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COUNTY OF ERIE

CHRIS COLLINS

COUNTY EXECUTIVE

February 24, 2011

Mr. Robert M. Graber, Clerk
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

RE: Veto of Local Law Intro 1-2011

Dear Mr. Graber:

A certified copy of Local Law Intro. No. 1-2011, entitled "*A Local Law in Relation to Conservation Easement Agreement Exemption in the Town of Orchard Park*", was presented to me for approval on February 3, 2011. A public hearing regarding Intro. No. 1-2011 was duly held on February 14, 2011. Pursuant to the authority granted to me by New York State Municipal Home Rule Law and Erie County Charter Section 205, I hereby DISAPPROVE and VETO Local Law Intro. No. 1-2011.

The stated intent of Intro No. 1-2011 is to encourage non-development within the Town of Orchard Park by implementing conservation easement agreement exemptions. New York State Real Property Law Section 491 allows municipalities to pass exemption statutes. It does not, however, contain a mandatory provision requiring a county to respread the amount of the partial exemption to other residents. New York State Real Property Tax Law Section 844(1)(b)(ii) allows a county, by resolution, to adopt a respread provision for partial exemptions in addition to the exemption statute. Unfortunately, this separate companion resolution was needed in this case to contain the respread of property taxes to the Town of Orchard Park.

Therefore, if allowed to take effect without the companion resolution, Intro No. 1-2011 would have consequences for residents outside of Orchard Park by causing a property tax increase for all Erie County residents. The unintended consequence of a property tax increase for all Erie County property owners would occur because Intro No. 1-2011 would have a negative effect on Erie County's total taxable assessed value. All of Erie County's taxpayers would be required to subsidize Orchard Park's conservation easements. While I firmly believe in local decision making, the negative effects of Intro No. 1-2011 would be felt by residents throughout Erie County, not just those in the Town of Orchard Park. Such an outcome is unfair and inappropriate.

If re-approved with the companion resolution, I would support this Local Law that has the support of the Town's residents and elected officials. However, in its current state, Intro No. 2-2011 necessitates a taxpayer subsidy from all Erie County residents for non-development within the Town of Orchard Park. For all the reasons set forth above, I hereby VETO Local Law Intro. No. 1-2011.

Sincerely,

A handwritten signature in cursive script that reads "Chris Collins".

CHRIS COLLINS
Erie County Executive

A Public Hearing was held on the foregoing Local Law Intro. No. 1-2011 on Monday, February 14, 2011, due notice thereof having been published in the official newspapers of the County of Erie designated for this purpose, and after due deliberation thereon, I, CHRIS COLLINS, County Executive of the County of Erie, do hereby **APPROVE** and **SIGN** said Local Law this _____ day of _____, 2011.

A Public Hearing was held on the foregoing Local Law Intro. No. 1-2011 on Monday, February 14, 2011, due notice thereof having been published in the official newspapers of the County of Erie designated for this purpose, and after due deliberation thereon, I, CHRIS COLLINS, County Executive of the County of Erie, do hereby **DISAPPROVE** and **VETO** said Local Law this 15th day of February, 2011.


