



# COUNTY OF ERIE

MICHAEL P. KEARNS  
COUNTY CLERK

February 18, 2026

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

**Re: COMM. 18E-10- Buffalo News Room in Old County Hall**

Dear Honorable Members:

I write to respectfully request that this Honorable Body discharge COMM. 18E-10 (2025) from the Government Affairs Committee and place it on the next possible Session agenda for a vote. As you are aware, this proposed resolution was filed on October 2, 2025, discussed in Joint Caucus on October 9, 2025, and sent to the Government Affairs Committee. Discussion was heard again both in Committee and in Joint Caucus on or about October 16, 2025 and October 30, 2025. A courtesy copy is attached with this letter.

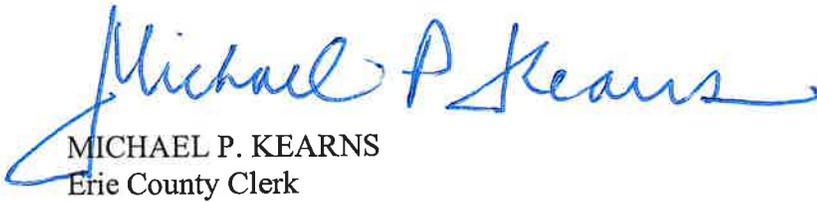
I will not belabor the point that the County Clerk's Office has been severely damaged by the taking of County Clerk office space, which has also compromised the use of the ceremonial courtroom next door, not just by the County Clerk but also the District Attorney. I will also not belabor the point that this *locked* office space is barely utilized by the nonpaying entity and is not open to the public (to say it is accessed once a week is being generous, compared with the daily usage it was getting from Erie County Clerk staff).

As the County Legislature, this Honorable Body has the authority to relocate the current, nonpaying occupant and return the space to the County Clerk's Office. As has also been noted multiple times, the County Clerk's Office has sufficient space to relocate The Buffalo News, and any other media, and is happy to do so at any time.

Given that the decision to take County Clerk office space was made by a combination of the County Executive and the Department of Public Works, the Legislature was the next (and only) level to appeal by the County Clerk's Office. Should this Honorable Body decline to adopt the proposed resolution, the Clerk's Office will be left with no other choice but to seek judicial intervention via Article 78 proceeding. We will be contacting the County Attorney for a legal opinion on moving forward with that petition.

I pray for an expedited reply from this Honorable Body and vote on the proposed resolution so that we all may move forward on this matter.

Sincerely,



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.