

May 19, 2009

FINANCE & MANAGEMENT COMMITTEE
REPORT NO. 7

ALL MEMBERS PRESENT, EXCEPT LEGISLATOR GRANT.
CHAIR MARINELLI PRESENT AS EX-OFFICIO MEMBER.

- 1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 8E-1 (2009)
COMPTROLLER: "Erie County's 1% Sales and Compensating Use Tax Revenue Sharing with Local Governments"
(5-0)
 - b. COMM. 8E-2 (2009)
COMPTROLLER: "Erie County Payment - Tonawanda Creek Bonded Capital Project"
(5-0)
 - c. COMM. 8E-6 (2009)
COMPTROLLER: "Refrigerator Payment Request"
(5-0)
 - d. COMM. 9E-6 (2009)
COMPTROLLER: "2009 First Quarter Financial Report"
(5-0)
 - e. COMM. 9E-38 (2009)
COMPTROLLER: "Letter Concerning EC Sales & Use Tax - Revenues Below Budget"
(5-0)
 - f. COMM. 9D-4 (2009)
DIRECTOR OF BUDGET AND MANAGEMENT: "BMR Report for EC - Period Ending March 31, 2009"
(5-0)
 - g. COMM. 9D-10 (2009)
DIRECTOR OF SIX SIGMA: "Quarterly Status Report"
(5-0)

- 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 209158 through 209168, 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	2007	Petition No.	209,158.00	
	ASSESSOR	Refund	\$136.32	
S-B-L	217.00-3-29.1	145000 HOLLAND		
	Acct. No. 112	\$0.00	County	
	Acct. No. 132	\$136.32	Town/SpecialDist/School	
<u>Charge To :</u>	145000 HOLLAND	\$136.32	\$136.32	
	Relevy School	\$136.32	145001 HOLLAND	

CENTRAL

RPTL 550(2): ERROR IN THE COMPUTATION OF AN AGED EXEMPTION
REFUND TO BE ISSUED TO: ROBERT GARNIER

FISCAL YEAR	2008	Petition No.	209,159.00	
	ASSESSOR	Refund	\$218.89	
S-B-L	217.00-3-29.1	145000 HOLLAND		
	Acct. No. 112	\$189.03	County	
	Acct. No. 132	\$29.86	Town/SpecialDist/School	
<u>Charge To :</u>	145000 HOLLAND	\$29.86	\$29.86	

RPTL 550(2): ERROR IN THE COMPUTATION OF A AGED EXEMPTION
 REFUND TO BE ISSUED TO: ROBERT GARNIER

FISCAL YEAR	2008	Petition No.	209,160.00
	ASSESSOR	Refund	\$15,732.44
S-B-L	132.20-1-11	140200 BUFFALO	
	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$15,732.44	Town/SpecialDist/School
	9992 ECSD#6 SAN SEWER	\$15,732.44	
<u>Charge To:</u>	140200 BUFFALO		\$0.00

RPTL 550(2): SEWER FLOW CHARGE CHARGED IN ERROR
 REFUND TO BE ISSUED TO: SHIP CERTAIN LLC

FISCAL YEAR	2009	Petition No.	209,161.00
	ASSESSOR	Refund	\$20,364.33
S-B-L	132.20-1-11	140200 BUFFALO	
	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$20,364.33	Town/SpecialDist/School
	9992 ECSD#6 SAN SEWER	\$20,364.33	
<u>Charge To:</u>	140200 BUFFALO		\$0.00

RPTL 550(2): SEWER FLOW CHARGE CHARGED IN ERROR
 REFUND TO BE ISSUED TO: SHIP CERTAIN LLC

FISCAL YEAR	2008	Petition No.	209,162.00
	ASSESSOR	Refund	\$788.02
S-B-L	170.07-1-42	144889 HAMBURG	
	Acct. No. 112	\$0.00	County

	Acct. No. 132	\$788.02	Town/SpecialDist/School
48600 RPTL 520		\$788.02	
<u>Charge To:</u>	144889 HAMBURG		\$0.00

RPTL 550(2): ERROR IN THE COMPUTATION OF A RPTL 520
 REFUND TO BE ISSUED TO: JMS-S PROPERTIES (JOHN APGAR)

FISCAL YEAR	2009	Petition No.	209,163.00
	ASSESSOR	Refund	\$1,895.21
S-B-L	170.07-1-42	144889 HAMBURG	
	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$1,895.21	Town/SpecialDist/School
	48600 RPTL 520	\$1,895.21	
<u>Charge To:</u>	144889 HAMBURG		\$0.00

RPTL 550(2): ERROR IN THE COMPUTATION OF AN RPTL 520
 REFUND TO BE ISSUED TO: JMS-S PROPERTIES (JOHN APGAR)

FISCAL YEAR	2008	Petition No.	209,164.00
	ASSESSOR	Refund	\$141.70
S-B-L	57.05-5-5.2/37	143200 CLARENCE	
	Acct. No. 112	\$89.13	County
	Acct. No. 132	\$52.57	Town/SpecialDist/School
<u>Charge To:</u>	143200 CLARENCE		\$52.57

RPTL 550(2): FAILED TO APPLY A VETERANS EXEMPTION
 REFUND TO BE ISSUED TO: PAUL E CUNNINGHAM

FISCAL YEAR	2009	Petition No.	209,165.00
	ASSESSOR	Refund	\$144.02
S-B-L	57.05-5-5.2/37	143200 CLARENCE	

	Acct. No. 112	\$90.30	County
	Acct. No. 132	\$53.72	Town/SpecialDist/School
<u>Charge To :</u>	143200 CLARENCE		\$53.72

RPTL 550(2): FAILED TO APPLY A VETERANS EXEMPTION
 REFUND TO BE ISSUED TO: PAUL E CUNNINGHAM

FISCAL YEAR	2008	Petition No.	209,166.00
	ASSESSOR	Refund	\$459.61

S-B-L 164.9-2-5 142401 EAST AURORA

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$459.61	Town/SpecialDist/School
52850 RPTL520	\$459.61		
<u>Charge To :</u>	142401 EAST AURORA		\$0.00

RPTL 550(2): A RPTL 520 CHARGED IN ERROR
 REFUND TO BE ISSUED TO: ROSELLA M FRETZ

FISCAL YEAR	2008	Petition No.	209,167.00
	ASSESSOR	Refund	\$564.72

S-B-L 67.20-5-49 142289 AMHERST

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$564.72	Town/SpecialDist/School
<u>Charge To :</u>	142289 AMHERST		\$564.72
	Relevy School	\$564.72	142201 AMHERST

CENTRAL

RPTL 550(2): FAILED TO APPLY A BASIC STAR
 REFUND TO BE ISSUED TO: JAMES F & STATHOULA SMEADER

FISCAL YEAR	2009	Petition No.	209,168.00
	ASSESSOR	Cancel	\$1,283.24

S-B-L 183.18-1-1.1 144803 HAMBURG

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$1,283.24	Town/SpecialDist/School
<u>Charge To :</u>	144803 HAMBURG		\$1,283.24

	Relevy Village	\$1,283.24	Village of HAMBURG
--	----------------	------------	--------------------

RPTL 550(2): PARCEL WAS TAKEN OVER BY D.O.T.
 NEW TAX BILL TO BE ISSUED TO: NEW YORK STATE DEPARTMENT OF TRANSPORTAN

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Director of Real Property Tax Services.
 (5-0)

3. INTRO 8-8 (2009)
KONST, MILLS, MILLER-WILLIAMS, WROBLEWSKI, IANNELLO, REYNOLDS & RATH AS AMENDED
 WHEREAS, in 2005, the Erie County Legislature took numerous steps to stabilize County government, which faced a fiscal crisis of such magnitude that it was forced to conduct massive layoffs of personnel, along with an increase in the sales and compensating use tax; and

WHEREAS, the County Legislature also instituted new fees on wireless cellular telephones and probationers, increased fees for County Clerk Records and Pistol Permits, and instituted additional revenue-generating measures; and

WHEREAS, on November 15, 2005, the Legislature also imposed "Erie County Motor Vehicle Use Taxes" as an additional revenue generating measure; and

WHEREAS, pursuant to Sections 1202(a) & 1201(e) of the NY Tax Law, Erie County is authorized to impose taxes on the use of passenger motor vehicles of a type commonly used for non-commercial purposes owned by residents of Erie County at a rate per annum for each such vehicle of not in excess of \$5.00 if such vehicle weighs 3,500 pounds or less and not in excess of \$10.00 per annum if such vehicle weighs more than 3,500 pounds; and taxes on the use of trucks, buses and other such commercial motor vehicles used principally in connection with a business carried on within Erie County, except when owned and used in connection with the operation of a farm by the owner or tenant thereof, at a rate per annum for each such vehicle of not in excess of \$10.00; and

WHEREAS, legislation imposing "Erie County Motor Vehicle Use Taxes" stated that collection of said taxes would commence upon the renewal of a individual's vehicle registration commencing on January 1, 2006; and

WHEREAS, New York State this year passed a budget that has imposed new or increased fees or surcharges on an array of products and services; and

WHEREAS, many residents of the State are already experiencing an unfair burden financially due to current economic conditions; and

WHEREAS, new or increased fees and surcharges resulting from the mismanagement of the previous administration were never meant to remain long-term tax burdens on the residents of Erie County; and

WHEREAS, Erie County's financial health has significantly strengthened since the 2005 County fiscal meltdown; and

WHEREAS, the Erie County Executive asserts that by the end of 2009, Erie County will have saved approximately \$7 million due to efficiencies attributed to the implementation of Six Sigma principles; and

WHEREAS, as of 2007, Erie County has an audited balance of \$47 million in the County's Reserve Account, and it is also estimated that Erie County will be adding an additional \$10 million to Reserve Account totals; and

WHEREAS, furthermore, Erie County is projected to receive \$74.2 million in Federal stimulus money over 27 months to help the County pay for the Medicaid program, and also to avoid an onerous property tax increase.

NOW, THEREFORE, BE IT

RESOLVED, that the Director of Budget, Management and Finance is hereby directed to appear before the next regularly-scheduled meeting of the Legislature's Finance and Management Committee to explain the ramifications of this roll back on the Erie County Budget; and be it further

RESOLVED, that the County Attorney is hereby directed to attend the next regularly-scheduled meeting of the Legislature's Finance and Management Committee to explain the proper procedures that the Legislature needs to follow to remove "Erie County Vehicle Use Taxes;" and be it further

RESOLVED, that certified copies to this resolution be sent to Erie County Executive Chris Collins; County Comptroller Mark Poloncarz; County Clerk Kathleen Hochul; Director of Budget & Management Gregory Gach, and County Attorney Cheryl Green.
(5-0)

4. COMM. 9E-27 (2008)

COUNTY EXECUTIVE

AS AMENDED

WHEREAS, Pay as You Go Capital Project authorizations for phases I and II were approved by the Erie County Legislature in 1996 and 1997, and Social Services components were wholly funded through County local share and State and Federal reimbursement restricted to Social Services operations; and

WHEREAS, no bonds were sold to fund this Capital Project and there are no bond covenants on expenditure; and

WHEREAS, the Social Services project description statement of purpose for the Pay As You Go Project was broad ranging in expansion of the Department technological platform for hardware and software, but the description does not specifically include multiple non computer related capital purchases received and paid for in prior years; and

WHEREAS, the priority needs for the Department evolved to include the replacement of an obsolete delivery vehicle and a 2009 Ford truck with a 14 foot body and a 2,000 pound capacity lift gate has been purchased, delivered and titled from West Herr Ford in Hamburg utilizing an approved NYS contract; and

WHEREAS, the Department seeks to pay for this acquisition from the Pay As You Go capital project; and

WHEREAS, this resolution seeks legislative authority to amend the description of the funded Pay As You Go Capital Project to include the phrase "and other reimbursable capital expenses".

NOW, THEREFORE, BE IT

RESOLVED, that the description of the funded 1999 Department of Social Services Pay As You Go Capital Project (A.00168) created for computer hardware and software upgrades shall be amended to include the phrase "and other reimbursable capital expenses" provided that no other such expenditures shall be made from this account without the prior approval of the Erie County Legislature; and be it further

RESOLVED, that the Erie County Comptroller is authorized to pay West Herr Ford in Hamburg an amount not to exceed 54,377 dollars for a 2009 Ford truck through the amended 1999 Department of Social Services capital account (A.00168); and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive, the Erie County Comptroller, the Commissioner of Social Services, the director of the Division of Budget and Management and the Erie County Fiscal Stability Authority.

(5-0)

**KATHY KONST
CHAIR**