

JUNE 28, 2007

ENERGY & ENVIRONMENT COMMITTEE
REPORT NO. 11

ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:
 - a. INTRO 12-10 (2007)
REYNOLDS: Support for Great Lakes Restoration Bill
(4-0)
 - b. COMM. 12E-54 (2007)
COUNTY EXECUTIVE: ECSD No. 3 - Professional Services Agreement with CRA Infrastructure and Engineering, Inc. - Blasdel Sanitary Sewer System - Rehabilitation/Replacement
(4-0)
 - c. COMM. 12D-10 (2007)
ENVIRONMENT & PLANNING: SEQR - Village of Hamburg Sanitary Sewer Improvements
(4-0)
 - d. COMM. 12M-6 (2007)
CORNELL UNIVERSITY COOPERATIVE EXTENSION ERIE COUNTY:
Recommendation for Appointment to Cornell Cooperative Extension's Representative on the Erie County Agriculture and Farmland Protection Board
(4-0)
 - e. COMM. 12M-11 (2007)
NYS DEPT. OF AGRICULTURE & MARKETS: RFP for Farmland Protection Implementation Projects
(4-0)

2. COMM. 2E-11 (a) (2007)
COUNTY EXECUTIVE

RESOLUTION NO. _____

RESOLUTION DATED _____, 2007.

A RESOLUTION CALLING A PUBLIC HEARING FOR THE PURPOSE OF CONSIDERING (I) A PROPOSED EXTENSION OF ERIE COUNTY SEWER DISTRICT NO. 5 AND (II) THE CONSOLIDATION OF ERIE COUNTY SEWER DISTRICT NO. 5, INCLUDING ALL EXTENSIONS HERETOFORE AND HEREAFTER ESTABLISHED.

(Introduced) _____, 2007

(Adopted) _____, 2007

WHEREAS, pursuant to proceedings heretofore had and taken in accordance with the provisions of Article 5-A of the County Law, including an approving order of the State Comptroller, County Sewer District No. 5 of the County of Erie, New York, (the "District") has heretofore been established, and

WHEREAS, pursuant to proceedings heretofore had and taken in accordance with the provisions of Article 5-A of the County Law, a report of the Erie County Sewer Agency dated June 13, 2007 and a resolution of the Erie County Sewer District No. 5 Board of Managers dated June 13, 2007, an extension to the District has been proposed; and

WHEREAS, a map and plan have been duly prepared by the County Engineers (Erie County Department of Environment and Planning) relating to such extension of the District, which map and plan have been filed with the County Legislature pursuant to Section 254 of the County Law; and

WHEREAS, said map, plan, report and estimate of cost contains (i) a description of the proposed boundaries of the area which the Department in its judgment considers will be benefited by the Proposed Sewer Extension, (ii) a description of the areas of the Proposed Extension to permit definite and conclusive identification of all parcels of property included therein, (iii) the proposed location of facilities of the Proposed Sewer Extension, and (iv) estimates of the cost of construction, reconstruction, if any, or procurement and installation of facilities, all as more fully described in the map, plan, report and estimate of cost hereinbefore referred to; and

WHEREAS, the establishment of the proposed extension includes the leasing from the Town of Clarence of all sewer facilities, including pipes, manholes, pumping stations and force mains and other facilities of the following Town of Clarence Sewer Districts: # 2, #6, #7, and #9, all as more fully described in the map, plan, report and estimate of cost prepared by the County Engineers (Erie County Department of Environment and Planning) which has been filed with the County Legislature and which has been approved by the Erie County Department of Environment and Planning on June 13, 2007; and

WHEREAS, no additional capital improvements are proposed to be constructed and no additional capital costs are to be incurred by or on behalf of the Erie County Sewer District No. 5 with

respect to the extension of the boundaries of such District and the leasing of the existing sewer facilities, but future annual charges will be apportioned between real property in the District in accordance with their respective proportionate shares in accordance applicable flat charges, hook-up charges and charges based on units, assessed value and footage, specified in the District's Benefit and User Charge formulas, as such formulas currently exist and as amended from time to time; and

WHEREAS, pursuant to Section 258 of the County Law, the consent of the State Comptroller is not required prior to the extension of the District because the cost thereof to the Typical Property (as defined in the County Law) does not exceed the Average Estimated Cost to the Typical Properties for similar types of expenditures, as computed by the State Comptroller; and

WHEREAS, the estimated cost of hook up fees will be \$250 per home for lateral inspection of individual connections to County built sewers, \$250 per home for inspections associated with subdivisions or other privately built sewers, and a \$2 permit fee at the time of connection to the District; and

WHEREAS, pursuant to proceedings heretofore had and taken a report of the Erie County Sewer Agency dated June 13, 2007, a resolution of the Erie County Sewer District No. 5 Board of Managers dated June 13, 2007, and pursuant to Section 274-b of the County Law, a consolidation of the District has been proposed; and

WHEREAS, it is now desired to call a public hearing to consider said extension and consolidation of the District in accordance with the provisions of Sections 254, 274 and 274-b of the County Law.

NOW, THEREFORE, BE IT

RESOLVED, BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK, AS FOLLOWS:

Section 1. A meeting of the County Legislature of the County of Erie, New York, shall be held at 92 Franklin Street, 4th Floor, in Buffalo, New York, in said County, on the 29th day of August, 2007, at 1:30 o'clock P.M., Prevailing Time, for the purpose of conducting a public hearing upon the aforesaid proposal to (i) extend the District in said County, such extension to be known as "The Town of Clarence Sewer District Nos. 2, 6, 7, and 9 Extension," and (ii) consolidate the District and its extensions heretofore and hereafter established, and for such other action on the part of said County Legislature in relation thereto as may be required by law.

Section 2. It is hereby determined that all expenses of the District, including all extensions heretofore and hereafter established, shall be a charge against the entire area of the District as extended.

Section 3. The notice of such public hearing shall be in substantially the following form, to-wit:

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that a meeting of the County Legislature of the County of Erie, New York, shall be held at 92 Franklin Street, 4th Floor, in Buffalo, New York, in said County, on the 29th day of August, 2007, at 1:30 o'clock P.M., Prevailing Time, for the purpose of conducting a public hearing upon a proposed extension and consolidation of the Erie County Sewer District No. 5 in said County.

The extension of said Erie City Sewer District No. 5 shall be known as "The Town of Clarence Sewer District Nos. 2, 6, 7, and 9 Extension" and shall be substantially in conformity with and pursuant to a report of the Erie County Sewer Agency dated June 13, 2007 and a resolution of the Erie County Sewer District No. 5 Board of Managers dated June 13, 2007 heretofore filed with the County Legislature.

The proposed extension of the Erie County Sewer District No. 5 shall comprise the entire area as follows:

CLARENCE TOWN SEWER DISTRICT NO. 2

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Clarence, County of Erie, State of New York and being part of Lots 8, 10 and 12, Section 6, Township 12, Range 6; also all of Lots 9 and 11 and part of Lots 7 and 12, Section 7, Township 12, Range 6; also part of Lot 3, Section 8, Township 12, Range 6; also part of Lots 2, 4 and 6, Section 10, Township 12, Range 6; also part of Lots 1 and 2, Section 11, Township 12, Range 6; also part of Lot 1, Section 12, Township 12, Range 6 of the Holland Land Company's Survey and further bounded and described as follows:

BEGINNING at a point on the center line of Roll Road, which is also the north line of Lot 6, Section 10 and the south line of Lot 1, Section 11 and said point being Three Hundred (300.0) feet west of, as measured at right angles thereto, the centerline of Thompson Road; thence south, parallel to and Three Hundred (300.0) feet west of, as measured at right angles thereto, the centerline of Thompson Road Four Hundred (400.0) feet more or less, to a point Four Hundred (400.0) feet south of, as measured at right angles thereto, the centerline of Roll Road; thence east, parallel to and Four Hundred (400.0) feet south of, as measured at right angles thereto, the north line of Lots 6, 4, and 2 of Section 10, and Lots 12, 10, and 8

of Section 6 Five Thousand Nine Hundred Eighty (5,980) feet, more or less, to a point Four Hundred (400.0) feet east of, as measured at right angles thereto, the west line of Lot 8, Section 6; thence north, parallel to and Four Hundred (400.0) feet east of, as measured at right angles thereto, the west line of Lot 8, Section 6 and the west line of Lot 7, Section 7, Four Thousand Three Hundred Seventy-nine (4,379.0) feet, more or less, to the centerline of Clarence Center Road; thence westerly along the centerline of Clarence Center Road to a point Four Hundred (400.0) feet east of, as measured at right angles thereto, the centerline of Herr Road; thence north parallel to and Four Hundred (400.0) feet east of, as measured at right angles thereto, the centerline of Herr Road and its extension north Five Thousand Sixty (5,060.0) feet more or less, to a point Twelve Hundred (1,200.0) feet north of, as measured at right angles thereto, the centerline of Keller Road, which is also the south line of Lot 3, Section 8; thence west, parallel to the Twelve Hundred (1,200.0) feet north of, as measured at right angles thereto, the south line of Lot 3, Section 8 and Lot 1, Section 12, Five Thousand Nine Hundred Eighty (5,980.0) feet more or less to a point Three Hundred (300.0) feet west of, as measured at right angles thereto, the centerline of Thompson Road as extended north; thence south, parallel to and Three Hundred (300.0) feet west of, as measured at right angles thereto, the centerline of Thompson Road and its extension north Nine Thousand Twenty-nine (9,029.0) feet to the centerline of Roll Road to the point of beginning and containing Thirteen Hundred (1300) acres more or less.

CLARENCE TOWN SEWER DISTRICT NO. 6

ALL THAT TRACT OR PARCEL OF LAND in the Town of Clarence, County of Erie, State of New York, and being all of Lot 1, Section 15, Township 12, Range 6 and Lot 3, Section 11, Township 12, Range 6 and Part of Lots 1, 2 and 4, Section 11, Township 12, Range 6 and Part of Lot 2, Section 15, Township 12, Range 6, Part of Lot 1, Section 12, Township 12, Range 6, Part of Lots 6, 8, 10 and 12, Section 10, Township 12, Range 6 and Part of Lots 2 and 4, Section 14, Township 12, Range 6 of the Holland Land Company Survey and further bounded and described as follows:

BEGINNING, at a point 300' westerly of the centerline of Thompson Road and 400' southerly from the centerline of Roll Road which is also the south line of Lot 1, Section 11, Township 12, Range 6, said point being Three Hundred (300.00) feet west of, as measured at right angles thereto the centerline of Thompson Road; thence northerly and parallel with the centerline of Thompson Road and the extension thereof an approximate distance of Nine Thousand Two Hundred Twenty-nine (9,229.0) feet to a point in the north line of Tax Map Parcel 044-01-28, Thence westerly and along the north line of the forementioned tax map parcel an approximate distance of One Thousand Seventy-five (1,075.0) feet to the centerline of Heise Road which is the west line of Lot 1, Section 12, Township 12, Range 6 and the northeast corner of Erie County Sewer District No. 5 Extension No. 1A; thence southerly and along the west line of Lot 1, Section 12 and Lot 2, Section 11 and the centerline of Heise Road, a distance of One Thousand Two Hundred Eight and Sixty-eight Hundredths (1,208.68) feet; thence westerly at right angles to the aforesaid centerline and lot line a distance of Five Hundred (500.0) feet to a point; thence southerly and parallel to the centerline of Heise Road a distance of One Thousand One Hundred Fifty (1,150.0) feet

to a point; thence easterly at right angels to the aforementioned line a distance of Five Hundred (500.0) feet to a point in the centerline of Heise Road and west line of Lot 2, Section 11; thence southerly along the aforementioned line a distance of Eight Hundred Eight and Thirty-six Hundredths (808.36) feet to the centerline of Clarence Center Road; thence northwesterly along the centerline of Clarence Center Road a distance of Four Hundred Fifty-eight and Eighty Hundredths (458.80) feet to an angle point; thence continuing westerly along the centerline of Clarence Center Road a distance of Nine Hundred Six and Eighty-three Hundredths (906.83) feet to a point on the east line of lands now or formerly the Washington Thompson Estate; thence southerly along the east line of the Washington Thompson Estate a distance of One Thousand Eight-three and Sixty-eight Hundredths (1083.68) feet to a point; thence westerly along the south line of the Washington Thompson Estate a distance of One Thousand Three Hundred Forty-four and Sixty-five Hundredths (1344.65) feet to a point in the centerline of Shimerville Road; thence northerly along the centerline of Shimerville Road an approximate distance of 400 feet to the centerline of Clarence Center Road and the southeast corner of the Meadow Lakes Extension of Erie County Sewer District No. 5; thence westerly along the south line of the forementioned sewer district and the centerline of Clarence Center Road an approximate distance of Five Thousand Four Hundred (5,400) feet to the centerline of Newhouse Road and the west line of Lot 2, Section 15; thence southerly along the centerline of Newhouse Road and the west line of Lots 1 and 2, Section 15 an approximate distance of Four Thousand Seven Hundred (4,700) feet to a point in the centerline of Roll Road said point being the southwest corner of Lot 1, Section 15 and the north line of Erie County Sewer District NO. 5; thence easterly along the centerline of Roll Road and the south line of Lot 1, Section 15, a distance of approximately One Thousand Three Hundred Twenty (1,320.0) feet to the centerline of Harris Hill Road, a northeast corner of Erie County Sewer District No. 5 and the northwest corner of Lot 4, Section 14, Township 12, Range 6; thence southerly along the centerline of Harris Hill Road, an east line of Erie County Sewer District No. 5 and the west line of Lot 4, Section 14, Township 12, Range 6 a distance of Four Hundred (400.0) feet to a point; thence easterly through Lots 2 and 4, Section 14, Township 12, Range 6 and Lots 6, 8, 10 and 12, Section 10, Township 12, Range 6, Four Hundred (400.0) feet southerly and parallel with the north line of said Lots an approximate distance of Six Thousand Three Hundred Thirty (6,330.0) feet to the point or place of beginning.

CLARENCE TOWN SEWER DISTRICT NO. 7

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Clarence, County of Erie and State of New York, being part of Lot Number 7, Section 14, Township 12, Range 6 of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING at a point in a line drawn parallel with and distant 460 feet westerly from the east line of Lot Number 7, said point of beginning being 949 feet north, measured along said line, from the south line of Lot Number 7, being also the centerline of Sheridan Drive (as a 100 foot highway); running thence northerly parallel with the east line of Lot Number 7, a distance of 3075.72 feet more or less, to the north line of Lot Number 7, being also the centerline of Greiner Road; thence westerly along the north line

of Lot Number 7 approximately 504.54 feet to a point being the northwest corner of premises conveyed to Richard A. Stewart and wife, by deed recorded in Erie County Clerk's Office in Liber 5191 of Deeds at page 140, said point being the point of intersection of the easterly line extended northerly of premises conveyed to Kenneth G. Stoll, by deed recorded in Erie County Clerk's Office in Liber 4580 of Deeds at page 551; thence southerly on a line being the extension northerly of the east line of premises conveyed to Stoll, as aforesaid and continuing thence southerly along the east line of premises conveyed to Stoll, as aforesaid, a total distance of 433 feet to a point being the southeast corner of premises so conveyed to Stoll; thence westerly parallel with the north line of Lot Number 7, a distance of 100 feet to a point in the westerly parallel with the north line of Lot Number 7, a distance of 100 feet to a point in the westerly line of premises conveyed to Richard A. Stewart and wife by the aforementioned deed in Liber 5191 of Deeds at page 140, said line also being the easterly line of lands shown under Cover Map No. 1952 as filed in the Erie County Clerk's Office; thence southerly on a line parallel with the west line of Lot Number 7, being also the west line of premises conveyed to Richard A. Stewart and wife by the aforementioned deed, said line also being the easterly line of Cover Maps 1952 and 2022 as filed in the Erie County Clerk's Office, to a point in said west line of said lands conveyed to Richard A. Stewart and wife by the aforementioned deed and the east line of said lands shown under Cover Map 2022 as filed in the Erie County Clerk's Office, distance 951.14 feet north of the point of intersection of said west line with the centerline of Sheridan Drive and thence easterly approximately 599.60 feet to the point and place of beginning.

CLARENCE TOWN SEWER DISTRICT NO. 9

ALL THAT TRACT OR PARCEL OF LANDS situate in the Town of Clarence, County of Erie and State of New York, being part of Lot No.(s) 2,4,6 and 8, Section 1 and Lot No.(s) 1,3,5,7,9 and 13, Section 2, Township 12, Range 6 of the Holland Land Company's Survey bounded and described as follows:

BEGINNING at the intersection of the centerline of Greiner Road (66' wide) with the northerly extension of the westerly line of a certain map entitled "Hillcrest Subdivision" as recorded in the Erie County Clerk's Office in Map Cover Book No. 1965; THENCE southerly along the westerly line of Map Cover No. 1965 and a southerly extension thereof a record distance of 3030.8 feet more or less to a point in the southerly line of Main Street (99' wide); THENCE easterly along the southerly line of Main Street a record distance of 617.8 feet more or less to a point in the westerly line of lands conveyed to the Town of Clarence as recorded in the Erie County Clerk's Office in Liber 9998 at page 310; THENCE southerly along the westerly line of said lands conveyed to the Town of Clarence a record distance of 330.0 feet more or less to a point in the southwest corner of said lands conveyed to the Town of Clarence; THENCE easterly along the southerly line of said lands conveyed to the Town of Clarence and an easterly extension thereof being a line parallel with the southerly line of Main Street a record distance of 1074.4 feet more or less to a point in the northwest corner of lands conveyed to Jean Welch recorded in the Erie County Clerk's Office in Liber 10387 at page 849; THENCE southerly along the westerly line of said lands conveyed to Welch a record distance of 403.2 feet more or less to a point in the southwest corner of said

lands conveyed to Welch; THENCE southeasterly along a line a map distance of 139.7 feet more or less to a point in the northwest corner of lands conveyed to James Metz as recorded in the Erie County Clerk's Office in Liber 7128 at page 243; THENCE southwesterly along the westerly line of said lands conveyed to Metz a record distance of 92.4 feet more or less, to an angle point therein; THENCE southerly along the westerly line of said lands conveyed to Metz and a southerly extension thereof, being a line parallel with the westerly line of Ransom Road (66' wide), a record distance of 449.9 feet more or less to a point in the southwest corner of lands conveyed to John Hutchinson as recorded in the Erie County Clerk's Office in Liber 6833 at page 419; THENCE easterly along the southerly line of said lands conveyed to Hutchinson a record distance of 59 feet more or less to a point in the northwest corner of lands conveyed to John Hutchinson as recorded in the Erie County Clerk's Office in Liber 6833 at page 423; THENCE southerly along the westerly line of said lands conveyed to Hutchinson in Liber 6833 at page 423 and a southerly extension thereof, being a line parallel with the westerly line of Ransom Road, a record distance of 744.3 feet more or less to a point in the southwest corner of lands conveyed to James Nawrot as recorded in the Erie County Clerk's Office in Liber 9219 at page 47, also being a point in the north line of Sublot No. 24 as shown on a certain map entitled "Royal Oaks Subdivision" as recorded in the Erie County Clerk's Office in Map Cover Book No. 2414; THENCE easterly along said lands conveyed to Nawrot, also being the northerly line of said Map Cover No. 2414 a record distance of 141.7 feet more or less to a point in the northwest corner of lands conveyed to Douglas Garlapo as recorded in the Erie County Clerk's Office in Liber 8878 at page 32, also being a point in the easterly line of said Map Cover No. 2414; THENCE southerly along the easterly line of said Map Cover No. 2414 and the westerly line of said lands conveyed to Garlapo and a southerly extension thereof a record distance of 374.2 feet more or less to a point in the northerly line of Royal Oak Drive (70' wide) as shown on said Map Cover No. 2414; THENCE easterly along the said north line of Royal Oak Drive a record distance of 250.1 feet more or less to a point in the westerly line of Ransom Road; THENCE easterly along a line a map distance of 68.1 feet more or less to a point in the easterly line of Ransom Road, also being a point in the southwest corner of lands conveyed to Richard Davidson as recorded in the Erie County Clerk's Office in Liber 8730 at page 494; THENCE easterly along the southerly line of said lands conveyed to Davidson and an easterly extension thereof a record distance of 378.5 feet more or less to a point in the southeast corner of land conveyed to Jeffrey Feinen as recorded in the Erie County Clerk's Office in Liber 9324 at page 213; THENCE northeasterly along the easterly line of said lands conveyed to Feinen a record distance of 272.4 feet more or less to the northeast corner of said lands conveyed to Feinen, also being a point in southerly line of a certain map entitled "Marter Subdivision" as recorded in the Erie County Clerk's Office in Map Cover No. 2302; THENCE easterly along said southerly line of Map Cover No. 2302 a record distance of 166.0 feet more or less to a point in the westerly line of Sawmill Road (66' wide); THENCE easterly along the approximate centerline of Sawmill Road a record distance of 561 feet more or less to the intersection of said centerline with the southerly extension of the westerly line of a certain map entitled "Pine Manor Subdivision" as recorded in the Erie County Clerk's Office in Map Cover Book No. 2376; THENCE northerly along the southerly extension of said westerly line of Map Cover No. 2376 a record distance of 569.8 feet more or less to the northwest corner of said Map Cover No. 2376; THENCE easterly along the north line of said Map Cover No. 2376 a record distance of 618.0 feet more or less to the northeast corner

of said Map Cover No. 2376, also being a point in the westerly line of a certain map cover entitled "Clarence Gardens Part 3" as recorded in the Erie County Clerk's Office in Map Cover Book No.(s) 2224 and 1899; THENCE northerly along the westerly line of said Map Cover No.(s) 2224 and 1899 a record distance of 322.0 feet more or less to a point in the centerline of Boyd Drive (66' wide); THENCE easterly along the centerline of Boyd Drive a record distance of 762.3 feet more or less to a point in the centerline of Schurr Road (66' wide); THENCE northerly along the centerline of Schurr Road a record distance of 1165.7 feet more or less to a point in the westerly extension of the southerly line of lands conveyed to Kenneth Loewer as recorded in the Erie County Clerk's Office in Liber 9684 at page 485; THENCE easterly along the southerly line of said lands of Loewer a map distance of 173 feet more or less to a point in the southeast corner of said lands conveyed to Loewer; THENCE northerly along the easterly line of said lands conveyed to Loewer a record distance of 50.6 feet more or less to a point in the southwest corner of lands conveyed to Richard Petrie as recorded in the Erie County Clerk's Office in Liber 10039 at page 54; THENCE easterly along the southerly line of said lands conveyed to Petrie and an easterly extension thereof, being a line parallel with the southerly line of Bodine Road (South Park Avenue, 49.5' wide) a map distance of 810 feet more or less to a point in the easterly line of lands conveyed to Alice Lamendola as recorded in the Erie County Clerk's Office in Liber 10900 at page 4149; THENCE northerly along the easterly line of said lands conveyed to Lamendola a map distance of 530 feet more or less to a point in the southerly line of Main Street; THENCE easterly along the southerly line of Main Street a map distance of 185 feet more or less to a point; THENCE northerly along a line being the southerly extension of the westerly line of lands conveyed to Our Lady of Peace R.C. Church as recorded in the Erie County Clerk's Office in Liber 9774 at page 422 a map distance of 426 feet more or less to a point, said point being 330 feet more or less northerly of the north line of Main Street as measured along the westerly line of said lands conveyed to Our Lady of Peace R.C. Church; THENCE westerly along a line parallel with the northerly line of Main Street and 330 feet more or less therefrom a map distance of 2145 feet more or less to a point, said point being 300 feet more or less easterly of the centerline of Salt Road (66' wide) as measured at right angles therefrom; THENCE northerly along a line parallel with and 300 feet more or less from the centerline of Salt Road map distance of 2100 feet more or less to a point in the easterly extension of the centerline of Greiner Road; THENCE westerly along the centerline of Greiner Road and its easterly extension thereof a record distance of 3783.5 feet more or less to the point or place of beginning.

The establishment of the proposed extension includes the leasing from the Town of Clarence of all sewer facilities, including pipes, manholes, pumping stations and force mains and other facilities of the following Town of Clarence Sewer Districts: # 2, #6, #7, and #9, all as more fully described in the map, plan, report and estimate of cost prepared by the County Engineers (Erie County Department of Environment and Planning) which has been filed with the County Legislature and which has been approved by the Erie County Department of Environment and Planning on June 13, 2007.

No additional capital improvements are proposed to be constructed and no additional capital costs are to be incurred by or on behalf of the Erie County Sewer District No. 5 with respect to the

extension of the boundaries of such District and the leasing of the existing sewer facilities, but future annual charges will be apportioned between real property in the District in accordance with their respective proportionate shares in accordance applicable flat charges, hook-up charges and charges based on units, assessed value and footage, specified in the District's Benefit and User Charge formulas, as such formulas currently exist and as amended from time to time.

The estimated cost of hook up fees will be \$250 per home for lateral inspection of individual connections to County built sewers, \$250 per home for inspections associated with subdivisions or other privately built sewers, and a \$2 permit fee at the time of connection to the District. The cost of the extension to the Typical Property (as defined in the County Law) is \$325 per year which represents a decrease in sewer cost of approximately \$10.45 per year due to the extension. A detailed explanation of how the estimated cost of hook up fees and the cost of the extension were computed has been filed in the office of the Clerk to the Erie County Legislature and is open for public inspection.

The County Legislature has determined that, pursuant to Section 274-b of the County Law, all expenses of Erie County Sewer District No. 5, including all extensions as heretofore and hereafter established, shall be a charge against the entire area of the District as extended.

Dated: Buffalo, New York,
_____, 2007.

BY ORDER OF THE COUNTY
LEGISLATURE
OF THE COUNTY OF ERIE, NEW YORK

By

Robert M. Graber
Clerk, County Legislature

Section 4. The Clerk of said County Legislature is hereby authorized and directed to cause a copy of the Notice of Public Hearing as set forth in Section 2 hereof to be published once in the Front Page and in the Lancaster Bee the official newspapers of said County, and the Clarence Bee not less than ten nor more than twenty days before the date set herein for said public hearing.

Section 5. This resolution shall take effect immediately.
(4-0)

3. COMM. 2E-11 (b) (2007)
COUNTY EXECUTIVE
RESOLUTION NO. ____

RESOLUTION DATED _____, 2007.

A RESOLUTION CALLING A PUBLIC HEARING FOR THE PURPOSE OF CONSIDERING A PROPOSED EXTENSION OF THE ERIE COUNTY SEWER DISTRICT NO. 3 IN THE COUNTY OF ERIE, NEW YORK.

(Introduced) _____, 2007
(Adopted) _____, 2007

WHEREAS, pursuant to proceedings heretofore had and taken in accordance with the provisions of Article 5-A of the County Law, a report of the Erie County Sewer Agency dated June 13, 2007 and a resolution of the Erie County Sewer District No. 3 Board of Managers dated June 13, 2007, an extension of Sewer District No. 3 of the County of Erie, New York has been proposed; and

WHEREAS, a map and plan have been duly prepared by the County Engineers (Erie County Department of Environment and Planning) relating to such extension of the Erie County Sewer District No. 3, which map and plan have been filed with the County Legislature pursuant to Section 254 of the County Law; and

WHEREAS, said map, plan, report and estimate of cost contains (i) a description of the proposed boundaries of the area which the Department in its judgment considers will be benefited by the Proposed Sewer Extension, (ii) a description of the areas of the Proposed Sewer Extension to permit definite and conclusive identification of all parcels of property included therein, (iii) the proposed location of facilities of the Proposed Sewer Extension, and (iv) estimates of the cost of construction, reconstruction, if any, or procurement and installation of facilities, all as more fully described in the map, plan, report and estimate of cost hereinbefore referred to; and

WHEREAS, there will be no additional capital costs incurred by or on behalf of the Erie County Sewer District No. 3 with respect to the extension of the boundaries of such District and the leasing of the existing facilities, but future annual charges will be apportioned between real property in the District in accordance with their respective proportionate shares in accordance applicable flat charges, hook-up charges and charges based on units, assessed value and footage, specified in the District's Benefit and User Charge formulas, as such formulas currently exist and as amended from time to time; and

WHEREAS, hook up fees are \$250 per home for a lateral inspections of individual connections to existing county-built sewers, \$250 per home for inspections associated with subdivisions or other privately built sewers and a \$2 permit fee at the time of connection; and

WHEREAS, pursuant to Section 258 of the County Law, as amended by Chapter 397 of the Laws of 1995, the consent of the State Comptroller is not required prior to the establishment of the

extension of the District because the cost thereof to the Typical Property (as defined in the County Law) does not exceed the Average Estimated Cost to the Typical Properties for similar types of expenditures, as computed by the State Comptroller and such cost is \$308.00; and

WHEREAS, it is now desired to call a public hearing to consider said extension of the Erie County Sewer District No. 3 in accordance with the provisions of Sections 254 and 274 of the County Law;

NOW, THEREFORE, BE IT

RESOLVED, BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK, AS FOLLOWS:

Section 1. A meeting of the County Legislature of the County of Erie, New York, shall be held at 92 Franklin Street, 4th Floor, in Buffalo, New York, in said County, on the 29th day of August, 2007, at 1:30 o'clock P.M., Prevailing Time, for the purpose of conducting a public hearing upon the aforesaid proposal to extend the Erie County Sewer District No. 3 in said County, such extension to be known as "The Town of Hamburg Sewer Districts Extension (2007)," and for such other action on the part of said County Legislature in relation thereto as may be required by law.

Section 2. The notice of such public hearing shall be in substantially the following form, to-wit:

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that a meeting of the County Legislature of the County of Erie, New York, shall be held at 92 Franklin Street, 4th Floor in Buffalo, New York, in said County, on the 29th day of August, 2007, at 1:30 o'clock P.M., Prevailing Time, for the purpose of conducting a public hearing upon a proposed extension of the Erie County Sewer District No. 3 in said County.

The extension of said Erie City Sewer District No. 3 shall be known as "The Town of Hamburg Sewer Districts Extension (2007)," and substantially in conformity with and pursuant to a report of the Erie County Sewer Agency dated June 13, 2007 and a resolution of the Erie County Sewer District No. 3 Board of Managers dated June 13, 2007, heretofore filed with the Board of Managers of Erie County Sewer District No. 3.

The proposed extension of the Erie County Sewer District No. 3 shall comprise the area described as follows:

TOWN SEWER DISTRICT NO. 4 (CLOVERBANK)

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Hamburg, County of Erie, State of New York, being part of Lot Nos. 35 and 39, Township 9, Range 8 of the Holland Land Company's Survey and more particularly bounded and described as follows:

BEGINNING at the point of intersection of the centerline of Lake Shore Road (66' wide) with the centerline of Cloverbank Road (66' wide); thence southeasterly along the centerline of said Cloverbank Road a distance of 273± feet to a point, said point being the extension north of the east line of Map Cover 1206 known as "Cloverbank on the Lake"; thence south along said east line of Map Cover 1206 a distance of 2041 ± feet to a point on the westerly property line of lands owned by Niagara Mohawk Power Company, said point also being the most southeasterly corner of said Map Cover 1206; thence southwesterly along said westerly line of Niagara Mohawk Power Company and also being the southeasterly line of Map Cover 1206 a distance of 860± feet to a point on the west line of Farm Lot 35; thence north along said west line of Farm Lot 35 a distance of 5.83 feet to a point; thence southwesterly continuing along said southeasterly line a distance of 426± feet to a point on the northerly right of way of Amsdell Road; thence northwesterly along said right of way of Amsdell Road a distance of 150± feet to the point of intersection with the westerly right of way of Southcrest Avenue (50' wide); thence southwesterly along a line that is a continuation of the westerly right of way of said Southcrest Avenue a distance of 300± feet to a point, said point being the intersection of the southerly extension of the west line of Map Cover 1206; thence north along said extension line, north along said west line of Map Cover 1206 and north along the northerly extension of said west line of Map Cover 1206 a distance of 2480± feet to a point at the water's edge of Lake Erie; thence northeasterly following along said water's edge a distance of 2,495± feet to the southerly line of Map Cover 1158; thence southeast along said southerly line a distance of 420± feet to a point on the centerline of Lake Shore Road (66' wide); thence southwesterly along said centerline a distance of 1,117± feet to the point or place of beginning.

TOWN SEWER DISTRICT NO. 5 (LOCKSLEY)

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Hamburg, County of Erie, and State of New York, being part of Lot No. thirty (30), Township nine (9) Range eight (8) of the Holland Land Company's Survey and more particularly abounded and described as follows:

BEGINNING at the intersection of the center line of the Lake Shore Road and the southwesterly line of the Locksley Park Subdivision, as filed under Cover No. nine hundred eighty-eight (988), Erie County Clerk Office; thence easterly along the center of Lake Shore Road about one thousand nine hundred and forty-seven (1947) feet to a point one hundred (100) feet easterly from the easterly line of Stratford Terrace; thence southeasterly three hundred (300) feet to a point one hundred thirteen and seventy-four hundredths (113.74), feet east of the easterly line of said Stratford Terrace; thence easterly seven and twenty-six hundredths (7.26) feet; thence southeasterly one hundred twenty-one (121) feet from and parallel with Stratford Terrace; about three hundred twenty-three (323) feet; thence southerly one

hundred ninety and six tenths (190.6) feet to a point ninety-five (95) feet easterly from the easterly line of Stratford Terrace; thence easterly three hundred ninety-two (392) feet to land now owned by George C. Laub; thence southerly along Laub's westerly line about nine hundred twenty six (926) feet to the northerly right-of-way line of Niagara, Lockport and Ontario Power Co.; thence southwesterly along said right-of-way line about one thousand eight hundred seventy-six (1876) feet to the southwesterly line of Locksley Park Subdivision; thence northwesterly along said southwesterly line of subdivision about one thousand eight hundred twenty-two (1822) feet to the place of beginning.

TOWN SEWER DISTRICT NO. 10 (AMSDELL HEIGHTS)

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Hamburg, County of Erie and State of New York, being part of Lot Number Thirty-nine (39), Township Nine (9), Range Eight (8) of the Holland Land Company's Survey and more particularly bounded and described as follows:

BEGINNING at a point in the centerline of Amsdell Road where it intersects the easterly line of Penn Central Railroad; thence southeasterly along said centerline of Amsdell Road a distance of One Hundred Ninety Four (194)± feet to the point of intersection with the centerline of Brundage Road (50' wide); thence southwesterly along said centerline of Brundage Road One Hundred Fifty (150)± feet to the east line of Map Cover 1814; thence southerly along said east line of Map Cover 1814 a distance of Three Thousand Nine Hundred Thirty Two (3,932)± feet to a point at the southeast corner of said Map Cover 1814, said point also being the southeast corner of Lot No. 39; thence westerly along said south line of Lot No. 39 a distance of Three Hundred (300)± feet to a point at the southwesterly corner of said Map Cover 1814, said point also being the southeast corner of SBL 181.15-2-2 as described in Liber 9506 Page 652; thence northerly along the east line of said SBL 181.15-2-2 a distance of Seven Hundred Fifty One and Five tenths (751.50)± feet to a point, said point being Two Hundred (200) feet south of the southerly line of South Place (50' wide), said point also being the southeast corner of SBL 181.15-2-3; thence westerly along a line parallel to the south line of said South Place a distance of one hundred twenty five (125)± feet to a point at the southwest corner of said SBL 181.15-2-3; thence north along the west line of said SBL a distance of Sixty Two (62)± feet to a point at the southeast corner of SBL 181.15-2-1; thence west along the south line of said SBL 181.15-2-1 a distance of One Hundred and Eighty and Eighty Eight Hundredths (180.88)± feet to a point that intersects the extension south of the west line of Map Cover 1814; thence northerly along said extension line and west line of Map Cover 1814 a distance of Two Thousand Eight Hundred Nine (2809)± feet to a point on the easterly line of Penn Central Railroad right-of-way; thence northeasterly along said easterly line of Penn Central Railway a distance of Eight Hundred Forty Two (842)± feet to the point or place of beginning.

TOWN SEWER DISTRICT NO. 12 (BETHFORD)

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Hamburg, County of Erie and State of New York, being part of Lot No. 36, Township 10, Range 7 of the Buffalo Creek Reservation, bounded and described as follows:

BEGINNING, at intersection of McKinley Parkway and Lake Avenue; thence easterly along Lake Avenue to the easterly line of said Lot No. 36, Township 10, Range 7; thence southerly along said easterly line of said Lot No. 36, to Mile Strip Road; thence westerly along Mile Strip Road to McKinley Parkway; thence northerly along McKinley Parkway to Lake Avenue to the place of beginning; excepting, all that parcel of land at the northwest corner thereof, having three hundred feet (300') frontage on McKinley Parkway and one hundred thirty feet (130') frontage on Lake Avenue, described in a deed recorded in Erie County Clerk's Office in Liber 3023 at page 421, also excepting six (6) parcels of land at the northeast corner thereof, each being two hundred sixty-five and eight-nine hundredths feet (265.89') in depth from the north line of said Lot No. 36 and together being five hundred ninety-four and six-tenths feet (594.6') in width, measured along said northerly line of said Lot No. 36 westerly from said corner, also excepting four (4) parcels of land fronting on Lake Avenue, beginning at the west line of premises described in a deed recorded in Erie County Clerk's office in Liber 1255 of deeds at page 428, each being two hundred sixty-five and eight-nine hundredths feet (265.89') in depth from the north line of said Lot No. 36, and together being three hundred seventy-five feet (375') in width measured along said north line of said Lot No. 36 easterly for said west line described in said last mentioned deed.

Also, all that tract or parcel of land, situate lying and being in the Town of Hamburg, County of Erie and State of New York, known and distinguished as part of Lot No. 35, Township 10, Range 7, of that part of the Buffalo Creek Reservation known as the Milestrip as surveyed by John Lamberton and bounded as follows:

Beginning, in the west line of Lot No. 35 distant nine hundred and ninety-four (994) feet south of the north line of Lot No. 35; thence east along the northerly line of Joseph Lichor property two hundred sixty-nine (269) feet to the northeast corner of same; thence north parallel to the west line of Lot No. 35 to the middle of Smokes Creek; thence northwesterly along the middle of Smokes Creek to the north line of Lot No. 35; thence west along the north line of Lot No. 35 to the northwest corner of Lot No. 35; thence south along the west line of Lot No. 35 nine hundred and ninety-four (994) feet to the northwest corner of Joseph Lichor property to the place of beginning.

TOWN SEWER DISTRICT NO. 13 (SOUTH LYTH)

ALL THAT TRACT OR PARCEL OF LAND, situated in the Town of Hamburg, County of Erie, State of New York, being part of Lot No. 442, Township 10, Range 7, of the Buffalo Creek Indian Reservation and, on a Subdivision Map made of part of said Lot and filed in the Erie County Clerk's Office, under Map Cover Number 1918, known as Subdivision Lot Nos. 1 to 35, both inclusive, and also

three parcels shown on said Subdivision Map fronting on Lake Avenue all of which premises are bounded as follows:

BEGINNING at a point in Lake Avenue, which is the southwest corner of Lot No. 442; thence northerly, along the westerly line of said Lot No.442, 1,618.55 feet, which is the southwest corner of Subdivision Lot No. 57 of Map Cover 1655; thence easterly and southeasterly, along the south line of Map Cover 1655, to its intersection with the west line of property described in a deed recorded in the Erie County Clerk's Office in Liber 4483 of Deeds at Page 127; thence southerly, along the west line of said property described in said Deed, to the southwest corner thereof; thence easterly, along the south line of the lands described in said Deed, to the east line of Lot No. 442; thence southerly along the easterly line of said Lot No. 442, to the southeast corner thereof; thence westerly, along the south line of said Lot No. 442, to the point of beginning.

TOWN SEWER DISTRICT NO. 18 (BENZ)

PARCEL "A"

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Hamburg, County of Erie, and State of New York, being part of Lots Number 43 and 44, Township 9, Range 7 of the Holland Land Company's survey and more particularly bounded and described as follows:

BEGINNING at the northeast corner of Sublot 204 as recorded in the Erie County Clerk's Office under Map Cover 1941, thence southeasterly along the southwesterly line of lands now or formerly owned by Adolph Knab, a distance of one thousand three hundred sixty-four and twenty-nine hundredths (1364.29) feet to the west line of Abbott Road; thence southerly along the west line of Abbott Road, a distance of one hundred three and twenty-nine hundredths (103.29) feet to a point where Abbott Road deflects easterly twenty-eight degrees and four minutes (28° 04'')' thence southeasterly along the southwesterly line of Abbott Road, a distance of sixty (60.0) feet to a point in the southwesterly line of Abbott Road; thence southwesterly at right angles to the last described line, a distance of three hundred sixty-five feet (365.0) to a point in the southwesterly line of a proposed sixty foot street; thence southeasterly at right angles to the last described line a distance of six (6.0) feet more or less; thence easterly at an included angle of sixty-seven degrees and forty minutes (67° 40') a distance of three hundred thirty-three and fifteen hundredths (333.15) feet to a point in the northeasterly line of a proposed fifty-five foot street; thence northwesterly along the northeasterly line of said proposed street at an included angle of one hundred twelve degrees and twenty minutes (112° 20') a distance of one hundred seventy (170) feet; thence westerly at an included angle of one hundred twelve degrees and twenty minutes (112° 20'), a distance of eight hundred forty-six and sixty-eight hundredths (846.68) feet to a point on the southwesterly line of a proposed street; thence northwesterly along the southwesterly line of said proposed street, a distance of twenty (20.00) feet, more or less to a point where said proposed street deflects easterly twenty-one degrees and thirty-one minutes (21° 31'); thence northerly along the westerly line of said proposed

street, a distance of three hundred ten (310) feet more or less; thence westerly, a distance of two hundred thirty-three and sixty hundredths (233.60) feet, more or less to the easterly line of Ashbury; thence northerly along this said easterly line of Ashbury, a distance of three hundred fifty-one and five tenths (351.5) feet; thence southeasterly at an included angle of seventy degrees, thirty minutes and thirty-six seconds ($70^{\circ} 30' 36''$) to a point on an arc having a radius of thirty-five (35.0) feet; thence southeasterly, easterly and northeasterly along said arc, a distance of ninety-three and three tenths (93.3) feet; thence southeasterly along a line drawn parallel and thirty-five (35.0) feet southerly from the southerly line of Map Cover 1941, a distance of one hundred sixty-three (163.0) feet; thence northeasterly along the southeasterly line of Map Cover 1941 a distance of four hundred eight-two and eight tenths (482.8) feet to the southeasterly corner of Sublot 204 as recorded in the Erie County Clerk's Office under Map Cover 1941; thence northwesterly along the southwesterly line of said Sublot 204 a distance of eighty(80)feet to the southwesterly corner of said Sublot 204; thence northeasterly along the northwesterly line of said Sublot 204 a distance of one hundred seventy (170) feet to the northwesterly corner of said Sublot 204; thence southeasterly along the northeasterly line of said Sublot 204 a distance of eighty (80) feet to the place of beginning.

Being all of Edward G. Benz Subdivision Part 2, as filed in Erie County Clerk's Office under Map Cover 2106 and Sublot 204 in the Edward G. Benz Subdivision, as filed in the Erie County Clerk's Office under Map Cover 1941 contained 26.5 acres, more or less.

PARCEL "B"

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Hamburg, County of Erie, and State of New York, being part of Lot Number 43, Township 9, Range 7 of the Holland Land Company's survey being more particularly bounded and described as follows:

BEGINNING at the intersection of the southwesterly line of Abbott Road and the easterly line of Lot 43, Township 9, Range 7 said easterly line being also the easterly line of the Town of Hamburg, thence southerly along the said easterly line of Lot 43, a distance of about one thousand four hundred fifteen (1415.0) feet to the southerly line of lands of Edward G Benz, thence westerly along the southerly line of Benz a distance of one thousand one hundred seven and two tenths (1107.2) feet to a point; thence northwesterly along the northeasterly line of lands now or formerly owned by George Fierle, a distance of one thousand six hundred fifty-nine and three tenths (1659.3) feet to the northerly line of Lot 43, Township 9, Range 7; thence northerly along the easterly line of lands now or formerly owned by M.R. Ashbury, a distance of one hundred forty-five and nine tenths (145.9) feet to a point; thence easterly along the southerly bounds of a twenty foot wide access roadway shown on a map filed in the Erie County Clerk's Office under Map Cover 2106, a distance of two hundred thirty-three and six tenths (233.6) feet to the westerly bounds of Willow Drive as shown on said Map Cover 2106; thence southerly along the westerly bounds of Willow Drive a distance of about three hundred ten (310) feet to a point where the westerly bounds of Willow Dive deflect to easterly twenty-one degrees and thirty-one minuets ($21^{\circ} 31'$);

thence southeasterly along the westerly bounds of a proposed street a distance of about twenty (20.0) feet to the southerly line of Holly Place as shown on Map Cover 2106; thence easterly along the southerly bounds of Holly Place, a distance of eight hundred forty-six and sixty eight hundredths (846.68) feet to the northwesterly corner of Sublot 47 as shown on Map Cover 2106; thence southeasterly along the southwesterly line of said Sublot 47, a distance of one hundred seventy (170.0) feet to the southwesterly corner of said Sublot 47; thence easterly along the southerly line of Sublots 47, 48 and 49 as shown on said Map Cover 2106, a distance of three hundred thirty-three and fifteen hundredths (333.15) feet to the southwesterly line of a proposed street shown on said Map Cover 2106; thence northwesterly along the southwesterly line of said proposed street a distance of about six (6.0) feet to a point; thence northeasterly at right angles to the last described line a distance of sixty (60.0) feet to the southwesterly corner of Sublot 50 as shown on Map Cover 2106; thence continuing northeasterly along the southeasterly line of said Sublot 50 and the southeasterly bounds of Best Street a distance of three hundred seven (307.0) feet to the southwesterly bounds of Abbott Road; thence southeasterly along the southwesterly bounds of Abbott Road, a distance of about twenty (20.0) feet to the place of beginning.

TOWN SEWER DISTRICT NO. 19 (SHELDON ACRE)

ALL THAT TRACT OR PARCEL OF LAND located in the Town of Hamburg, County of Erie and State of New York, and being part of Lot 48, Township 9, Range 7 of the Holland Land Company's Survey and further bounded and described as follows:

BEGINNING at the northeast corner of said Lot 48, running thence westerly along the north line of said lot two hundred ninety-three and seventy hundredths (293.70) feet, running thence southerly on a line parallel to the east line of said Lot 48 sixteen hundred ninety-six and twenty hundredths (1696.20) feet more or less to the center line of Sheldon Road; thence north sixty-four degrees eighteen minutes east ($N.64^{\circ} 18'E.$) and along the said center line of Sheldon Road three hundred twenty-six and four hundredths (326.04) feet to the east line of said Lot 48; running thence north along said east line of Lot 48 fifteen hundred fifty-four and thirty hundredths (1554.30) feet more or less to the northeast corner of said Lot to the point or place of beginning.

TOWN SEWER DISTRICT NO. 21 (HAMBURG MASTER)

BEGINNING at the point of intersection of the southeast shore line of Lake Erie with the north line of land of 3773 Lake Shore Road, Inc., said north line being about three hundred ninety (390) feet north measured at right angles from the north line of Lot 16, Township 9, Range 8; thence east along the north line of 3773 Lake Shore Road, Inc. property about eleven hundred (1100) feet to the center line of the Old Lake Shore Road; thence southeast along the northeast line of Snyder land about four hundred sixty (460) feet to the north line of Lot 16; thence east along the north line of Lot 16 about thirteen hundred (1300) feet to the east line of lands subdivided and shown on subdivision map filed in the Erie County Clerk's Office under Cover 416 and known as Bayview; thence southerly along the east line of

lands shown on said subdivision map about eighteen hundred fifty (1850) feet to a point four hundred fifty (450) feet northeast measured at right angles from the northeast line of Bayview Road; thence southeasterly parallel with Bayview Road about one thousand (1000) feet to a line extended westerly which is two hundred (200) feet north from the north line of North Street as laid out on map filed in the Erie County Clerk's Office under Cover 694 and parallel therewith; thence easterly parallel with the north line of North Street about thirty-five hundred forty (3540) feet to the southwest right-of-way line of the Erie Railroad; thence southeasterly along the southwest line of said Erie Railroad about thirty-two hundred (3200) feet to a line parallel with and two hundred fifty (250) feet easterly from the east line of South Park Avenue; thence southerly parallel with the east line of South Park Avenue about eleven thousand eight hundred eighty (11,880) feet to a line dividing land owned by the Buffalo Trotting Association on the north and Michael Petrichrick on the south; thence westerly along said dividing line two hundred fifty (250) feet to the east line of South Park Avenue; thence continuing westerly across South Park Avenue and along the north line of land owned by James Dunnigan and said line extended, being the south line of land shown on a subdivision map recorded in the Erie County Clerk's Office under Map Cover 713, twenty-seven hundred (2700) feet to a line three hundred (300) feet southeasterly measured at right angles from the southeast line of Ridge Road; thence southwesterly parallel with and three hundred (300) feet southeasterly measured at right angles from the southeast line of Ridge Road about eleven hundred (1100) feet to the southwest line of Camp Road; thence southeast along the southwest line of Camp Road about one hundred forty (140) feet to the north line of land shown and subdivided on a map filed in the Erie County Clerk's Office under Cover 1401; thence westerly along the north line of said land as subdivided on said Cover 1401 about three hundred forty (340) feet to a point two hundred forty (240) feet southwest of Camp Road as measured at right angles thereto; thence northwest and parallel with Camp Road about fifteen hundred thirty (1530) feet to the northwest line of land owned by M. Hartson; thence northeast along the northwest line of said Hartson land two hundred forty (240) feet to the southwest line of Camp Road; thence northwest along the southwest line of Camp Road about nineteen hundred thirty (1930) feet to the northwest line of land taken by the State of New York for Thruway purposes and known as the Erie Section of the New York State Thruway; thence southwesterly along the northwest line of land of said Erie Thruway about seven thousand (7000) feet to the west line of Lot 20, Township 9, Range 8; thence north along said west line of Lot 20 about eighteen hundred (1800) feet to a line parallel with the southwest line of Rogers Road and two hundred (200) feet southwest therefrom, measured at right angles thereto; thence northwest parallel with the southwest line of Rogers Road about one thousand (1000) feet to the most westerly corner of land of Henry Dybowski; thence westerly about four hundred (400) feet to a point in the west line of land owned by Stanley Dybowski, said point being nine hundred (900) feet south from the north line of Lot 28, Township 9, Range 8; thence westerly parallel with the north line of Lot 28 about three hundred thirty-eight (338) feet to the west line of land of Frank J. Brzezinski; thence north along the west line of said Brzezinski land and crossing Southwestern Boulevard and continuing north along the west line of land owned by Charles Smalian nine hundred (900) feet to the south line of Lot 29, thence west along the south line of Lot 29; about twenty-seven hundred (2700) feet to the southwest corner of Lot 29; thence northerly along the west line of said Lot 29 about twenty-one hundred fifty (2150) feet to a point in a line drawn parallel with the center line of Cloverbank Road and three hundred (300)

feet southerly therefrom measured at right angles thereto; thence westerly along said line parallel with the center line of Cloverbank Road and three hundred (300) feet southerly therefrom about eighteen hundred (1800) feet to the southeast line of lands of the New York, Chicago, & St. Louis Railroad, also known as the Nickle Plate Railroad; thence northeasterly along said southeasterly right-of-way line of said Railroad about eighty-two hundred twenty (8220) feet to an extension southerly of the east line of Locksley Park Sanitary Sewer District; thence north along said extension and along the said east line of Locksley Park Sanitary Sewer District about thirteen hundred (1300) feet to an angle in said District Boundary; thence west along a north line of said District three hundred ninety-two (392) feet to an angle in said District Boundary; thence north along the east line of said District one hundred ninety and sixty hundredths (190.60) feet to an angle in said District Boundary; thence northerly along the east line of said District about three hundred twenty-three (323) feet to an angle in said District Boundary; thence west along a north line of said District Boundary seven and twenty-six hundredths (7.26) feet to the east line of said District; thence north along the east line of said District and said east line extended northerly about three hundred forty (340) feet to the southeast shore of Lake Erie; thence northeasterly along the southeast shore line of Lake Erie about eighty-three hundred (8300) feet to the point of beginning.

EXTENSION 1 TO HAMBURG MASTER TOWN SEWER DISTRICT NO. 21,
(BRIERWOOD EXTENSION)

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Hamburg, County of Erie, and State of New York, being part of Lot Numbers 28, 34, and 35, Township 9, Range 8 of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING at the point of intersection of the southeast corner of Lot 35 with the southwest corner of Lot 29; thence northerly along the east line of Lot 35 a distance of 2,140 feet more or less to a point, said point being 280 feet more or less south of the southerly highway boundary of Cloverbank Road (49.5 feet wide); thence westerly along a line parallel to said highway boundary a distance of 480 feet more or less to a point of intersection with the east line of lands reserved by WEBR, Inc. in an instrument recorded in Liber 6227 of Deeds at page 312 on October 9, 1957; thence southerly at an interior angle of 66 degrees 51' a distance of 1,142 feet more or less to a point of curvature; thence southerly, westerly, and northerly along a curved line having a radius of 264 feet, an arc distance of 829.38 feet to a point of tangency; thence northerly along a line drawn parallel to the above described line which was 1,142 feet long, at a distance of 528 feet westerly therefrom as measured at right angles, a distance of 1,236.59 feet to an angle point in the westerly line of lands so reserved by WEBR, Inc. by above deed; thence westerly along a line parallel to and 280 feet more or less south of the southerly highway boundary of Cloverbank Road, a distance of 790 feet more or less to a point in the southeasterly line of lands conveyed to Lake Shore and Michigan Southern Railway Company by instrument recorded in Liber 309 of Deeds at page 568 on July 19, 1872; thence southwesterly along said railway lands as conveyed by the last described deed and by instrument recorded in Liber 426 of Deeds at page 91 on October 4, 1881, a distance of 2,820 feet more or less to the northwest corner of lands conveyed to the County of Erie by instrument recorded

in Liber 8603 of Deeds at page 595 on January 4, 1978, thence southeasterly along said lands conveyed to the County of Erie along the following four courses: (1) southeasterly at an interior angle of 85 degrees, 54' 46", 97.82 feet; (2) southeasterly at an interior angle of 167 degrees, 35' 19", 117.16 feet; (3) southeasterly at an interior angle of 208 degrees, 13' 45", 181.82 feet; (4) southeasterly at an interior angle of 169 degrees 56' 49", 41.44 feet to a point of intersection with the south line of Lot 35; thence westerly along said lot line a distance of 305 feet more or less to the point of intersection with the northwest corner of Lot 34; thence southerly along the west line of Lot 34 a distance of 575 feet more or less; thence easterly at right angles a distance of 16.1 feet to a point; thence northeasterly along a line which is perpendicular to the southwesterly highway boundary of Amsdell Road (66 feet wide), a distance of 115 feet more or less to a point of intersection with a line which is parallel to and 125.0 feet east of the west line of Lot 34; thence southerly along said parallel line a distance of 3,422.49 feet to a point of intersection with the south line of Lot 34; thence easterly along said lot line a distance of 2,000.69 feet to a point; thence northerly at an interior angle of 91 degrees 49' 34" a distance of 800 feet more or less to a point; thence easterly at an exterior angle of 91 degrees 41' 40" a distance of 688.18 feet to a point; thence northerly at an interior angle of 88 degrees 18' 20" a distance of 1,283.36 feet to a point; thence northeasterly at an exterior angle of 161 degrees 35' 34" a distance of 299.42 feet to a point of intersection with the southerly highway boundary of Amsdell Road; thence southeasterly at an exterior angle of 88 degrees 18' 56" along said highway boundary a distance of 276.14 feet to a point, said point being 650.78 feet west of the east line of Lot 34; thence southerly along a line which is parallel to said lot line a distance of 487 feet to a point; thence easterly at right angles a distance of 200 feet to a point; thence northerly at right angles a distance of 490 feet to a point of intersection with the northerly highway boundary of Amsdell Road; thence easterly along said highway boundary a distance of 1,840 feet more or less to a point in the northwesterly highway boundary of Southwestern Boulevard (100 feet wide); thence northeasterly along said highway boundary a distance of 890 feet more or less to the southwest corner of lands conveyed to Ettore Imagna and Betty Imagna by instrument recorded in Liber 5389 of Deeds at page 398 on August 31, 1953; thence northerly along Imagna's west line a distance of 477.37 feet to the northwest corner thereof; thence southeasterly along Imagna's northeast line a distance of 227.98 feet to the northeast corner thereof; thence southerly along Imagna's east line a distance of 190.35 feet to the southeast corner thereof in the northwest line of Southwestern Boulevard; thence northeasterly along the northwest line of Southwestern Boulevard a distance of 196.7 feet to the southwest corner of lands conveyed to Norman Klaus by instrument recorded in Liber 3864 of Deeds at page 171 on April 5, 1946; thence northerly along the west line of Klaus a distance of 750.96 feet to the northwest corner thereof, to a point of intersection with the north line of Lot 28; thence westerly along said lot line a distance of 2,264.89 feet to the point or place of beginning.

Also including all that tract or parcel of land situate in the Town of Hamburg, County of Erie, and State of New York, being part of Lot Number 28, Township 9, Range 8 of the Holland Land Company's Survey, bounded and described as follows:

Commencing at the intersection of the southeasterly highway boundary of Southwestern Boulevard with the southwesterly highway boundary of Rogers Road (66 feet wide); thence southwesterly along said highway boundary of Southwestern Boulevard a distance of 595 feet more or less to the point of beginning, said point being 1,478 feet more or less west of the east line of Lot 28; thence southerly along a line which is parallel to said lot line a distance of 430.9 feet to a point; thence westerly at right angles a distance of 239.34 feet to a point; thence northerly at right angles a distance of 250 feet to a point of intersection with the southeasterly highway boundary of Southwestern Boulevard; thence northeasterly along said highway boundary a distance of 300 feet to the point or place of beginning.

EXTENSION 2 TO HAMBURG MASTER SEWER DISTRICT NO. 21,
(SHANNON HEIGHTS)

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Hamburg, County of Erie, State of New York and being part of Lot 8, Township 9, Range 8 of the Holland Land Company's survey and being further described as follows:

BEGINNING at a point of intersection of the westerly line of the property of the former Hamburg Railway Company and a line 200 feet north of the north line of North Street, also being the north boundary of the Hamburg Master Sewer District; thence northeasterly along the westerly line of said Hamburg Railway Company's land to the westerly line of the Erie Railroad Company's lands; thence northwesterly along the westerly line of said Erie Railroad Company's lands to a point in a line which is parallel to and approximately 744 feet north of the southerly line of the lands conveyed to Nathan P. Bristol and recorded in the Erie County Clerk's Office in Liber 13 at Page 197; thence westerly along said line a distance of 425 feet; thence southwesterly at an interior angle of 98 degrees a distance of 549 feet more or less to the previously described line 200 feet north of the north line of North Street; thence easterly along said line and parallel to the north line of North Street a distance of 420 feet more or less to the point or place of beginning.

TOWN SEWER DISTRICT NO. 25 (Northeast)

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Hamburg, County of Erie, State of New York, being part of Townships 9 and 10, Range 7 of the Holland Land Company's Survey and more particularly bounded as follows:

BEGINNING at a point of intersection of the centerline of Willett Road with the centerline of Abbott Road, said point being also the northeast corner of the Town of Hamburg; running thence southeasterly along the centerline of Abbott Road to its point of intersection with the centerline of Olympic Avenue; thence westerly along the centerline of Olympic Avenue to its point of intersection with the easterly town line; running thence southerly along the easterly town line to its intersection with the centerline of Sowles Road extended; running thence westerly along said centerline of Sowles Road

extended to its intersection with the easterly line of Hamburg Master Sewer District; running thence northerly along the easterly boundary of the Hamburg Master Sewer District and the New York State Thruway to its intersection with the southerly line of the City of Lackawanna also being the centerline of Willett Road; thence running easterly along the centerline of Willett Road to the point of beginning, excepting the Town Sewer Districts known as Bethford, South Lyth and Sheldon Acres in the Town of Hamburg and all established town sewer districts within the area not specifically described above.

The establishment of the Proposed Sewer Extension includes the leasing from the Town of Hamburg of the all sewer facilities, including pipes, manholes, pumping stations and force mains and other facilities of the following Town of Hamburg Sewer Districts: #4, #5, #10, #12, #13, #18, #19, #21, and #25, all as more fully described in the map, plan, report and estimate of cost prepared by the County Engineers (Erie County Department of Environment and Planning) which has been filed with the County Legislature and which has been approved by the Erie County Department of Environment and Planning on June 13, 2007.

No additional capital improvements are proposed to be constructed and no additional capital costs are to be incurred by or on behalf of the Erie County Sewer District No. 3 with respect to the extension of the boundaries of such District and the leasing of the existing sewer facilities, but future annual charges will be apportioned between real property in the District in accordance with their respective proportionate shares in accordance applicable flat charges, hook-up charges and charges based on units, assessed value and footage, specified in the District's Benefit and User Charge formulas, as such formulas currently exist and as amended from time to time.

Hook up fees are \$250 per home for a lateral inspections of individual connections to existing county-built sewers, \$250 per home for inspections associated with subdivisions or other privately built sewers and a \$2 permit fee at the time of connection.

The cost of the extension to the Typical Property (as defined in the County Law) is \$308 per year. A detailed explanation of how the estimated cost of hook up fees and the cost of the extension were computed has been filed in the office of the Clerk to the Erie County Legislature and is open for public inspection.

Dated: Buffalo, New York,

_____, 2007.

BY ORDER OF THE COUNTY
LEGISLATURE
OF THE COUNTY OF ERIE, NEW YORK
By _____
Robert M. Graber
Clerk, County Legislature

Section 3. The Clerk of said County Legislature is hereby authorized and directed to cause a copy of the Notice of Public Hearing as set forth in Section 2 hereof to be published once in the Front Page and in the Lancaster Bee the official newspapers of said County, and the Hamburg Sun not less than ten nor more than twenty days before the date set herein for said public hearing.

Section 4. This resolution shall take effect immediately.

(4-0)

4. COMM. 2E-11 (c) (2007)
COUNTY EXECUTIVE
RESOLUTION NO. ____

RESOLUTION DATED _____, 2007.

A RESOLUTION CALLING A PUBLIC HEARING FOR THE PURPOSE OF CONSIDERING A PROPOSED EXTENSION OF THE ERIE COUNTY SEWER DISTRICT NO. 3 IN THE COUNTY OF ERIE, NEW YORK.

(Introduced) _____, 2007

(Adopted) _____, 2007

WHEREAS, pursuant to proceedings heretofore had and taken in accordance with the provisions of Article 5-A of the County Law, a report of the Erie County Sewer Agency dated June 13, 2007 and a resolution of the Erie County Sewer District No. 3 Board of Managers dated June 13, 2007, an extension of Sewer District No. 3 of the County of Erie, New York has been proposed; and

WHEREAS, a map and plan have been duly prepared by the County Engineers (Erie County Department of Environment and Planning) relating to such extension of the Erie County Sewer District No. 3, which map and plan have been filed with the County Legislature pursuant to Section 254 of the County Law; and

WHEREAS, said map, plan, report and estimate of cost contains (i) a description of the proposed boundaries of the area which the Department in its judgment considers will be benefited by the Proposed Sewer Extension, (ii) a description of the areas of the Proposed Sewer Extension to permit definite and conclusive identification of all parcels of property included therein, (iii) the proposed location of facilities of the Proposed Sewer Extension, and (iv) estimates of the cost of construction, reconstruction, if any, or procurement and installation of facilities, all as more fully described in the map, plan, report and estimate of cost hereinbefore referred to; and

WHEREAS, there will be no additional capital costs incurred by or on behalf of the Erie County Sewer District No. 3 with respect to the extension of the boundaries of such District and the acquisition of the existing facilities, but future annual charges will be apportioned between real property in the District in accordance with their respective proportionate shares in accordance applicable flat charges, hook-up charges and charges based on units, assessed value and footage, specified in the District's Benefit and User Charge formulas, as such formulas currently exist and as amended from time to time; and

WHEREAS, hook up fees are \$250 per home for a lateral inspections of individual connections to existing county-built sewers, \$250 per home for inspections associated with subdivisions or other privately built sewers and a \$2 permit fee at the time of connection; and

WHEREAS, pursuant to Section 258 of the County Law, as amended by Chapter 397 of the Laws of 1995, the consent of the State Comptroller is not required prior to the establishment of the extension of the District because the cost thereof to the Typical Property (as defined in the County Law) does not exceed the Average Estimated Cost to the Typical Properties for similar types of expenditures, as computed by the State Comptroller and such cost is \$314.00; and

WHEREAS, it is now desired to call a public hearing to consider said extension of the Erie County Sewer District No. 3 in accordance with the provisions of Sections 254 and 274 of the County Law;

NOW, THEREFORE, BE IT

RESOLVED, BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK, AS FOLLOWS:

Section 1. A meeting of the County Legislature of the County of Erie, New York, shall be held at 92 Franklin Street, 4th Floor, in Buffalo, New York, in said County, on the 29th day of August, 2007, at 1:30 o'clock P.M., Prevailing Time, for the purpose of conducting a public hearing upon the aforesaid proposal to extend the Erie County Sewer District No. 3 in said County, such extension to be known as "The Wanakah Sewer District Extension," and for such other action on the part of said County Legislature in relation thereto as may be required by law.

Section 2. The notice of such public hearing shall be in substantially the following form, to-wit:

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that a meeting of the County Legislature of the County of Erie, New York, shall be held at 92 Franklin Street, 4th Floor, in Buffalo, New York, in said County, on the 29th day of August,

2007, at 1:30 o'clock P.M., Prevailing Time, for the purpose of conducting a public hearing upon a proposed extension of the Erie County Sewer District No. 3 in said County.

The extension of said Erie City Sewer District No. 3 shall be known as "The Wanakah Sewer District Extension," and substantially in conformity with and pursuant to a report of the Erie County Sewer Agency dated June 13, 2007 and a resolution of the Erie County Sewer District No. 3 Board of Managers dated June 13, 2007, heretofore filed with the Board of Managers of Erie County Sewer District No. 3.

The proposed extension of the Erie County Sewer District No. 3 shall comprise the area described as follows:

TOWN SEWER DISTRICT NO. 3 (WANAKAH)

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Hamburg County of Erie, State of New York, and being parts of Lot 39 and Lot 42 Township 9, Range 8 of the Holland Land Company's Survey bounded and described as follows:

BEGINNING at a point on the west line of Lot No. 42 where it intersects the center line of Old Lake Shore Road, said point also being on the east right-of-way of Lakewood Drive (66' wide) extended north; thence north along the west line of Lot 42 a distance of 110± feet to a point at the waters edge of Lake Erie; thence northeasterly along the waters edge of Lake Erie a distance of 9,531± feet to a point that intersects the extension north of the west line of Map Cover 1206, said point being the northeast corner of SBL 169.19-13-5 as described in Liber 10135 page 261, and also being the west line of Cloverbank Town District No. 4; thence southerly along said extension line, south along said west line of Map Cover 1206, south along the southerly extension of said west line of Map Cover 1206 a distance of 2721± feet to a point on the northwesterly property line of lands owned by Niagara Mohwak Power Company, SBL 181.10-1-9, as described in Liber 6051, page 20, said point being the southeast corner of SBL 181.07-2-12 as described in Liber 11094 page 6912 and also being the southeast corner of subdivision Lot No. 17, Block No. 4 of Map Cover No. 643; thence southwesterly along said northwesterly line of Niagara Mohawk Power Company a distance of 7028± feet to the southeast corner of SBL 181.13-4-31 as described in Liber 7154 page 177; thence westerly along the south line of SBL 181.13-4-31 and its extension a distance of 1653± feet to a point on the west line of West Lane (50' wide), said point also being at the southeast corner of SBL 180.20-1-10 as described in Liber 6502 page 467 and also being the southeast corner of subdivision Lot No. 58 of Map Cover No. 1960; thence continuing westerly along the south line of said Map Cover 1960 a distance of 680.09± feet to a point at the southwest corner of Map Cover 1960, said point also being the southwest corner of SBL 180.20-1-1 as described in Liber 6424 page 405 and also being the southwest corner of Sublot No. 43 of said Map Cover 1960; thence north along the west line of said Map Cover 1960 and its extension north a distance of 2471± feet to the point or place of beginning.

The establishment of the Proposed Sewer Extension includes the acquisition from the Wanakah Sewer District of the all sewer facilities, including pipes, manholes, pumping stations and force mains and other facilities of such sewer district, all as more fully described in the map, plan, report and estimate of cost prepared by the County Engineers (Erie County Department of Environment and Planning) which has been filed with the County Legislature and which has been approved by the Erie County Department of Environment and Planning on June 13, 2007.

No additional capital improvements are proposed to be constructed and no additional capital costs are to be incurred by or on behalf of the Erie County Sewer District No. 3 with respect to the extension of the boundaries of such District and the acquisition of the existing sewer facilities, but future annual charges will be apportioned between real property in the District in accordance with their respective proportionate shares in accordance applicable flat charges, hook-up charges and charges based on units, assessed value and footage, specified in the District's Benefit and User Charge formulas, as such formulas currently exist and as amended from time to time.

Hook up fees are \$250 per home for a lateral inspections of individual connections to existing county-built sewers, \$250 per home for inspections associated with subdivisions or other privately built sewers and a \$2 permit fee at the time of connection.

The cost of the extension to the Typical Property (as defined in the County Law) is \$314.00 per year. A detailed explanation of how the estimated cost of hook up fees and the cost of the extension were computed has been filed in the office of the Clerk to the Erie County Legislature and is open for public inspection.

Dated: Buffalo, New York,

_____, 2007.

BY ORDER OF THE COUNTY
LEGISLATURE
OF THE COUNTY OF ERIE, NEW YORK
By _____
Robert M. Graber
Clerk, County Legislature

Section 3. The Clerk of said County Legislature is hereby authorized and directed to cause a copy of the Notice of Public Hearing as set forth in Section 2 hereof to be published once in the Front Page, and in the Lancaster Bee, the official newspapers of said County, and the Hamburg Sun, not less than ten nor more than twenty days before the date set herein for said public hearing.

Section 4. This resolution shall take effect immediately.

(4-0)

5. COMM. 2E-11 (d) (2007)
COUNTY EXECUTIVE

RESOLUTION NO. ____

RESOLUTION DATED _____, 2007.

A RESOLUTION CALLING A PUBLIC HEARING FOR THE PURPOSE OF CONSIDERING A PROPOSED EXTENSION OF THE ERIE COUNTY SEWER DISTRICT NO. 3 IN THE COUNTY OF ERIE, NEW YORK.

(Introduced) _____, 2007

(Adopted) _____, 2007

WHEREAS, pursuant to proceedings heretofore had and taken in accordance with the provisions of Article 5-A of the County Law, a report of the Erie County Sewer Agency dated June 13, 2007 and a resolution of the Erie County Sewer District No. 3 Board of Managers dated June 13, 2007, an extension of Sewer District No. 3 of the County of Erie, New York has been proposed; and

WHEREAS, a map and plan have been duly prepared by the County Engineers (Erie County Department of Environment and Planning) relating to such extension of the Erie County Sewer District No. 3, which map and plan have been filed with the County Legislature pursuant to Section 254 of the County Law; and

WHEREAS, said map, plan, report and estimate of cost contains (i) a description of the proposed boundaries of the area which the Department in its judgment considers will be benefited by the Proposed Sewer Extension, (ii) a description of the areas of the Proposed Sewer Extension to permit definite and conclusive identification of all parcels of property included therein, (iii) the proposed location of facilities of the Proposed Sewer Extension, and (iv) estimates of the cost of construction, reconstruction, if any, or procurement and installation of facilities, all as more fully described in the map, plan, report and estimate of cost hereinbefore referred to; and

WHEREAS, there will be no additional capital costs incurred by or on behalf of the Erie County Sewer District No. 3 with respect to the extension of the boundaries of such District and the acquisition of the existing facilities, but future annual charges will be apportioned between real property in the District in accordance with their respective proportionate shares in accordance applicable flat charges,

hook-up charges and charges based on units, assessed value and footage, specified in the District's Benefit and User Charge formulas, as such formulas currently exist and as amended from time to time; and

WHEREAS, hook up fees are \$250 per home for a lateral inspections of individual connections to existing county-built sewers, \$250 per home for inspections associated with subdivisions or other privately built sewers and a \$2 permit fee at the time of connection; and

WHEREAS, pursuant to Section 258 of the County Law, as amended by Chapter 397 of the Laws of 1995, the consent of the State Comptroller is not required prior to the establishment of the extension of the District because the cost thereof to the Typical Property (as defined in the County Law) does not exceed the Average Estimated Cost to the Typical Properties for similar types of expenditures, as computed by the State Comptroller and such cost is \$258.00; and

WHEREAS, it is now desired to call a public hearing to consider said extension of the Erie County Sewer District No. 3 in accordance with the provisions of Sections 254 and 274 of the County Law;

NOW, THEREFORE, BE IT

RESOLVED, BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK, AS FOLLOWS:

Section 1. A meeting of the County Legislature of the County of Erie, New York, shall be held at 92 Franklin Street, 4th Floor in Buffalo, New York, in said County, on the 29th day of August, 2007, at 1:30 o'clock P.M., Prevailing Time, for the purpose of conducting a public hearing upon the aforesaid proposal to extend the Erie County Sewer District No. 3 in said County, such extension to be known as "The Woodlawn Sewer District Extension," and for such other action on the part of said County Legislature in relation thereto as may be required by law.

Section 2. The notice of such public hearing shall be in substantially the following form, to-wit:

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that a meeting of the County Legislature of the County of Erie, New York, shall be held at 92 Franklin Street, 4th Floor in Buffalo, New York, in said County, on the 29th day of August 2007, at 1:30 o'clock P.M., Prevailing Time, for the purpose of conducting a public hearing upon a proposed extension of the Erie County Sewer District No. 3 in said County.

The extension of said Erie City Sewer District No. 3 shall be known as "The Woodlawn Sewer District Extension," and substantially in conformity with and pursuant to a report of the Erie

County Sewer Agency dated June 13, 2007 and a resolution of the Erie County Sewer District No. 3 Board of Managers dated June 13, 2007, heretofore filed with the Board of Managers of Erie County Sewer District No. 3.

The proposed extension of the Erie County Sewer District No. 3 shall comprise the area described as follows:

TOWN SEWER DISTRICT NO. 1 (WOODLAWN)

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Hamburg, County of Erie, State of New York, and being part of Lot Nos. 7, 8, 11, 12 and 14, Township 10, Range 8 of the Buffalo Creek Reservation and part of Lot Nos. 11 and 12, Township 10, Range 8 of the Ogden Gore Tract bounded and described as follows;

BEGINNING, at a point on the south line of Farm Lot No. 7, Township 10, Range 8, where it intersects the west right-of-way of Woodlawn Avenue (60' wide); thence northerly along said west line of Woodlawn Avenue a distance of 2350± feet to the point of intersection with the north line of Farm Lot No. 11; thence easterly along the said north line of Farm Lot No. 11 a distance of 1234± feet to a point on the west line of Lakeshore Road, said point being the north east corner of subdivision Lot No. 38 in Block No. 1 of Map Cover 464, said point also being the northeast corner of SBL 150.50-1-13 as described in Liber 8367, page 76; thence northerly along the west line of said Lake Shore Road a distance of 102± feet to a point that intersect the extension westerly across Lake Shore Road of the north line of SBL 150.16-2-34 as described in Liber 11040, page 2118; thence easterly along said extension line and along said north line of SBL 150.16-2-34 a distance of 766± feet to a point; thence northeasterly continuing along the north line of SBL 150.16-2-34 a distance of 250± feet to a point; thence easterly continuing along the north line of SBL 150.16-2-34 a distance of 755± feet to a point at the northeast corner of said SBL 150.16-2-34, said point being on the west line of the Village of Blasdell; thence southerly along the west line of said Village of Blasdell a distance of 1148± feet to a point on the south line of Farm Lot 11, said point being the southeast corner of subdivision Lot No. 43 of Map Cover No. 550; thence westerly along said south line of said Farm Lot No. 11 a distance of 603 feet to the northeast corner of SBL 150.16-2-27.13 as described in Liber 10906, page 8088; thence southerly along the east line of SBL 150.16-2-27.13 and its extension south a distance of 847± feet to a point at the northeasterly corner of SBL 150.16-2-31 as described in Liber 10915, page 9399; thence southwesterly along the easterly line of SBL 150.16-2-31 a distance of 246± feet to a point on the center line of Mile Strip Road (57.75' wide); thence southeasterly along said centerline of Mile Strip Road a distance of 738± feet to a point on the centerline of Rush Creek, said point being the southeast corner of SBL 150.00-1-10 as described in Liber 9370, page 220; thence westerly along the centerline of Rush Creek a distance of 536± feet to the southwest corner of said SBL 150.00-1-10; thence northerly along the west line of said SBL 150.00-1-10 a distance of 500± feet to a point 30 feet south of the south line of Farm Lot No. 7; thence westerly along a line parallel to the south line of said Farm Lot No. 7, a distance of 1048± feet to the east right-of-way of Lakeshore Road; thence northwesterly

crossing said Lake Shore Road, a distance of 184± feet to a point at the southeast corner of SBL 150.66-4-23.1 as described in Liber 11069, page 2510, said point being the southeast corner of Sublot No. 37 of Map Cover No. 464, Block No. 9 and also being on the south line of Farm Lot No. 7; thence westerly along said Farm Lot No. 7 and south line of Map Cover No. 464 a distance of 1138± feet to the point or place of beginning.

The establishment of the Proposed Sewer Extension includes the acquisition from the Woodlawn Sewer District of the all sewer facilities, including pipes, manholes, pumping stations and force mains and other facilities of such sewer district, all as more fully described in the map, plan, report and estimate of cost prepared by the County Engineers (Erie County Department of Environment and Planning) which has been filed with the County Legislature and which has been approved by the Erie County Department of Environment and Planning on June 13, 2007.

No additional capital improvements are proposed to be constructed and no additional capital costs are to be incurred by or on behalf of the Erie County Sewer District No. 3 with respect to the extension of the boundaries of such District and the acquisition of the existing sewer facilities, but future annual charges will be apportioned between real property in the District in accordance with their respective proportionate shares in accordance applicable flat charges, hook-up charges and charges based on units, assessed value and footage, specified in the District's Benefit and User Charge formulas, as such formulas currently exist and as amended from time to time.

Hook up fees are \$250 per home for a lateral inspections of individual connections to existing county-built sewers, \$250 per home for inspections associated with subdivisions or other privately built sewers and a \$2 permit fee at the time of connection.

The cost of the extension to the Typical Property (as defined in the County Law) is \$258.00 per year. A detailed explanation of how the estimated cost of hook up fees and the cost of the extension were computed has been filed in the office of the Clerk to the Erie County Legislature and is open for public inspection.

Dated: Buffalo, New York,

_____, 2007.

BY ORDER OF THE COUNTY
LEGISLATURE
OF THE COUNTY OF ERIE, NEW YORK
By _____
Robert M. Graber
Clerk, County Legislature

Section 3. The Clerk of said County Legislature is hereby authorized and directed to cause a copy of the Notice of Public Hearing as set forth in Section 2 hereof to be published once in Front Page, and in the Lancaster Bee, the official newspapers of said County, and the Hamburg Sun not less than ten nor more than twenty days before the date set herein for said public hearing.

Section 4. This resolution shall take effect immediately.
(4-0)

6. INTRO 12-1 (2007)
MILLS, LOUGHRAN, KOZUB, WHYTE, REYNOLDS, KONST & LOCKLEAR
WHEREAS, the New York State Scenic Byways program was created in 1992 by the State Legislature to encourage both economic development and resource conservation; and

WHEREAS, the WNY Southtowns Scenic Byway consists of a scenic tour loop that would be designated along existing roadways in the "Southtowns" of Erie County, New York including roads in the Towns of Orchard Park, Aurora, Colden, Concord, and Boston and the incorporated Villages of Orchard Park, East Aurora, and Springville; and

WHEREAS, the Scenic Byways program will serve as a significant joint tourism development program for the multi-jurisdictional scenic byway area; and

WHEREAS, the byway's overall theme is "Heritage to the Hills," which encompasses the area's rich history and traditional villages, its wooded hillsides and ever-changing palette on the rolling topography, and the views and recreational opportunities created by the hilly terrain; and

WHEREAS, the byway would also promote the wide array of outdoor pastimes like fishing, boating, wildlife observation, winter sports, hiking, hunting, and

WHEREAS, in 2000, in order to meet the desire for a coordinating entity, the WNY Southtowns Scenic Byway Steering Committee was established; and

WHEREAS, the WNY Southtowns Scenic Byway Steering Committee has submitted plans to nominate the WNY Southtowns Scenic Byway for inclusion on the list of New York State Scenic Byways; and

WHEREAS, to date, the WNY Southtowns Scenic Byway has received financial support from the Towns of Orchard Park, Boston and Concord, New York State, Erie County, and through a variety of grants and appropriations; and

WHEREAS, a successful nomination would provide the WNY Southtowns Scenic Byway with access to additional sources of State financial and technical support; and

WHEREAS, New York State Scenic Byway designation does not involve the taking of any private property or state or federal oversight; and

WHEREAS, as part of the New York State Scenic Byway designation approval process all governments that are partners in this scenic byway are required to issue a *resolution of support*. The resolutions obtained from the various local governments with jurisdiction along the controlled roadways must indicate their willingness to participate and confirm that they will not issue building permits or any other permits or other permission to construct new outdoor, off premises advertising signs along a designated scenic byway; and

WHEREAS, the New York State Department of Transportation is mandated to regulate the erection and control of new and existing signs along all of the National Interstate Highway System and Primary Highway System roads in New York State, whether or not they are designated scenic byways. With the passage of the Intermodal Surface Transportation Efficiency Act (ISTEA) legislation in 1991, the Primary Highway System was further defined to include highways which are on the National Highway System, and control of outdoor advertising was extended to designated scenic byways. Primary Highway System roads are selected New York State, county and local roads that are typically the major travel routes within the State. These roads by virtue of this status, are eligible for increased funding from the federal government, and fall under the Sign Control Program; and

WHEREAS, New York State established its Scenic Byways Program in 1992. ISTEA requires that if a State has a scenic byway program, the State may not allow the erection of any sign, display, or device which is not in conformance with the federal legislation along any highway on the Interstate System or Federal-aid primary system which is designated as a scenic byway. The legislation includes an accommodation for some signs such as directional signs, official signs, for sale or lease signs, on-premise signs, and “free coffee;” and

WHEREAS, roadways designated as Federal Scenic Byways are protected by 23 U.S.C. 131 (s). This cites, “[o]nce a scenic byway has been officially designated by the New York State [sic], the erection of any new sign, display or device on these highways is prohibited.” This should in no way be construed as meaning that once a roadway is designated as a scenic byway, no further signs of any sort are permitted. To the contrary, businesses can still erect signs on their business site, signs may still be posted to provide information and directions to travelers and “for sale” and “for lease” signs are still permitted. These signs must, of course, comply with local signage regulations; and

WHEREAS, it is also important to keep in mind that scenic byways are designated as such, because of their cultural or historical significance, recreational or archaeological qualities, or because of

natural and scenic beauty along the route. As such, scenic byways need not be continuous. Certain portions of the byway may be neither scenic, nor beautiful, nor have any historical or cultural significance. These stretches of highway can be removed from scenic byway designation. Once removed, 23 U.S.C. 131 (s) regulations would not apply to that portion of the roadway; and

WHEREAS, designation as a Federal scenic byway does place certain restrictions regarding signage along a byway. These restrictions are outlined in 23 U.S.C. 131 (s). Certainly, these restrictions have a significant effect on outdoor advertising, such as billboards which are not on the premises of the business advertised. Such new billboards would essentially be eliminated along a scenic byway. However, businesses would not be restricted from advertising their business on premises, so long as the sign complies with local regulations and the sign is closer to the place of business than it is to the byway. The regulations appear to have the intention of maintaining scenic beauty along a scenic byway, without harming businesses which are located along the scenic byway; and

WHEREAS, Part of the local government involvement in the Scenic Byway is responsibility by the local government for maintaining local sections of the Byway as they do now.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature acknowledges the county’s support of the scenic byway concept and that this doesn't mean that the County of Erie is responsible to fund the Byway and it also does not exclude the County of Erie from funding the Byway if its representatives so choose; and be it further

RESOLVED, that the New York State Department of Transportation (NYSDOT) will pay for and do the initial sign installation and local Departments of Public Works would have to contact NYSDOT and get a replacement sign if one is damaged on their portion of the byway and they will not have to pay for the sign but must perform the replacement work, with one provided to them; and be it further

RESOLVED, That the County of Erie supports the designation of the Southtowns Scenic Byway as a New York State Scenic Byway, be it further

RESOLVED, That the Clerk of the Legislature is hereby directed to send a copy of this resolution to Robert J. Lennartz, Chairman of the Western New York Southtown’s Scenic Byway Steering Committee.

(4-0)

7. COMM. 12E-29 (2007)
COUNTY EXECUTIVE

WHEREAS, the Town of Evans secured \$754,300 in federal funding for the Town of Evans Multi-Use Pathway in the Town of Evans, extending from Bennett Beach park to approximately Wendt Beach Park; and

WHEREAS, through an assignment agreement between Erie County and the Town of Evans executed on October 10, 2006, the project will now be constructed by Erie County; and

WHEREAS, the project's nature and funding source require provision of construction engineering and inspection services; and

WHEREAS, said services were originally to be performed by Wendel-Duchscherer Architects and Engineers through a contractual agreement with the Town of Evans; and

WHEREAS, due to Wendel-Duchscherer's knowledge of project details, prior agreement to provide said services to the Town of Evans, and nearness of estimated construction bid date, a waiver of the consultant selection process as required under Section 19.08 of the Erie County Administrative Code is appropriate.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to execute a Construction Engineering and Inspection Service Contract for the Town of Evans Multi-Use Pathway, Federal Aid Project #5756.75, with Wendel-Duchscherer; and be it further

RESOLVED, that funding for said agreement shall not exceed \$95,000 and is available in SAP Account A.00213; and be it further

RESOLVED, that a waiver is hereby granted of those consultant selection provisions as required under Section 19.08 of the Erie County Administrative Code; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive; the Commissioner of the Department of Environment and Planning; the Commissioner of the Department of Public Works; the County Comptroller; the Director of the Division of Budget, Management, and Finance; and the County Attorney.

(4-0)

8. COMM. 12E-55 (2007)
COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature has awarded Contract 33 to Paul J. Gallo Contracting, Inc.; and

WHEREAS, the Erie County Department of Environment and Planning, Division of Sewerage Management has advised the Legislature that all scheduled improvements are now completed, and

WHEREAS, the Erie County Department of Environment and Planning, Division of Sewerage Management has recommended the final acceptance of Contract 33 in the amount of \$313,990.40 which includes Change Order No. 1 (final), a decrease of (\$17,909.60) and approve final payment.

NOW, THEREFORE, BE IT

RESOLVED, that Contract 33 between the County of Erie and Paul J. Gallo Contracting, Inc., 4244 Ridge Lea Road, Amherst, New York 14226, be accepted in the amount of \$313,990.40 which includes Change Order No. 1 (final), a decrease of (\$17,909.60); and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to finalize Contract 33 between the County of Erie and Paul J. Gallo Contracting, Inc. in the amount of \$313,990.40 and make final payment from Sewer Capital, Erie County Sewer District No. 1, Account C.00032; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this Resolution to Thomas J. Whetham, P.E., Department of Environment and Planning and one certified copy to the County Executive, the Erie County Comptroller, the Director of Budget and Management and Gregory Dudek, Assistant County Attorney.
(4-0)

9. COMM. 12E-56 (2007)

COUNTY EXECUTIVE

WHEREAS, The NYSDOT periodically schedules the improvement of sections of State Highway; and

WHEREAS, these improvements require the adjustment of County sanitary sewer facilities located within the State highway right-of-way at no cost to the County upon the individual review and approval of the Board of Managers of the sewer district; and

WHEREAS, the Erie County Department of Environment and Planning, Division of Sewerage Management has advised the Legislature that a NYSDOT Public Utility Work Agreement is ready to be entered into, and

WHEREAS, the Erie County Department of Environment and Planning, Division of Sewerage Management has recommended to the Legislature that Erie County enter into the NYSDOT Public Utility Work Agreement.

NOW, THEREFORE, BE IT

RESOLVED, that the Legislature approve the Erie County Department of Environment and Planning, Division of Sewerage Management entering into a NYSDOT Public Utility Work Agreement for adjusting County sanitary sewer facilities located within the State highway right-of-way at no cost to the County upon the individual review and approval of the Board of Managers of the sewer district; and be it further

RESOLVED, that the Erie County executive is hereby authorized to sign the NYSDOT Public Utility Work Agreement allowing the NYSDOT to perform the necessary adjustment of County sanitary sewer facilities located within the State highway right-of-way as required and at no cost to the County, and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this Resolution to Thomas J. Whetham, P.E., Department of Environment and Planning and one certified copy to the County Executive, the Erie County Comptroller, the Director of Budget and Management and Gregory Dudek, Assistant County Attorney.
(4-0)

10. **COMM. 12E-57 (2007)**
COUNTY EXECUTIVE

WHEREAS, the United States Environmental Protection Agency (USEPA) has determined that radon and other indoor air contaminants are significant threats to public health; and

WHEREAS, the United States Surgeon General has identified radon gas to be the second leading cause of lung cancer in the United States; and

WHEREAS, the USEPA has identified Erie County and Western New York as a Zone 1 Radon Potential Area (highest risk); and

WHEREAS, Erie County has successfully established and operated a Radon/Indoor Air Quality Awareness Program for over ten years and has acquired valuable experience and expertise; and

WHEREAS, the objective of this Program is to reduce the health and safety risks associated with exposure to radon and other residential indoor air contaminants to the residents of Western New York; and

WHEREAS, the New York State Department of Health (NYSDOH) has solicited Erie County to continue its coordination of a partnership of Western New York Counties and Tribal Lands for cooperative and coordinated Radon/Indoor Air Quality Programs and to implement a comprehensive Radon Risk Reduction Program; and

WHEREAS, the NYSDOH has provided funding for the Erie County Radon/Indoor Air Quality Program for over ten years; and

WHEREAS, it is necessary to extend the term of the grant in order to best utilize current personnel and to continue to meet the objectives of the original grant work plan.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is authorized to execute a contract extension for the continuation of the SIRG 11 Program; and be it further

RESOLVED, that the Director of Budget, Management and Finance is hereby authorized to implement any budget adjustments as required to comply with Federal and State approved funding requirements; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive; the Director of Budget, Management and Finance; Andrew M. Eszak, Commissioner of Environment and Planning; Michael Raab, Deputy Commissioner of Environment and Planning; the County Comptroller; and the County Attorney.
(4-0)

THOMAS A. LOUGHRAN
CHAIRMAN