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COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE

September 17, 2012

Erie County Legislature
92 Franklin Street – 4th Floor
Buffalo, New York 14202

RE: Notice of Public Hearing
Erie County Sewer Districts
2012 Assessment Rolls (2013 Levy)

Dear Honorable Members:

Enclosed please find an accompanying memorandum and proposed resolution from the Department of Environment and Planning pertaining to a Notice of Public Hearing, Erie County Sewer Districts, 2012 Assessment Rolls.

Should your honorable body require further information, I encourage you to contact Joseph L. Fiegl, P.E. in the Department of Environment and Planning. Thank you for your consideration on this matter.

Sincerely,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP:ms
Enclosure

CC: J. Fiegl – Environment and Planning

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MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Environment and Planning
Re: Notice of Public Hearing - Erie County Sewer Districts
2012 Assessment Rolls (2013 Levy)
Date: August 22, 2012

SUMMARY

The Erie County Legislature calls a Public Hearing on the 2012 Assessment Rolls as prepared by the Division of Sewerage Management at 1:30 p.m., local time, on November 2, 2012 in the Legislature Chambers. It is also requested that the Clerk of the Legislature be directed to have the attached Public Notice published in the official County newspapers and the Buffalo News.

The Notice of Public Hearing must be published in the official papers prior to the Public Hearing. Since the official papers are published only once during the week, it is requested that notice be published the week of September 23, 2012.

FISCAL IMPLICATIONS

There is no cost to the County's General Fund associated with holding the Public Hearing on the 2012 Assessment Rolls. However, if the Public Hearing is not held, then the County will not have the legal authority to levy sewer charges against the lots and parcels of land within the Erie County Sewer Districts.

REASON FOR RECOMMENDATIONS

Sections 270 and 271 of Article 5A, County Law, require the Erie County Legislature to annually hold a Public Hearing on the Assessment Rolls.

BACKGROUND INFORMATION

Pursuant to Article 5A, Sections 270 and 271 of the County Law of New York, the Erie County Legislature has annually held a Public Hearing on the Assessment Rolls for the Erie County Sewer Districts. In order for the Sewer Districts to raise the sewer tax levies against the lots and parcels of properties within the Sewer Districts, it is first necessary to hold a Public Hearing on the Assessment Rolls. The purpose of the Public Hearing is to allow the public an opportunity to voice their objections, if any, in the manner in which various lots and parcels have been assessed. Then, once the Public Hearing has been held, the Legislature may adopt and affirm the Assessment Rolls, or they can request the Assessment Rolls be revised.

CONSEQUENCES OF NEGATIVE ACTION

If the Public Hearing on the Assessment Rolls is not held, the Erie County Legislature, and therefore, the Erie County Sewer Districts, will not have the legal authority to raise the sewer district tax levies. As a result, funds would not be available in 2013 to carry out Sewer District operations, nor to pay annual principal and interest due on Sewer District Bonds.

STEPS FOLLOWING APPROVAL

1. The Clerk of the Legislature must have the Public Hearing Notice published in the official County newspapers and the Buffalo News no later than the week of September 23, 2012.

2. A Public Hearing will be held by the Erie County Legislature on November 2, 2012 at 1:30 p.m. local time.

3. The Legislature will be requested to adopt and affirm the Assessment Rolls.

4. The Sewer Districts Budgets must be approved in conjunction with the Erie County Budget.

5. The Sewer District tax levies must be approved in conjunction with the 2013 Budget.

6. After approval of the Budget, the Commissioner of Finance must raise the Sewer District tax levies from the various lots and parcels of land within the Erie County Sewer Districts.

Maria R. Whyte JLF
Maria Whyte
Commissioner 9/5/12

JLF:ms
Encl.
c: Kristen Walder, Asst. County Attorney
R. Graber, Clerk of the Legislature
Boards of Managers, SD #s 1-6 & 8
Director, Budget and Management
0.11.0.Leg. Ltr.
Annual File
R. Ferber/0.4.2. Tax Rolls

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF ENVIRONMENT & PLANNING

RE: Notice of Public Hearing
2012 Assessment Rolls
Erie County Sewer Districts (2013 Levy)

WHEREAS, Article 5-A, Sections 270 and 271 of County Law requires your Honorable Body to hold a Public Hearing on the Sewer District Assessment Rolls for Erie County Sewer District Nos. l, 2, 3, 4, 5, 6 and 8; and

WHEREAS, Notice of said Public Hearing shall be published at least once in the official County newspapers prior to holding the Public Hearing.

NOW, THEREFORE, BE IT

RESOLVED, that the Sewer District assessment rolls are open for public inspection in the offices of the Division of Sewerage Management, 95 Franklin Street, Buffalo, New York 14202; and be it further

RESOLVED, that a Public Hearing be held in the Chambers of the Erie County Legislature, 92 Franklin Street, 4th Floor, Buffalo, NY, at 1:30 p.m., local time, on November 2, 2012 for the purpose of meeting to hear and consider any objections which may be made to the 2012 Sewer District Assessment Rolls for Erie County Sewer District Nos. l, 2, 3, 4, 5, 6 and 8; and be it further

RESOLVED, that the Clerk of the Legislature be directed to have published in the official County Newspapers, and the Buffalo News, a Notice of Public Hearing no later than the week of September 23, 2012; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to the County Executive, Erie County Comptroller, Kristen Walder Assistant County Attorney and Joseph L. Fiegl, P.E., Deputy Commissioner, Department of Environment and Planning,.

JLF:ms
8/12

LEGAL NOTICE

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Assessment Rolls for 2012 have been completed for Erie County Sewer District Nos. 1, 2, 3, 4, 5, 6 and 8 and will be on file in the Office of the Division of Sewerage Management, Department of Environment & Planning, 95 Franklin Street, Buffalo, NY 14202, and open for public inspection during business hours on and after the first of October, 2012.

The County Legislature will hold a Public Hearing on the Assessment Rolls at 1:30 p.m., local time, on November 2, 2012, in the Chambers of the Erie County Legislature, 92 Franklin Street, 4th Floor, Buffalo, New York, to hear all persons interested in the subject concerning the same.

Robert M. Graber
CLERK
Erie County Legislature