

June 13, 2002

FINANCE & MANAGEMENT
COMMITTEE
REPORT NO. 9

ALL MEMBERS PRESENT. CHAIRMAN DeBENEDETTI PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, that the following items are hereby received and filed.
 - a.

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BUDGET, MANAGEMENT & FINANCE: Budget Monitoring Report for Period Ending 3/31/02.
(6-0) Chairman DeBenedetti present as Ex-Officio Member.
 - b.

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ERIE COUNTY WATER AUTHORITY: 2001 Annual Report.
(6-0) Chairman DeBenedetti present as Ex-Officio Member.
 - c.

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COMPTROLLER: Completed Review of Unfilled Vacant Positions as of 4/5/02.
(5-0)
 - d.

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COMPTROLLER: Memo to Various Department Heads Re: Office of the State Comptroller – Report of Examination.
(5-0)
 - e.

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DALE: Copy of Letter to Comptroller Re: Public Benefit Appropriation for Central Terminal Restoration.
(6-0) Chairman DeBenedetti present as Ex-Officio Member.
 - f.

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SWANICK: Copy of Letter from Legislators Swanick & Fisher to Comptroller Re: Use of Tobacco Funds for Comm 11E-35 & 11E-36.
(6-0) Chairman DeBenedetti present as Ex-Officio Member.
 - g.

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COMPTROLLER: Response to Inquiries of Legislators Swanick & Fisher Re: Proper Use of Tobacco Funds for Comms 11E-35 & 11E-36.
(6-0) Chairman DeBenedetti present as Ex-Officio Member.
 - h.

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SWANICK & FISHER: Copy of Letter to Comptroller Re: Response to Comptroller’s Response Concerning 11E-35 & 11E-36.
(6-0) Chairman DeBenedetti present as Ex-Officio Member.

- i. Item Page -2002 (Comm. 12E-4)
COMPTROLLER: Apportionment & Distribution of the 4% Sales Tax Revenue
 Received by Erie County from New York State for 5/02.
 (6-0) Chairman DeBenedetti present as Ex-Officio Member.

AS AMENDED

2. Item Page -2001 (Comm. 1D-9A)
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

EMAIL DOCUMENT IS 202809EM.DOC

WHEREAS, the Director has investigated the validity of such applications (see attached listing) now therefore be it ,

RESOLVED, that petitions numbered 202779 through 202792 inclusive be hereby approved or denied based upon the recommendation of the Director of Real Property Services and be charged back to the applicable Towns and / or Cities.

Petition No. 202779 / 2000 - ASSESSOR - Refund - \$370.36

SBL No. 42.08-2-33 - TOWN OF AMHERST

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 370.36 - Town/SpecialDist/School

Charge to : BASIC STAR EXEMPTION 370.36

REFUND - CLERICAL ERROR, THE BASIC STAR EXEMPTION IN THE AMOUNT OF 20,000 THAT THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C WILLIAMSVILLE CENTRAL
 CHECK IN FAVOR OF: DAVID R STEIN & CHARLENE LEWIS

Petition No. 202780 / 2001 - ASSESSOR - Refund - \$563.10

SBL No. 42.08-2-33 - TOWN OF AMHERST

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 563.10 - Town/SpecialDist/School

Charge to : BASIC STAR EXEMPTION 563.10

REFUND - CLERICAL ERROR, THE BASIC STAR EXEMPTION IN THE AMOUNT OF 30,000 THAT THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C WILLIAMSVILLE CENTRAL
 CHECK IN FAVOR OF: DAVID R STEIN & CHARLENE LEWIS

Petition No. 202781 / 9900 - ASSESSOR - Refund - \$180.21

SBL No. 56.14-1-56 - TOWN OF AMHERST

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 180.21 - Town/SpecialDist/School

Charge to : BASIC STAR EXEMPTION 180.21

REFUND - CLERICAL ERROR, BASIC STAR EXEMPTION IN THE AMOUNT OF
7,200 THAT THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM THE
TAX ROLL. RPTL 550(2)C WILLIAMSVILLE CENTRAL
CHECK IN FAVOR OF: GEORGE MCKEDY

Petition No. 202782 / 2001 - ASSESSOR - Refund - \$370.37

SBL No. 56.14-1-56 - TOWN OF AMHERST

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 370.37 - Town/SpecialDist/School

Charge to : BASIC STAR EXEMPTION 370.37

REFUND - CLERICAL ERROR, THE BASIC STAR EXEMPTION IN THE AMOUNT OF
20,000 THAT THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM THE
TAX ROLL. RPTL 550(2)C WILLIAMSVILLE CENTRAL
CHECK IN FAVOR OF: GEORGE E MCKEDY

Petition No. 202783 / 102 - ASSESSOR - Refund - \$563.09

SBL No. 56.14-1-56 - TOWN OF AMHERST

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 563.09 - Town/SpecialDist/School

Charge to : BASIC STAR EXEMPTION 563.09

REFUND - CLERICAL ERROR, THE BASIC STAR EXEMPTION IN THE AMOUNT OF
30,000 THAT THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM
THE TAX ROLL. RPTL 550(2)C WILLIAMSVILLE CENTRAL
CHECK IN FAVOR OF: GEORGE E MCKEDY

Petition No. 202784 / 2002 - ASSESSOR - Cancel - \$848.40

SBL No. 335.12-1-12 - TOWN OF CONCORD

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 848.40 - Town/SpecialDist/School

Charge to : VILLAGE OF SPRINGVILLE 848.40

CANCEL - CLERICAL ERROR, RELEVY VILLAGE WAS PLACED ON THIS PARCEL

IN ERROR. THE RELEVY VILLAGE ACTUALLY BELONGS ON SBL 335.12-2-1.12.
RPTL 550(2)F

Petition No. 202785 / 203 - ASSESSOR - Cancel - \$24.20

SBL No. 151.62-4-6 - TOWN OF HAMBURG

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 24.20 - Town/SpecialDist/School

Charge to : VILLAGE OF BLASDELL 24.20

CANCEL - CLERICAL ERROR, THIS IS A DUPLICATE CHARGE. PARCEL WAS
MERGED WITH SBL 151.62-4-8.1. RPTL 550(2)F

Petition No. 202786 / 2002 - ASSESSOR - Cancel - \$75.00

SBL No. 318.00-2-8 - TOWN OF NORTH COLLINS

Acct. No. 112 - \$ 75.00 - County

Acct. No. 132 - \$ 0.00 - Town/SpecialDist/School

Charge to :

CANCEL - CLERICAL ERROR, THE SENIOR EXEMPTION IN THE AMOUNT OF 15,295
(25%) THAT THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM THE
TAX ROLL. RPTL 550(2)C

Petition No. 202787 / 102 - ASSESSOR - Refund - \$628.22

SBL No. 66.72-3-9 - TOWN OF TONAWANDA

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 628.22 - Town/SpecialDist/School

Charge to : BASIC STAR EXEMPTION 628.22

REFUND - CLERICAL ERROR, THE BASIC STAR EXEMPTION IN THE AMOUNT OF

21,130 THAT THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM THE
TAX ROLL. RPTL 550(2)C KEN TON SCHOOL DISTRICT
CHECK IN FAVOR OF: JOYCE ALMAISRI

Petition No. 202788 / 2002 - ASSESSOR - Refund - \$166.75

SBL No. 134.12-1-25 - TOWN OF WEST SENECA

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 166.75 - Town/SpecialDist/School

Charge to : TOWN OF WEST SENECA 166.75

REFUND - CLERICAL ERROR, THE DELINQUENT WATER THAT WAS PLACED ON THE 2002 TAX ROLL WAS PAID PRIOR TO JANUARY 1, 2002 BUT NOT REMOVED FROM THE TAX ROLL. RPTL 550(2)E

CHECK IN FAVOR OF: MICHAEL ENDRES % MICHIGAN GARAGE & EQUIPMENT

Petition No. 202789 / 2002 - ASSESSOR - Refund - \$402.00

SBL No. 134.45-6-17 - TOWN OF WEST SENECA

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 402.00 - Town/SpecialDist/School

Charge to : SAN SEWER 2 402.00

REFUND - CLERICAL ERROR, THIS PARCEL WAS OVERCHARGED FOR SEWER UNITS. PARCEL WAS CHARGED FOR 69 UNITS AND SHOULD ONLY BE 2 UNITS. RPTL 550(2)E

CHECK IN FAVOR OF: SANDRA L HELMER

Petition No. 202790 / 2002 - ASSESSOR - Cancel - \$101.61

SBL No. 101.69-4-50 - CITY OF BUFFALO

Acct. No. 112 - \$ 101.61 - County

Acct. No. 132 - \$ 0.00 - Town/SpecialDist/School

Charge to :

CANCEL - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TAX ROLL. THE ASSESSMENT WAS 23,300 AND SHOULD BE 3000. RPTL 550(2)A

Petition No. 202791 / 2001 - ASSESSOR - Refund - \$47.13

SBL No. 283.00-5-6 - TOWN OF BRANT

Acct. No. 112 - \$ 27.68 - County

Acct. No. 132 - \$ 19.45 - Town/SpecialDist/School

Charge to : TOWN OF BRANT 19.45

REFUND - CLERICAL ERROR, THE RPTL 520 THAT WAS PLACED ON THIS PARCEL WAS MISCALCULATED. THE ASSESSED VALUE WAS 119,020 AND ACTUALLY SHOULD BE 110,400. RPTL 550(2)E

CHECK IN FAVOR OF: MICHAEL WALTERS

Petition No. 202792 / 203 - ASSESSOR - Cancel - \$2,296.89

SBL No. 151.55-4-7.1 - TOWN OF HAMBURG

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 2,296.89 - Town/SpecialDist/School

Charge to : VILLAGE OF BLASDELL 2,296.89

CANCEL - CLERICAL ERROR, THE 485-B EXEMPTION WAS OMITTED IN ERROR FROM THE TAX ROLL. THE EXEMPTION AMOUNT IS 189,825. RPTL 550(2)C

(5-0)

3. Item Page -2002 (Comm. 11E-29)
COUNTY EXECUTIVE

WHEREAS, the Division of Budget, Management and Finance did receive a request from Ann Keppler Coulter who owns property adjoining the above County owned parcel of land to purchase this land, and

WHEREAS, this parcel was reviewed and approved for sale by the Advisory Review Committee, and

WHEREAS, this office has received no other interests in this property as a result of the canvass letters sent to other adjacent property owners,

NOW, THEREFORE, BE IT RESOLVED, that the following parcel of land be sold without public auction pursuant to Article 14, Section 14-1.0 of the Erie County Tax Act to Ann Keppler-Coulter, S 4100 Willow Dale Avenue, Blasdell, New York 14219 for the sum of One Thousand and 00/100 Dollars (\$ 1,000.00),

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Hamburg, County of Erie and State of New York being part of Farmlot 16, Township 9, Range 8, Sublots 461-463 as filed in Map Cover 416 at the Erie County Clerk's Office and is further described on Erie County Tax Maps as Section, Block and Lot No. 159.670-2-30.1 (Woodlawn Avenue 90.00 x 110.00). Intending to convey land acquired by Erie County as Serial No. 1168 in the County In Rem Tax Foreclosure Action No. 150, and be it further

RESOLVED, that the Erie County Executive is hereby authorized and directed to execute a quit claim deed conveying the interest of the County of Erie in the above described property to the aforesaid purchaser, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Director of Budget, Management and Finance, the Office of the County Comptroller, the County Attorney and the Finance Office.

(5-0)

4. Item Page -2002 (Comm. 11E-30)

COUNTY EXECUTIVE

WHEREAS, the Division of Budget, Management and Finance received a request from the Town of Hamburg regarding the referenced parcel, and

WHEREAS, this parcel was reviewed and approved for sale by the Advisory Review Committee, and

WHEREAS, this parcel will be used by the Town of Hamburg Community Development Department for their New Construction In-Fill Conditional Grant program.

WHEREAS, the Town of Hamburg understands that if it were to sell this parcel at a future date, the County of Erie would be entitled to share in the profit of that sale.

NOW, THEREFORE BE IT RESOLVED, that the following parcel of land be sold without public auction pursuant to Article 14, Section 14-1.0 of the Erie County Tax Act to Town of Hamburg, S-6100 South Park Avenue, Hamburg, New York 14075 for the sum of One and 00/100 Dollars (\$1.00).

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Hamburg, County of Erie and State of New York being part of Farmlot 8, Township 9, Range 8, Sublot 251 as filed in Map Cover 893 in the Erie County Clerk's Office and is further described on Erie County Tax Maps as Section, Block and Lot No. 160.090-3-9 (Bristol Parkway 70.00 x 110.00). Intending to convey all land acquired by Erie County as Serial No. 1169 in In Rem Tax Foreclosure Action No. 150,

RESOLVED, that the Erie County Executive is hereby authorized and directed to execute a quit claim deed conveying the interest of the County of Erie in the above described property to the aforesaid purchaser, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Division of Budget, Management and Finance, the Office of the County Comptroller, the County Attorney and the Finance Department.

(5-0)

5. Item Page -2002 (Comm. 11E-31)

COUNTY EXECUTIVE

WHEREAS, G.T. Resources, Inc. has asked the County of Erie for an permanent Right of Way and Easement over, under and/or through the County Owned parcel located on Inland Rice Road, Elma, New York, SBL# 145.000-2-3;

WHEREAS, this Right of Way and Easement would be used to construct, maintain, inspect, protect, replace, repair and operate utilities including sanitary and storm sewer facilities by G.T. Resources, in, under, upon and across a strip of land thirty (30) feet wide more particularly described in Exhibit "A" and shown on Exhibit "B" attached hereto and made a part hereof, and

WHEREAS, it is necessary that this approval be granted to allow this Right of Way and Easement to be issued, and

WHEREAS, the Deputy Commissioner of Real Property Tax has determined that this Right of Way and Easement can be granted, and

WHEREAS, the Advisory Review Committee has reviewed and approved this proposal, and

WHEREAS, the parties of the first part, in consideration of other good and valuable consideration and One Thousand and 00/100 Dollars (\$1,000.00), lawful money, paid by the party of the second part, does hereby grant and release unto the party of the second part, its successors and assigns a permanent right-of-way and easement, which includes the perpetual and exclusive right to construct, maintain, inspect, protect, replace, repair and operate utilities including sanitary and storm sewer facilities in, under, upon and across a strip of land thirty (30) feet wide as further described, and

WHEREAS, the Grantee, its successors and assigns, shall have the right of reasonable ingress and egress over the premises of the parties of the first part for all of the above purposes and any other purposes reasonably incidental thereto, including the right to clear and keep cleared all trees, roots and brush, and other obstructions located in and around the easement property, and

WHEREAS, the party of the first part reserves its right, title and interest in and to the property described above, provided that such use shall not interfere with or obstruct the party of the second part in its exercise of the rights and privileges herein granted. The party of the first part specifically covenants and agrees not to impound water, excavate, or construct buildings or structures of any type whatsoever on, over or under that portion of the lands and property covered by this easement without the written consent of the Grantee, which will not be unreasonably withheld, and

WHEREAS, the party of the first party hereby represents and warrants that it is the sole owner in fee simple of this property and that it has the lawful right and authority to grant the right of way and easement conveyed herein, and

WHEREAS, the party of the second part agrees to pay the reasonable amount of any actual damage to growing shrubs, bushes, landscaping or other structural improvements located outside and within the easement property and caused by their construction or maintenance activities,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is authorized and directed to execute to G.T. Resources, Inc., 2730 Transit Road, West Seneca, New York 14224, in consideration of the sum of One Thousand and 00/100 Dollars (\$1,000.00) a 30 foot wide Permanent Right of Way and Easement on the following:

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Elma, County of Erie, State of New York, being part of Farmlot 65, Township 10, Range 6 and being a strip of land thirty (30) feet wide, more particularly bounded and described as follows:

Being part of Tax Map No. 145.000-2-3. A thirty-foot wide strip along the northerly line of said parcel as shown on Exhibit B attached hereto and made thereof, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Division of Budget, Management and Finance, the Office of the County Comptroller, the County Attorney and the Finance Department.

(5-0)

AS AMENDED

6. Item Page -2002 (Comm. 12E-10)

COUNTY EXECUTIVE

WHEREAS, the County currently operates a day care center, known as the "Joan K. Bozer Children's Place" (hereinafter "Day Care Center") at 25 Delaware Avenue in Buffalo, and

WHEREAS, the Day Care Center will have to be displaced during the renovation of existing court facilities (hereinafter "Renovation"), pursuant to the Erie County Courts Master plan Implementation Project, and

WHEREAS, upon completion of the Renovation, the Day Care Center will be housed in property owned by Erie County at 77 West Eagle Street, and

WHEREAS, the displacement of the Day Care Center during the Renovation will necessitate the leasing of private property in downtown Buffalo for up to 36 months, and

WHEREAS, any private property that will be leased by the County for the Day Care Center will have to comply with stringent fire and safety codes regarding the operation of day care centers, and

WHEREAS, the Department of Public Works has located property in downtown Buffalo that is suitable for occupancy by the Day Care Center, such property being located on the first floor of 446 Main Street (hereinafter, "Space") and owned by Main Court LLC, and

WHEREAS, before the Day Care Center can be relocated to the Premises, the landlord will have to make certain alterations to the Premises to make it comply with the stringent fire and safety codes pertaining to day care centers, and the cost of such alterations will be reflected in the rent,

NOW, THEREFORE, BE IT,

RESOLVED, that the County Executive is hereby authorized to enter into a lease with Main Court LLC for a portion of the premises located at 446 Main Street, Buffalo, for the purpose of relocating the Day Care Center during the Renovation, and be it further

RESOLVED, that the term of the lease shall be for 24 months, with an option by the County to lease the Space on a month-to-month basis for up to 12 months thereafter, and be it further

RESOLVED, that the total cost of leasing the Space for 24 months, including the cost of complying with all statutes, codes and ordinances pertaining to relocating the operation of the Day Care Center to the leased Space shall not exceed \$275,000, and be it further

RESOLVED, that should it be necessary for the County to lease the Space on a month-to-month basis beyond the initial 24 months of the lease, for an additional period not to exceed 12 months, the cost of such rent for the additional period shall not exceed \$5,000 per month, and be it further

RESOLVED, that the total cost of leasing the Space, for a period not to exceed 36 months, shall not exceed \$335,000, and be it further

RESOLVED, that the cost of leasing the Space on a temporary basis during the Renovation shall be derived from the Courts Renovation Bond Account, Fund 410, Project 164, in an amount not to exceed \$195,000, and the Buildings & Grounds Operating Expenses, Fund 110, Project 912, Account No. 822, in the amount of \$140,000, and be it further

RESOLVED, that the temporary occupancy of the Space by the Day Care Center is subject to County Attorney review and approval of all lease documents and other documents pertinent to such occupancy; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive, Commissioner of Public Works, Director of Budget Management & Finance, Comptroller and the County Attorney.

(6-0) Chairman DeBendetti present as Ex-Officio Member.

DALE W. LARSON
CHAIRMAN