



COUNTY OF ERIE

MICHAEL P. KEARNS
COUNTY CLERK

IMMEDIATE CONSIDERATION REQUESTED

October 2, 2025

The Honorable Erie County Legislature
92 Franklin Street – Fourth Floor
Buffalo, New York 14202

Re: Resolution to Return Office Space To Erie County Clerk's Office

Dear Honorable Members:

The enclosed proposed Resolution seeks the return of Erie County Clerk's office space seized without explanation or justification by the Erie County Department Public Works for use by The Buffalo News and/or any other tenants. Attached with the proposed Resolution are copies of the following:

1. Local Law No. 5 -1987, granting authority to license surplus space to the Erie County Clerk's Office alone;
2. September 18, 2025 letter to Erie County Clerk Michael P. Kearns from Commissioner William E. Geary, Jr.;
3. September 23, 2025 letter to Commissioner William E. Geary, Jr. from Erie County Clerk Michael P. Kearns; and
4. September 25, 2025 letter to Erie County Executive Mark C. Poloncarz from Erie County Clerk Michael P. Kearns.

Thank you for your consideration of this matter. If your Honorable Body requires further information, kindly contact the Erie County Clerk's Office.

Respectfully submitted,

A handwritten signature in blue ink that reads "Michael P. Kearns".

MICHAEL P. KEARNS
Erie County Clerk

MPK/wal

Encl.

IMMEDIATE CONSIDERATION REQUESTED

**STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY
BUFFALO, NEW YORK**

**A Resolution Submitted by the Erie County Clerk
Re: Seizure of Clerk's Office Space**

WHEREAS, the Erie County Clerk's Office is duly authorized to occupy space at 25 Delaware Avenue and Old County Hall, 92 Franklin Street, in the City of Buffalo; and

WHEREAS, dating back to 1987, authority for the licensing of surplus space in the area that the Erie County Clerk's Office occupies at 25 Delaware Avenue and Old County Hall, 92 Franklin Street, in the City of Buffalo, has been granted only to the Erie County Clerk by the Erie County Legislature, via Local Law; and

WHEREAS, pursuant to Local Law No. 5 – 1987, the Erie County Legislature determined that the Erie County Clerk's Office is "authorized to license any excess space within the area that said office now occupies at 25 Delaware Avenue and Old County Hall, 92 Franklin Street, in the City of Buffalo, at a fair and reasonable consideration to business entities"; and

WHEREAS, Section 3 of Local Law No. 5 – 1987 explicitly states that the Erie County Clerk "shall determine the business entities to whom licenses shall be granted"; and

WHEREAS, no other Local Law on file overturned the authority granted solely to the Erie County Clerk for the licensing of surplus space in the Erie County Clerk's Office; and

WHEREAS, on September 18, 2025, without any prior notice or discussion, the Erie County Clerk's Office received a letter signed by Commissioner of Public Works William E. Geary, Jr. stating that "the Buffalo News office will be moved to the room adjacent to the conference room currently used by your office for storage," and that the Clerk's Office materials needed to be "cleared within ten business days from the date of this letter so that the Buffalo News can transition to this space"; and

WHEREAS, the space sought to be taken by the Commissioner for the Buffalo News is a locked area occupied and used as the Erie County Clerk's office file and supply room for well over fifteen (15) years, and is immediately adjacent to the Erie County Clerk's Office staff conference room, where confidential and private meetings are routinely conducted; and

WHEREAS, the conference room is also utilized by the Erie County District Attorney's Office in collaboration with the Erie County Clerk's Office; and

WHEREAS, on September 23, 2025, the Erie County Clerk sent a letter to Commissioner Geary noting the objections to the room sought for the Buffalo News, and proposed alternative spaces; and

WHEREAS, on September 25, 2025, the Erie County Clerk sent a letter to Erie County Executive Mark C. Poloncarz alerting him to the situation with the office space being taken for the

IMMEDIATE CONSIDERATION REQUESTED

Buffalo News, without discussion or justification, as well as the existence of Local Law No. 5-1987; and

WHEREAS, the Erie County Clerk's letter to the Erie County Executive also asked a series of questions concerning what if any agreement Erie County has with The Buffalo News for office space in a County government building, including how much rent is being charged and what if any other for-profit businesses are being offered office space; and

WHEREAS, the Erie County Clerk's Office did not receive any response from the Erie County Executive; and

WHEREAS, on October 1, 2025, at approximately 4:40 p.m., a staff member from the Department of Public Works was seen by the Erie County Clerk accessing the locked office file and supply room; and

WHEREAS, when asked what was going on, the Public Works member stated that the room was to be cleaned out that evening, and that they had their orders; and

WHEREAS, the Erie County Clerk contacted Commissioner Geary to confirm that the Erie County Clerk's office space was being taken by Public Works for The Buffalo News, and was told that the room was to be a "media room", without any explanation or justification; and

WHEREAS, on the morning of October 2, 2025, Erie County Clerk's Office supplies, files, and materials were observed as having been moved out of the supply room into the adjacent room, which contains confidential pistol permit records; and

WHEREAS, office space under the authority and control of the Erie County Clerk's Office has been seized by Public Works, without the permission of the Erie County Clerk's Office, for use by a for-profit business that was not selected by the Erie County Clerk's Office, all in violation of Erie County Local Law No. 5-1987.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature requires that Public Works remove The Buffalo News and any other tenants from the Erie County Clerk's Office file and supply room; and be it further

RESOLVED, that Public Works return the Erie County Clerk's Office supplies, files, and materials to the supply room; and be it further

RESOLVED, that Public Works work in tandem with the Erie County Clerk's Office to find a suitable alternative location for The Buffalo News; and be it further

RESOLVED, that the Clerk of the Legislature shall forward certified copies of this Resolution to the Erie County Executive; the Commissioner of Public Works; the Erie County Attorney; and the Erie County Clerk.

Local Law No. 5 - 1987

COUNTY OF ERIE

LOCAL LAW INTRO NO. 12 - 1987

PRINT #1

RECEIVED
ERIE COUNTY
LEGISLATURE

JUL 16 12 57 PM '87

A LOCAL LAW relating to the licensing of Surplus Space in the County Clerk's Allocated Office area.

BE IT ENACTED BY THE ERIE COUNTY LEGISLATURE, AS FOLLOWS:

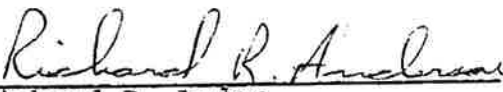
Section 1. The Erie County Legislature hereby finds and determines that the County Clerk's Office be authorized to license any excess space within the area that said office now occupies at 25 Delaware Avenue and Old County Hall, 92 Franklin Street, in the City of Buffalo, at a fair and reasonable consideration to business entities engaged in service bearing relation to the Clerk's function as the recording officer and record keeping institute of all documents, as relating to the title of real property located within the County of Erie and that such space that may be available shall be utilized in such manner as to inure to the benefit of the people of the County of Erie.

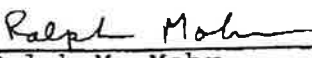
§2. The Clerk of Erie County may enter into licensing agreements for such surplus space with businesses bearing a reasonable relationship to the Clerk's function as a recorder of titles to property in the County, upon such terms and conditions as the Clerk may determine, including, however, but not limited to the conditions set forth in Section 3 hereafter.

ERIE COUNTY
DEPARTMENT OF LAW
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§3. The privilege granted is that of a license and not a lease. No interest or estate in the realty or right of exclusive possession and control is hereby passed. The County Clerk shall determine the business entities to whom licenses shall be granted. Any licensing agreement entered into hereunder shall provide for cancellation upon 60 days notice and require the licensee to hold harmless and indemnify the County of Erie and the Erie County Clerk. In determining the fair consideration to be charged for surplus space, among the factors to be considered shall be the cost to the County to construct and maintain such space, the fair rental value of similar property, and the benefit to be derived by the County and its residents from the business activities of the licensees in the licensed space.

§4. This law shall take effect immediately.


Richard R. Anderson
Legislator, 16th District
County of Erie


Ralph M. Mohr
Legislator, 17th District
County of Erie



COUNTY OF ERIE

95 Franklin St. 14th Floor
Buffalo, NY 14202

TELEPHONE 716 858 8300
FAX: 716 858 8303

September 18, 2025

The Honorable Michael P. Kearns
Erie County Clerk
92 Franklin Street
Buffalo, New York 14202

Re: Buffalo News Room | Old County Hall

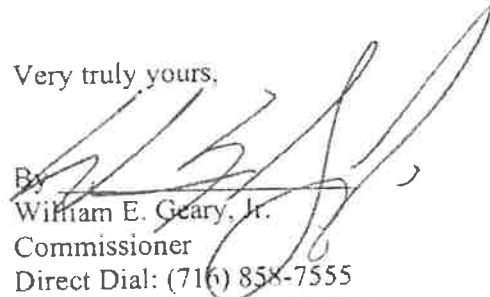
Dear Mr. Kearns:

As you may know, the Buffalo News has maintained office space within Old County Hall for many decades to allow for reporting on County-wide matters. It has recently come to my attention that the Buffalo News is in need of an alternative location within the building. After review of the floor plan, we have determined that the Buffalo News office will be moved to the room adjacent to the conference room currently used by your office for storage. Enclosed please find the highlighted area outlined on the floor plan.

Kindly, please have the materials stored within this room cleared within ten business days from the date of this letter so that the Buffalo News can transition to this space.

Should you have any questions or concerns, or require assistance, please feel free to contact the undersigned.

Very truly yours,

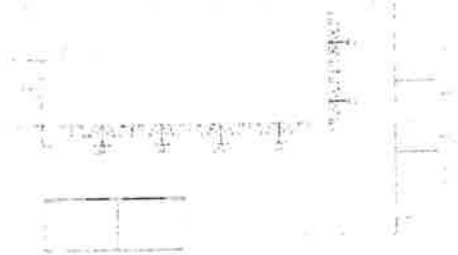
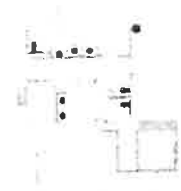
By 
William E. Geary, Jr.
Commissioner
Direct Dial: (716) 858-7555
E-mail: William.Geary@erie.gov

Encl.

cc: Tracy Cichocki, Deputy Commissioner



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FOR REFERENCE
ONLY

May 2, 2012



COUNTY OF ERIE

MICHAEL P. KEARNS
COUNTY CLERK

September 23, 2025

Mr. William E. Geary, Jr.
Commissioner of Public Works
95 Franklin Street, 14th Floor
Buffalo, New York 14221

RE: The Buffalo News Room- Old County Hall

Dear Commissioner Geary:

I am in receipt of your letter regarding office space for the Buffalo News. I must express that I find it concerning and somewhat unprofessional that neither myself or my office were notified in advance that we might be asked to relinquish space we have occupied and relied upon.

Your proposed alternative area is a space the Erie County Clerk's Office has occupied and used as our office supply room for well over 15 years. As you know, our office comprises multiple divisions and we frequently require additional space to support our operations.

The office file and supply room is immediately adjacent to our staff conference room, where we conduct private and confidential meetings with staff, outside agencies, and administrative personnel. Additionally, our office collaborates with the Erie County District Attorney's Office by providing access to our conference room for confidential training classes, in order to help meet their space needs. Furthermore, relocating this room would leave us without adequate storage for confidential office, files, paper, and outreach materials.

For these reasons, I must respectfully propose alternative space. For example, the Chambers of the Erie County Legislature, where the Buffalo News already has a dedicated desk, would be highly suitable. This area is not in use except when the Legislature is in session, and their staff member is already present. It also has full Wi-Fi access.

I want to emphasize that I am not opposed to providing space for The Buffalo News—or any other media outlet, in any county-owned building. That said, I believe there are several options that would be more appropriate than the space my office currently occupies and relies upon.

I remain open to discussing alternatives and am confident we can identify a solution that supports The Buffalo News while ensuring the Clerk's Office can continue to meet its operational needs.

Sincerely,


MICHAEL P. KEARNS
Eric County Clerk

Cc: Tracy Chiocki, Deputy Commissioner of Public Works



COUNTY OF ERIE

MICHAEL P. KEARNS
COUNTY CLERK

September 25, 2025

Hon. Mark C. Poloncarz
Erie County Executive
95 Franklin Street- 16th Floor
Buffalo, New York 14202

RE: The Buffalo News Room- Old County Hall

Dear Mr. Poloncarz:

Recently, I was made aware of your plans to provide what essentially appears to be a gift of public funds—namely, the gifting of office space that is vital to the daily operation of the Erie County Clerk's Office.

On September 18, 2025, I received a letter from your Commissioner of Public Works demanding that office space currently allocated to and actively utilized by the Erie County Clerk's Office be reassigned to The Buffalo News. When I spoke with Mr. Geary regarding this matter, he was unable to provide any explanation for this decision. This raises significant concerns both in terms of transparency and compliance with Erie County law. The space in question is not unused; it is essential to fulfil the daily duties and responsibilities entrusted to the Clerk's Office by the residents of Erie County.

I must also draw your attention to Erie County Local Law No. 5-1987, relating to the licensing of surplus space in the County Clerk's allocated office area. The law clearly states: *"The County Clerk shall determine the business entities to whom licenses shall be granted."*

Considering this, I am formally requesting that any plans to reassign or otherwise encumber the space currently designated for the Clerk's Office be halted immediately.

In addition, I respectfully request clear responses to the following questions:

1. Where was *The Buffalo News* previously provided with office space within an Erie County government building prior to this decision?
2. If the prior location was not owned or controlled by Erie County, who was the landlord?
3. How much rent was *The Buffalo News* paying for such space?
4. Was there a lease/licensing agreement between *The Buffalo News* and Erie County—or with a former landlord if it was not Erie County—and what were the terms?
5. Were there any discussions with the Erie County Clerk's Office about the proposed use of this space prior to a decision being made? If so, by whom and in what manner?
6. Which, if any, for-profit businesses or media outlets have been offered the opportunity to occupy the County Clerk's File/Supply Room?
7. Which, if any, for-profit businesses currently utilize space within Erie County government buildings?
8. Which, if any, for-profit businesses have been offered office space in Erie County government buildings?
9. What rent or financial consideration will *The Buffalo News* be required to pay for the use of space currently occupied by the Erie County Clerk's Office?
10. What alternative locations, if any, were considered for *The Buffalo News*? If alternatives were identified, why was the Clerk's File and Supply Room chosen instead?

These questions are both fair and necessary, and I urge you, as Erie County Executive, to provide direct answers to both me and the Erie County Legislature.

Given the significant operational impact of this proposal, I must emphasize the urgency of resolving this matter and look forward to meeting with you in person at the earliest opportunity.

Sincerely,



MICHAEL P. KEARNS

Erie County Clerk

Cc: William E. Geary, Jr., Commissioner of Public Works
Tracy Chiocki, Deputy Commissioner of Public Works
Hon. Kevin Hardwick, Erie County Comptroller
Erie County Legislature
Jeremy C. Toth, Erie County Attorney