

December 14, 2023

ECONOMIC DEVELOPMENT COMMITTEE
REPORT NO. 17

ALL MEMBERS PRESENT, EXCEPT LEGISLATOR MEYERS.
CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER.

1. COMM. 23E-8 (2023)
COUNTY EXECUTIVE

WHEREAS, the participation in the Locally Administered Federal Aid project PIN 5763.34, Replacement of North French Road Bridge (CR 299) over Gott Creek, BIN 3326760 and County Road Bridge (CR 282) over Beeman Creek, BIN 3326680 was approved by your honorable body on April 29, 2021 in COMM 8E-15 (2021); and

WHEREAS, the Highways Division requests the project progress to the construction phase, and

WHEREAS, this progression requires the County Executive to sign and execute the Locally Administered Federal Aid Project Supplemental Agreement between New York State and Erie County; and

WHEREAS, this agreement provides for federal funds in the amount of \$2,336,000, state funds of \$438,000, and a local share of \$726,000, totaling \$3,500,000 for the construction phase of the project, B.19011, 2019 Federal Aid Bridge Preservation Construction; and

WHEREAS, the agreement also provides additional state funds in the amount of \$57,000 for the design phase of the project, which is present in B.21152, 2021 Federal Aid Bridge Preservation Design.

NOW, THEREFORE, BE IT

RESOLVED that the Erie County Legislature hereby authorizes the County Executive to execute the Locally Administered Federal Aid Project Supplemental Agreement between NYSDOT and the County of Erie for capital project, B.19011, 2019 Federal Aid Bridge Preservation Construction; and be it further

RESOLVED, that authorization is hereby given to provide the necessary local share required and accept the federal and non-federal revenue that are being provided for this project; and be it further

RESOLVED, that authorization is hereby given to pay, in the first instance, 100% of the Federal and Non-Federal shares of the cost of the of the Project; and be it further

RESOLVED, that authorization is hereby given to the Department of Public Works, Division of Highways and the Division of Budget and Management to adjust the budgets of B.21152, 2021 Federal Aid Bridge Preservation Design, and B.19011, 2019 Federal Aid Bridge Preservation Construction, in Fund 420, Funds Center 123 as follows:

B.21152 - 2021 Federal Aid Bridge Preservation Design

REVENUES Account	Description	CURRENT BUDGET	INCREASE/ (DECREASE)	REVISED BUDGET
405160	State Funds	\$ 0	\$ 57,000	\$ 57,000
414000	Federal Aid	\$490,000	(\$186,000)	\$304,000
486000	Interfund Rev Subsidy	<u>\$135,000</u>	<u>\$ 0</u>	<u>\$135,000</u>
TOTAL REVENUES		<u>\$625,000</u>	<u>(\$129,000)</u>	<u>\$496,000</u>

APPROPRIATIONS

Capital Projects	Capital Project Exp	\$625,000	(\$129,000)	\$496,000
UNALLOCATED	Unallocated Capital	<u>\$ 0</u>	<u>\$ 0</u>	<u>\$ 0</u>
TOTAL APPROPRIATIONS		<u>\$625,000</u>	<u>(\$129,000)</u>	<u>\$496,000</u>

B.19011 – 2019 Federal Aid Bridge Preservation Construction

REVENUES Account	Description	CURRENT BUDGET	INCREASE/ (DECREASE)	REVISED BUDGET
405160	State Aid	\$2,000,000	(\$1,562,000)	\$ 438,000
414000	Federal Aid	\$4,000,000	(\$1,664,000)	\$2,336,000
475000	Gen Oblig Bond Proc	<u>\$1,500,000</u>	<u>\$ 0</u>	<u>\$1,500,000</u>
TOTAL REVENUES		<u>\$7,500,000</u>	<u>(\$3,226,000)</u>	<u>\$4,274,000</u>

APPROPRIATIONS

Capital Projects	Capital Project Exp	\$1,500,000	\$2,774,000	\$4,274,000
UNALLOCATED	Unallocated Capital	<u>\$6,000,000</u>	<u>(\$6,000,000)</u>	<u>\$ 0</u>
TOTAL APPROPRIATIONS		<u>\$7,500,000</u>	<u>(\$3,226,000)</u>	<u>\$4,274,000</u>

and be it further

RESOLVED, that should the Agreement receive additional federal or non-federal reimbursement in the future, the project revenue will be accepted by Erie County and the budget adjusted to reflect the receipt of the additional funds; 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 exceeds the amount appropriated, 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 for the County Executive to execute all necessary Agreements, certifications or reimbursement requests for Federal, Non-Federal aid and any other funding source on behalf of the County of Erie; 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; 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)

2. COMM. 23E-9 (2023)
COUNTY EXECUTIVE

WHEREAS, the Reconstruction of Maple Street (CR 241) from Main Street (NYS 16/78 / US 20A) to the Village Line, Village of East Aurora, PIN 5764.22 (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, Public Works Dept. (DPW) wishes to continue the Reconstruction of Maple Street project and C&S Engineers contract which was originally approved by the Legislature in COMM 12E-17 (2022); 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, this agreement, is in the amount of \$200,000, which provides for the County of Erie’s required local share commitment of \$10,000 and acceptance of federal revenue in the amount of \$160,000 and State Marchiselli revenue in the amount of \$30,000 for the final design phase of the Project; and

WHEREAS, DPW desires to amend the engineering design services agreement with C&S Engineers by the amount of \$150,000 and establish a project contingency of \$50,000 with the project total not to exceed \$200,000; 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 to execute the Locally Administered Federal Aid Project 5764.22 Maple Street Agreement in the amount of \$200,000, between NYSDOT and the County of Erie for the above referenced Project; 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 of the Project; 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 budgets of B.23005, 2023 Federal Aid Road Design, in Fund 420, Funds Center 123 as follows:

REVENUES		CURRENT BUDGET	INCREASE/ DECREASE	REVISED BUDGET
405160	NYS Marchiselli	\$ 150,000	\$30,000	\$ 180,000
414000	Federal Aid	\$3,850,000	(\$30,000)	\$3,820,000
475000	Gen. Oblig. Bond	<u>\$1,750,000</u>	<u>\$ 0</u>	<u>\$1,750,000</u>
TOTAL REVENUES		<u>\$5,750,000</u>	<u>\$ 0</u>	<u>\$5,750,000</u>
APPROPRIATIONS				
	Capital Project Exp	\$1,000,000	\$200,000	\$1,200,000
	Unallocated Capital	<u>\$4,750,000</u>	<u>(\$200,000)</u>	<u>\$4,550,000</u>
TOTAL APPROPRIATIONS		<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 to execute an amendment to C&S Companies design agreement, for final design services in the amount of \$150,000; and be it further

RESOLVED, that authorization is hereby given to the County Executive to establish a Project contingency in the amount of \$50,000 with a total Project cost not to exceed \$200,000; and be it further

RESOLVED, that authorization is hereby given to the Director of Budget and Management to adjust the Project budget for any and all increases or reductions in Federal and/or State revenue that are made available for this Project; 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 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 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 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, and one (1) copy each to the County Executive's Office, Comptroller's Office, Department of Law and Division of Budget and Management. (5-0)

3. COMM. 23E-10 (2023)
COUNTY EXECUTIVE

WHEREAS, it is desired to rehabilitate Bullis Road (CR 330) from Two Rod Road (NYS Route 954G) to Little Buffalo Creek, including a mill and overlay of the pavement and replacement of the drainage; and

WHEREAS, the Legislature previously approved participation in the Project via Communication Comm. 5E-14 dated March 23, 2023; and

WHEREAS, the Department of Public Works wishes to award the construction contract to the lowest responsible bidder, in the amount not to exceed \$2,740,000, enter into a construction period services agreement with CPL Architects, Engineers, Landscape Architect and Surveyor, D.P.C. for \$327,617 and establish a project contingency of \$163,194 with the project total not to exceed \$3,230,811; and

WHEREAS, the estimated total cost of the Project is \$3,230,811, and is available in Fund 420, Funds Center 123, Capital Projects B.20003 - 2020 Alden Crittenden and B.21154 - CAP-001.330-21 Alden; and

WHEREAS, the Department of Public Works wishes to implement the project in a timely manner for construction.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to award and execute an agreement between the County of Erie and CPL Architects, Engineers, Landscape Architect and Surveyor, D.P.C. for construction administration and inspection services in the amount of \$327,617 for the rehabilitation of Bullis Road from Two Rod Road to Little Buffalo Creek; and be it further

RESOLVED, that authorization is hereby given to the County Executive to award and execute a construction contract between the County of Erie and the lowest responsible bidder for construction services in an amount not to exceed \$2,740,000; and be it further

RESOLVED, that authorization is hereby given for a project contingency be established in the amount of \$163,194 with a project total not to exceed \$3,230,811; and be it further

RESOLVED, that funding for this Project is hereby appropriated and made available for the project from Fund 420, Fund Center 123, as follows:

B.20003	2020 Alden Crittenden	\$ 825,482
B.21154	CAP-001.330-21 Alden	\$ 2,405,329
Total Not to Exceed		\$ 3,230,811

and be it further

RESOLVED, that authorization is hereby given to the the County Executive to execute any necessary change orders, amendments and agreements; 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 one copy each to the County Executive's Office, Comptroller's Office, Department of Law and Division of Budget and Management. (5-0)

4. COMM. 23E-11 (2023)
COUNTY EXECUTIVE

WHEREAS, a design project for replacement of the Four Rod Road (CR 356) Bridge over Little Buffalo Creek, BIN 3328050, in the Town of Marilla, (the "Project") was authorized by your honorable body via Communication 11E-19 (2021); and

WHEREAS, to facilitate the replacement of this bridges, it is necessary for the County to acquire by fee and/or easement portions of real property in the vicinity of the bridge including:

<u>PROPERTY TAX MAP SBL NUMBERS</u>	<u>TOWNSHIP</u>
SBL 148.00-6-4.112	Marilla
SBL 148.00-5-21	Marilla
SBL 148.00-6-10	Marilla

and

WHEREAS, such properties to be acquired by the County are herein referred to as the “Subject Properties”; 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 approves the acquisition of the ROW required for replacement project of the Four Rod Road (CR 356) Bridge over Little Buffalo Creek, BIN 3328050, in the Town of Marilla; and be it further

RESOLVED, that authorization is hereby given for a sum not to exceed \$15,000 in SAP B.17006 Capital Right of Way be made available to cover the cost of all Right-of-Way acquisitions; and be it further

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

RESOLVED, that authorization is hereby given for the Commissioner of Public Works, or his authorized representatives, including Greenman-Pedersen, Inc., to establish the amounts representing just compensation for the real property to be acquired; and be it further

RESOLVED, that authorization is hereby given for the Commissioner of Public Works, or his authorized representatives, including Greenman-Pedersen, Inc., 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 authorization is hereby given for the Commissioner of Public Works, or his authorized representatives, including Greenman-Pedersen, Inc., 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 authorization is hereby given for the County Attorney to prepare, and the County Executive to execute all appropriate documents relating to acquiring fee and/or easement interests in the Subject Properties; and be it further

RESOLVED, 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, the County is authorized 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 Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller. (5-0)

5. **COMM. 23E-13 (2023)**
COUNTY EXECUTIVE

WHEREAS, the County of Erie is interested in the fostering of tourism and supporting arts and cultural organizations; and

WHEREAS, the non-profit arts and culture sector is a significant industry in the Western New York economy generating over \$352 million in direct and indirect economic activity according to Arts Services Initiative; and

WHEREAS, the 2021 Fiscal Year Budget Balancing Resolution, Comm.8E-1 (2022) approved by the Erie County Legislature on May 12, 2022 allocated \$25,000,000 towards a “Cultural Agency Capital Fund;”; and

WHEREAS, the intent of the aforementioned Fund is to provide capital improvement grants to defray the cost of capital improvements at art and cultural institution’s facilities; and

WHEREAS, a competitive application process was facilitated by the Department of Environment and Planning; and

WHEREAS, the Erie County Capital Projects Committee reviewed applications and selected a list of awardees representing arts and cultural organizations throughout the County; and

WHEREAS; additional legislation is needed to enter into contracts with awarded arts and cultural organizations to facilitate the projects; and

WHEREAS, pursuant to 6 N.Y.C.R.R. § 617.1 which implements the State Environmental Quality Review Act, the consideration of environmental factors into decision making processes of local governments is required prior to the Legislature undertaking, approving or funding an action; and

WHEREAS, the Department of Environment and Planning reviewed the proposed cultural capital projects and determined that certain projects are considered Type II actions pursuant to SEQR; and

WHEREAS, the following Organization’s applications were selected to complete the following projects:

Organization Legal Name	Project Description
Aurora Historical Society, Inc.	Porch repairs and electrical upgrades
Lackawanna Historical Association	Purchase of new microfilm reader
Western New York Artists Group, Inc.	Install window shades and window sign
Buffalo Arts Studio	Install UV reducing window treatments
Orchard Park Historical Society	Porch repairs
Jewish Community Center of Greater Buffalo	Theater equipment purchase
Friends of Limerick Inc.	Septic system installation and restroom addition
Niagara Frontier Radio Reading Service	Office building renovations
Buffalo Media Resources, Inc.	Audio/visual equipment, general construction

Michigan Street Preservation Corp.	New storm windows, exhibit installation
Richardson Architecture Center	Historic window & door restoration
North Park Theatre of Buffalo, Inc.	Seating, masonry, plaster, marquee
West Falls Center for the Arts	Parking lot paving & kitchen renovation
Explore & More...A Children's Museum	Visitor traffic flow & security improvements
Hamburg Natural History Society, Inc.	Restroom building construction
Sardinia Historical Society	Roof replacement
Colored Musicians Club	Second story performance space restoration
Road Less Traveled Productions, Ltd.	Theater equipment purchase
Lancaster, NY Opera House, Inc.	HVAC installation & general construction
Hull House Foundation	Historic threshing barn reconstruction
Ukrainian American Freedom Foundation, Inc.	Basement construction, masonry, rear entry enclosure, stair platform lift

NOW, THEREFORE, BE IT

RESOLVED, the County Legislature concurs with the Department of Environment and Planning’s determination of significance set forth in 6 N.Y.C.R.R. § 617.7(c) and considers the aforementioned actions to be consider Type II action denoting a de minimis environmental impact; and be it further

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to execute contracts with the following entities in the amounts indicated, from the noted capital accounts:

Organization Legal Name	Project	Amount	Capital Account # / WBS Element
Aurora Historical Society, Inc.	Building Improvements	\$7,975	A.22095.1.37
Lackawanna Historical Association	Microfilm Reader	\$8,177	A.22095.1.38
Western New York Artists Group, Inc.	Suite Improvements	\$14,045	A.22095.1.39
Buffalo Arts Studio	Suite Improvements	\$31,860	A.22095.1.40
Orchard Park Historical Society	Porch Repair	\$34,000	A.22095.1.41
Jewish Community Center of Greater Buffalo	Equipment Purchase	\$68,000	A.22095.1.42

Friends of Limerick Inc.	Site Improvements	\$86,100	A.22095.1.43
Niagara Frontier Radio Reading Service	Office Renovation	\$53,500	A.22095.1.44
Buffalo Media Resources, Inc.	Suite Improvements	\$125,000	A.22095.1.45
Michigan Street Preservation Corp.	Site Improvements	\$134,377	A.22095.1.46
Richardson Architecture Center	Building Restoration	\$187,950	A.22095.1.47
North Park Theatre of Buffalo, Inc.	Building Restoration	\$130,000	A.22095.1.48
West Falls Center for the Arts	Parking Lot Paving	\$241,293	A.22095.1.49
Explore & More...A Children's Museum	Building Improvements	\$362,000	A.22095.1.50
Hamburg Natural History Society, Inc.	Restroom Construction	\$827,000	A.22095.1.51
Sardinia Historical Society	Roof Replacement	\$24,089	A.22095.1.52
Colored Musicians Club	Building Restoration	\$100,000	A.22095.1.53
Road Less Traveled Productions, Ltd.	Equipment Purchase	\$89,739	A.22095.1.54
Lancaster, NY Opera House, Inc.	Building Improvements	\$299,931	A.22095.1.55
Hull House Foundation	Barn Reconstruction	\$100,001	A.22095.1.56
Ukrainian American Freedom Foundation, Inc.	Building Improvements	\$261,630	A.22095.1.57

and be it further

RESOLVED, that authorization is hereby given to the Director of Budget and Management to make any necessary budgetary adjustments as needed to administer these projects; and be it further

RESOLVED, that authorization is hereby given to the Comptroller's Office, following necessary approvals of the Budget Office to make payments up to the contractual limits indicated above, with a total not to exceed \$3,186,667, the source shall be Capital Project A.22095, Capital Agency Capital Fund, Fund 410, Funds Center 162; and be it further

RESOLVED, the authorization is hereby given to the Department of Law and County Executive to execute easements, deed restrictions, intermunicipal agreements and/or place additional requirements on the aforementioned contracting entities and associated real property (project location) as necessary to implement the projects; and be it further

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

6. COMM. 23E-14 (2023)
COUNTY EXECUTIVE

WHEREAS, zoning is a municipal law which governs how pieces of land may or may not be developed within a municipal division of government; and

WHEREAS, every Town, Village and City in Erie County possesses a zoning code; and

WHEREAS, New York State's zoning enabling statutes require that zoning laws be adopted in accordance with a comprehensive plan; and

WHEREAS, updated zoning codes in accordance with updated Comprehensive Plans are necessary to reflect the current conditions and legal standards, and the community's desired development; and

WHEREAS, additional planning efforts such as parks and recreation plans provide information which informs comprehensive plans and zoning codes; and

WHEREAS, many Erie County municipal planning documents do not adequately address planning for agriculture and renewable energy; and

WHEREAS, Erie County desires to aid the Town of Hamburg, and Villages of Akron, Alden, Springville, Williamsville and Lancaster and Depew, and in the updating of municipal planning documents.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into intermunicipal agreements, contracts, agreements as necessary with the Town of Hamburg in the amount of \$20,000, for the purpose of administration of planning document updates; and be it further

RESOLVED, that authorization is hereby given to the County Executive to enter into intermunicipal agreements, contracts, agreements as necessary with the Village of Akron in the amount of \$22,500, for the purpose of administration of planning document updates; and be it further

RESOLVED, that authorization is hereby given to the County Executive to enter into intermunicipal agreements, contracts, agreements as necessary with the Village of Alden in the amount of \$30,000, for the purpose of administration of planning document updates; and be it further

RESOLVED, that authorization is hereby given to the County Executive to enter into intermunicipal agreements, contracts, agreements as necessary with the Village of Springville in the amount of \$50,000, for the purpose of administration of planning document updates; and be it further

RESOLVED, that authorization is hereby given to the County Executive to enter into intermunicipal agreements, contracts, agreements as necessary with the Village of Williamsville in the amount of \$30,000, for the purpose of administration of planning document updates; and be it further

RESOLVED, that authorization is hereby given to the County Executive to enter into intermunicipal agreements, contracts, agreements as necessary with the Village of Lancaster and/ or Village of Depew in the amount of \$30,000, for the purpose of administration of planning document updates; and be it further

RESOLVED, that the source of these funds shall be as follows:

Municipality	Amount	Source of Funds
Town of Hamburg	\$20,000	Fund 110, funds center 16200, GL 516020
Village of Akron	\$22,500	Fund 110, funds center 16200, GL 516020
Village of Alden	\$30,000	Fund 110, funds center 16200, GL 516020
Village of Springville	\$50,000	A.20064 (\$18,500) and Fund 110, funds center 16200, GL 516020 (\$31,500)
Village of Williamsville	\$30,000	Fund 110, funds center 16200, GL 516020
Village of Lancaster	\$30,000	Fund 110, funds center 16200, GL 516020

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 funding requirements; 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, Management and Finance, the Comptroller's Office, the Department of Environment and Planning, and the Department of Law.
(5-0)

7. COMM. 23E-16 (2023)
COUNTY EXECUTIVE

WHEREAS, Erie County Senior Services contracts with service providers that deliver 450,000 home delivered meals and 380,000 dining site meals per year; and

WHEREAS, the Erie County Department of Environment and Planning (ECDEP) works to reduce waste and decrease greenhouse gasses generated in the County; and

WHEREAS, the Rochester Institute of Technology - New York Pollution Prevention Institute has a grant to from the Environmental Protection Fund administered by the New York State Department of Environmental Conservation (NYSDEC) which has fully funded a study focused on reducing waste and a report which will offer a comparison between alternatives related to program expenses, environmental impacts, and program growth potential; and

WHEREAS, all decisions regarding selection and implementation of alternatives will be evaluated based on the full program of services offered by the nutrition programs of the Department of Senior Services; and

WHEREAS, the original no-cost contract for this study was approved (COMM. 20E-6 (2022)) and more time is needed to complete the assessment.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to execute the necessary agreements to extend the current no-cost contract and Statement of Work from RIT-NYSP2I through June 30, 2024; 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 Law, the Comptroller's Office, and the Department of Environment.
(5-0)

8. COMM. 23E-17 (2023)
COUNTY EXECUTIVE

WHEREAS, Westchester Park Project consists of the acquisition and renovation of two existing buildings containing a total of 201 units of affordable housing for seniors located at 55 Ralston Avenue in the Town of Tonawanda; 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 Westchester Park Preservation, L.P. and Westchester Park Preservation 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 Tonawanda.

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 Westchester Park Preservation, L.P., Westchester Park Preservation Housing Development Fund Corporation, and the Town of Tonawanda 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, Division of Budget and Management, the Division of Real Property Tax Services, the Department of Environment and Planning, the Comptroller’s Office, the Department of Law.

SCHEDULE A
PILOT Payments

Tax Year	Total PILOT	County	Town	School
1	199,084	35,551	91,010	72,523
2	205,057	36,617	93,740	74,699
3	211,208	37,716	96,552	76,940
4	217,545	38,847	99,449	79,248
5	224,071	40,013	102,432	81,626
6	230,793	41,213	105,505	84,075
7	237,717	42,449	108,671	86,597
8	244,848	43,723	111,931	89,195
9	252,194	45,035	115,289	91,871
10	259,760	46,386	118,747	94,627
11	267,552	47,777	122,310	97,466
12	275,579	49,211	125,979	100,389
13	283,846	50,687	129,758	103,401
14	292,362	52,207	133,651	106,503
15	301,133	53,774	137,661	109,698
Total	3,702,748	661,206	1,692,685	1,348,858

(5-0)

9. **COMM. 23E-18 (2023)**
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 7th, 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 to enter into a First Amendment to Agreement with the Erie County Industrial Development Agency increasing the original contract amount of \$600,000 by \$50,000 to a new total of \$650,000, 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, Management and Finance, the Comptroller’s Office, the Department of Environment and Planning, and the Department of Law.
(5-0)

HOWARD J. JOHNSON, JR.
CHAIR