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COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE

June 3, 2016

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

RE: Erie County Sewer District Nos. 1, 2, 3, 4 & 5
Sewer District Extensions
Current Out of District Customers

Dear Honorable Members:

Enclosed please find a memorandum from the Department of Environment and Planning, Division of Sewerage Management, pertaining to a proposed Sewer District Extension to current out of district customers.

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

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/cs
Enclosure

cc: Thomas R. Hersey, Commissioner of Environment and Planning

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Environment and Planning
Re: Erie County Sewer District Nos. 1, 2, 3, 4 & 5
Sewer District Extensions
Current Out of District Customers
Date: June 3, 2016

SUMMARY

The Erie County Legislature is requested to approve the attached resolutions calling for a Public Hearing regarding the proposed extensions to Sewer Districts Nos. 1, 2, 3, 4 & 5. In addition to the Resolutions, and included within, is a Notice of Public Hearing that our Department will publish in the official County newspapers prior to the Public Hearing.

FISCAL IMPLICATIONS

None. There are no cost increases to the existing Sewer Districts due to these extensions in each District.

REASONS FOR RECOMMENDATION

Pursuant to County Law, Article 5A, Section 274, an extension to an existing sewer district requires a public hearing on the proposed changes. In 2015, these Sewer Agency Reports were approved by each Erie County Sewer District Board of Managers.

BACKGROUND INFORMATION

Currently, Erie County Sewer District Nos. 1, 2, 3, 4 & 5 have out of district customers. The County desires to include these out of district customers within the Sewer District. The Board of Managers in each district has approved the Sewer Agency Reports to extend the boundaries of their district to include these extensions.

CONSEQUENCES OF A NEGATIVE ACTION

The Sewer District would not be able to include the out of district customers within the Sewer District boundaries.

STEPS FOLLOWING APPROVAL

1. The Erie County Division of Sewerage Management will publish the Public Hearing Notice in the Official County newspapers.

2. A Public Hearing will be held on July 6, 2016 at 1:30 p.m. local time.

Thomas R. Hersey
Commissioner

TH:JM:kz
Enclosures

cc: J. Fiegl 0.11.0 Leg. Ltr. (w/enc.)
M.Salah/ J. Carr/ D. Millar/ J. Mallory 0.7.0.ODC

EXTRACT OF MINUTES

Meeting of the County Legislature of

the County of Erie, New York.

June __, 2016

* * *

A regular meeting of the County Legislature of the County of Erie, New York, was held at the Chambers of the Erie County Legislature, in the Erie County Hall, Buffalo, New York, in said County, on June __, 2016, at 2:00 o'clock P.M. (Prevailing Time).

The following Legislators were present:

There were absent:

Also present: Karen M. McCarthy, Clerk of the Legislature

* * *

Legislator _____ offered the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION DATED JUNE __, 2016.

A RESOLUTION CALLING A PUBLIC HEARING FOR THE PURPOSE OF CONSIDERING A PROPOSED EXTENSION OF ERIE COUNTY SEWER DISTRICT NO. 1 IN THE COUNTY OF ERIE, NEW YORK.

(Introduced) _____, 2016.

(Adopted) _____, 2016.

WHEREAS, pursuant to proceedings heretofore had and taken in accordance with the provisions of Article 5-A of the County Law and more particularly a report of the Erie County Sewer Agency approved by the Erie County Sewer District No. 1 Board of Managers on October 2, 2015, an extension of Sewer District No. 1 of the County of Erie, New York to include sanitary sewer service areas currently serviced as out of district customers 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. 1, which map and plan have been filed with the County Legislature pursuant to Section 254 of the County Law; and

WHEREAS, there will be no additional capital costs incurred by or on behalf of the Erie County Sewer District No. 1 with respect to the extension of the boundaries of such District, but future annual charges will be apportioned between real property in the District in the towns of Cheektowaga and West Seneca in accordance with their respective proportionate shares of equalized assessed value in the District and in accordance with applicable flat 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 said Erie County Sewer District No. 1 because such extension is not to be financed by the issuance of bonds, notes, certificates or other evidences of indebtedness of the County; and

WHEREAS, it is now desired to call a public hearing to consider said extension of the Erie County Sewer District No. 1 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 the Chambers of the Erie County Legislature, in the Erie County Hall, Buffalo, New York, in said County, on the 6th day of July, 2016, at 1:30 o'clock P.M., Prevailing Time, for the purpose of conducting a public hearing upon the aforesaid proposal to extend Erie County Sewer District No. 1 in said County, 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, Buffalo, New York, in said County, on the 6th day of July, 2016, at 1:30 o'clock P.M., Prevailing Time, for the purpose of conducting a public hearing upon a proposed extension of Erie County Sewer District No. 1 in said County.

The proposed extension of said Erie County Sewer District No. 1 will include sanitary sewer service areas currently serviced as out of district customers, and shall be substantially in conformity with and pursuant to a Sewer Agency Report as 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 Sewer District No. 1 Board of Managers on October 2, 2015.

The proposed extension of the Erie County Sewer District No. 1 shall comprise the areas including current out of district customers with sanitary sewer systems which are currently privately owned, operated and maintained as more fully described in said Sewer Agency Report on file for public viewing at office of the Clerk of the County Legislature.

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. 1 in connection with such extension, but future annual charges will be apportioned between real property in the District in the towns of Cheektowaga and West Seneca in accordance with their respective proportionate shares of equalized assessed value in the District, and in accordance with applicable flat 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.

Dated: Buffalo, New York,
_____, 2016.

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

By_____
Karen M. McCarthy
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 "*Amherst Bee*" and in the "*Challenger*", official newspapers of said County, and in the "*West Seneca Pennysaver*", 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.

The adoption of the foregoing resolution was seconded by Legislator ____ _____and duly put to a vote, which resulted as follows:

AYES:

NOES:

The resolution was thereupon declared duly adopted.

* * * * * * * * * * * * * * * *

Dated: Buffalo, New York,

_____, 2016.

STATE OF NEW YORK)
) ss.:
COUNTY OF ERIE)

I, the undersigned Clerk of the Erie County Legislature, DO HEREBY CERTIFY that I have compared the foregoing extract of the minutes of the meeting of the County Legislature of said County, including the resolution contained therein, held on the ____ day of June, 2016 with the original minutes thereof as originally recorded in the Minute Book of said Erie County Legislature and the same is a true and correct copy of said original minutes and of the whole of said original so far as the same relates to the subject matters referred to in said extract.

I FURTHER CERTIFY that all members of said Legislature had due notice of said meeting.

I FURTHER CERTIFY that, pursuant to Section 103 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public.

I FURTHER CERTIFY that, PRIOR to the time of said meeting, I duly caused a public notice of the time and place of said meeting to be given to the following newspapers and/or other news media as follows:

Newspaper and/or other news media Date given

I FURTHER CERTIFY that, PRIOR to the time of said meeting, I duly caused public notice of the time and place of said meeting to be conspicuously posted in the following designated public locations(s) on the following dates:

Designated Locations(s) of posted notice	Date of Posting

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County Legislature this ____ day of June, 2016.

Karen M. McCarthy
Clerk, Erie County Legislature

EXTRACT OF MINUTES

Meeting of the County Legislature of

the County of Erie, New York.

June ___, 2016

* * *

A regular meeting of the County Legislature of the County of Erie, New York, was held at the Chambers of the Erie County Legislature, in the Erie County Hall, Buffalo, New York, in said County, on June ___, 2016, at 2:00 o'clock P.M. (Prevailing Time).

The following Legislators were present:

There were absent:

Also present: Karen M. McCarthy, Clerk of the Legislature

* * *

Legislator _____ offered the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION DATED JUNE ___, 2016.

A RESOLUTION CALLING A PUBLIC HEARING FOR THE PURPOSE OF CONSIDERING A PROPOSED EXTENSION OF ERIE COUNTY SEWER DISTRICT NO. 2 IN THE COUNTY OF ERIE, NEW YORK.

(Introduced) _____, 2016.

(Adopted) _____, 2016.

WHEREAS, pursuant to proceedings heretofore had and taken in accordance with the provisions of Article 5-A of the County Law and more particularly a report of the Erie County Sewer Agency approved by the Erie County Sewer District No. 2 Board of Managers on October 8, 2015, an extension of Sewer District No. 2 of the County of Erie, New York to include sanitary sewer service areas currently serviced as out of district customers 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. 2, which map and plan have been filed with the County Legislature pursuant to Section 254 of the County Law; and

WHEREAS, there will be no additional capital costs incurred by or on behalf of the Erie County Sewer District No. 2 with respect to the extension of the boundaries of such District, but future annual charges will be apportioned in accordance with applicable flat charges and charges based on units, assessed value and footage specified in the District's benefit assessment formula and rates, 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 said Erie County Sewer District No. 2 because such extension is not to be financed by the issuance of bonds, notes, certificates or other evidences of indebtedness of the County; and

WHEREAS, it is now desired to call a public hearing to consider said extension of the Erie County Sewer District No. 2 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 the Chambers of the Erie County Legislature, in the Erie County Hall, Buffalo, New York, in said County, on the 6th day of July, 2016, at 1:30°o'clock P.M., Prevailing Time, for the purpose of conducting a public hearing upon the aforesaid proposal to extend Erie County Sewer District No. 2 in said County, 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, Buffalo, New York, in said County, on the 6th day of July, 2016, at 1:30 o'clock P.M., Prevailing Time, for the purpose of conducting a public hearing upon a proposed extension of Erie County Sewer District No. 2 in said County.

The proposed extension of said Erie County Sewer District No. 2 will include sanitary sewer service areas currently serviced as out of district customers, and shall be substantially in conformity with and pursuant to a Sewer Agency Report as 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 Sewer District No. 2 Board of Managers on October 8, 2015.

The proposed extension of the Erie County Sewer District No. 2 shall comprise the areas including current out of district customers with sanitary sewer systems which are currently privately owned, operated and maintained as more fully described in said Sewer Agency Report on file for public viewing at office of the Clerk of the County Legislature.

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. 2 in connection with such extension, but future annual charges will be apportioned in accordance with applicable flat charges and charges based on units, assessed value and footage, specified in the District's benefit assessment formula and rates, as such formulas currently exist and as amended from time to time.

Dated: Buffalo, New York,
_____, 2016.

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

By_____
Karen M. McCarthy
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 "*Amherst Bee*" and in the "*Challenger*", official newspapers of said County, and in the "*Angola Pennysaver*", 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.

The adoption of the foregoing resolution was seconded by Legislator _____ _____and duly put to a vote, which resulted as follows:

AYES:

NOES:

The resolution was thereupon declared duly adopted.

* * * * * * * * * * * * * * * *

Dated: Buffalo, New York,

_____, 2016.

STATE OF NEW YORK)
) ss.:
COUNTY OF ERIE)

I, the undersigned Clerk of the Erie County Legislature, DO HEREBY CERTIFY that I have compared the foregoing extract of the minutes of the meeting of the County Legislature of said County, including the resolution contained therein, held on the ____ day of June, 2016 with the original minutes thereof as originally recorded in the Minute Book of said Erie County Legislature and the same is a true and correct copy of said original minutes and of the whole of said original so far as the same relates to the subject matters referred to in said extract.

I FURTHER CERTIFY that all members of said Legislature had due notice of said meeting.

I FURTHER CERTIFY that, pursuant to Section 103 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public.

I FURTHER CERTIFY that, PRIOR to the time of said meeting, I duly caused a public notice of the time and place of said meeting to be given to the following newspapers and/or other news media as follows:

Newspaper and/or other news media Date given

I FURTHER CERTIFY that, PRIOR to the time of said meeting, I duly caused public notice of the time and place of said meeting to be conspicuously posted in the following designated public locations(s) on the following dates:

Designated Locations(s) of posted notice	Date of Posting

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County Legislature this ____ day of June, 2016.

Karen M. McCarthy
Clerk, Erie County Legislature

EXTRACT OF MINUTES

Meeting of the County Legislature of

the County of Erie, New York.

June __, 2016

* * *

A regular meeting of the County Legislature of the County of Erie, New York, was held at the Chambers of the Erie County Legislature, in the Erie County Hall, Buffalo, New York, in said County, on June __, 2016, at 2:00 o'clock P.M. (Prevailing Time).

The following Legislators were present:

There were absent:

Also present: Karen M. McCarthy, Clerk of the Legislature

* * *

Legislator _____ offered the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION DATED JUNE __, 2016.

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

(Introduced) _____, 2016.

(Adopted) _____, 2016.

WHEREAS, pursuant to proceedings heretofore had and taken in accordance with the provisions of Article 5-A of the County Law and more particularly a report of the Erie County Sewer Agency approved by the Erie County Sewer District No. 3 Board of Managers on December 9, 2015, an extension of Sewer District No. 3 of the County of Erie, New York to include sanitary sewer service areas currently serviced as out of district customers 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, 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, but future annual charges will be apportioned in accordance with 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 said Erie County Sewer District No. 3 because such extension is not to be financed by the issuance of bonds, notes, certificates or other evidences of indebtedness of the County; 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 the Chambers of the Erie County Legislature, in the Erie County Hall, Buffalo, New York, in said County, on the 6th day of July, 2016, at 1:30°o'clock P.M., Prevailing Time, for the purpose of conducting a public hearing upon the aforesaid proposal to extend Erie County Sewer District No. 3 in said County, 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, Buffalo, New York, in said County, on the 6th day of July, 2016, at 1:30 o'clock P.M., Prevailing Time, for the purpose of conducting a public hearing upon a proposed extension of Erie County Sewer District No. 3 in said County.

The proposed extension of said Erie County Sewer District No. 3 will include sanitary sewer service areas currently serviced as out of district customers, and shall be substantially in conformity with and pursuant to a Sewer Agency Report as 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 Sewer District No. 3 Board of Managers on December 9, 2015.

The proposed extension of the Erie County Sewer District No. 3 shall comprise the areas including current out of district customers with sanitary sewer systems which are currently privately owned, operated and maintained as more fully described in said Sewer Agency Report on file for public viewing at office of the Clerk of the County Legislature.

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 in connection with such extension, but future annual charges will be apportioned in accordance with 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.

Dated: Buffalo, New York,
_____, 2016.

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

By_____
Karen M. McCarthy
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 "*Amherst Bee*" and in the "*Challenger*", official newspapers of said County, and in "*The 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.

The adoption of the foregoing resolution was seconded by Legislator _____ _____and duly put to a vote, which resulted as follows:

AYES:

NOES:

The resolution was thereupon declared duly adopted.

* * * * * * * * * * * * * * * *

Dated: Buffalo, New York,

_____, 2016.

STATE OF NEW YORK)
) ss.:
COUNTY OF ERIE)

I, the undersigned Clerk of the Erie County Legislature, DO HEREBY CERTIFY that I have compared the foregoing extract of the minutes of the meeting of the County Legislature of said County, including the resolution contained therein, held on the ____ day of June, 2016 with the original minutes thereof as originally recorded in the Minute Book of said Erie County Legislature and the same is a true and correct copy of said original minutes and of the whole of said original so far as the same relates to the subject matters referred to in said extract.

I FURTHER CERTIFY that all members of said Legislature had due notice of said meeting.

I FURTHER CERTIFY that, pursuant to Section 103 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public.

I FURTHER CERTIFY that, PRIOR to the time of said meeting, I duly caused a public notice of the time and place of said meeting to be given to the following newspapers and/or other news media as follows:

Newspaper and/or other news media Date given

I FURTHER CERTIFY that, PRIOR to the time of said meeting, I duly caused public notice of the time and place of said meeting to be conspicuously posted in the following designated public locations(s) on the following dates:

Designated Locations(s) of posted notice	Date of Posting

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County Legislature this ____ day of June, 2016.

Karen M. McCarthy
Clerk, Erie County Legislature

EXTRACT OF MINUTES

Meeting of the County Legislature of

the County of Erie, New York.

June __, 2016

* * *

A regular meeting of the County Legislature of the County of Erie, New York, was held at the Chambers of the Erie County Legislature, in the Erie County Hall, Buffalo, New York, in said County, on June __, 2016, at 2:00 o'clock P.M. (Prevailing Time).

The following Legislators were present:

There were absent:

Also present: Karen M. McCarthy, Clerk of the Legislature

* * *

Legislator _____ offered the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION DATED JUNE __, 2016.

A RESOLUTION CALLING A PUBLIC HEARING FOR THE PURPOSE OF CONSIDERING A PROPOSED EXTENSION OF ERIE COUNTY SEWER DISTRICT NO. 4 IN THE COUNTY OF ERIE, NEW YORK.

(Introduced) _____, 2016.

(Adopted) _____, 2016.

WHEREAS, pursuant to proceedings heretofore had and taken in accordance with the provisions of Article 5-A of the County Law and more particularly a report of the Erie County Sewer Agency approved by the Erie County Sewer District No. 4 Board of Managers on October 7, 2015, an extension of Sewer District No. 4 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. 4, which map and plan have been filed with the County Legislature pursuant to Section 254 of the County Law; and

WHEREAS, there will be no additional capital costs incurred by or on behalf of the Erie County Sewer District No. 4 with respect to the extension of the boundaries of such District, but future annual charges will be apportioned in accordance with 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 said Erie County Sewer District No. 4 because such extension is not to be financed by the issuance of bonds, notes, certificates or other evidences of indebtedness of the County; and

WHEREAS, it is now desired to call a public hearing to consider said extension of the Erie County Sewer District No. 4 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 the Chambers of the Erie County Legislature, in the Erie County Hall, Buffalo, New York, in said County, on the 6th day of July, 2016, at 1:30°o'clock P.M., Prevailing Time, for the purpose of conducting a public hearing upon the aforesaid proposal to extend Erie County Sewer District No. 4 in said County, 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, Buffalo, New York, in said County, on the 6th day of July, 2016, at 1:30 o'clock P.M., Prevailing Time, for the purpose of conducting a public hearing upon a proposed extension of Erie County Sewer District No. 4 in said County.

The proposed extension of said Erie County Sewer District No. 4 will include sanitary sewer service areas currently serviced as out of district customers, and shall be substantially in conformity with and pursuant to a Sewer Agency Report as 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 Sewer District No. 4 Board of Managers on October 7, 2015.

The proposed extension of the Erie County Sewer District No. 4 shall comprise the areas including current out of district customers with sanitary sewer systems which are currently privately owned, operated and maintained as more fully described in said Sewer Agency Report on file for public viewing at office of the Clerk of the County Legislature.

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. 4 in connection with such extension, but future annual charges will be apportioned in accordance with 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.

Dated: Buffalo, New York,
_____, 2016.

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

By_____
Karen M. McCarthy
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 "*Amherst Bee*" and in the "*Challenger*", official newspapers of said County, and in the "*Cheektowaga Bee*", 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.

The adoption of the foregoing resolution was seconded by Legislator _____ _____and duly put to a vote, which resulted as follows:

AYES:

NOES:

The resolution was thereupon declared duly adopted.

* * * * * * * * * * * * * * * *

Dated: Buffalo, New York,

_____, 2016.

STATE OF NEW YORK)
) ss.:
COUNTY OF ERIE)

I, the undersigned Clerk of the Erie County Legislature, DO HEREBY CERTIFY that I have compared the foregoing extract of the minutes of the meeting of the County Legislature of said County, including the resolution contained therein, held on the ____ day of June, 2016 with the original minutes thereof as originally recorded in the Minute Book of said Erie County Legislature and the same is a true and correct copy of said original minutes and of the whole of said original so far as the same relates to the subject matters referred to in said extract.

I FURTHER CERTIFY that all members of said Legislature had due notice of said meeting.

I FURTHER CERTIFY that, pursuant to Section 103 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public.

I FURTHER CERTIFY that, PRIOR to the time of said meeting, I duly caused a public notice of the time and place of said meeting to be given to the following newspapers and/or other news media as follows:

Newspaper and/or other news media Date given

I FURTHER CERTIFY that, PRIOR to the time of said meeting, I duly caused public notice of the time and place of said meeting to be conspicuously posted in the following designated public locations(s) on the following dates:

Designated Locations(s) of posted notice	Date of Posting

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County Legislature this ____ day of June, 2016.

Karen M. McCarthy
Clerk, Erie County Legislature

EXTRACT OF MINUTES

Meeting of the County Legislature of

the County of Erie, New York.

June __, 2016

* * *

A regular meeting of the County Legislature of the County of Erie, New York, was held at the Chambers of the Erie County Legislature, in the Erie County Hall, Buffalo, New York, in said County, on June __, 2016, at 2:00 o'clock P.M. (Prevailing Time).

The following Legislators were present:

There were absent:

Also present: Karen M. McCarthy, Clerk of the Legislature

* * *

Legislator _____ offered the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION DATED JUNE __, 2016.

A RESOLUTION CALLING A PUBLIC HEARING FOR THE PURPOSE OF CONSIDERING A PROPOSED EXTENSION OF ERIE COUNTY SEWER DISTRICT NO. 5 IN THE COUNTY OF ERIE, NEW YORK.

(Introduced) _____, 2016.

(Adopted) _____, 2016.

WHEREAS, pursuant to proceedings heretofore had and taken in accordance with the provisions of Article 5-A of the County Law and more particularly a report of the Erie County Sewer Agency approved by the Erie County Sewer District No. 5 Board of Managers on October 14, 2015, an extension of Sewer District No. 5 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. 5, which map and plan have been filed with the County Legislature pursuant to Section 254 of the County Law; and

WHEREAS, there will be no additional capital costs incurred by or on behalf of the Erie County Sewer District No. 5 with respect to the extension of the boundaries of such District, but future annual charges will be apportioned in accordance with 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 said Erie County Sewer District No. 5 because such extension is not to be financed by the issuance of bonds, notes, certificates or other evidences of indebtedness of the County; and

WHEREAS, it is now desired to call a public hearing to consider said extension of the Erie County Sewer District No. 5 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 the Chambers of the Erie County Legislature, in the Erie County Hall, Buffalo, New York, in said County, on the 6th day of July, 2016, at 1:30°o'clock P.M., Prevailing Time, for the purpose of conducting a public hearing upon the aforesaid proposal to extend Erie County Sewer District No. 5 in said County, 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, Buffalo, New York, in said County, on the 6th day of July, 2016, at 1:30 o'clock P.M., Prevailing Time, for the purpose of conducting a public hearing upon a proposed extension of Erie County Sewer District No. 5 in said County.

The proposed extension of said Erie County Sewer District No. 5 will include sanitary sewer service areas currently serviced as out of district customers, and shall be substantially in conformity with and pursuant to a Sewer Agency Report as 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 Sewer District No. 5 Board of Managers on October 14, 2015.

The proposed extension of the Erie County Sewer District No. 5 shall comprise the areas including current out of district customers with sanitary sewer systems which are currently privately owned, operated and maintained as more fully described in said Sewer Agency Report on file for public viewing at office of the Clerk of the County Legislature.

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 in connection with such extension, but future annual charges will be apportioned in accordance with 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.

Dated: Buffalo, New York,
_____, 2016.

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

By_____
Karen M. McCarthy
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 "*Amherst Bee*" and in the "*Challenger*", official newspapers of said County, and in the "*Clarence Bee*", 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.

The adoption of the foregoing resolution was seconded by Legislator _____ _____and duly put to a vote, which resulted as follows:

AYES:

NOES:

The resolution was thereupon declared duly adopted.

* * * * * * * * * * * * * * * * *

Dated: Buffalo, New York,

_____, 2016.

STATE OF NEW YORK)
) ss.:
COUNTY OF ERIE)

I, the undersigned Clerk of the Erie County Legislature, DO HEREBY CERTIFY that I have compared the foregoing extract of the minutes of the meeting of the County Legislature of said County, including the resolution contained therein, held on the ___ day of June, 2016 with the original minutes thereof as originally recorded in the Minute Book of said Erie County Legislature and the same is a true and correct copy of said original minutes and of the whole of said original so far as the same relates to the subject matters referred to in said extract.

I FURTHER CERTIFY that all members of said Legislature had due notice of said meeting.

I FURTHER CERTIFY that, pursuant to Section 103 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public.

I FURTHER CERTIFY that, PRIOR to the time of said meeting, I duly caused a public notice of the time and place of said meeting to be given to the following newspapers and/or other news media as follows:

Newspaper and/or other news media Date given

I FURTHER CERTIFY that, PRIOR to the time of said meeting, I duly caused public notice of the time and place of said meeting to be conspicuously posted in the following designated public locations(s) on the following dates:

Designated Locations(s) of posted notice	Date of Posting

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County Legislature this ____ day of June, 2016.

Karen M. McCarthy
Clerk, Erie County Legislature