

MARCH 22, 2007

FINANCE & MANAGEMENT COMMITTEE
REPORT NO. 5

ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 6E-2 (2007)
COMPTROLLER: Copy of Letter to County Attorney Re: Retention of Joseph Passafiume (4-0)
 - b. COMM. 6E-3 (2007)
COMPTROLLER: Notice of Completion of Sale of \$50 Million of General Obligation Bonds (4-0)
 - c. COMM. 6E-5 (2007)
COUNTY EXECUTIVE: Copy of Letter to ECFSA Chair Re: Sale of County's Tax Liens (4-0)
 - d. COMM. 6D-4 (2007)
BUDGET, MANAGEMENT & FINANCE: BMR for FY2006 w/ Year to Date Results Through 12/31 (4-0)
 - e. COMM. 6M-2 (2007)
STATE SENATOR VOLKER: Notice of Introduction of An Act to Amend the Local Finance Law (4-0)
 - f. COMM. 6M-3 (2007)
BUFFALO COMMISSIONER OF DEPT. OF ASSESSMENT & TAXATION: Certified Resolution - Sale of Erie County Tax Liens (4-0)
 - g. COMM. 6M-14 (2007)
ECFSA: Certified Resolution 07-09 Amending the Process for Approving Contracts Settlements, or Other Obligations Binding or Purporting to Bind Erie County (4-0)
 - h. COMM. 6M-16 (2007)

GERALD E. KELLY & PETER A. REESE: Performance Based Budgeting (4-0)

2. COMM. 2D-3 (2007) **AS AMENDED**
BUDGET, MANAGEMENT & FINANCE

WHEREAS, the Erie County Director of Real Property Tax Services has received applications for corrected tax billings and / or refunds for taxes previously paid in accordance with New York State Real Property Tax Law sections 554 and 556 and

WHEREAS, the Director has investigated the validity of such applications (see attached listing)

NOW, THEREFORE, BE IT

RESOLVED, that petitions numbered 207179 through 207196 inclusive be hereby approved or denied base upon the recommendation of the Director of Real Property Services and be charged back to the applicable towns and / or cities.

FISCAL YEAR	2007	Petition No.	207179	
	ASSESSOR	Refund	\$236.21	
S-B-L	70.09-1-11	142289 AMHERST		
	Acct. No. 112	\$236.21	County	
	Acct. No. 132	\$0.00	Town/SpecialDist/School	
<u>Charge To :</u>	142289 AMHERST		\$0.00	

REFUND - CLERICAL ERROR, THE BUSINESS EXEMPTION IN THE AMOUNT OF 139,500 SHOULD BE IN THE AMOUNT OF 186,400. RPTL 550(2)B
CHECK FOR: UNILAND PARTNERSHIP OF DELAWARE

FISCAL YEAR	2006	Petition No.	207180
	ASSESSOR	Refund	\$507.00
S-B-L	257.00-3-2.3	142600 BOSTON	

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$507.00	Town/SpecialDist/School
41854	BASIC STAR EXEMPTION	\$507.00	
<u>Charge To:</u>	142600 BOSTON	\$0.00	

REFUND - CLERICAL ERROR, THE BASIC STAR IN THE AMOUNT OF 31,830 WAS OMITTED FROM THE TAX ROLL IN ERROR. RPTL 550(2)C
 CHECK FOR: DAVID KING EDEN CENTRAL

FISCAL YEAR	2007	Petition No.	207181
	ASSESSOR	Cancel	\$558.41
S-B-L	212.00-4-4.1	142600 BOSTON	

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$558.41	Town/SpecialDist/School
<u>Charge To:</u>	142600 BOSTON	\$558.41	

CANCEL - UNLAWFUL ENTRY, PARCEL IS LOCATED OUTSIDE THIS WATER DISTRICT WATER TAX IN THE AMOUNT OF \$ 558.41 WILL GO ON AS AN OMITTED TAX FOR 2008 TOWN AND COUNTY TAX BILL. RPTL 550(7)B

FISCAL YEAR	2007	Petition No.	207182
	ASSESSOR	Cancel	\$129.10

S-B-L 316.00-3-9.1 143689 COLLINS

	Acct. No. 112	\$85.40	County
	Acct. No. 132	\$43.70	Town/SpecialDist/School
<u>Charge To:</u>	143689 COLLINS	\$43.70	

CANCEL - CLERICAL ERROR, THE AGRICULTURAL EXEMPTION IN THE AMOUNT OF 12,253 WAS OMITTED FROM THE TAX ROLL IN ERROR. RPTL 550(2)C

FISCAL YEAR	2007	Petition No.	207183
	ASSESSOR	Cancel	\$218.32

S-B-L 332.00-2-15.12 143689 COLLINS

	Acct. No. 112	\$117.09	County
	Acct. No. 132	\$101.23	Town/SpecialDist/School
36020	COLLINS FIRE PROTECT	\$24.68	
36023	HELMOUTH FIRE DISTRICT	\$4.34	
<u>Charge To:</u>	143689 COLLINS	\$72.21	

CANCEL - ERROR IN ESSENTIAL FACT, IMPROVEMENT SHOWN ON PROPERTY IS NON EXISTENT THIS IS VACANT LAND. THE ASSESSED VALUE IS 32,400 AND SHOULD BE 15,600. RPTL 550(3)B

FISCAL YEAR	2007	Petition No.	207184
	ASSESSOR	Cancel	\$314.32

S-B-L 341.02-3-36 143689 COLLINS

	Acct. No. 112	\$200.03	County
	Acct. No. 132	\$114.29	Town/SpecialDist/School
<u>Charge To:</u>	143689 COLLINS	\$114.29	

CANCEL - CLERICAL ERROR, DISABLED VET IN THE AMOUNT OF 14,350 WAS MISCALCULATED THE CORRECT AMOUNT SHOULD BE 43,050 (70%). RPTL 550(2)B

FISCAL YEAR	2007	Petition No.	207185
	ASSESSOR	Refund	\$250.00

S-B-L 219.16-1-9.11 144489 EVANS

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$250.00	Town/SpecialDist/School
44069	ERIE CO SEW DIST 2	\$250.00	
<u>Charge To:</u>	144489 EVANS	\$0.00	

REFUND - CLERICAL ERROR, THIS PARCEL WAS CHARGED IN ERROR FOR 2 UNITS OF SEWER SERVICE SHOULD BE 1 UNIT OF SERVICE PROPERTY IS A 210. RPTL CHECK FOR: ED CONBOY JR & CHRISTINE RACZYK

FISCAL YEAR	2007	Petition No.	207186
	ASSESSOR	Refund	\$662.24

S-B-L 126.10-1-40 145289 LANCASTER

	Acct. No. 112	\$302.99	County
	Acct. No. 132	\$359.25	Town/SpecialDist/School
<u>Charge To:</u>	145289 LANCASTER	\$359.25	

REFUND - CLERICAL ERROR, THE SENIOR EXEMPTION IN THE AMOUNT OF 60,458 WAS OMITTED FROM THE TAX ROLL. RPTL 550(2)C CHECK FOR: HELEN O'HORA

FISCAL YEAR	2007	Petition No.	207187
	ASSESSOR	Cancel	\$805.55

S-B-L 117.01-1-11 145289 LANCASTER

	Acct. No. 112	\$179.77	County
	Acct. No. 132	\$625.78	Town/SpecialDist/School
52610	GENERAL FIRE PROT	\$48.57	
<u>Charge To:</u>	145289 LANCASTER	\$577.21	
	Relevy School	\$423.33	145201 LANCASTER

CENTRAL

CANCEL - UNLAWFUL ENTRY, THIS PARCEL WAS SEIZED BY THE FEDERAL GOVERNMENT ON 8/14/06 . AT THAT TIME THE PARCEL BECAME WHOLLY

EXEMPT FROM TAX . RPTL 550(7)A

FISCAL YEAR	2007	Petition No.	207188
	ASSESSOR	Cancel	\$5,192.51

S-B-L 117.01-1-12 145289 LANCASTER

	Acct. No. 112	\$1,125.18	County
	Acct. No. 132	\$4,067.33	Town/SpecialDist/School
52610	GENERAL FIRE PROT	\$304.00	
<u>Charge To:</u>	145289 LANCASTER	\$3,763.33	
	Relevy School	\$2,649.70	145201 LANCASTER

CENTRAL

CANCEL - UNLAWFUL ENTRY, PARCEL WAS SEIZED BY THE FEDERAL GOVERNMENT ON AUGUST 14,2006 AT THAT TIME THE PARCEL BECAME WHOLLY EXEMPT. RPTL 550(7)A

FISCAL YEAR	2007	Petition No.	207189
	ASSESSOR	Cancel	\$1,062.99

S-B-L 74.00-3-30.2 145689 NEWSTEAD

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$1,062.99	Town/SpecialDist/School
<u>Charge To:</u>	145689 NEWSTEAD	\$1,062.99	

CANCEL - CLERICAL ERROR, THE DELINQUENT WATER WAS PREVIOUSLY PAID. RPTL 550(2)E

FISCAL YEAR	2007	Petition No.	207190
	ASSESSOR	Cancel	\$2,010.01

S-B-L 270.00-6-21 145889 NORTH COLLINS

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$2,010.01	Town/SpecialDist/School
<u>Charge To :</u>	145889 NORTH COLLINS		\$2,010.01

CANCEL - CLERICAL ERROR, THE RPTL 520 IN THE AMOUNT OF \$ 2,010.01 WAS PLACED ON PARCEL IN ERROR. RPTL 550(2)E

FISCAL YEAR	2007	Petition No.	207191
	ASSESSOR	Cancel	\$117.01

S-B-L 286.00-2-10.1 145889 NORTH COLLINS

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$117.01	Town/SpecialDist/School
<u>Charge To :</u>	145889 NORTH COLLINS		\$117.01

CANCEL - CLERICAL ERROR, THIS IS AGRICULTURAL LAND AND IS NOT LIABLE FOR GARBAGE TAX. RPTL 550(2)E

FISCAL YEAR	2006	Petition No.	207192
	ASSESSOR	Refund	\$1,959.76

S-B-L 162.08-1-10 146089 ORCHARD PARK

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$1,959.76	Town/SpecialDist/School
<u>Charge To :</u>	146089 ORCHARD PARK		\$1,959.76
	Relevy School	\$1,959.76	146001 ORCH PARK

CENTRAL

REFUND - CLERICAL ERROR, THE ASSESSED VALUE WAS 286,900 AND SHOULD BE IN THE AMOUNT OF 209,700. RPTL 550(2)A

CHECK FOR: TODD & MICHELLE MUSTERAIT

FISCAL YEAR	2007	Petition No.	207193
	ASSESSOR	Refund	\$1,193.83

S-B-L 162.08-1-10 146089 ORCHARD PARK

	Acct. No. 112	\$614.79	County
	Acct. No. 132	\$579.04	Town/SpecialDist/School
	60019 ORCHARD PARK FIRE PR	\$75.30	
	60141 ERIE CO SEW DST 3	\$55.04	
<u>Charge To :</u>	146089 ORCHARD PARK		\$448.70

REFUND - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY THE ASSESMENT WAS 286,900 AND SHOULD BE 209,700. RPTL 550(2)A

CHECK FOR: TODD & MICHELLE MUSTERAIT

FISCAL YEAR	2007	Petition No.	207194
	ASSESSOR	Cancel	\$76.75

S-B-L 166.00-2-6 146600 WALES

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$76.75	Town/SpecialDist/School
<u>Charge To :</u>	146600 WALES		\$76.75

CANCEL - CLERICAL ERROR, THIS IS AGRICULTURAL LAND AND THERE IS A 6 MONTH DISCOUNT ON THE REFUSE TAX. RPTL 550(2)E

FISCAL YEAR	2007	Petition No.	207195
	ASSESSOR	Cancel	\$153.50

S-B-L 166.04-2-14.22 146600 WALES

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$153.50	Town/SpecialDist/School
<u>Charge To :</u>	146600 WALES	\$153.50	

CANCEL - CLERICAL ERROR, CHARGED IN ERROR FOR REFUSE TAX PARCEL HAS PRIVATE CONTRACTOR FOR REFUSE PICKUP. RPTL 550(2)E

FISCAL YEAR	2007	Petition No.	207196
	ASSESSOR	Cancel	\$1,822.47

S-B-L 238.16-1-4 144000 EDEN

	Acct. No. 112	\$1,041.68	County
	Acct. No. 132	\$780.79	Town/SpecialDist/School
<u>Charge To :</u>	144000 EDEN	\$780.79	

CANCEL - CLERICAL ERROR, THIS IS A GROUP HOME AND IS EXEMPT FROM CERTAIN TAX. THE EXEMPTION WAS OMITTED FROM THE PARCEL IN ERROR. RPTL 550(2)C (4-0)

3. **INTRO 6-7 (2007)**
MILLS & KONST

WHEREAS, Request for Proposal #RFPA7049VF (RFP) to lease county owned property for the purpose of hosting billboards was issued by the Erie County Division of Budget, Management and Finance on March 5, 2007, seeking proposals by March 19, 2007, and

WHEREAS, the RFP lists three properties for which it is seeking to place billboards, namely: SBL# 103.19-1-16 (Broadway, Buffalo), SBL# 126.09-1-4 (French Road, Buffalo), and SBL# 161.07-1-22 (Delaware Avenue, Orchard Park), which it purports to be feasible properties for outdoor advertising signs, and

WHEREAS, SBL# 161.07-1-22 (Delaware Avenue, Orchard Park) is a parcel of land, located in a wooded area running along New York State Route 219, and

WHEREAS, the Town of Orchard Park has adopted Orchard Park Local Law No. 4 in 2004, which states in relevant part:

§ 144-36. Prohibited signs.

A. The following signs are prohibited in the Town of Orchard Park:

(8) Billboards, except that the Town may establish and off-premises identification signs for businesses, pursuant to § 144-38(I) of this chapter.

WHEREAS, the Town of Orchard Park has spent, to date, over \$300,000 litigating in support of the prohibition of billboards in the Town of Orchard Park, and

WHEREAS, four political parties (Conservative, Democrat, Independence and Republican) in the Town of Orchard Park have acknowledged the community standards of minimizing signage in the Town of Orchard Park by entering into an agreement to not post lawn signs during political campaigns, stating “that the beauty, character and aesthetics of our community should be preserved,” and

WHEREAS, Orchard Park resident Robert Lennartz successfully petitioned the State of New York to name the portion of New York State Route 219 running from Orchard Park to Springville as “Erie County Veterans Memorial Highway” in honor of Erie County residents who have served in the United States military, and

WHEREAS, the Western New York Scenic Byways Committee has submitted a proposal to have New York State declare New York State Route 219 a scenic byway, and

WHEREAS, one of the purposes of a scenic byway designation is to preserve the natural beauty of an area, which it accomplishes in part by preventing the erection of billboards, and

WHEREAS, the County of Erie funded the Western New York Scenic Byways Committee with approximately \$12,000 to pursue scenic byway designation for New York State Route 219, and

WHEREAS, application of the Western New York Scenic Byways Committee has been submitted and reviewed, has received positive feedback from New York State officials, and is believed to be near approval, and

WHEREAS, the erection of a billboard along New York State Route 219 would not serve the purpose of honoring Erie County Veterans and would be directly contrary to preserving the scenic beauty along New York State Route 219, as well as being contrary to the community standards of the Town of Orchard Park as evidenced by 2004 Local Law No. 4.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature opposes any proposal which would result in the erection of a billboard on SBL# 161.07-1-22 (Delaware Avenue, Orchard Park), and be it further

RESOLVED, that certified copies of this resolution be distributed to the County Executive and Director of Budget, Management and Finance.

4. COMM. 6E-6 (2007)
COMPTROLLER

HOME RULE REQUEST – ASSEMBLY

WHEREAS, the County's authority to arrange for the underwriting of bonds or notes at private sale through negotiated agreement expires on June 30, 2007; and

WHEREAS, Assembly Bill A.5405 and Senate Bill S.2676, now pending before the New York State Legislature, would authorize extension of the County's authority to arrange for underwriting of bonds or notes at private sale through negotiated agreement through June 30, 2008;

NOW THEREFORE, BE IT RESOLVED, THAT A HOME RULE REQUEST IS MADE TO THE NEW YORK STATE LEGISLATURE AS FOLLOWS:

TO THE LEGISLATURE:

Pursuant to Article IX of the Constitution, the County of Erie requests the enactment of Assembly Bill A.5405, entitled "AN ACT to amend the local finance law, in relation to the sale of municipal obligations by the county of Erie".

It is hereby declared that a necessity exists for the enactment of such legislation, and that the facts establishing such necessity are as follows:

The local government does not have power to enact such legislation by local law.

Such request is made by the chief executive officer of such municipality, concurred with by a majority of the total membership of the local legislative body.

AND BE IT FURTHER RESOLVED, that the Clerk of the Legislature be directed to forward copies of this home rule request, certified by the Erie County Executive and the Clerk of the Erie County Legislature, two copies to the New York State Assembly and two copies to the New York State Senate.

HOME RULE REQUEST – SENATE

WHEREAS, the County's authority to arrange for the underwriting of bonds or notes at private sale through negotiated agreement expires on June 30, 2007; and

WHEREAS, Senate Bill S.2676 and Assembly Bill A.5405, now pending before the New York State Legislature, would authorize extension of the County's authority to arrange for underwriting of bonds or notes at private sale through negotiated agreement through June 30, 2008;

NOW THEREFORE, BE IT RESOLVED, THAT A HOME RULE REQUEST IS MADE TO THE NEW YORK STATE LEGISLATURE AS FOLLOWS:

TO THE LEGISLATURE:

Pursuant to Article IX of the Constitution, the County of Erie requests the enactment of Senate Bill S.2676, entitled "AN ACT to amend the local finance law, in relation to the sale of municipal obligations by the county of Erie".

It is hereby declared that a necessity exists for the enactment of such legislation, and that the facts establishing such necessity are as follows:

The local government does not have power to enact such legislation by local law.

Such request is made by the chief executive officer of such municipality, concurred with by a majority of the total membership of the local legislative body.

AND BE IT FURTHER RESOLVED, that the Clerk of the Legislature be directed to forward copies of this home rule request, certified by the Erie County Executive and the Clerk of the Erie County Legislature, two copies to the New York State Senate and two copies to the New York State Assembly.
(4-0)

5. COMM. 6E-21 (2007)
COUNTY EXECUTIVE

WHEREAS, the following grant programs are included in Book B of the 2007 Adopted Budget, and

WHEREAS, the 2007 Adopted Budget resolutions require legislative approval for the County Executive to enter into contracts with grantor agencies for the purpose of receiving grants awarded or budgeted for fiscal 2007.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into contracts with grantor agencies for the purpose of receiving grants, following review and approval by the Director of Budget and Management with respect to the availability of State and/or Federal Funds, for the following grant programs which commence on April 1, 2007:

<u>Department</u>	<u>Grant Program</u>	<u>2007 Budget Book B Page No.</u>
Law	Aid to Localities - Indigent Defense	5
Law	Justice Assistance Grant	5
Central Police Svcs.	Aid to Localities – Laboratory Accreditation Grant	7
Central Police Svcs.	Aid to Crime Labs Program	7
Central Police Svcs.	Firearms Lab Capacity Enhancement	7
District Attorney	Aid to Prosecution	15
District Attorney	Federal Family Violence Prevention Services Act (FFVPSA)	16*

*Commences on 3/31/07

<u>Department</u>	<u>Grant Program</u>	<u>2007 Budget Book B Page No.</u>
Social Services	CPS Caseload Reduction Grant	63

Social Services Strengthening Families Program 64

and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to adjust items of appropriations and revenues which may be impacted by decreases in Federal or State aid, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the following departments: County Executive, Central Police Services, District Attorney, Law, Social Services, the Office of the Comptroller and Division of Budget and Management.
(4-0)

**ROBERT B. REYNOLDS, JR.
CHAIRPERSON**