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January 9, 2012

Michael Seaman, Treasurer
City of Buffalo – City Hall
65 Niagara Street
Buffalo, NY 14202

Re: User Fees

Dear Mike:

Kathy and Bill brought to my attention that they had a meeting with you concerning user fees and the charges being made against us for vacant properties.

We have our own crews who clean our vacant properties of any debris which generally is just that. It is debris. It is not garbage. People dump old tires, bricks, tree limbs, and other nonsense on our vacant land and we clean it up and put it into a dumpster that we have at 301 Ohio. It is a Battaglia dumpster. Battaglia is licensed to haul in the City and in fact his hauler's license was grandfathered by Joe Giambra. That license also allows him to pick up some garbage which naturally comes along with C&D. In any event, he is a properly licensed hauler in the City of Buffalo.

Modern Disposal which manages the City garbage transfer station is not licensed to operate the transfer station and never has been.

* Peter Battaglia has had a license application pending for years for his garbage transfer station and has had absolutely no response by the City to his inquiries because of collusion and abuse of governmental office and improper obstruction by David Franczyk who has chosen to illegally play politics with Battaglia by encouraging City and State officials to give Battaglia the Buffalo 2-step. *

* Judge Patrick Carney, J.C.C. ordered last month that the City has 3 months to give Battaglia his license or the judge will order it. *

The application of the user fee law to vacant property maintained by the owner is improper and if you fail to re-interpret the ordinance so that our vacant properties do not have to pay a ridiculous and improper user fee for picking up garbage on vacant land, that in fact is not picked up on those vacant properties, then I will bring a lawsuit and get the entire ordinance thrown out for a lack of equal protection under the laws.

I am tired of being horsed around on this issue. It has been going on for years. David Franczyk is a legislator who has been in office too long. He is a poster child for term limits. He is not a God.

We ask is that all of our vacant properties be properly identified as exempt insofar as we clean those properties ourselves and dispose of the debris ourselves legally at our cost.

Thank you for your attention to the above. Please review the above and advise.

Very truly yours,
ELLICOTT DEVELOPMENT COMPANY



CARL P. PALADINO
Chairman

CPP/pg

Cc: Bill Paladino

Leanna Pilarski

Kathy Linhardt

Steve Casey

Peter Battaglia

Richard Fontana

David Franczyk ✓

Jim Fink – Business First

Jonathan Epstein - Buffalo News