

March 16, 2023

ECONOMIC DEVELOPMENT COMMITTEE
REPORT NO. 4

ALL MEMBERS PRESENT.

1. RESOLVED, the following item is hereby received, filed and printed:
 - a. COMM. 5E-2 (2023)
COUNTY EXECUTIVE: “Appointment to the ErieNET LDC Board of Directors”
(Chair’s Ruling)

February 23, 2023

Erie County Legislature
92 Franklin Street – 4th Floor
Buffalo, NY 14202

Re: Appointment to the ErieNET LDC Board of Directors

Dear Honorable Members:

Pursuant to the By-laws of the ErieNet Local Development Corporation, I hereby submit the following individual for appointment to serve on the ErieNET LDC Board of Directors:

Jason Keding
8500 Boston State Road
Boston, NY 14025

Should you have any questions, please do not hesitate to contact my office at (716) 858-8500.

Sincerely,

Mark C. Poloncarz, Esq.
Erie County Executive

2. RESOLVED, the following items are hereby received and filed:

- a. COMM. 4E-8 (2023)
BASKIN: “Letter to Governor Hochul in Regards to NFTA Board Appointment”
(Chair’s Ruling)
 - b. COMM. 4M-4 (2023)
NFTA: “3rd Quarter Capital Expenditure Reports”
(Chair’s Ruling)
3. COMM. 4E-15 (2023)

COUNTY EXECUTIVE

WHEREAS, the Buffalo Convention Center, a 44 year old facility, maintains worn and outdated interior finishes that hinder competitiveness in the industry while also creating a lack of appeal to clients; and

WHEREAS, the Erie County Department of Public Works (DPW) received professional Architectural/Engineering design qualifications and proposals for the Buffalo Convention Center Interior Renovations –Term Agreement project on May 20, 2022; and

WHEREAS, a review of qualifications evaluated each firm, it was deemed, via the County’s consultant selection process, that Architectural Resources PC had the necessary expertise, experience, and manpower to provide the required architectural and engineering services; and

WHEREAS, the qualifications and proposals were solicited by DPW as a term agreement with an initial scope of the breakout rooms, ballroom and corridors as initial lump sum; and

WHEREAS, to address the future projects determined collectively by the Consultant, the Convention Center, and DPW, the fee for design services will be an agreed upon negotiated based on the scope of services required for future work, it has been determined that it was appropriate to award one term contract; and

WHEREAS, the County Executive is requesting authorization to enter into a three (3) year Term Agreement with Architectural Resources PC for a lump sum basis for providing professional architectural/engineering services for Buffalo Convention Center Interior Renovations –Term Agreement project, with the possibility of two (2) one (1) year extensions at the discretion of DPW; and

WHEREAS, the design fee for the professional services described herein is being requested for the initial scope as well as future scopes of work based on the needs of the facility while considering their event schedule during construction.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into one three (3) year Term Agreement with the firm of Architectural Resources PC, with the possibility of two (2) one (1) year extensions, for providing professional engineering services on a lump sum basis for the Buffalo Convention Center Interior Renovations –Term Agreement project for an amount not to exceed \$550,000, including architectural and design services, hazardous materials allowance, and reimbursables; and be it further

RESOLVED, the initial design services as part of the term agreement includes the breakout rooms, ballroom, and corridors as initial lump sum inclusive of base design fee, and reimbursables, with future work to be determined in coordination with the Consultant, Convention Center, and DPW as a negotiated lump sum fee for the scope of work at hand as agreed upon by all parties; and be it further

RESOLVED, all future work will be drawn off the remaining balance associated with the term agreement and included herein; and be it further

RESOLVED, that such contract extensions are at the discretion of DPW as agreed upon by Architectural Resources PC; and be it further

RESOLVED, that sufficient funding for the project exists in Fund 410, Funds Center 122, Capital Project A.22003 – 2022 DPW Buff Niag Convention; 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’s Office, the Division of Budget and Management, and the Comptroller’s Office, and one copy to Buffalo Niagara Convention Center c/o Jeff Calkins.
(5-0)

4. COMM. 5E-12 (2023)

COUNTY EXECUTIVE

WHEREAS, the Times Beach Nature Preserve is widely recognized as a prime Western New York bird watching venue and is strategically located because of its proximity to the City of Buffalo, Lake Erie and the Niagara River; and

WHEREAS, the Times Beach Nature Preserve is a key component in the revitalization of Buffalo and Erie County’s waterfront; and

WHEREAS, Erie County has facilitated the construction of public access amenities at the site that include a trail system, boardwalk, bird watching blinds and interpretative signage, and maintains the site; and

WHEREAS, the public access amenities, and 60% of its tree cover, have sustained extensive

damage from several Lake Erie storm events leaving the majority of the trail system and property inaccessible; and

WHEREAS, Erie County received a \$500,000 grant from the Dormitory Authority of the State of New York (DASNY) for a Resiliency Study and additional public use improvements; and

WHEREAS, the Erie County Department of Parks, Recreation and Forestry issued an RFP for the Resiliency Study component of the project on December 7, 2022; and

WHEREAS, six engineering firms submitted proposals and WSP USA, Inc. was unanimously selected by the review committee to complete the Resiliency Study.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into contract with DASNY to accept \$500,000 in grant funding within the Department of Parks, Recreation and Forestry in Grant Fund 281, Funds Center 16410 as follows:

Department of Parks, Recreation and Forestry
Times Beach Gateway Enhancement and Facility Improvement Project
164TBDASNY2325
4/1/2023 - 3/31/2025

ACCOUNT	REVENUES	BUDGET
409000	State Aid - Revenue	<u>\$(500,000)</u>
	TOTAL	<u>\$(500,000)</u>

ACCOUNT	APPROPRIATIONS	BUDGET
516020	Professional Services, Contracts & Fees	<u>\$ 500,000</u>
	TOTAL	<u>\$ 500,000</u>

and be it further

RESOLVED, that authorization is hereby given to the County Executive to enter into contract with WSP USA, Inc. for a Times Beach Nature Preserve Resiliency Study for an amount not to exceed \$140,000; and be it further

RESOLVED, that authorization is hereby given to the Director of Budget and Management to

implement budget adjustments based on grantor approved changes; and be it further

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

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive's Office, the County Comptroller, the Division of Budget and Management, the Department of Law, the Department of Parks, Recreation and Forestry, and the Department of Environment and Planning.

(5-0)

5. COMM. 5E-13 (2023)

COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Parks, Recreation and Forestry (Parks) has ownership of Tow Path Park in Buffalo, NY; and

WHEREAS, Parks is committed to coordinate, oversee, and support work towards the protection of the County's natural resources and public spaces; and

WHEREAS, the Dormitory Authority of the State of New York (DASNY) State Municipal Facilities Program provides grant assistance to municipalities to implement projects to make improvements of memorials/monuments of a cultural/educational nature in Park areas; and

WHEREAS, once approved, the Tow Path Fenian Invasion Monument Improvement Project will be completed by Rodriguez Construction Group, currently under contract with Parks in accordance with New York State Municipal Law 103.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into contract with DASNY to accept a grant of \$95,000 for a capital improvement project at the Tow Path Park Fenian Invasion Monument; and be it further

RESOLVED, that authorization is hereby given to create a new capital project in Fund 410, Funds Center 164 for the project as follows:

Project A.23XXX – Tow Path Fenian Invasion Monument Project
Fund 410, Funds Center 164

REVENUES

409000 State Aid - Revenue \$(95,000)

TOTAL \$(95,000)

APPROPRIATIONS

Capital Project Expense \$95,000

and be it further

RESOLVED, that authorization is hereby given to the Director of the Division of Budget and Management to adjust the Project budget for any and all additions or reductions in State or local share revenues that are made available for the Project; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive's Office, the Comptroller's Office, the Division of Budget and Management, the Department of Law, and the Department of Parks, Recreation and Forestry.

(5-0)

6. COMM. 5E-14 (2023)

COUNTY EXECUTIVE

WHEREAS, it is desired to rehabilitate Bullis Road (CR 330) from Two Rod Road to the Little Buffalo Creek bridge, including pavement resurfacing and drainage replacement; and

WHEREAS, CPL Architects, Engineers, Landscape Architect and Surveyor, D.P.C. (dba CPL) was selected for the Alden-Crittenden Road (CR 1) and Bullis Road (CR 330) from Shearing Drive to Two Rod Road Intersection project in 2019 via the County's RFP process and awarded via Comm 4E-23 on March 5, 2019 to provide engineering services for the design and construction phases of the Project; and

WHEREAS, it is desired to execute a contract amendment with CPL for additional Design Engineering services for an adjacent, Bullis Road section from Two Rod Road to Little Buffalo Creek Bridge, in the amount of \$191,745; and

WHEREAS, it is desired to also establish a project contingency in the amount of \$19,200; and

WHEREAS, the total cost of the Design Engineering phase of this contract amendment and contingency is \$210,945, and is available in Capital Project B.21150-2021 Capital Overlay, Fund 420, Funds Center 123.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves the revised limits of the Rehabilitation of Alden-Crittenden Road and Bullis Road, CAP-CR1&CR330-2019 (the "Project"); and be it further

RESOLVED, that the County Executive be authorized to execute a contract amendment between the County of Erie and the selected Project Design Engineers, CPL, for engineering design services in an amount not to exceed \$191,745, and to establish a design contingency in the amount of \$19,200, for a total cost not to exceed \$210,945, and execute any necessary Change Orders; 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.21150 2021 Capital Overlay Countywide \$210,945

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, the Comptroller’s Office, and the Division of Budget and Management.
(5-0)

7. COMM. 5E-16 (2023)
 COUNTY EXECUTIVE

WHEREAS, Tonawanda Towers consists of the improvement and rehabilitation of one hundred (100) low income rental units at 5 Main Street, City of Tonawanda, 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 Orbach Affordable Housing Solutions (OAHS) Tonawanda Housing Development Fund Corporation, OAHS Tonawanda TC LLC to operate the housing project it is necessary to extend tax relief from the County of Erie and the City of Tonawanda.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive or Deputy County Executive is hereby authorized to execute a Payment in Lieu of Taxes (PILOT) Agreement with OAHS Tonawanda Housing Development Fund Corporation, OAHS Tonawanda TC LLC, and the City 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 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 Schedule

Year	Total Payments	To City (75%)	To County (25%)
1	\$76,267	\$57,200	\$19,067
2	\$78,555	\$58,916	\$19,639
3	\$80,912	\$60,684	\$20,228
4	\$83,339	\$62,504	\$20,835
5	\$85,839	\$64,379	\$21,460
6	\$88,414	\$66,311	\$22,103
7	\$91,067	\$68,300	\$22,767
8	\$93,799	\$70,349	\$23,450
9	\$96,613	\$72,460	\$24,153
10	\$99,511	\$74,633	\$24,878
11	\$102,496	\$76,872	\$25,624
12	\$105,571	\$79,178	\$26,393
13	\$108,739	\$81,554	\$27,185
14	\$112,001	\$84,001	\$28,000
15	\$115,361	\$86,521	\$28,840

(5-0)

HOWARD J. JOHNSON, JR.
CHAIR