

December 30, 2009

FINANCE & MANAGEMENT COMMITTEE  
REPORT NO. 12

ALL MEMBERS PRESENT, EXCEPT LEGISLATOR MILLS.  
CHAIR MARINELLI PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 17E-23 (2009)  
**REYNOLDS:** "Finance & Management Committee - Summary Report of the 2009 Mid-Year Budget Hearings"  
(4-0) Chair Marinelli not present for vote.
  - b. COMM. 17E-28 (2009)  
**REYNOLDS:** "Copy of Letter to Assoc. of EC Governments Concerning Drainage in the 12th Legislative District"  
(4-0) Chair Marinelli not present for vote.
  - c. COMM. 18E-3 (2009)  
**REYNOLDS:** "Copy of Schedule of Departmental Hearings to be Conducted by the Finance, Management & Budget Committee Regarding the 2010 Proposed EC Budget"  
(4-0)
  - d. COMM. 20E-3 (2009)  
**MILLER-WILLIAMS:** "Copy of Letter Concerning the Jesse Nash Women's Health Clinic Being Cut from the Tentative 2010 Budget"  
(4-0) Chair Marinelli not present for vote.
  - e. COMM. 20E-24 (2009)  
**MILLER-WILLIAMS:** "EC Health Dept. - Clinic Statistics -2009"  
(4-0) Chair Marinelli not present for vote.
  - f. COMM. 20M-5 (2009)  
**NYS BOARD OF REAL PROPERTY SERVICES:** "List of Certified 2009 Class Equalization Rates"  
(4-0)

- g. COMM. 21E-1 (2009)  
**COMPTROLLER:** "Certificate of Determination - Authorization, Sale, Issuance, Form and Contents of Revenue Anticipation Note - 009A"  
(4-0) Chair Marinelli not present for vote.
- h. COMM. 21E-2 (2009)  
**REYNOLDS:** "Letter Requesting Commissioner Konst to Appear before the Finance, Management & Budget Committee"  
(4-0) Chair Marinelli not present for vote.
- i. COMM. 21E-11 (2009)  
**COMPTROLLER:** "Third Quarter 2009 Financial Report - 10/30/09"  
(4-0) Chair Marinelli not present for vote.
- j. COMM. 25M-5 (2009)  
**ECFSA:** "2010 Budget Recommendations"  
(4-0)
- k. COMM. 25M-9 (2009)  
**NYS DEPT. OF TAXATION & FINANCE:** "Semi-Annual Report - April-September 2009"  
(4-0) Chair Marinelli not present for vote.
1. COMM. 27E-33 (2009)  
**COUNTY EXECUTIVE:** "Appointment of Director of the Department of Information & Support Services"  
(4-0) Chair Marinelli not present for vote.
2. COMM. 27E-30 (2009)  
**COUNTY EXECUTIVE**  
WHEREAS, Amherst Station Housing Development Fund Company, Inc. is developing housing for low and very low income households (Project), pursuant to Article XI of the New York Private Housing Finance; and

WHEREAS, the Project, located at 2665-2671 Main Street in the City of Buffalo, New York, will contain 24 one-bedroom and two-bedroom apartments for low and very low income persons; and

WHEREAS, the Erie County Legislature adopted a policy on Payment in Lieu of Taxes (PILOT) on December 16, 1999, and this PILOT is consistent with said policy; and

WHEREAS, in order to make the Project economically feasible for Amherst Station Housing Development Fund Company, Inc. to operate the apartment complex it is necessary to obtain tax relief from the County of Erie and the City of Buffalo.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to execute a Payment in Lieu of Taxes (PILOT) Agreement with Amherst Station Housing Development Fund Company, Inc. relating to the Amherst Station Apartments and all other agreements necessary to conclude this Project; and be it further

RESOLVED, that said Agreement shall include an annual PILOT in the amount of taxes due as set forth on Schedule A attached hereto. Payment under the Agreement will be for fifteen (15) years with the County share of each annual payment being twenty-five (25) percent of the total amount; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive; the Director of the Division of Budget and Management; the Director of Real Property Tax Services; the Commissioner of the Department of Environment and Planning; the County Comptroller; and the County Attorney.

**SCHEDULE A**

Year	Payment to the City of Buffalo	Payment to the County of Erie	Total Payment
1	3,628.40	1,209.47	4,837.86
2	3,737.25	1,245.75	4,983.00
3	3,849.36	1,283.12	5,132.49
4	3,964.85	1,321.62	5,286.46
5	4,083.79	1,361.26	5,445.05
6	4,206.30	1,402.10	5,608.41
7	4,332.49	1,444.16	5,776.66
8	4,462.47	1,487.49	5,949.96

9	4,596.34	1,532.11	6,128.46
10	4,734.23	1,578.08	6,312.31
11	4,876.26	1,625.42	6,501.68
12	5,022.55	1,674.18	6,696.73
13	5,173.22	1,724.41	6,897.63
14	5,328.42	1,776.14	7,104.56
15	5,488.27	1,829.42	7,317.70

(5-0) Chair Marinelli present for vote.

3. **COMM. 27E-31 (2009)**  
**COUNTY EXECUTIVE**

WHEREAS, the State of New York has established an Empire Zone Program to revitalize economic development by providing financial inducements for businesses and industry to locate within Empire Zones; and

WHEREAS, the proposed amendment to Section Six of the County Sales and Use Tax Resolution will provide for exemptions from local sales and compensatory use taxes applicable to qualified empire zone enterprises (QEZES); and

WHEREAS, by Legislative Resolution on November 20, 2008, (Comm. 23E-15), this amendment was approved to accept the Empire Zone Program benefits; and

WHEREAS, due to the sunset provisions of this State legislation, an approved resolution must be submitted to New York State prior to December 1, 2009; and

WHEREAS, this exemption has been provided by Erie County on an annual basis since the inception of the QEZES benefit; and

WHEREAS, Erie County wishes to continue to participate in the Empire Zone Program established by New York State; and

**ROBERT B. REYNOLDS JR.**  
**CHAIR**

WHEREAS, the Legislature of the County of Erie, electing the provision for credit or refund of sales and compensating use taxes described in Section 1119(d) of the New York Tax Law relating to QEZES, pursuant to the authority of Article 29 of the New York Tax Law and repealing the resolution of November 5, 2009, (Comm. 21E-8 2009), extending the authorization of Empire Zone Sales Tax Exemptions.

NOW, THEREFORE, BE IT

RESOLVED, that Section Twelve of the Erie County Sales and Use Tax Resolution being a resolution adopted by the Board of Supervisors of the County of Erie being Item 8 of Meeting Number 31, held July 27, 1965, Supervisors Proceedings, Page 666, as amended, is amended by adding a new subdivision (d) to read as follows:

- (d) For the period beginning March 1, 2010, and ending February 28, 2011, the provision for credit or refund described in subdivision (d) of Section 1119 of the New York Tax Law, relating to Qualified Empire Zones Enterprises, shall apply to the taxes imposed by this enactment;

and be it further

RESOLVED, that Subdivision (h) of Section Six of the Erie County Sales and Use Tax Resolution being a resolution adopted by the Board of Supervisors of the County of Erie being Item 8 of Meeting Number 31, held July 27, 1965, Supervisors Proceedings, Page 666, as amended, is REPEALED; and be it further

RESOLVED, that a resolution of the Legislature of the County of Erie enacted November 5, 2009, (Comm. 21E-8 2009), to provide an "Extension of Authorization for Empire Zone Sales Tax Exemptions" by amending subdivision (h) of Section Six of the Erie County Sales and Use Tax Resolution being a resolution adopted by the Board of Supervisors of the County of Erie being Item 8 of Meeting Number 31, held July 27, 1965, Supervisors Proceedings, Page 666, as amended, is REPEALED; and be it further

RESOLVED, that this resolution shall take effect March 1, 2010; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive; the Director of Budget and Management; Kathy Konst, Commissioner of Environment and Planning; Daniel D. Barry, Deputy Commissioner of Environment and Planning; the County Comptroller; and the County Attorney.

(4-0) Chair Marinelli not present for vote.