

May 4, 2023

ECONOMIC DEVELOPMENT COMMITTEE  
REPORT NO. 6

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

1. RESOLVED, the following item is hereby received, filed and referred to the ENERGY & ENVIRONMENT COMMITTEE:
  - a. COMM. 8E-5 (2023)  
**COUNTY EXECUTIVE:** “ECSD Nos. 1 & 3 - Various Sanitary Sewer Replacements”  
(Chair’s Ruling)
2. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 8M-1 (2023)  
**NFTA:** “Metro Cash Flow Statements”  
(Chair’s Ruling)
  - b. COMM. 8M-2 (2023)  
**NYSDEC:** “DEC Invites Public Comment About Brownfield Application for Site on East Huron St., Buffalo”  
(Chair’s Ruling)
  - c. COMM. 8M-3 (2023)  
**NYS DEPT OF AGRICULTURE & MARKETS:** “Final Notice of Intent to Undertake an Action within an Agricultural District, Grand Island”  
(Chair’s Ruling)
3. COMM. 8E-6 (2023)  
**COUNTY EXECUTIVE**  
WHEREAS, the Erie County Division of Sewerage Management (DSM) is in the design phase for the Southtowns Advanced Wastewater Treatment Facility (AWTF) Expansion Project; and  
  
WHEREAS, it has been identified during the design phase that a proposed electrical substation for the Southtowns AWTF Expansion Project requires the relocation of an existing 2-inch diameter gas line owned by National Fuel Gas Distribution Corporation; and  
  
WHEREAS, the DSM recommends executing right of way and gas line relocation agreements to allow the existing 2-inch diameter gas line to be moved.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature approves of a 10-foot-wide right of way to be granted to National Fuel Gas Distribution Corporation within the bounds the Southtowns AWTF parcel, SBL No. 159.00-1-24, S-3690 Lake Shore Road, Buffalo, New York 14219, so that National Fuel Gas Distribution Corporation may lay, maintain, alter, operate, relocate, remove, abandon in place, extend, re-lay and change the size of a pipeline or pipelines and to install cathodic protection devices, cable, regulators, connections, meters, valves, fittings, and accessories and do such other activity as is necessary and/or convenient for system maintenance, transportation and distribution of gas, over, under and/or through via a new 2-inch diameter gas line, or future gas lines, as may be necessary to service the Southtowns AWTF; and be it further

RESOLVED, that the Erie County Legislature hereby authorizes the Commissioner of the Department of Environment and Planning to sign any and all documentation requiring the signature of the property owner, including Right of Way and Gas Line Relocation Agreements, as it relates to the new gas line provided by National Fuel Gas Distribution Corporation for the Southtowns AWTF expansion project, subject to approval as to form by the County Attorney; and be it further

RESOLVED, that certified copies of this resolution will be forwarded to the County Executive’s Office, Division of Budget and Management, Department of Law, Department of Environment and Planning, and the Division of Sewerage Management.  
(4-0) Chair Baskin not present for vote.

4. COMM. 8E-7 (2023)  
**COUNTY EXECUTIVE**  
WHEREAS, the Erie County Division of Sewerage Management (DSM) is in the design phase for the Southtowns Advanced Wastewater Treatment Facility (AWTF) Expansion Project; and

WHEREAS, it has been identified during the design phase that a proposed electrical substation for the Southtowns AWTF Expansion Project would require a new electrical service; and

WHEREAS, the DSM recommends granting Niagara Mohawk Power Corporation (NMPC) a 20-foot wide easement for the new electrical service and associated appurtenances.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature approves of a 20-foot wide easement to be granted to NMPC within the bounds the Southtowns AWTF parcel, SBL No. 159.00-1-24, S-3690 Lake Shore Road, Buffalo, New York 14219, so that NMPC may construct, reconstruct, relocate, extend, repair, maintain, operate, inspect, patrol, and, at their pleasure, abandon or remove electric facilities as may be necessary to service the Southtowns AWTF; and be it further

RESOLVED, that the Erie County Legislature hereby authorizes the Commissioner of the Department of Environment and Planning to sign any and all documentation requiring the signature of the

property owner, including the easement agreement, as it relates to the new electrical service provided by NMPC for the Southtowns AWTF expansion project, subject to approval as to form by the County Attorney; and be it further

RESOLVED, that certified copies of this resolution will be forwarded to the County Executive's Office, Division of Budget and Management, Department of Law, Department of Environment and Planning, and the Division of Sewerage Management.

(4-0) Chair Baskin not present for vote.

5. COMM. 8E-8 (2023)  
**COUNTY EXECUTIVE**

WHEREAS, the need for developing additional units of affordable housing is a priority for Erie County; and

WHEREAS, Erie County recognizes that various urban, suburban and rural communities within the County seek to explore creation of new units but may lack the technical expertise relative to siting such developments; and

WHEREAS, the County recognizes that studying existing zoning, public transit, and neighborhood amenity patterns relative to affordable housing development is beneficial in strategically locating such sites; and

WHEREAS, Erie County has solicited proposals from qualified professional planning consultants for proposals to undertake such Affordable Housing Study; and

WHEREAS, the results of the selection process are included as an attachment to this resolution as outlined in the Erie County Administrative Code 26.08; and

WHEREAS, Erie County desires to work with Dr. Jason Knight, AICP (SUNY Buffalo State) to produce such Study; and

WHEREAS, this Affordable Housing Study is intended to assist Erie County and local municipalities with bringing additional units of affordable housing online.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to execute an agreement to provide professional planning services to conduct an Affordable Housing Study in an amount not to exceed \$30,000 with Dr. Jason Knight, AICP (SUNY Buffalo State); and be it further

RESOLVED, that an amount of \$30,000 be allocated from the 2023 Erie County Budget in fund 110, fund center 16200, general ledger 516020; and be it further

RESOLVED, that the Director of the Division of Budget and Management is hereby authorized to implement any budget adjustments as required to comply with State and local funding requirements; and be it further

RESOLVED, that this resolution takes effect from and after its date of adoption; and be it further

RESOLVED, that certified copies of this resolution be sent to the Erie County Executive's Office; County Attorney; Comptroller's Office; Division of Budget and Management; and Department of Environment and Planning.

(4-0) Chair Baskin not present for vote.

6. COMM. 8E-9 (2023)  
**COUNTY EXECUTIVE**

WHEREAS, Ellicott Town Center Project consists of the acquisition, rehabilitation, and preservation of 281 units for low income tenants within four high-rise tower buildings located at 211 & 233 East Eagle Street, and 202 & 214 South Division Street, the Shiloh Senior Homes townhomes-style facility at 245 East Eagle Street and parcels at 215 East Eagle Street, 216 East Eagle Street and 243 East Eagle Street; 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 Ellicott Town Center LLC and First Shiloh 2 Housing Development Fund Company, Inc. 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 authorization is hereby given for the County Executive to execute a Payment in Lieu of Taxes (PILOT) Agreement with Ellicott Town Center LLC, First Shiloh 2 Housing Development Fund Company, Inc., 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 Erie County Executive's Office, Comptroller's Office, Division of Budget and Management, Department of Real Property Tax Services, Department of Environment and Planning, and the Department of Law.

**SCHEDULE A  
PILOT Payments**

Year	Total	City	County
1	\$ 114,572	\$ 85,929	\$ 28,643
2	\$ 118,009	\$ 88,507	\$ 29,502
3	\$ 121,550	\$ 91,163	\$ 30,387
4	\$ 125,196	\$ 93,897	\$ 31,299
5	\$ 128,952	\$ 96,714	\$ 32,238
6	\$ 132,821	\$ 99,616	\$ 33,205
7	\$ 136,805	\$102,604	\$ 34,201
8	\$ 140,909	\$105,682	\$ 35,227
9	\$ 145,137	\$108,853	\$ 36,284
10	\$ 149,491	\$112,118	\$ 37,373
11	\$ 153,976	\$115,482	\$ 38,494
12	\$ 158,595	\$118,946	\$ 39,649
13	\$ 163,353	\$122,515	\$ 40,838
14	\$ 168,253	\$126,190	\$ 42,063
15	\$ 173,301	\$129,976	\$ 43,325

(4-0) Chair Baskin not present for vote.

7. COMM. 8E-10 (2023)

**COUNTY EXECUTIVE**

WHEREAS, the Stone Walls at Culvert PK-21 in Chestnut Ridge Park are deteriorating and causing a potential safety hazard of the travelling public; and

WHEREAS, the replacement of the stone Walls at Culvert PK-21 in Chestnut Ridge Park (Project CAP-PK-21-WALL-22) was approved by your Honorable Body via COMM 17E-15 (2021) and COMM 9E-6 (2022); and

WHEREAS, unforeseen conditions found during the construction resulted in additional construction costs, an extended construction schedule, and the need for additional construction inspection; and

WHEREAS, the work performed was beyond the scope of the original project and therefore requires additional funding; and

WHEREAS, the County Executive and department of Parks, Recreation & Forestry desires to execute a Change Order with the Contractor, McLaughlin Construction Corp. dba Edbauer Construction, for the increase in construction costs estimated at \$31,000 for the Construction phase of the project; and

WHEREAS, the County Executive and department of Parks, Recreation & Forestry desires to execute an Amendment with the Consultant, Greenman-Pedersen, Inc., with an increase in funding for the Construction Inspection phase of the Project estimated at \$5,000; and

WHEREAS, the additional \$36,000 needed for the Change Order and Amendment is available from Fund 410, Funds Center 164, Project A.21112 - 2021 Countywide Parks Improvements.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to execute any necessary Change Orders with the Project Contractor; McLaughlin Construction Corp. dba Edbauer Construction in an amount not to exceed \$31,000; and be it further

RESOLVED, that authorization is hereby given to the County Executive to execute any necessary Amendments with the Project Consultant, Greenman-Pedersen, Inc. in an amount not to exceed \$5,000; and be it further

RESOLVED, that the additional funds for the Project will be allocated from Fund 410, Funds Center 164, Project A.21112- 2021 Countywide Parks Improvements; and be it further

RESOLVED, that the Clerk of the Legislature shall forward certified copies of this Resolution to the Erie County Executive's Office, Division of Budget and Management, Department of Parks, Recreation, and Forestry.

(4-0) Chair Baskin not present for vote.

8. COMM. 8E-11 (2023)

**COUNTY EXECUTIVE**

WHEREAS, from 2010 to 2012, exterior restorations of the Ellicott Street Building were completed which included replacing the existing asphalt shingles and the sloped roof cladding on the street side around the perimeter of the building with a clay tile roof that duplicates the original; since then, a

number of localized failures have occurred on the clay tile roof system that has compromised pedestrian safety; and

WHEREAS, in 2018 after several localized failures at the City campus, the Department of Public Works contracted with a Register Roofing Consultant to perform a forensic analysis to determine the cause for the roof failures; and

WHEREAS, after onsite investigations were performed, the forensic analysis revealed that neither the calculated design resistance of the tiles as installed, nor the prescriptive guidelines referenced in the design documents provided a structurally-sound, code-compliant roof assembly for the Ellicott Street Building; and

WHEREAS, the investigation and analysis also revealed that the lifting and/or separation of clay tile units from the building is primarily due to a failure of the smooth shank copper roofing nails that secure the clay tile units to the underlying horizontal wood batten and the existing roof mortar filler material at all hip locations is failing; and

WHEREAS, remedial action is necessary to ensure that the clay tile units that are currently anchored with smooth shank nails be re-installed with screws to the underlying horizontal wood battens to eliminate their potential to become dislodged by wind and fall to grade; and

WHEREAS, the Department of Public Works coordinated with the Department of Law to determine if there was any recourse to the original design consultant from the 2010 project to hold them accountable, however, it was determined that we were outside the statute of limitations on the project resulting in the inability to hold the original design consultant accountable; and

WHEREAS, based on the forensic analysis and the inability to hold the original design consultant accountable, a different design consultant was selected through the County's standard RFP process to prepare documents to make the necessary corrective action to the existing roof system; and

WHEREAS, the County of Erie previously received bids for the SUNY Erie Community College City Campus 2021 Ellicott Street Building Clay Tile Roof Repair project on Tuesday, December 20, 2022, however the bid prices far exceeded the consultant's pre-bid estimate, the scope was reduced to approximately half of the roof areas; and

WHEREAS, the County of Erie received bids for the SUNY Erie Community College City Campus 2021 Ellicott Street Building Clay Tile Roof Repair REBID project on Tuesday, March 14, 2023; and

WHEREAS, the lowest bidder failed to submit their Experience Questionnaire as part of the sealed proposal rendering them non-responsive, making it so that their bid could not be considered in accordance with the Erie County Local Law 2-2021; and

WHEREAS, the lowest responsible bidder for the General Construction Work is Jos A. Sanders & Sons, Inc.; and

WHEREAS, the County of Erie will receive 50% reimbursement from New York State for this project; and

WHEREAS, the Department of Public Works and Bell & Spina Architects-Planners PC are recommending award of the contract to the lowest responsible bidder for the SUNY Erie Community College City Campus 2021 Ellicott Street Building Clay Tile Roof Repair REBID project.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into a contract with the lowest responsible bidder for the SUNY Erie Community College City Campus 2021 Ellicott Street Building Clay Tile Roof Repair REBID project for an amount not to exceed as follows:

General Construction Work

Jos. A. Sanders & Sons, Inc.	Base Bid:	\$ 3,701,344.00
Total Award of General Construction	Contract:	\$ 3,701,344.00

and be it further

RESOLVED, that the sum of \$298,656 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 all the above from the approved Capital Budgets, Fund 480, Funds Center 122, as follows:

E.14006 2014 ECC Code Compliance (Collegewide)	\$ 146.33
E.15004 2015 ECC Code Compliance (Collegewide)	\$ 23,528.00
E.17005 2017 ECC Code Compliance (Collegewide)	\$ 36,568.49
E.18005 2018 ECC Code Compliance (Collegewide)	\$ 1,150.00
E.19001 2019 Collegewide Improvements and Renovations	\$ 370,360.48
E.20001 2000 Collegewide Improvements and Renovations	\$ 1,569,546.70
E.21150 2021 ECC City Roof	\$ 1,998,700.00
For a Total Amount Not to Exceed	\$ 4,000,000.00

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's Office, the Comptroller's Office, the Division of Budget and Management, and one copy to SUNY Erie and Financial Officer. (4-0) Chair Baskin not present for vote.

9. COMM. 8E-12 (2023)

**COUNTY EXECUTIVE**

WHEREAS, the Erie County Department of Parks, Recreation and Forestry (Parks) has identified a capital improvement project at Grover Cleveland Golf Course to renovate the existing historic Grover Schenk House and Restroom Building; and

WHEREAS, the Department of Public Works and Watts Architecture and Engineering, DPC are recommending award of the contracts to the lowest responsible bidder for the General, Mechanical, Electrical and Plumbing Contract received on March 8, 2023; and

WHEREAS, the County Executive is requesting authorization to enter into an agreement with the lowest responsible bidder for the Grover Cleveland Golf Course Schenck House and Restroom Renovation Project.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the 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

<u>Walter Johnson Building Co., Inc.</u>	<u>Base Bid:</u>	<u>\$ 1,089,604</u>
Total Award of General Construction Contract:		\$ 1,089,604

Mechanical Construction Work

<u>John W. Danforth Company</u>	<u>Base Bid:</u>	<u>\$ 156,500</u>
Total Award of General Construction Contract:		\$ 156,500

Electrical Construction Work

<u>CIR Electrical Construction Corporation</u>	<u>Base Bid:</u>	<u>\$ 198,550</u>
Total Award of Electrical Construction Contract:		\$ 198,550

Plumbing Construction Work

<u>M.K.S Plumbing Corp.</u>	<u>Base Bid:</u>	<u>\$ 49,000</u>
Total Award of Electrical Construction Contract:		\$ 49,000

and be it further

RESOLVED, that the sum of \$150,000 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:

<u>A.21162 – 2021 Parks Managed by DPW</u>	<u>\$1,643,654</u>
Total not to exceed	\$1,643,654

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 Comptroller's Office, the Division of Budget and Management, and the Department of Parks, Recreation & Forestry. (4-0) Chair Baskin not present for vote.

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