

FEBRUARY 25, 2009

FINANCE & MANAGEMENT COMMITTEE
REPORT NO. 4

ALL MEMBERS PRESENT. CHAIR MARINELLI PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 7E-1 (2008)
COMPTROLLER: Office of Erie County Comptroller Review of Local Costs of Real Property Assessment in Erie County (6-0)
 - b. COMM. 2M-3 (2009)
ASSEMBLYMAN SCHIMMINGER: Letter to County Executive and Legislature Chair Concerning Sales Tax Home Rule Requests (6-0)
 - c. COMM. 4E-2 (2009)
MARINELLI, WHYTE, KONST, RATH & WALTER: Copy of Letter to NYS Comptroller Concerning Capital Borrowing in Erie County (6-0)
 - d. COMM. 4E-4 (2009)
COMPTROLLER: Copy of Letter to NYS Health Commissioner RE: Request for Delay in Payment of Disproportionate Share Payment by Erie County (6-0)
2. COMM. 19D-2 (2008)
REAL PROPERTY TAX SERVICES AS AMENDED
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 209038 through 209065, inclusive be hereby approved or denied based upon the recommendation of the Director of Real Property Tax Services and be charged back to the applicable towns and/or cities:

	FISCAL YEAR	2009	Petition No.	209,038.00
	ASSESSOR	Cancel	\$2,322.04	
S-B-L	115.17-1-3		143089 CHEEKTOWAGA	
	Acct. No. 112		\$0.00	County
	Acct. No. 132		\$2,322.04	Town/SpecialDist/School
	<u>Charge To :</u>	143089 CHEEKTOWAGA		\$2,322.04
	Relevy School		\$2,322.04	143007 DEPEW UNION-
CHEEK				
	RPTL 550(2):	RELEVIED SCHOOL APPLIED IN ERROR		
	NEW TAX BILL TO BE ISSUED TO:	WILLIAM ZAK		
	FISCAL YEAR	2009	Petition No.	209,039.00
	ASSESSOR	Cancel	\$875.99	
S-B-L	114.07-5-4		143089 CHEEKTOWAGA	
	Acct. No. 112		\$0.00	County
	Acct. No. 132		\$875.99	Town/SpecialDist/School
	<u>Charge To :</u>	143089 CHEEKTOWAGA		\$875.99
	RPTL 550(2):	CLEAN-UP OF DEBRIS OVERCHARGED IN ERROR		
	NEW TAX BILL TO BE ISSUED TO:	SANDRA DEMERLY		
	FISCAL YEAR	2009	Petition No.	209,040.00
	ASSESSOR	Cancel	\$512.43	
S-B-L	555.00-15-8		144489 EVANS	
	Acct. No. 112		\$181.98	County
	Acct. No. 132		\$330.45	Town/SpecialDist/School

Charge To: 144489 EVANS \$330.45

RPTL 550(2): INCORRECT ASSESSED VALUE APPLIED
NEW TAX BILL TO BE ISSUED TO: QWEST COMMUNICATIONS CORP.

FISCAL YEAR 2009 Petition No. 209,041.00
ASSESSOR Cancel \$1,537.29

S-B-L 555.00-15-7 144489 EVANS
Acct. No. 112 \$545.93 County
Acct. No. 132 \$991.36 Town/SpecialDist/School
Charge To: 144489 EVANS \$991.36

RPTL 550(2): INCORRECT ASSESSED VALUE APPLIED TO THE TAX ROLL
NEW TAX BILL TO BE ISSUED TO: QWEST COMMUNICATIONS CORP.

FISCAL YEAR 2009 Petition No. 209,042.00
ASSESSOR Cancel \$146.72

S-B-L 235.13-2-20 144489 EVANS
Acct. No. 112 \$60.08 County
Acct. No. 132 \$86.64 Town/SpecialDist/School
Charge To: 144489 EVANS \$86.64

RPTL 550(2): ENTERED WRONG EXEMPTION CODE PROPERTY IS VILLAGE OWNED
NEW TAX BILL TO BE ISSUED TO: THE VILLAGE OF ANGOLA

FISCAL YEAR 2009 Petition No. 209,043.00
ASSESSOR Cancel \$1,460.01

S-B-L 220.00-1-26 144489 EVANS

Acct. No. 112 \$597.86 County
Acct. No. 132 \$862.15 Town/SpecialDist/School
Charge To: 144489 EVANS \$862.15

RPTL 550(2): INCORRECT EXEMPTION CODE APPLIED TO THE TAX ROLL
NEW TAX BILL TO BE ISSUED TO: THE VILLAGE OF ANGOLA

FISCAL YEAR 2009 Petition No. 209,044.00
ASSESSOR Cancel \$158.03

S-B-L 221.00-3-10 144489 EVANS
Acct. No. 112 \$0.00 County
Acct. No. 132 \$158.03 Town/SpecialDist/School
Charge To: 144489 EVANS \$158.03

RPTL 550(2): EXTRA GARBAGE FEE CHARGED IN ERROR
NEW TAX BILL TO BE ISSUED TO: LUCAS MOSSOP

FISCAL YEAR 2009 Petition No. 209,045.00
ASSESSOR Cancel \$11,233.75

S-B-L 235.00-2-41 144489 EVANS
Acct. No. 112 \$4,600.14 County
Acct. No. 132 \$6,633.61 Town/SpecialDist/School
Charge To: 144489 EVANS \$6,633.61

RPTL 550(2): INCORRECT EXEMPTION APPLIED TO THE TAX ROLL
NEW TAX BILL TO BE ISSUED TO: BOCES-ERIE CATTARAUGUS #2

FISCAL YEAR	2009	Petition No.	209,046.00
	ASSESSOR	Cancel	\$10,223.33
S-B-L	251.00-1-18.1	144489 EVANS	
		Acct. No. 112	\$3,368.26 County
		Acct. No. 132	\$6,855.07 Town/SpecialDist/School
	44080 ERIE CO SEW DST 2	\$685.16	
<u>Charge To:</u>	144489 EVANS		\$6,169.91

RPTL 550(2): PROPERTY WAS DEMOLISHED (TAXES DID NOT REFLECT)
 NEW TAX BILL TO BE ISSUED TO: ACS ACQUISITION CORP

FISCAL YEAR	2006	Petition No.	209,047.00
	ASSESSOR	Refund	\$200.00
S-B-L	123.16-1-6	146800 WEST SENECA	
		Acct. No. 112	\$0.00 County
		Acct. No. 132	\$200.00 Town/SpecialDist/School
	68292 ERIE CO SEW DST 1	\$200.00	
<u>Charge To:</u>	146800 WEST SENECA		\$0.00

RPTL 550(2): INCORRECT NUMBER OF SEWER UNITS CHARGED
 **PETITION DENIED, RECEIVED AFTER STATUTE OF LIMITATIONS EXPIRED

FISCAL YEAR	2007	Petition No.	209,048.00
	ASSESSOR	Refund	\$200.00
S-B-L	123.16-1-6	146800 WEST SENECA	

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$200.00	Town/SpecialDist/School
68292 ERIE CO SEW DST 1	\$200.00		
<u>Charge To:</u>	146800 WEST SENECA		\$0.00

RPTL 550(2): INCORRECT NUMBER OF SEWER UNITS CHARGED
 REFUND TO BE ISSUED TO: KATERINE M KELLOGG

FISCAL YEAR	2008	Petition No.	209,049.00
	ASSESSOR	Refund	\$200.00

S-B-L 123.16-1-6 146800 WEST SENECA

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$200.00	Town/SpecialDist/School
68292 ERIE CO SEW DST 1	\$200.00		
<u>Charge To:</u>	146800 WEST SENECA		\$0.00

RPTL 550(2): INCORRECT NUMBER OF SEWER UNITS CHARGED
 REFUND TO BE ISSUED TO: KATHERINE M KELLOGG

FISCAL YEAR	2009	Petition No.	209,050.00
	ASSESSOR	Cancel	\$200.00

S-B-L 123.16-1-6 146800 WEST SENECA

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$200.00	Town/SpecialDist/School
68292 ERIE CO SEW DST 1	\$200.00		
<u>Charge To:</u>	146800 WEST SENECA		\$0.00

RPTL 550(2): INCORRECT NUMBER OF SEWER UNITS CHARGED
 NEW TAX BILL TO BE ISSUED TO: KATHERINE M KELLOGG

FISCAL YEAR	2008	Petition No.	209,051.00	
	ASSESSOR	Refund	\$385.66	
S-B-L	40.10-7-12.111	142289 AMHERST		
	Acct. No. 112		\$0.00	County
	Acct. No. 132		\$385.66	Town/SpecialDist/School
<u>Charge To:</u>	142289 AMHERST		\$385.66	
	Relevy School		\$385.66	142207 SWEET HOME

CENTRAL

RPTL 550(2): FAILED TO APPLY A BASIC STAR EXEMPTION
REFUND TO BE ISSUED TO: BONNIE L KREINHEDER

FISCAL YEAR	2009	Petition No.	209,052.00	
	ASSESSOR	Cancel	\$235.28	
S-B-L	305.00-1-28.1	143889 CONCORD		
	Acct. No. 112		\$112.59	County
	Acct. No. 132		\$122.69	Town/SpecialDist/School
<u>Charge To:</u>	143889 CONCORD		\$122.69	

RPTL 550(2): INCORRECT ASSESSED VALUE APPLIED TO THE TAX ROLL
NEW TAX BILL TO BE ISSUED TO: FRANK ROSS

FISCAL YEAR	2009	Petition No.	209,053.00	
	ASSESSOR	Cancel	\$5.81	
S-B-L	111.340-6-39.1	140200 BUFFALO		
	Acct. No. 112		\$0.00	County

	Acct. No. 132	\$5.81	Town/SpecialDist/School
52850 RPTL520		\$5.81	
<u>Charge To:</u>	140200 BUFFALO		\$0.00

RPTL 550(2): ERROR IN THE COMPUTATION OF A RPTL 520
NEW TAX BILL TO BE ISSUED TO: PETER KALIMU C/O PIERRE KALIMU

FISCAL YEAR	2009	Petition No.	209,054.00	
	ASSESSOR	Cancel	\$3,001.60	
S-B-L	171.06-1-4	144889 HAMBURG		
	Acct. No. 112		\$0.00	County
	Acct. No. 132		\$3,001.60	Town/SpecialDist/School
	48115 ERIE CO SEW DST 3	\$210.00		
	48134 ECSD#3 USER CHARGE	\$2,791.60		
<u>Charge To:</u>	144889 HAMBURG		\$0.00	

RPTL 550(2): INCORRECT NUMBER OF SEWER UNITS CHARGED
NEW TAX BILL TO BE ISSUED TO: LAKSHMI INC.

FISCAL YEAR	2009	Petition No.	209,055.00	
	ASSESSOR	Refund	\$210.00	
S-B-L	151.47-3-14.1	144889 HAMBURG		
	Acct. No. 112		\$0.00	County
	Acct. No. 132		\$210.00	Town/SpecialDist/School
<u>Charge To:</u>	144889 HAMBURG		\$210.00	

RPTL 550(2): INCORRECT NUMBER OF SEWER UNITS CHARGED
REFUND TO BE ISSUED TO: PAUL & JOANNE ECKMAN

FISCAL YEAR	2009	Petition No.	209,056.00
	ASSESSOR	Cancel	\$487.65
S-B-L	118.18-3-10	142089 ALDEN	
	Acct. No. 112	\$372.59	County
	Acct. No. 132	\$115.06	Town/SpecialDist/School
<u>Charge To :</u>	142089 ALDEN	\$115.06	

RPTL 550(2): FAILED TO APPLY A COMBAT VET & VET DISABILITY EXEMPTION
NEW TAX BILL TO BE ISSUED TO: WILLIAM H STREIT

FISCAL YEAR	2009	Petition No.	209,057.00
	ASSESSOR	Cancel	\$17.78
S-B-L	118.12-1-20.11	142089 ALDEN	
	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$17.78	Town/SpecialDist/School
<u>Charge To :</u>	142089 ALDEN	\$17.78	

RPTL 550(2): PROPERTY IS EXEMPT FROM WATER CHARGES
NEW TAX BILL TO BE ISSUED TO: ALDINGER FAMILY LTD PARTNERSHIP

FISCAL YEAR	2009	Petition No.	209,058.00
	ASSESSOR	Cancel	\$478.58
S-B-L	118.00-6-9.11	142089 ALDEN	
	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$478.58	Town/SpecialDist/School
<u>Charge To :</u>	142089 ALDEN	\$478.58	

RPTL 550(2): PROPERTY IS EXEMPT FROM WATER CHARGES
NEW TAX BILL TO BE ISSUED TO: ALDINGER FAMILY LTD PARTNERSHIP

FISCAL YEAR	2009	Petition No.	209,059.00
	ASSESSOR	Cancel	\$224.94
S-B-L	96.00-6-34.2	142089 ALDEN	
	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$224.94	Town/SpecialDist/School
<u>Charge To :</u>	142089 ALDEN	\$224.94	

RPTL 550(2): INCORRECT SPECIAL APPLIED FOR WATER CHARGES
NEW TAX BILL TO BE ISSUED TO: LEONARD E & LEONARD J WEGLARSKI

FISCAL YEAR	2009	Petition No.	209,060.00
	ASSESSOR	Cancel	\$244.46
S-B-L	129.00-1-3	142089 ALDEN	
	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$244.46	Town/SpecialDist/School
<u>Charge To :</u>	142089 ALDEN	\$244.46	

RPTL 550(2): INCORRECT SPECIAL DISTRICT USED FOR WATER CHARGES
NEW TAX BILL TO BE ISSUED TO: JOHN R HAUNGS

FISCAL YEAR	2008	Petition No.	209,061.00
	ASSESSOR	Cancel	\$544.67

S-B-L 81.06-3-15 142289 AMHERST

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$544.67	Town/SpecialDist/School
<u>Charge To:</u>	142289 AMHERST	\$544.67	\$544.67
	Relevy School		142203 WILLIAMSVILLE

CENT

RPTL 550(2): FAILED TO APPLY A BASIC STAR
REFUND TO BE ISSUED TO: CHRISTOPHER P OVERKAMP

FISCAL YEAR	2006	Petition No.	209,062.00
	ASSESSOR	Refund	\$10.50

S-B-L 235.07-1-3 144489 EVANS

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$10.50	Town/SpecialDist/School
44069 ERIE CO SEW DIST 2	\$10.50		
<u>Charge To:</u>	144489 EVANS		\$0.00

RPTL 550(2): INCORRECT NUMBER OF SEWER UNITS CHARGED
**PETITION DENIED, RECEIVED AFTER STATUTE OF LIMITATIONS EXPIRED

FISCAL YEAR	2007	Petition No.	209,063.00
	ASSESSOR	Refund	\$15.00

S-B-L 235.07-1-3 144489 EVANS

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$15.00	Town/SpecialDist/School
44069 ERIE CO SEW DIST 2	\$15.00		
<u>Charge To:</u>	144489 EVANS		\$0.00

RPTL 550(2): INCORRECT NUMBER OF SEWER UNITS CHARGED
REFUND TO BE ISSUED TO: MARK R ENGLER

FISCAL YEAR	2008	Petition No.	209,064.00
	ASSESSOR	Refund	\$15.00

S-B-L 235.07-1-3 144489 EVANS

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$15.00	Town/SpecialDist/School
44069 ERIE CO SEW DIST 2	\$15.00		
<u>Charge To:</u>	144489 EVANS		\$0.00

RPTL 550(2): INCORRECT NUMBER OF SEWER UNITS CHARGED
REFUND TO BE ISSUED TO: MARK R ENGLER

FISCAL YEAR	2009	Petition No.	209,065.00
	ASSESSOR	Cancel	\$15.00

S-B-L 235.07-1-3 144489 EVANS

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$15.00	Town/SpecialDist/School
44069 ERIE CO SEW DIST 2	\$15.00		
<u>Charge To:</u>	144489 EVANS		\$0.00

RPTL 550(2): INCORRECT NUMBER OF SEWER UNITS CHARGED
NEW TAX BILL TO BE ISSUED TO: MARK R ENGLER

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Director of Real Property Tax Services.
(6-0)

3. COMM. 4E-1 (2009)

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, 2009; and

WHEREAS, Assembly Bill A.4132 and Senate Bill S.1279, 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, 2010.

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.4132, 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, 2009; and

WHEREAS, Senate Bill S.1279 and Assembly Bill A.4132, 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, 2010.

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.1279, 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.
(6-0)

**KATHY KONST
CHAIR**