studios on Niagara Street in Buffalo has just been completed, bringing more studio activity online in Erie County; and

WHEREAS, film and television production in Erie County is a tremendous workforce development tool and sales tax generating activity; and

WHEREAS, the Buffalo Niagara Film Commission has been instrumental in growing film and television industry in Erie County; and

WHEREAS, the Buffalo Niagara Film Commission has formally incorporated as a 501c3 non-profit corporation known as Buffalo Niagara Film Commission, Inc., creating a new legal entity.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County to enter into contract with Buffalo Niagara Film Commission, Inc. for the purposes of continued development of the film and television industry in Erie County; and be it further

RESOLVED, that the amount of \$321,287.00 has been appropriated in the 2024 Erie County Budget from Fund 110, Funds Center 1331010, Account 518055 – Buffalo Niagara Film Comm., for the purposes of funding the Buffalo Niagara Film Commission; and be it further

RESOLVED, that the Director of Budget and Management is authorized to make any technical adjustments necessary to facilitate this resolution; and be it further

RESOLVED, that the Clerk of the Legislature shall forward certified copies of this Resolution to the County Executive's Office, Comptroller's Office, Division of Budget and Management, Department of Law, Department of Personnel, and Department of Environment and Planning.  
(5-0)

6. COMM. 6E-17 (2024)

**COUNTY EXECUTIVE**

WHEREAS, the Erie County Department of Environment and Planning (DEP) works with the Erie County Environmental Management Council on matters related to the environment; and

WHEREAS, the Erie County Environmental Management Council runs an annual awards program to recognize local environmental projects; and

WHEREAS, the Environmental Management Council has a budget line of \$7,500 in the Department of Environment and Planning's 2024 Erie County Budget Book A; and

WHEREAS, the Environmental Management Council and DEP have selected the MBE contractor, Sandra White dba Mustard Seed World Group, to provide professional video services about the aforementioned award program winners; and

WHEREAS, the contracted amount is less than \$10,000 and as per Erie County Administrative Code 26.08, except where sections specify that action may be taken by the county executive, the Purchasing Director will be substituted as sufficient.

NOW, THEREFORE, BE IT

RESOLVED, that authorization is hereby given to the Erie County Legislature to the Director of Purchasing to execute an agreement with Sandra White dba Mustard Seed World Group for \$3,000 to be paid for by the Environmental Management Council budget line; and be it further

RESOLVED, that authorization is hereby given to the Director of the Division of Budget and Management to implement any budget adjustments as required to comply with local funding requirements; 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 Division of Purchase, the Department of Law, the Office of the Comptroller, and the Department of Environment and Planning.

(5-0)

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