

October 26, 2023

ECONOMIC DEVELOPMENT COMMITTEE
REPORT NO. 15

ALL MEMBERS PRESENT, EXCEPT LEGISLATOR MILLS.

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

October 4, 2023

Buffalo Bills
Attn: Kathryn D'Angelo
1 Bills Drive
Orchard Park, NY 14127

Re: Appointment to the Community Benefits Agreement Oversight Committee

Dear Ms. D'Angelo:

Pursuant to the Community Benefits Agreement executed by the County of Erie, Erie County Stadium Corporation, Buffalo Bills, LLC, and Bills Stadium and Events Company, LLC, I hereby submit the following individual for appointment to serve on the Community Benefits Agreement Oversight Committee

Ms. Maria Whyte
725 Exchange Street, Suite 525
Buffalo, NY 14210

Reverend Mark Blue
163 Broadway Avenue
Buffalo, NY 14204

Should you have any questions regarding this appointment, please feel free to contact my office at (716) 858-8500.

Sincerely,
Mark C. Poloncarz, Esq.
Erie County Executive

(Chair's Ruling)

2. RESOLVED, the following item is hereby received & filed:

a. COMM. 19M-2 (2023)
NFTA-METRO EXECUTIVE DIRECTOR: "NFTA Cash Flow Statements"
(Chair's Ruling)

3. COMM. 19E-4 (2023)
COUNTY EXECUTIVE
WHEREAS, Watts Architecture and Engineering was previously approved to provide Countywide Hazardous Materials Design and/or Sample Testing and Air Monitoring services; and

WHEREAS, the Department of Public Works (DPW) desires to increase the funding for the Countywide Hazardous Materials Design and/or Sample Testing and Air Monitoring of Environmental Service Consultants Watts Architecture and Engineering in order to comply with the New York State Department of Labor Code Rule 56 and to implement Countywide Hazardous Materials Design and/or Sample Testing and Air Monitoring; and

WHEREAS, DPW advertised for Countywide Hazardous Materials Design and/or Sample Testing and Air Monitoring on May 31,2022 through the County's standard Request for Qualification process; and

WHEREAS, a contract with Watts Architecture and Engineering was entered into on August 22, 2022 per COMM.13E-10 (2022); and

WHEREAS, the previous funds allocated for the Hazardous Material services have been previously utilized on construction projects; and

WHEREAS, DPW is requesting additional funding be approved for Watts Architects and Engineers to accommodate the use of the term for future projects as the current funds per the existing contract have been utilized; and

WHEREAS, Watts Architecture and Engineering has proven they have the necessary expertise, experience, and manpower to continue to provide the required services; and

WHEREAS, each assignment will be billed on an hourly basis according to an approved rate schedule unless an agreed upon work scope and fee is negotiated with the assigned consultant prior to beginning any services.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to amend the existing contract with Watts Architects and Engineers for Countywide Hazardous Materials Design and/or Sample Testing and Air Monitoring in the amount of \$75,000; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for services from Capital Project A.23005 DPW (Buildings and Grounds) – Preservation of County Buildings and Facilities, Funds Center 122, Fund 410 for a total amount not to exceed \$75,000; and be it further

RESOLVED, that two (2) certified copies each of this resolution be sent to the Department of Public Works, Commissioner's Office and one (1) copy to the County Executive's Office, Comptroller's Office, and the Division of Budget and Management.
(4-0)

4. COMM. 19E-5 (2023)
COUNTY EXECUTIVE

WHEREAS, a design project for replacement of both the Hunters Creek Road Bridge over Hunters Creek (BIN 3328140/BR 382-01) and the Sanders Hills Road Bridge over Hunters Creek (BIN 3328180/BR 393-01) in the Town of Holland, (the "Project") was previously authorized by your honorable body via COMM. 12E-19 (2022); and

WHEREAS, to facilitate the replacement of these bridges, it is necessary for the County to acquire by fee and/or easement portions of real property noted below referred to as "Subject Property" in the vicinity of the bridges:

<u>PROPERTY TAX MAP SBL NUMBERS</u>	<u>TOWNSHIP</u>
SBL 217.00-3-31	Holland
SBL 217.00-4-9.1	Holland
SBL 217.00-3-36.12	Holland

and

WHEREAS, to acquire the easement parcels for the Project, it is necessary for the County to establish an amount which it believes to represent just compensation for the real property interest to be acquired and to thereafter make a written offer to purchase the real property interest for the respective just compensation amount; and

WHEREAS, the acquisition of the portions of the Subject Properties is de minimis in nature so that the public interest will not be prejudiced by the construction of the new bridges; and

WHEREAS, should one or more owners of the Subject Properties refuse to convey such portions of their real property to the County for an amount not exceeding fair market value, it will be necessary for the County to acquire the Subject Properties by commencing eminent domain proceedings.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the acquisition of necessary Right-of-Way for the reconstruction of Hunters Creek Road Bridge over Hunters Creek (BIN 3328140/BR 382-01) and the Sanders Hills Road Bridge over Hunters Creek (BIN 3328180/BR 393-01) in the Town of Holland; and be it further

RESOLVED, that authorization is hereby given for a sum not to exceed \$10,000 be made available to cover the cost of all Right-of-Way acquisitions; and be it further

RESOLVED, that sufficient funding for this Right-of-Way acquisition exists within Capital Project B.17006 – Capital Right of Way; and be it further

RESOLVED, that the County of Erie is authorized to acquire the necessary real property interests from the aforementioned Subject Property for the purpose of constructing the Project; and be it further

RESOLVED, that the County of Erie is authorized to enter into all necessary contracts and agreements for the acquisition of the required ROW to construct the Project; and be it further

RESOLVED, Commissioner of Public Works, or his authorized representatives, including DiDonato Engineering & Architectural Professionals, are hereby authorized to establish the amounts representing just compensation for the real property to be acquired; and be it further

RESOLVED, the Commissioner of Public Works, or his authorized representatives, including DiDonato Engineering & Architectural Professionals, are hereby authorized to negotiate and offer just compensation amounts to the owners of the Subject Properties for the purpose of acquiring interests in portions of their respective parcels of real property by fee and/or easement, which acquisitions are necessary for the Project; and be it further

RESOLVED, that the Commissioner of Public Works, or his authorized representatives, including DiDonato Engineering & Architectural Professionals, are authorized to act on behalf of the County of Erie in connection with the acquisition of the required ROW from the owners of the Subject Property; and be it further

RESOLVED, that based upon the factors previously set forth herein, it is the determination of this County Legislature that such acquisitions of portions of the aforementioned Subject Properties are de minimis in nature; and be it further

RESOLVED, that the County Attorney shall prepare and the County Executive shall execute all appropriate documents relating to acquiring fee and/or easement interests in the Subject Properties; and be it further

RESOLVED, that should one or more owners of the Subject Properties refuse to convey such portions of their real property to the County for an amount not to exceed the just compensation determined by the Commissioner of Public Works, or his authorized representatives, authorization is hereby given to the County to commence eminent domain procedures; 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, Department of Law and the Division of Budget and Management.
(4-0)

5. COMM. 19E-12 (2023)
COUNTY EXECUTIVE

WHEREAS, Juniper Apartments Project consists of the creation of two buildings containing a total of 65 units of affordable housing located at 5355 Rogers Road in the Town of Hamburg; 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 Juniper Apartments LLC and Rogers Neighborhood Housing Development Fund Corporation to operate the housing project it is necessary to extend tax relief from the County of Erie and the Town of Hamburg.

NOW, THEREFORE, BE IT

RESOLVED, that authorization is hereby given to the County Executive to execute a Payment in Lieu of Taxes (PILOT) Agreement with Juniper Apartments LLC, Rogers Neighborhood Housing Development Fund Corporation, and the Town of Hamburg 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

<i>Share</i>		75%	25%
Year	Proposed PILOT Payments	Town	County
1	\$ 16,825	\$ 12,619	\$ 4,206
2	\$ 17,330	\$ 12,997	\$ 4,332
3	\$ 17,850	\$ 13,387	\$ 4,462
4	\$ 18,385	\$ 13,789	\$ 4,596
5	\$ 18,937	\$ 14,202	\$ 4,734
6	\$ 19,505	\$ 14,629	\$ 4,876
7	\$ 20,090	\$ 15,067	\$ 5,022
8	\$ 20,693	\$ 15,519	\$ 5,173
9	\$ 21,313	\$ 15,985	\$ 5,328
10	\$ 21,953	\$ 16,465	\$ 5,488
11	\$ 22,611	\$ 16,958	\$ 5,653
12	\$ 23,290	\$ 17,467	\$ 5,822
13	\$ 23,988	\$ 17,991	\$ 5,997
14	\$ 24,708	\$ 18,531	\$ 6,177
15	\$ 25,449	\$ 19,087	\$ 6,362

(4-0)

6. COMM. 19E-13 (2023)
COUNTY EXECUTIVE

WHEREAS, Riley Brook Apartments Project consists of the acquisition and development of vacant land into a seven-building apartment complex containing seventy (70) affordable apartment units located on Riley Boulevard; 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 Riley Brook Apartments LLC and Riley Brook Housing Development Fund Company, Inc. to operate the housing project it is necessary to extend tax relief from the County of Erie and the Town of Hamburg.

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 Riley Brook Apartments LLC, Riley Brook Housing Development Fund Company, Inc., and the Town of Hamburg 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.

HOWARD J. JOHNSON, JR.
CHAIR

SCHEDULE A
PILOT Payments

<i>Share</i>		<i>75%</i>	<i>25%</i>
Year	Proposed PILOT Payments	Town	County
1	\$ 39,428	\$ 29,571	\$ 9,857
2	\$ 40,610	\$ 30,458	\$ 10,153
3	\$ 41,829	\$ 31,372	\$ 10,457
4	\$ 43,084	\$ 32,313	\$ 10,771
5	\$ 44,376	\$ 33,282	\$ 11,094
6	\$ 45,707	\$ 34,281	\$ 11,427
7	\$ 47,079	\$ 35,309	\$ 11,770
8	\$ 48,491	\$ 36,368	\$ 12,123
9	\$ 49,946	\$ 37,459	\$ 12,486
10	\$ 51,444	\$ 38,583	\$ 12,861
11	\$ 52,987	\$ 39,741	\$ 13,247
12	\$ 54,577	\$ 40,933	\$ 13,644
13	\$ 56,214	\$ 42,161	\$ 14,054
14	\$ 57,901	\$ 43,426	\$ 14,475
15	\$ 59,638	\$ 44,728	\$ 14,909