

**WESTERN NEW YORK
WRITTEN TESTIMONY**

March 6, 2023

Re: New York State Independent Redistricting Commission

To Whom It May Concern:

We write to you today to urge you not to divide the shared community of Lovejoy and Sloan into separate Assembly districts. The current boundaries for the 143rd Assembly District reflect that western Cheektowaga and the Lovejoy area of Buffalo's East Side share a common history and long-standing community connections, as well as share many demographic and socioeconomic similarities. If the proposed boundaries for the 143rd Assembly District are adopted, this community's representation in New York State government would be divided and significantly diluted.

The west Cheektowaga/east Buffalo community share a similar history, having been inhabited early on by an influx of Polish Americans. This community retains a strong and proud Polish heritage, with cherished institutions like the Corpus Cristi and St. John Kanty churches, the Am Pol Eagle newspaper, the Polish Arts Club, and countless beloved Polish restaurants and bakeries. Even today, our community has among the highest percentages of Polish Americans in the nation. More recently, our neighborhood has seen growing diversity, welcoming many African American residents in prior decades and South Asian immigrants, particularly Bangladeshis, in more recent years. This diversity is apparent in recent Census data: the 14212 and 14206 area codes, which comprise most of this community, are home to thousands of Black, Asian, and Hispanic residents. Today, our community is also home to many cultural centers, houses of worship, restaurants, and specialty grocers that cater to these unique racial, ethnic, and religious minorities. By contrast, the largely rural eastern portion of the Town of Lancaster is far less diverse, overwhelmingly white, and lacks institutions that cater to minority communities. If the Independent Redistricting Commission adopts its proposed boundaries for Assembly District 143, you will separate these unique ethnic, racial, and religious communities, and dilute their political power in state government.

This community also shares similar socioeconomic conditions, which differ greatly from the area that the IRC proposes to add to this Assembly District. Our community is urban in character and features modest, mostly older homes set closely to one another in multi-family zoning, many of which are rentals. This is a far cry from the much wealthier, exurban subdivisions, isolated country homes, and single-family zoning that characterizes eastern Lancaster. More importantly, this community has social problems that are not nearly as severe these exurban areas, including poverty, food and housing insecurity, and public safety. In fact, recent Census data shows that average household incomes in the west Cheektowaga/east Buffalo community are barely above \$40,000 — less than half the average income of households in areas of eastern Lancaster. And poverty is exponentially higher in our community — above 20% in some zip codes — than in Lancaster, where the 14086 area code recorded less than 4% of residents living in poverty, according to recent Census data. As a result, residents in our community are more concerned with issues like reliable public transit, adequate social services, and protections for renters, which are not priorities to many exurban residents. It's clear our community has much different interests than the area that would be added to our Assembly District under the IRC's proposed map. Under such a map, our representative(s) in Albany would likely be less attuned to the more severe social problems facing the less advantaged residents of our community.

Sloan and Lovejoy, like nearby areas of west Cheektowaga and east Buffalo, also share strong community connections among residents. Our neighbors frequently utilize our shared public spaces, such as the Hennepin Senior Center, Lincoln Field House, Lovejoy Pool, Griffith Park, and the Sloan

Community Center. Many of us buy our groceries at the Sloan Super Market, dine out at longtime restaurants along the Lovejoy and Broadway commercial corridors, and see friends at the same neighborhood taverns. Though divided by the eastern city line, this community shares particularly close ties because of past urban planning mistakes that have divided us from other parts of our city and town. In fact, Lovejoy and Sloan are nicknamed Iron Island because we are surrounded on every side by successions of railroad tracks and thruways, including the CSX Transportation Frontier Yard and Interstates 90 and 190. These infrastructure divisions mean that we share a common community and character, regardless of municipal lines that were drawn some two centuries ago.

As longtime residents of Lovejoy, Sloan, and adjacent neighborhoods know, we are not two separate communities beside one another. We are one continuous community with a shared history, shared businesses and cultural institutions, and similar racial, ethnic, and socioeconomic demographics. Dividing our community into separate Assembly Districts — and enjoining west Cheektowaga with far-flung and vastly different exurban areas — will do a disservice to residents and weaken our power in state government. For all these reasons, we urge you to keep this community whole, in one like-minded Assembly District, in the legislative maps for the coming decade.

Sincerely,

Amy Raslawsky
President
ELCON Block Club
East Lovejoy

From: [Chuck Eaton](#)
To: [Submissions](#)
Subject: Map comments re: Dividing the Town of Amherst
Date: Thursday, March 9, 2023 10:06:26 AM

Dear Commissioners:

I write to formally register my objection to the NYIRC's new map for the NYS Assembly which divides the Town of Amherst.

Amherst is large enough to have its own Assembly member representing its interests in Albany, and this has been the case for generations, where either the town is its own district, or has small adjacent areas appended to it to reach the requisite population number. Under Constitutional standards, Amherst consists of contiguous territory and is as compact in form as practicable. Having the Town represented by one Assembly member means that the 146th Assembly District Member can advocate for the Town of Amherst residents and best represent the town.

Amherst has eight communities within it with common interests (Village of Williamsville and multiple hamlets or neighborhoods). The current lines for the 146th Assembly District keep those neighborhoods together. Similar to the Assembly-drawn map, the current 146th Assembly District conforms to the allowable population deviation. Unfortunately, the NYIRC's draft map ignores the core of the existing district and the pre-existing political subdivision. Lastly, the NYIRC's map districts dilutes the Asian community's vote by dividing our town's substantial Asian populations among two districts.

I share the opinion of many Amherst residents that the best map to draw for Amherst is one most similar to that used in the 2022 general election -- where the town is, in and of itself, its own Assembly district.

Sincerely,

Charles E. Eaton
Resident, Town of Amherst, NY



January 9, 2023

Town of Newstead

P.O. Box 227 - 5 Clarence Center Rd - Akron, NY 14001
(716) 542-4573

Supervisor: **option 5*** Town Clerk: **option 2*** Court: **option 1***
Assessor/Code Enforcement: **option 4*** Fax: (716) 542-3702
Calls for Hearing Impaired: 1-800-662-1220

Dear Chairman Imamura and Members of the New York Independent Redistricting Commission:

As the Town Supervisors of Clarence and Newstead, both rural communities with similar agriculture, industry, and infrastructure interests, we are writing to express our concern of any redistricting proposal that would separate our respective towns into different Assembly Districts.

Over the past decade, our communities have shared similar experiences in relation to shared service agreements, housing businesses serving both of our communities, protecting agriculture interests, and improving infrastructure initiatives. Our communities also have similar socio-economic demographics and are home to school districts that work cooperatively to advocate for the needs of students and families.

The Town of Clarence, Town of Newstead, and Village of Akron are serviced by outstanding Volunteer Fire Services, and we collectively face the same challenges as engaging new enrollees for recruitment has become more and more difficult. We are unified in our efforts to keep our communities safe through these services.

Our communities are truly an area of common interest and should be represented by one voice in the State Assembly. Through these issues and mutual experiences, we have relied heavily on having one Assembly representative at a time to assist, advocate, and deliver resources and has truly permitted us to work together with our State Assembly Official to handle our similar matters of concern.

We respectfully submit to the Members of the New York Independent Redistricting Commission for the record, our shared testimony regarding the importance of keeping the Towns of Clarence and Newstead intact under the same Assembly Representative when redrawing district lines for the next 8 years.

Your consideration is sincerely appreciated.

Sincerely,

David Cummings – Supervisor, Town of Newstead

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If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, found online at http://www.ascr.usda.gov/complaint_filing_cust.html, or at any USDA office, or call (866) 632-9992 to request the form. You may also write a letter containing all of the information requested in the form. Send your completed complaint form or letter to us by mail at U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, by fax (202) 690-7442 or email at program.intake@usda.gov.

From: [David Gaeddert](#)
To: [Submissions](#)
Subject: Leave my District 146 alone!
Date: Thursday, March 9, 2023 1:22:48 PM

David A. Gaeddert
606 Longmeadow Road
Amherst, NY 14226-2426
ph: 716-447-9206
cell: 716-587-2648
dgaedd@gmail.com

March 09, 2023

Attention: Submissions

Independent Redistricting Commission

250 Broadway, 22nd Floor

New York, NY 10007

Dear People:

I vehemently object to the NYIRC's new Map for the NYS Assembly which divided the Town of Amherst into two with each part of another Assembly District. The NYIRC's map dilutes and eliminates any role for the Town in NYS government because the two districts are gerrymandered solely to shift power away from the current Democratic majority town to be a minority Democratic faction in two Republican-leaning districts. The NYIRC's Map is purely political and disgraceful.

Amherst is large enough to have its own Assembly member representing its interests in Albany. Under the Constitutional standards, Amherst consists of contiguous territory and is as compact in form as practicable. Having the Town represented by one Assembly member means that the 146th Assembly District Member can advocate for the Town of Amherst residents.

The NYIRC's new map violates the prohibition on drawing lines to discourage competition and for the purpose of favoring or disfavoring incumbents or other particular candidates or political parties. The NYIRC's change is purely political: Dividing Amherst takes the Town of Amherst, which voted for Biden 60% in the 2020 vote to a District won by Trump. This leaves the Amherst sections of the two new Districts with no commonality as seen in recent election cycles.

Amherst has eight communities within it with common interests (Village of Williamsville and multiple hamlets or neighborhoods). The current lines for the 146th Assembly District keep those neighborhoods together. Similar to the Assembly-drawn map, the current 146th Assembly District conforms to the allowable population deviation. But the NYIRC's new map ignores the core of the existing district and the pre-existing political subdivision.

The NYIRC's map targets Amherst's Asian community that I believe make up about 13% of the population and the NYIRC's splitting Amherst into two new Assembly districts dilutes the Asian community's vote to around 9 % and 7 %.

Leave the 146th Assembly District with Assembly lines coterminous with the Town of Amherst's boundary lines!

Sincerely,

David A. Gaeddert

Felton L. Davis

115 Burbank Dr.

Orchard Park, NY 14127

January 9, 2023

TO: New York State Independent Redistricting Commission (NYS IRC)

Subject: 2023 NYS Assembly proposed district map

Greetings Commissioners, NYS IRC

I am Felton L. Davis, a citizen of Orchard Park, NY. I wish to present the following comments to your Commission pertaining to the 2023 NYS Assembly proposed voting district map submitted by your body. My comments are based on several sources including my Assemblyperson and articles from the Brennan Center for Justice.

The new district lines would remove Orchard Park from its traditional communities such as South Buffalo, West Seneca, and Lackawanna that share the same work and socioeconomic values and historical background and place it in a rural New York district reaching as far as East Letchworth State Park.

I work as an Adjunct Instructor since 2008 in the City of Buffalo and as a volunteer with the Boy Scouts Greater Niagara Frontier Council in the City of Buffalo and in Orchard Park since 2004. My wife retired from the BPS. Our daughter lives and work in the City of Buffalo. This gives me daily contact within both City and Suburban communities.

The proposed Assembly District map seems to violate the goals and guiding principles of redistricting. The primary goal of redistricting is achieving population equality (One-Person, One Vote). A related goal is to make sure there is no dilution of minority voting strength in compliance with Sect. 2 of the Voting Right Act.

Despite the idea that the New York 2014 law was "independent," the changes in reality resulted in a process that remains far more open to political manipulation and is really less independent than those of states that adopted more comprehensive reforms. An example of this is the legislative leaders in NY directly appoint 8 of 10 members of the commissions with few limitations on whom they can appoint compared to other states. More importantly, the NY commission does not have the final say on maps. Maps it draws up must still be approved by the legislature, and if lawmakers reject two proposals in a row for the same body under consideration, the legislature has free rein to enact its own plan.

Our country is founded on the principles of equity, ethical actions, and individual respect. Our judicial system depends on fair play, compliance with the letter and intent of the law in order to gain the willingness of its citizens to accept its decisions.

Fair districts are possible as demonstrated by other States such as Michigan and California.

Thank you for your consideration.

Respectfully submitted,

Felton L. Davis



Village of Spencerport

27 West Avenue

Spencerport, NY 14559

Tel. 585-352-4771

Fax 585-352-3484

villageoffice@vil.spencerport.ny.us

February 21, 2023

Ken Jenkins, Chair
Charles Nesbitt, Vice Chair
New York State Independent Redistricting Commission

Dear Chair Jenkins and Vice Chair Nesbitt,

I am writing to you to express my concerns regarding the redistricting of specifically Western Monroe County.

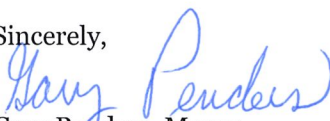
Currently the 134th District encompasses the Villages of Spencerport and Hilton along with the Towns of Ogden, Parma, and Greece. All these communities share common characteristics including economic development, similar rural characteristic with large areas of suburban development and smaller village centers and populations that share school districts.

The proposed redistricting would put the Village of Spencerport and Town of Ogden together with the Town of Gates, Chili, and Henrietta. These communities have large areas of commercial development and I feel that the Village of Spencerport and Town of Ogden would not have appropriate future representation of their needs.

Keeping the existing 134th Assembly District would ensure that the population of these areas has effective and fair representation in Albany.

Should you have any further questions regarding my comments please contact me at 585-352-4771.

Sincerely,


Gary Penders, Mayor
Village of Spencerport

Gary Penders, Mayor
Eric Stowe, Attorney
Owen McIntee, Electric Supt.

Carol Nellis-Ewell, Deputy Mayor
Ray Kuntz, Jr.

Trustees

Joe Barretta, Public Works Supt.
Jacqueline Sullivan, Village Clerk
Karen Carr, Treasurer

Charles Hopson
David Wohlers



HOWARD S. MAFFUCCI
LEGISLATURE - DISTRICT 10
38 GREENPOINT TRAIL
PITTSFORD, NEW YORK 14534
OFFICE: (585) 753-1940
E-MAIL: HOWARDMAFFUCCI@GMAIL.COM

Monroe County Legislature

HOWARD S. MAFFUCCI
LEGISLATOR - DISTRICT 10

January 19, 2023

Independent Redistricting Commission

Re: 135th Assembly District Redistricting

Commissioners:

As the current county legislator representing District 10, I am writing to provide logical support to keep the 135th Assembly District in its current form. County Legislative District 10 includes a large area of Pittsford, a somewhat smaller part of East Rochester, and a tiny part of the Town of Brighton.

The current 135th Assembly District provides its residents with a compact district that provides representation consistently and logically to communities of similar and overlapping interests.

The current 135th Assembly District has four villages essential to their larger towns. Pittsford, Fairport, East Rochester, and Honeoye Falls villages have unique similarities that provide a logical reason to keep their assembly representation together. That representation is critical to support their needs around infrastructure, transportation, education, and other government functions.

As a former high school principal, superintendent of schools in the East Rochester School District, and teacher/coach in Pittsford, I like to keep issues simple. In this case, there is significant support and logic to keep the 135th Assembly as it is.

Thank you for the opportunity to provide written testimony in support of the current 135th Assembly District.

Should you need additional information from me, please feel free to contact me by phone or email.

Thank you again for accepting my written testimony.

Sincerely,

A handwritten signature in blue ink that reads "Howard Maffucci".

Howard Maffucci
Monroe County Legislator – LD 10
howardmaffucci@gmail.com
585-750-3116

From: [HJM](#)
To: [Submissions](#)
Subject: Comments re proposed redistricting
Date: Friday, March 17, 2023 1:33:37 PM

Nyirc:

I am a resident of the Town of Amherst, presently the 146th district. I write to express, in no uncertain terms, my displeasure with the proposed redistricting and, in particular, the bastardization of the 146th district, the Town of Amherst.

The IRC is mandated to prioritize the following when making its recommendations (this is taken directly from the IRC website and more importantly, is required by the NYS Constitution):

1. *"First among those is: to the extent practicable, drawing districts that contain as nearly as may be an equal number of inhabitants."*

The population of the town of Amherst is within several percentage points of the target *"equal number of inhabitants"* without having to carve up the current district.

2. *"each district shall consist of contiguous territory, and each district shall be as compact in form as practicable."*

All one need do is look at the map to see that the proposed district is far from *"as compact in form as practicable"* particularly when compared to the current district.

3. *"ensuring that such district lines shall not be drawn to have the purpose of, nor should they result in the denial or abridgement of racial or language minority voting rights."*

The proposed map carves up a significant Asian community thus diminishing the impact of their vote.

4. *"The commission shall consider the maintenance of cores of existing districts, of pre-existing political subdivisions, including counties, cities, and towns, and of communities of interest."*

Obviously, the proposed map obliterates the core of the existing district and for no good reason.

5. *"Districts shall not be drawn to discourage competition, or for the purpose of favoring or disfavoring incumbents or other particular candidates or political parties."*

And that is precisely why this map has been proposed. It is a blatant attempt by the republicans to attempt to capture a district that has swung democratic in the last several elections by proposing blowing up the current district. The recommendations are completely at odds with the constitutionally mandated criteria by which the Commission is to make its recommendations.

Thank you for your consideration.

Jeff Marcus

Law Offices of H. Jeffrey Marcus, P.C.

19 Limestone Dr., Suite 3

Williamsville, N.Y. 14221

716-634-2753 (WNY office)

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716-204-2041 (fax)

specialedlaw@mac.com

<http://www.jeffmarcuslaw.com>

The Town of Amherst's ("ToA") population is 129,595 [2020 Census].

- It's large enough to have its own Assembly Member representing the Town's interests in the NYS Legislature
- In fact, the Toa has had one Assembly Member representing it in over a decade
- The ToA would be represented by 1 Assembly Member under the Assembly's drafted redistricting map
- Politically, the ToA has trended to be more and more Democratic in the past 10 years and is now solidly a Democratic majority town.

BUT what did the NYIRC due with these facts?

Let's look at the NYS Constitution Article 3, Section 4's criteria that the NYIRC is obligated to comply with.

Art. 3, Section 4, subdivision (4) requires that "Each district shall be as compact in form as practicable"

- The NYIRC's response as to Amherst was: "**Hell no, the Commission will not comply with that requirement.**"
 - They split the Town into 2 ADs
 - They made the proposed 146th District in the shape of a reversed C stretching into divergent more rural communities with different communities of interest

Art. 3, Section 4, subdivision (5) requires that "Districts shall not be drawn ... [among other reasons] for the purpose of favoring or disfavoring incumbents or political parties"

- The NYIRC's response as to Amherst was: "**Hell no, the Commission will not comply with that requirement.**"
 - They divided the ToA in 2 directly disfavoring the existing incumbent
 - They divided the ToA in such a way that the took the majority Democratic party leaning district to be a minority party in both the 2 newly proposed AD covering the ToA

Art. 3, Section 4, subdivision (5) requires that “The commission shall consider the maintenance of cores of existing districts, of pre-existing political subdivisions, including . . . towns, and communities of interest.”

- The NYIRC’s response as to Amherst was: **“Hell no, the Commission will not comply with that requirement.”**
 - They ignored the core of the existing district.
 - They ignored the pre-existing political subdivision of the ToA.

Art. 3, Section 4, subdivision (1) requires that “... districts shall not be drawn to have the . . . result in denial or abridgement of [“racial or language minority voting rights”]”

- The NYIRC’s response as to Amherst was: **“Hell no, the Commission will not comply with that requirement.”**
 - Dividing Amherst into two ADs results such abridgment of minority rights for our Amherst Asian population with the two newly proposed portions of Amherst having 5.9% Asian minority in the new AD 146 and 7.8% minority in the new AD 140.

Jerome D. Schad
199 Meadowview Lane
Williamsville, NY 14221-3531

716-445-0842

Jerome.Schad91@gmail.com

Amherst, NY January 9, 2023

TO: **The NY Independent Redistricting Commission**

DATE: January 10, 2023

PROPOSAL: Adjust the boundary of the 136th Assembly District to **“Make the Town of Brighton Whole”**.

FROM: Jim Hooper, jhooper103@aol.com, 191 Bastian Rd, Rochester, NY 14623 AT: 585-424-2678

Make the Town of Brighton Whole

Today, I propose that the commission make measurable but modest changes to Assembly District 136 and those adjacent for the singular purpose to “make a town inside the 136th, the Town of Brighton whole”. In other words to restore the Town under one assembly district.

The Town of Brighton is a wrap around suburb of Rochester in Monroe County. Previously one assembly member represented the entire town. The IRC’s current draft fractures the town, breaking off an entire portion of the Town of Brighton where I have lived for a half-century.

The broken piece of the district I ask you to fix is the portion of the town entirely south of the Erie Canal. But it is best known as it appears on maps as “West Brighton”. Brighton shares a variety of characteristics and is a true “community of interest” in the best sense of the expression.

Specific Example Adjustments to sections of the 136th and adjacent districts

To be helpful I include in the proposal examples using both maps and street boundaries to both restore the town and rebalance the populations in any other districts affected. In doing so I’ve also taken the best care I can to ensure my examples preserve if not improve your principle criteria for districts.

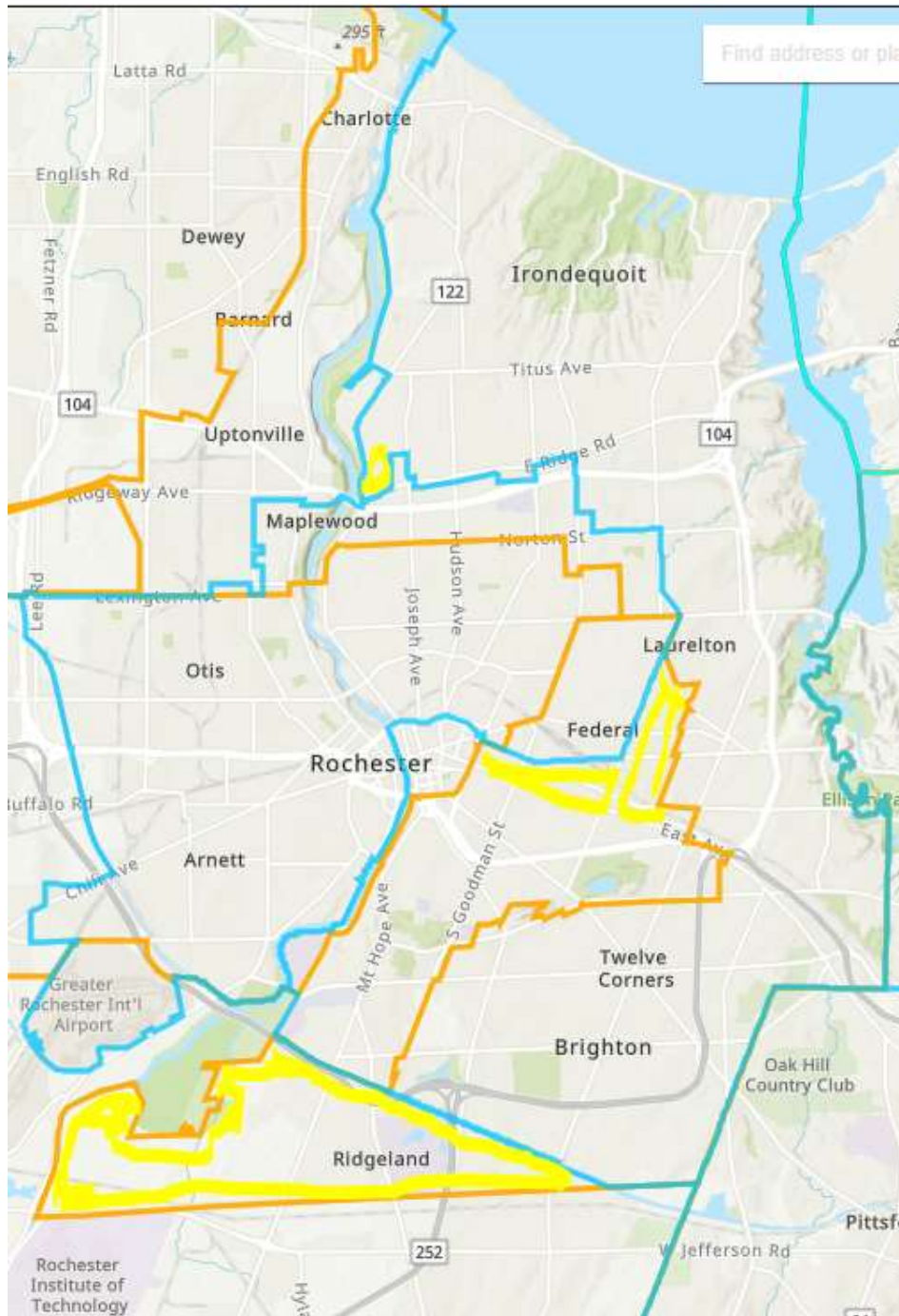
For example there is section of the City of Rochester bounded by Long Acre and East Ridge which could be added to the assembly district representing a large portion of the City of Rochester. There are at least two more sections of the City on its East Side which could be added in similar fashion. Then another adjustment needed after moving West Brighton to the 136th, Two sections of the City can be added to the 138th representing Chili, Gates, and two other Towns. One or both of these final changes would add City neighborhoods west of Mt. Read Blvd. For more specific details to identify these examples please consult the map segments and street boundaries attached to this proposal.

As a final comment I’d like to stress why it is so important to “Make the Town of Brighton Whole” even as adjustments are made to nearby districts especially the City of Rochester. I wish to note:

- Parts of the suggestions in this proposal make portions of the City more whole by adding City neighborhoods to a City district for example those on the North and the East,
- The other areas on the West that add portions of the City to adjacent suburbs are sensible in that they are compact areas,
- The areas on the West have a new border of Mt. Read Blvd, a major highway that already divides East and West,
- Both changed districts have portions of the City as well as Towns. In this sense the people in the towns in both districts maintain comparable and therefore balanced shares of the City as well as towns,
- Most importantly, of all the jurisdictions the City is by far the largest and most populous and therefore least likely to be made completely whole. In other words, there are more districts bordering the City than most towns. It is also the most central population center. It is therefore unavoidable to ensure the need for equal population size of the districts that the City to share populations as well as borders.

Thank you for your attention. Don’t hesitate to let me know if you’d like me to clarify the proposal further. Jim Hooper, 585-424-2789

ADD TO THE 136 TH	REMOVE FROM THE 136 TH
<p>1. The large 'shoe' shape at the bottom known as 'West Brighton' has been splintered from its town: 'Brighton'. It needs to be put back into the 136th order to 'make the Town of Brighton 'whole' inside the 136th. Do this by adding all land north of Brighton-Hen-T-L-Rd</p>	<p>2. To compensate for restoring West Brighton to Brighton, there are at least 3 areas of the 136th that can be returned to the City district. They are all circled in YELLOW also:</p> <ol style="list-style-type: none"> (see near the word <i>Maplewood</i> on the map) Bordered (AS SHOWN) by the <ul style="list-style-type: none"> • River on West, • Clinton on East, • Long Acre on North, and • East Ridge on south. (see near the words <i>Laurelton & Federal</i> on the map) Bordered (AS SHOWN) by <ul style="list-style-type: none"> • Atlantic on South. • Culver on West, • Jersey, Minnesota on East, • Merchant on North (see near the words <i>Federal</i> on the map) Bordered (AS SHOWN) by <ul style="list-style-type: none"> • Atlantic on North. • Culver on East, & • University on South

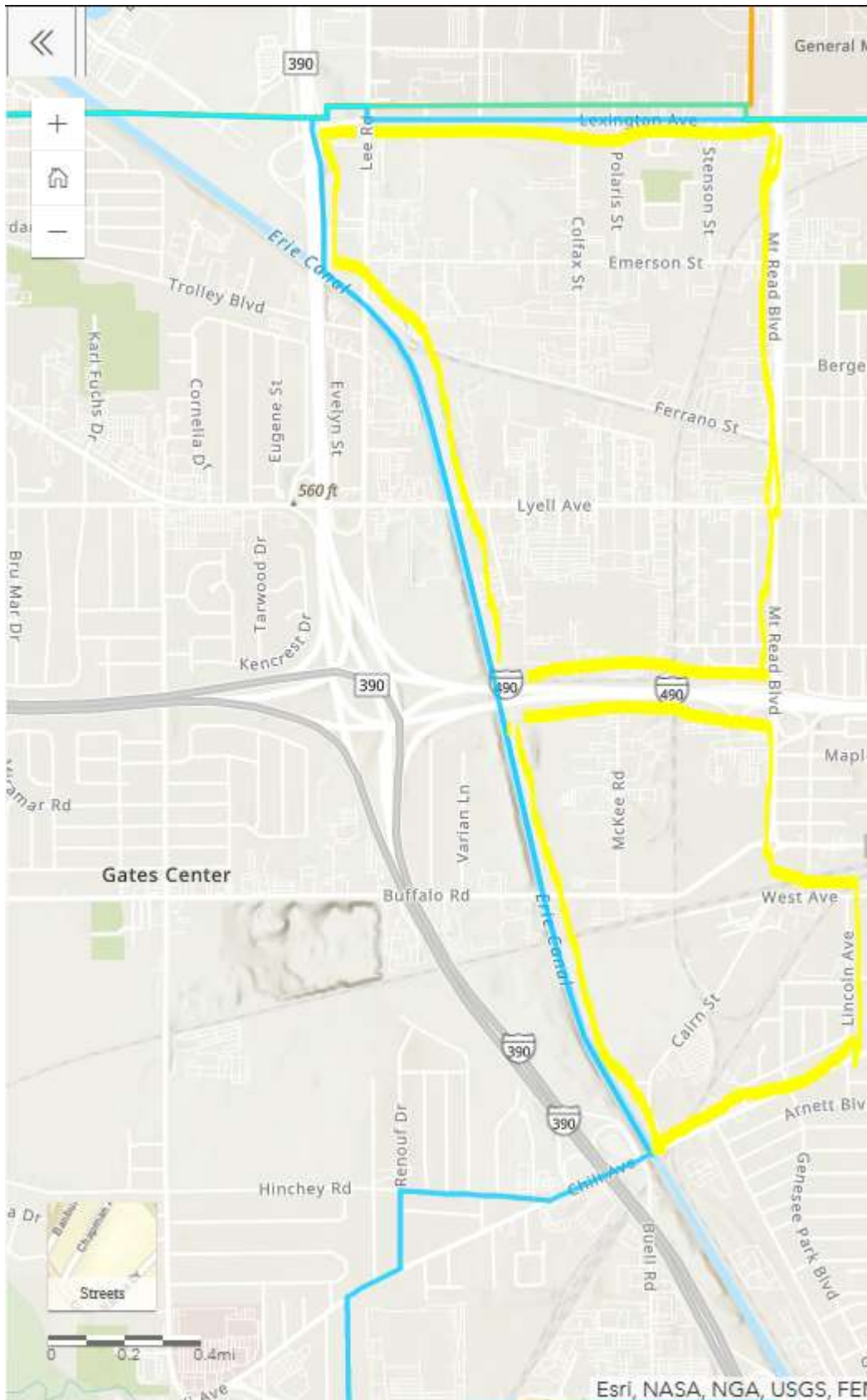


ADD TO THE SPENCERPORT, GATES, CHILI, HENRIETTA assembly district

3. Add one or both of the following contiguous portions of the City to the Spencerport, Gates, Chili, Henrietta assembly district:

a. (bordering the Erie Canal on the upper half of the map **AS SHOWN**)

- Lexington on North, • Erie Canal on West, • I- 490 on South, • Mt. Read on East
- I- 490 on North, • Erie Canal on West, • Ave on South, • Mt. Read & Lincoln Ave on East



From: BonagradJL@hotmail.com
To: [Submissions](#)
Subject: NYIRC's new Map for the NYS Assembly
Date: Monday, March 13, 2023 5:33:22 PM

To whom it may concern:

I vehemently object to the NYIRC's new Map for the NYS Assembly which divided the Town of Amherst into two with each part of another Assembly District. The NYIRC's map dilutes and eliminates any role for the Town in NYS government because the two districts are gerrymandered. The NYIRC's Map is purely political and disgraceful.

Amherst is large enough to have its own Assembly member representing its interests in Albany. Under the Constitutional standards, Amherst consists of contiguous territory and is as compact in form as practicable. Having the Town represented by one Assembly member means that the 146th Assembly District Member can advocate for the Town of Amherst residents.

The NYIRC's new map violates the prohibition on drawing lines to discourage competition and for the purpose of favoring or disfavoring incumbents or other particular candidates or political parties. The NYIRC's change is purely political: Dividing Amherst takes the Town of Amherst, which voted for Biden 60% in the 2020 vote to a District won by Trump. This leaves the Amherst sections of the two new Districts with no commonality as seen in recent election cycles.

Amherst has eight communities within it with common interests (Village of Williamsville and multiple hamlets or neighborhoods). The current lines for the 146th Assembly District keep those neighborhoods together. Similar to the Assembly-drawn map, the current 146th Assembly District conforms to the allowable population deviation. But the NYIRC's new map ignores the core of the existing district and the pre-existing political subdivision.

The NYIRC's map targets Amherst's Asian community that I believe make up about 13% of the population and the NYIRC's splitting Amherst into two new Assembly districts dilutes the Asian community's vote to around 9 % and 7 %.

Leave the 146th Assembly District with Assembly lines coterminous with the Town of Amherst's boundary lines!

*Sincerely,
Jonathan A. LaVell
Sent from my iPhone*

From: [Kenneth Berlinski](#)
To: [Submissions](#)
Subject: NYIRC proposed map regarding the Town of Amherst
Date: Sunday, March 19, 2023 7:25:28 PM

I am writing to strongly object to the NYIRC's new map for the N.Y.S. Assembly which proposes to split the Town of Amherst into two Assembly districts. The NYIRC's proposal dilutes Amherst's role in NYS government because the two districts are gerrymandered solely to shift power away from the current Democratic majority town to be a minority Democratic faction in one Republican-leaning district. The NYIRC's map is purely political and inconsistent with New York State's Constitution.

Amherst is large enough to have one Assembly Member representing its interests in Albany. Under the Constitutional standards, Amherst consists of contiguous territory and is as compact in form as practicable. Having the Town represented by one Assembly member ensures that that person will advocate for and be responsive to Town of Amherst residents.

The NYIRC's new map violates the prohibition on drawing lines to discourage competition and for the purpose of favoring or disfavoring incumbents or other particular candidates or political parties. The NYIRC's change is purely political: dividing Amherst places more than half of the suburban Town of Amherst, which voted for President Biden 60% in the 2020 election, in a new largely rural district won by former President Trump in 2020. This leaves the Amherst sections of the two new Districts with no commonality as seen in recent election cycles.

Amherst has eight communities within it with common interests (the Village of Williamsville and several hamlets or neighborhoods). The current lines for the 146th Assembly District keep those communities together. Also, the current 146th Assembly District conforms to the allowable population deviation. However, the NYIRC's new map ignores the core of the existing district and the pre-existing political subdivision.

Further, the NYIRC's map splitting Amherst into two new Assembly districts targets Amherst's Asian community, that I believe makes up about 13% of the Town's population, diluting the Asian community's vote to around 9% and 7% in the proposed new districts.

I strongly urge the NYIRC to leave intact the 146th Assembly District with lines coterminous with the Town of Amherst's boundary lines!

Sincerely,

*Kenneth Berlinski
183 Capen Blvd.
Amherst, NY 14226*



Churchville-Chili Central School District

Where learning leads to a lifetime of opportunities

Loretta J. Orologio, Ed.D.

*Superintendent of Schools
x2300*

**Superintendent's
Executive Cabinet**

Matthew DeAmaral, CPA
*Assistant Superintendent for Business
Services
x2330*

Mr. Giulio Bosco, Jr.
*Assistant Superintendent for
Instruction
x2310*

Mr. Lawrence M. Vito
*Assistant Superintendent for Human
Resources
x2320*

Ms. Nicole A. Livingston-Neal
*Assistant Superintendent for Student
Services
x2460*

January 10, 2023

NYS Independent Redistricting Commission 2023

To Whom It May Concern:

I am writing to advocate for the Commission to take into consideration the importance of a singular point of representation for all schools within our school district and maintain our schools' community of interest together.

The Churchville-Chili Central School District has approximately 3800 students who attend our elementary schools (Churchville Elementary, Fairbanks Road Elementary and Chestnut Ridge Elementary) and our middle and high school buildings.

As a school official, when working with legislators it is helpful to maintain a history and institutional memory of challenges and issues that impact our school district. This includes school funding needs and focus areas such as UPK programs, academic programs and services, capital project work, transportation, and staffing issues related to Civil Service laws.

The challenges that face our school district encompass all of our students, especially given students can be enrolled in any of our school buildings. To have one point of contact would benefit our ability to have continued, consistent communication for support and advocacy of our students and their families. Given the importance of so many issues, the opportunity to maintain direct lines of communication would provide the most effective means of professional time, collaboration, and understanding of previous work while respecting the integrity of historical knowledge, school district resource funding and facility needs, and relationships.

Thank you for your consideration of our request.

Sincerely,

Dr. Loretta J. Orologio

Superintendent of Schools
Churchville-Chili Central School District
(585) 293-1800 x2300

From: [Maria Westman](#)
To: [Submissions](#)
Subject: Im very disturbed
Date: Thursday, March 9, 2023 10:19:34 AM

This is not acceptable and Im deeply disappointed these attempts to rearrange Amherst voting district can become a reality
thank you
maria westman

Sent from my iPhone

From: [Capozzi, Mariana](#)
To: [Submissions](#)
Subject: Independent Redistricting Commission
Date: Thursday, March 9, 2023 10:05:59 AM

Hello,

I vehemently object to the NYIRC's new Map for the NYS Assembly which divided the Town of Amherst into two with each part of another Assembly District. The NYIRC's map dilutes and eliminates any role for the Town in NYS government because the two districts are gerrymandered solely to shift power away from the current Democratic majority town to be a minority Democratic faction in two Republican-leaning districts. The NYIRC's Map is purely political and disgraceful.

Amherst is large enough to have its own Assembly member representing its interests in Albany. Under the Constitutional standards, Amherst consists of contiguous territory and is as compact in form as practicable. Having the Town represented by one Assembly member means that the 146th Assembly District Member can advocate for the Town of Amherst residents.

The NYIRC's new map violates the prohibition on drawing lines to discourage competition and for the purpose of favoring or disfavoring incumbents or other particular candidates or political parties. The NYIRC's change is purely political: Dividing Amherst takes the Town of Amherst, which voted for Biden 60% in the 2020 vote to a District won by Trump. This leaves the Amherst sections of the two new Districts with no commonality as seen in recent election cycles.

Amherst has eight communities within it with common interests (Village of Williamsville and multiple hamlets or neighborhoods). The current lines for the 146th Assembly District keep those neighborhoods together. Similar to the Assembly-drawn map, the current 146th Assembly District conforms to the allowable population deviation. But the NYIRC's new map ignores the core of the existing district and the pre-existing political subdivision.

The NYIRC's map targets Amherst's Asian community that I believe make up about 13% of the population and the NYIRC's splitting Amherst into two new Assembly districts dilutes the Asian community's vote to around 9 % and 7 %.

Leave the 146th Assembly District with Assembly lines coterminous with the Town of Amherst's boundary lines!

Sincerely,
Mariana Capozzi

-Mariana



Mariana Capozzi
Sr Implementation Project
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**THE ASSEMBLY
STATE OF NEW YORK
ALBANY**

CRYSTAL D. PEOPLES-STOKES
141st Assembly District, City Of Buffalo

MAJORITY LEADER

January 9, 2023

Mr. Ken Jenkins
Chair
Attention: Submissions
Independent Redistricting Commission
250 Broadway, 22nd Floor
New York, NY 10007

Re: NYS Independent Redistricting Commission – 141st District, Buffalo, NY

Dear Chairman Jenkins:

I am writing to express grave concerns regarding the draft Assembly plan under consideration by the NYS Independent Redistricting Commission. It is my hope that the Special Master will not move forward with the recently proposed maps. My recommendation would be to maintain the map for the 141st District (AD141) previously voted on and approved by the state legislature.

While the City of Buffalo's population has recently grown for the first time in many decades, much of that can be attributed to the influx of immigrants and refugees, and many ethnicities, such as the Bangladesh relocating to Buffalo's East Side from New York City and elsewhere.

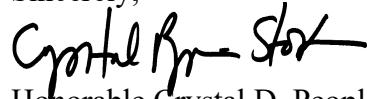
New York State is no stranger to America's long history of excluding people of color from the political process. New York and Michigan were the only two northern states named in violation of the Voting Rights Act. The proposed districts will only exacerbate existing challenges and decrease political participation.

AD141 has historically always centered upon working class African American and minority neighborhoods, referred to as Buffalo's East Side. As the current representative of AD141, and the Assembly Majority Leader - the first minority and first woman to hold the position in New York State's 235 years of history, I am also one of only four non-White members in Upstate New York. Ninety percent of the 43 Assembly districts west of the Hudson River lack racially diverse representation. Throughout all of upstate New York, the AD141 is the only majority minority district, with non-Hispanic Blacks currently accounting for 64% of the district's population. The Special Master's proposed maps would decrease this concentration to 53%, therefore reducing representation and voter impact.

The proposed changes to Buffalo and Western New York districts divide long-standing communities of interest and dilute marginalized communities' political power. It is unconscionable to gut the AD141 mere months after the racially motivated mass shooting that claimed the lives of ten and injured three at Tops Friendly Market on Jefferson Avenue.

In closing, I am strongly opposed to the recently proposed maps and respectfully request that your decision-making body consider the points addressed in this letter and select the state legislature-approved maps from 2022.

Sincerely,

Handwritten signature of Crystal D. Peoples-Stokes in black ink.

Honorable Crystal D. Peoples-Stokes
Majority Leader, New York State Assembly
141st District

To the Redistricting Commission:

In 1964, the US Supreme Court (**USSC**) declared that the legislative districts needed to reflect populations. Basically, the USSC decreed that those state legislatures that had a republican structure (which included 49 of the 50 states), that they had to abandon the republican structure of their state's legislature and reorganize both of their legislative body's districts strictly on population. At least that is how the state legislators interpreted that ruling.

There was no need to change the NYS Assembly legislative structure. New York State's constitution had already accommodated, to a large extent, discrepancies in population in the official regions in NYS. Those officially recognized regions of the state are the counties. The New York State's republican structure should have been maintained and should have been used as a model for other states across the nation.

Here is the problem the way I see it. Not only did the US Constitution not give the USSC the authority to make such a decree, the USSC completely ignored Article 4, Section 4 of the US Constitution, which reads:

“The United States shall guarantee to every State in this Union a Republican Form of Government,”

There seems to be much controversy concerning what a 'republican structure' is, but in reality, a republican structure is nothing more than a regional legislative structure. Before New York became a state (**NYS**) it had a republican form of government. Every recognized region, referred to in NYS as a county, that joined NYS, was guaranteed at least one seat in the Assembly. (There was only one agreed to exception). At the same time, NYS granted the more populous counties additional representation. The increased representation was based upon a county's population that was greater than the average NYS county's population. How the republican structure of the NYS Legislature was to be maintained was spelled out in the NYS Constitution. Regular adjustments were made as population densities in the counties changed. Following this process, NYS maintained a republican form of government from 1788 up to 1964.

When the USSC made its decree in 1964, New York State was effectively already in compliance with that decree because the representation in the

Assembly was already based, to a large extent, on population. Despite these facts, the New York State legislature took action to destroyed the republican structure of the NYS government.

I am asking that this commission move to restore the republican structure to the NYS Legislature and assign one Assembly seat to each county, without an exception, and assign additional assembly seats using the original formula as spelled out in the NYS Constitution.

Additionally, I request

- A) That every assembly district be county wide; that no further delineation be made. If there are 15 assembly seats assigned to a county, all 15 Assembly Districts should be defined as starting and ending at the county's line. Doing so raises some issues, but they can and would all be addressed by the counties affected.
- B) There should be no Assembly Districts drawn that are just a part of a county or include part of an adjoining county.
- C) Rather than use the census population figures, I used the voter population figures that are maintained by the Board of Elections. These are more representative of the actual voters and more consistent with One man One vote concept.
- D) Using the BoE figures, the following Assembly seats would be assigned to each county with county wide Assembly districts.

Kings County 16, Queens County 13, New York County 12, Suffolk County 10, Nassau 9, Bronx County 8, Erie County 6, Westchester County 6, Monroe County 5, Richmond County 3, Onondaga County 3, Orange County 2, Rockland County 2, Albany County 2, Dutchess County 2, Saratoga County 2, Niagara County 2, Oneida County 2, Broome County 2, and the remaining 43 counties would each be assigned 1 Assembly seat.

Benefits: This proposal completely eliminates gerrymandering of Assembly Districts and restores the republican structure to the New York State legislature that residents in NYS are constitutionally entitled to. Implementing this proposal would put an end to the "Divide New York" movements. It would restore the county's voice in the NYS Legislature and provide oversight that is sorely missing.

There is much that can be added to these comments. I have published two articles. One describes in more detail the misgivings of the USSC's 1964 ruling,

[Re-establish County Representation in NYS Assembly or Divide New York State? – Mark Glogowski \(glogowskiforassembly.com\)](https://www.glogowskiforassembly.com/nys/)

<https://www.glogowskiforassembly.com/nys/>

and one describes just two of the negative impacts the current Assembly structure on the development of resources in two counties in NYS.

[A Road to No-Where – Mark Glogowski \(glogowskiforassembly.com\)](https://www.glogowskiforassembly.com/a-road-to-no-where/)

<https://www.glogowskiforassembly.com/a-road-to-no-where/>

I have also attached these two documents as a Word file, along with a brief description of my proposal

I could provide many examples of neglect in both upstate and down state counties that have resulted because of the loss of regional (county) input and oversight of the NYS legislature. The two proposals being considered both ignore the need and value of the republican structure and the adoption of any of the other proposals I have seen will just continue the degradation of New York's resources.

I pray that you give consideration to this proposal.

With goodwill toward all, and Proud to be Libertarian

Mark E. Glogowski, PhD

Former Chairman of the Libertarian Party of New York (4/2015-4/2018)

Libertarian Candidate for Assembly District 139 (2012, 2014, 2018, 2020)

REFERENCED FILES FOLLOW - ONLY ONE FILE WAS ALLOWED TO BE UPLOADED SO THE SUPPORT DOCUMENTS HAVE BEEN ADDED.

Re-establish County Representation in NYS Assembly or Divide New York State?

That is the question.

In 1964 the United States Supreme Court (USSC) ruled that all state legislatures must be based strictly on population.(1) In that ruling, the USSC declared there cannot be any consideration given to representation by regions. Counties are the official designation of the various unique regions in New York State (NYS). There are 62 such designated regions. That ruling required the NYS Assembly Districts to be based on population.

The loss of representation in the NYS Legislature removed the counties' power of oversight of the NYS Legislature and NYS Budget that they previously exercised. Shortly after 1964, there started a decline in New York's population and in New York's financial situation, which has continued unabated. The loss of regional focus is to blame. In an attempt to counter the NYS Legislature's loss of regional focus, several drastic measures have been proposed by elected officials. There have been calls for a division of NYS into two states, calls for the reorganization of the state into three autonomous regions, and even calls to eliminate the Assembly completely.

Before addressing the ruling, consider the history of the NYS Assembly.

The History of the Assembly's Structure

In the first NYS Constitution of 1777, and continuing until 1964, a period of 187 years, Assembly Districts were contained entirely within county lines, never crossing county boundaries. From the start, all of the NYS Assembly Districts were assigned to counties in whole numbers. There was one exception, described below, that happened in 1846, The Members of the Assembly, no matter how many there were, represented just one county's interests.

Over the years, here is how the NYS Constitution apportioned (determined the distribution of) Assembly seats.

In 1777, the Assembly consisted of 70 members. Those seats were distributed by population in whole numbers among 14 counties.

In 1821, the Assembly increased to 128 members, mostly because the number of counties increased. Each county received a number of seats based on population, assigned in whole numbers.

In 1846, the constitution incorporated a requirement that every county was to be entitled to one Assemblymember, except Hamilton. Because Hamilton had a minuscule number of residents, it was determined it would share a Member of the Assembly with Fulton County, which also had a rather low number of residents(2). The remaining seats were distributed based on the population using a formula specified in the NYS Constitution.(3)

In 1894, the number of Assembly members was raised to 150 members. One assembly seat was to be assigned to every county in order to maintain regional (county) representation, with the one exception. Every county that had more than one and one-half equivalents(4) of residents was to get an additional Assemblymember. The remaining Assembly members were distributed to counties in whole numbers based on population.(5)

In 1938, the number of Assembly districts remained 150, every county was again assigned one Assembly seat and the remainder were distributed as per the 1894 NYS constitution(6).

In 2020, the current NYS Constitution reads the same as the 1938 Constitution.

“The quotient obtained by dividing the whole number of inhabitants of the state, excluding aliens, by the number of members of the assembly, shall be the ratio for apportionment, which shall be made as follows: One member of assembly shall be apportioned to every county, including Fulton and Hamilton as one county, containing less than the ratio and one-half over. Two members shall be apportioned to every other county. The remaining members of the assembly shall be apportioned to the counties having more than two ratios according to the number of inhabitants, excluding aliens. Members apportioned on remainders shall be apportioned to the counties having the highest remainders in the order thereof respectively. No county shall have more members of assembly than a county having a greater number of inhabitants, excluding aliens.(7)

Each of the 62 counties was designated one or more Assembly Districts and the Members of the Assembly were to represent the interests of their county. Fundamentally, the Assembly map was basically the county map as shown, with the counties being assigned Assembly members roughly based on population. The NYS Constitutions did have restrictions on the distribution of additional Assembly seats to the most populous counties. The intent was to prevent an abuse of power

that could easily occur should closely-knit adjacent counties choose to use their legislative power to trample on the rights of the minority.

“Hills and Trees Don’t Vote”

Shortly after the 1964 USSC ruling, the NYS Legislature tossed out 187 years of history and ignored county (regional) considerations because of the USSC ruling, which was justified with the quip, “Hills and trees don’t vote”.

The NYS Legislature used the USSC ruling to trash the following NYS Constitutional requirements: 1) that Assembly seats be assigned to counties, 2) that every county is assigned a minimum of one Assembly seat, 3) that the district boundaries be determined by the counties, 4) that Districts be confined to the counties to which they were assigned.

Having abandoned these criteria, the Assembly Districts were reapportioned. Where previously seven downstate counties (the 5 New York City Counties Nassau and Suffolk) held 59 of the 150 Assembly seats (nearly 40% of the power of NYS Legislature) those same seven counties now held a clear majority of 89 Assembly seats. With the redistricting also affecting the Senate, those same seven counties now had a clear majority in both houses. The remaining 55 counties now share 61 Assembly seats,

The Turmoil

Counties that once had the shared responsibility of oversight of the state government now have no authority, and no standing in the state government. Many counties have had pieces carved out, that were combined with other counties or pieces of counties and compiled into a mishmash of an Assembly District. This is a map of the Assembly Districts today. Look at Oneida County, if you can find it. It was split into 6 pieces and forms part of five different Assembly Districts. One of its pieces is grouped with pieces of other counties to form an Assembly District with a completely irrational structure – the 101st Assembly District. The 101st Assembly District (a yellow streak on the map) is comprised of pieces of 7 counties, is about 20 miles wide, and meanders in a North/South direction for over 100 miles, chopping off edge pieces of some counties and going literally straight through the middle others, leaving pieces on both sides.

The 139th Assembly District, one of the more rational arrangements, contains all of Genesee county, the four western towns of Monroe County, and most of

Orleans county, with the town of Yates being torn off and added to the 144th Assembly District to the west. If the NYS Constitution was followed, both Orleans and Genesee counties would each have their own Assembly representative, and the four towns in Monroe County would be added back into a Monroe County Assembly District.

The downstate Assembly Districts are similarly designed with no regard to county boundaries.

Dissension Erupted

Much dissatisfaction arose because the Assembly lost its focus.

There were three dramatic changes due to the new reapportionment. There was a shift in power in the NY Legislature. The seven counties with a majority in both houses took centerstage and took control of the legislature away from the other 55 counties. There was a loss of a focus: Members of the Assembly struggled with the fact that they no longer represented a single county, so where was their allegiance owed. Without the county focus, Members of the Assembly no longer paid attention to the needs of the counties. That loss of focus caused the counties to lose their oversight of the legislature.

What makes this issue a volatile political issue today is the fact that the Democratic Party has, as a result of the reapportionment scheme, gained a nearly irreversible control of the NYS Legislature. The Republicans clearly lost the battle, and it will stay that way as long as the current apportionment scheme remains in place for the NYS Senate and Assembly.

Looking at the seven-county to 55-county split, the political situation quickly takes on the aura of a political turf war between Democrats and Republicans. But this is a strange turf war. Both sides appear to be fighting for nearly the same division. If the state splits into two states, each political party will get a prize: The Democrats will have nearly a supermajority control of the "Lower New York State"; the Republicans will have plurality control of the "Upper New York State".

History of Calls to Divide New York

Some think the calls to split the state are unfounded, not to be taken seriously. Perhaps they are right. But, there have been many calls to divide NY.(8) More than half of those were in the past 10 years, and within the last two years, the calls

were for even more bizarre changes in the NYS Government. This is a serious situation that if not properly addressed will result in NYS changing – drastically – and probably not for the better. Here is a brief history of the calls to secede.

The first call for secession was in 1777 when Vermont seceded and granted statehood in 1778. The next was nearly a hundred years later, in 1861 when it was proposed New York City become a sovereign city-state called the Free City of Tri-Insula (3-islands). It wanted to continue trade with the south, even though the civil war broke out.

There was not another call for secession until 1969, four years after the USSC ruling. The proposal was to make New York City the 51st state. Even a new US Flag was proposed.

While the relation of the calls to secede has not been tied directly to the 1964 USSC ruling, there is no denying that the increased number of calls are related to the lack of county representation in the NYS legislature.

In 1989, a bill was introduced into the NYS Senate proposing to split New York into two states.

In 1999, a senator introduced (for the 7th or 8th time in less than a decade), a call to divide NYS into two states, but this time to split the state at Hammondsport, with the counties to the south retaining the name “State of New York”, and the remainder to be named “State of West New York”.

In 2003, a bill was introduced into Queens County Council calling for secession from NYS, and about 40% of the city’s council members supported the call.

In 2004, the bill was reintroduced again in Queens County, this time with an additional sponsor.

In 2008, a bill was introduced into the NYC legislature proposing NYC secede from NYS.

In 2009, State Senators Joseph Robach, Dale Volker, and Michael Ranzenhofer, Western New York Republicans, proposed a nonbinding referendum to gauge support for the concept of dividing the state.

In 2010, a former Suffolk County Comptroller and the Nassau County Executive called for Nassau and Suffolk counties to secede from NYS.

In 2010, a separate movement pushed for secession of the entire geographic island (Kings, Queens, Nassau, and Suffolk).

In 2010, another parallel movement called for dividing New York State in half, with Albany, the Hudson River Valley, and NYC in one portion, and the rest of NYS in the other.

In 2011, there was a movement for Western New York to secede and become the State of Niagara.

In 2013, a Republican Assemblyman (my opponent) again introduced a bill to have the residents in each county provide feedback on the potential of partitioning the state.

In 2015, fifteen towns in Sullivan, Delaware, Broome, and Tioga counties actually looked into seceding from NYS to join Pennsylvania.

In 2015, state legislators from Long Island and upstate New York introduced legislation to gauge support for splitting the state.

In 2019, a New York City councilman announced plans to introduce a set of bills to study the feasibility of NYC secession.

In 2019, an Assemblyman from Staten Island, expressed interest in joining upstate if NYC seceded.

In 2020, my opponent continued his push for a Divide New York referendum.

In 2020, with calls for the Divide New York movement seeming to be failing, a movement to split NYS into 3 autonomous regions, and make the governor a 'token' governor, appears to be gaining momentum.(9)

In 2020, there is a website pushing the Divide New York agenda as well as partitioning NYS into three autonomous regions.(10)

In 2020, there have been corollary bills introduced into the NYS Senate and Assembly(11, 12). My opponent is a cosponsored the latter.

In 2020, there was a call to eliminate the Assembly completely and expand the NYS Senate.(13)

There are a plethora of online documents that can be found on the current efforts to solve the problems created by the 1964 court decree: Everything from restructuring the NYS Government by the division of NYS into autonomous regions, to the formal creation of separate states, to counties splitting off on their own as a separate state, to eliminating the Assembly itself. There are some counter anti-divide sentiments(14), but those opposing the Divide New York movement are not offering solutions to what I believe is at the heart of all the dissension – the loss of county representation in the state government. The loss of county representation has made the NYS government unresponsive to regional concerns, and it doesn't matter how populated the counties happen to be.

The 14th Amendment and the Courts.

There is much that can be stated about the 1964 ruling of the USSC. From my perspective, not much positive. Briefly, the USSC ignored more than 189 years of history of the States and ignored the State's rights to decide for themselves the format of the government they wish to have. The USSC inappropriately lifted two words out of context from the 14th Amendment, and with no power to do so, applied those two words, out of context, to the issue of the structure of state legislative districts. This was a flagrant violation of several principles the USSC had followed since the foundation of this country. This issue could take several volumes to cover completely.

Here are the guts of the problem as best, and as briefly as I can explain today.

The USSC gave itself extremely broad, and unconstitutional, powers when it made its two rulings impacting the structure of State legislatures^{15,16}, and the USSC made an interpretation of the 14th amendment that was itself a violation of the very principle in the 14th Amendment from which they drew their conclusions. The USSC ruling of 1964 is well past what a reasonable and prudent person would consider proper.

In its 1964 ruling, the USSC stated that 'all state legislative districts must be based strictly on population' and that 'no state legislative body may be based on the region'. The USSC has used a phrase in the past to reprimand congress for overstepping its authority and passing bills that were unconstitutional. Those words are very appropriately applied to the USSC ruling of 1962(15) and 1964(16):

"There is nothing in the US Constitution to support those rulings."

The USSC ignored the first sentence of the Second Section of the 14th Amendment which placed the focus of the amendment on the issue of 'representation' in the House of Representatives. By declaring that states must change their legislative representation to be based 100% on the population, the USSC effectively declared an end to regional representation in State governments. If that was the intent of the USSC ruling in 1964, then that ruling is even more egregious because, effectively, the USSC would be declaring, on its own volition and authority, an end to the ability of State governments, and the people in the State, to decide for themselves how they will be structured. Such power cannot be wielded by the USSC, nor by Congress, without a constitutional amendment granting the federal government the power to make such a ruling. There is no such authority or power granted to the US Government, and thus none granted to the US Supreme Court. The USSC effectively declared the structure of most, if not every State legislature to be unconstitutional from the time the US was founded and States first joined the union. How can that even be a possibility?

Looking at the 14th Amendment, it is clear the 3rd, 4th, and 5th sections of the 14th amendment have nothing to do with "representation". Reading section one, the two words "equal protection" are observed within a clause that reads, "; nor deny any person within its jurisdiction the equal protection of the laws."

This clause refers to "any person", not just citizens of the United States. Lifting the words 'equal protection' from this clause and applying it to any issue related to just US Citizens is a violation of the 14th amendment itself, and a violation of the clause from which the two words were lifted. The way the USSC has been using the 14th amendment and the so-called "equal protection clause" is a gross abuse of the powers of the USSC because there is no 'equal protection' clause that applies to just US Citizens.

Take a look for yourself.

14th Amendment, Section 1:

“All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges (emphasis added) or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty or property without due process of law; nor deny any person within its jurisdiction the equal protection of the laws.”

Let me emphasize again, the two words “equal protection” are used within the phrase

“... nor deny any person within its jurisdiction the equal protection of the laws.”

In this clause, the 14th Amendment expanded its focus from US Citizens to everyone, “any person”, and the words “equal protection of the laws” applies to “any person” within the jurisdiction of the State, aliens, tourists, residents on green cards – and even “illegal immigrants”.

The court then expanded the meaning of the words “abridge the privileges or immunities of citizens...” to include the right to vote, which they then treated as a privilege. The right to vote is not a privilege. It is a right guaranteed by the US Constitution. Nevertheless, with a misrepresentation of the right to vote as a privilege, the court proceeded to make a convoluted argument beginning with one man-one vote, expanding that concept to mean equal representation, and expanded equal representation to mean across all political divisions. Then they applied the 14th amendment’s ‘equal protection clause’, which they made up, as a concept justifying the unconstitutional intrusion into the State’s judicial structure. This progression of ‘reasoning’ carried the court far from their field of authority and constituted a dramatic departure from the meaning of the 14th Amendment. The court did make a snide remark about the representation across State lines and the lack of equal popular representation in the US Senate, where States, regardless of their populations, are given the same number of representatives. Is that the USSC’s next target should their interpretation of the 14th Amendment remain unchallenged?

Nevertheless, the USSC failed to honor the 14th amendment when they focused only on US Citizens, and not all residents in the States. If the representation was a

legitimate focus of their 'equal protection clause', then 'equal protection' of "any person" should have been the focus, regardless of whether the person was or was not a citizen of the United States. It is important to note that there is no reference in this amendment to the structure of the legislative districts, and the right to vote is a right, not a privilege. The application of 'equal protection' to any issue protecting just US Citizens is a violation of the "equal protection" clause of the 14th amendment.

A conservative court would have confined the issue of representation to the first sentence of the Second Section of the 14th Amendment, which reads:

"Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. ...".

The "Representatives shall be apportioned among the several States..." clearly is referring to the US House of Representatives. The 14th Amendment did immediately impact many states that had Congressional districts of unequal population.

The 14th Amendment would have been a perfect spot for the creators of the amendment to insert wording that addressed regional concerns if there were any. They did not. The absence of the mention of regional representation screams of the necessity for such regional representation in governments. The federal government, and thus the US Supreme Court, was not given the power by the US Constitution to declare regional representation illegal or unconstitutional in any State legislature. If that were an intended focus, regional representation of the House of Representatives would have been challenged. Instead, House seats are assigned to states (regions acknowledged by the US Constitution). Should, at any time in the future, the US Congressional seats not be proportioned among the States, and be proportioned strictly by population, congressional districts would stretch out, and through, and around various states in weird configurations completely irrespective of state boundaries. The map of congressional districts would soon be fashioned to resemble the current irrational NYS Assembly Districts – which are not confined by county boundaries.

The Importance of Regional County

When the NYS Constitution was drafted, it was already recognized that the NYC area had a higher population density than the rest of the state. Counties were created because of differences in surface contours, water resources, natural vegetation, recreational opportunities, scenic views, farmable land, useable and non-usable lands, markets, transportation, and now even man-made features (roads, buildings), etc. These geographic differences were represented in the state government as regions (counties) because these regional differences created different interests, desires, and needs that should be kept at the forefront when laws are written so proper attention could be paid to these differences. Thus, Members of the Assembly were assigned to counties.

The importance of the differences defining regions has been emphasized by the recent calls for re-organization or secession that have been proposed in NYS and are being proposed all across the United States. Literally, hundreds of counties, or their equivalent, across the United States are now calling for secession from their State or reorganization of their state governments.(17) Nearly all of these calls have been proposed since the 1964 USSC ruling. Motivating these calls is the fact that State governments are being forced to ignore county (regional) interests because there is no longer a body of the States' legislatures whose purpose is to bring these regional differences and needs to the forefront of the discussions when laws are written. The USSC, with their glib, "Hills and trees don't vote", has ruled that regions with different population densities cannot be given an equal voice, not even in a separate part of a state legislature, no matter the differences between regions.

A straightforward reading of the 14th amendment gives the USSC no basis upon which to make the decision they made. Here are two statements in the USSC ruling that demonstrate the exact adherence to the USSC ruling was not necessary(18-1 18-2). The NYS Legislature did not need to abandon its 187-year history:

In one part of the ruling, the USSC stated, "The District Court correctly held that the existing Alabama apportionment scheme and both of the proposed plans are constitutionally invalid since neither legislative house is or would thereunder be apportioned on a population basis.(19)

This USSC statement implies that if one of the bodies of the Alabama legislative government was apportioned based on population, and the state constitution

called for the other legislative body to be specifically represented based on region, the apportionment scheme for the state government would have been allowed.

The NYS Senate Districts were based on population and the Assembly Districts accommodated the regional distribution and had a rough distribution based on population. So, why did NYS re-structure the Assembly Districts entirely on population and not continue to assign Members of the Assembly to counties using the formula in the NYS Constitution? Not only was the 1964 decision of the USSC unfounded, but it was also unnecessary for the NYS Legislature to follow the exact ruling of the USSC and completely abandon the NYS Constitution's requirements for the apportionment of the Assembly by assigning Membership to the counties.

Perhaps it was this deliberate slap in the face by the USSC to those arguing for regional representation that caused the State legislatures to become timid.

The superficial resemblance between one of the Alabama apportionment plans and the legislative representation scheme of the Federal Congress affords no proper basis for sustaining that plan, since the historical circumstances which gave rise to the congressional system of representation, arising out of compromise among sovereign States, are unique and without relevance to the allocation of seats in state legislatures.

That USSC statement fails to recognize the corollary between the United States to regions called States and the States to regions called Counties (or parishes or boroughs). The USSC gave no recognition or consideration of the need or purpose of regional representation within the States. The result of the State's compliance with this ruling has been a growing movement across the country for counties to secede and become separate states, or to join neighboring counties to form new states, or to just join their neighboring state. There is even a movement for states to declare themselves to be 'Sovereign States', (20) As Sovereign States they would create a level of independence from the dictates of the US Government and the USSC. The loss of representation of regions in state governments has ignited movements all across NYS for counties to secede, redesign the NYS Government, even redesign the entire state government around 'regions', irrespective of populations.

Thus, the times are changing and the US Supreme Court should be forced to review its ruling.

The current situation.

The Divide New York movement is driven by the serious, underemphasized consequences of the 1964 USSC ruling that caused the NYS Assembly to be restructured. As mentioned, the most obvious, immediate consequence was a shift in the control and domination of the Legislature by seven contiguous counties: New York City's five counties, Suffolk and Nassau.

The control of the Assembly by just seven counties has created an undercurrent demanding change. The fear that the problem will not be addressed is the driving force behind the continual decline of NYS, both economically and in population. There had not been a call to divide New York for over 100 years. After just five years, with no county representation in the Assembly, the call for some counties to secede was resurrected in 1969. The NYS legislature is not addressing regional concerns because of the loss of county representation. As a result, people, mostly the younger generation, are taking their skills, money, and ambition and moving elsewhere. As the loss of regional representation becomes more evident, New York State will continue to decline both economically and in population, a decline that is continuing today.

The Divide New York State movement is growing, and spawning related mutant movements. One movement calls for the eastern half of Suffolk to secede from Suffolk County and call itself Peconic County. There was a call for the secession of Staten Island from New York City, directly linked to their dissatisfaction with the lack of regional (county) representation. Counties in central New York State, situated along the Pennsylvania border, began to call for secession so they could join Pennsylvania. That call was motivated by a dissatisfaction with the state's handling of the regional "fracking" issue.

The financial discrepancies are also motivating secession. These are probably the most serious. Upstate is constantly being told that it is sending billions of its tax money to NYC to pay for NYC subways and bridges. That notion remains today despite being rebutted.(21) One report stated NYC gives \$11 billion more to NYS than it receives in services.(22) The latter statement was followed by an NYC councilman, stating, "If not secession, somebody please tell me what other options we have if the state is going to continue to take billions from us and give us back pennies?"

Inadequate compensation for taxes paid is the reason there are calls for a separation of Long Island from the rest of the state. One of the wealthiest regions of the state, it receives only \$5.2 billion in state payments and pays \$8.1 billion in taxes.(23)

There are proposals to Divide New York State into two or three separate states, with proposals to slice NYS at different proposed spots. There are counties proposing to secede to join other states, or just form a new state of their own. Proposals abound for county 'home-rule' whatever form of government that may be. And, recently the big push is to divide the state into three autonomous regions(24), which by the way will not be equal in population. All of these proposals will require an NYS Constitutional amendment and probably will even require the consent of the US Congress. But to what avail. If people don't respect the constitution we have today, what makes anyone believe a new NYS Constitution will be respected.

Before any attempt to divide NYS gets underway, and efforts are made to change our NYS Constitution to accommodate the inappropriate USSC ruling, the NYS legislature should challenge the USSC ruling and restore the constitutional balance of county representation to the NYS Legislature.

My proposal: "Save the Empire State"

I propose we honor the NYS Constitution as it was written and go back to granting a minimum of one member of the Assembly per county. I propose we give Hamilton a separate representative, despite its low population. I propose we assign additional Assembly seats to the counties based on population, as in the past. I also propose we readopt the apportionment scheme where assembly districts do not wander outside the county given the Membership seat(s). I propose we cap the number of Assembly positions at 150 and not give any county more than 4 assembly seats – unless a county's population exceeds 2.4 million residents, and then they are to get only one additional member of the Assembly. This restriction on the upper limit recognizes the fact that the larger county's influence in the legislature increases exponentially, not linearly, with increased membership.

The justification to go back to the original structure of the Assembly is that the NYS Constitution explicitly granted each county at least one representative. The original Republican Form of Government, guaranteed to the states was originally a structure with two legislative bodies, one based on region and one based on

population. This was the original form of both the federal and state governments. Of the entire 50 states, only one State was formed with a government having a single legislative house (Nevada).

Reestablishing the NYS Constitutional structure to the Assembly will not require a constitutional amendment (all the other proposals made to date will require a change in the NYS Constitutional structure). What is required is a willingness on the part of the NYS Legislature to look at the US Supreme Court's actual ruling and to challenge the NYS Legislator's past interpretation of that court ruling. Of course, this movement will require a spokesperson to push the reestablishment of county representation in the Assembly. None of the current incumbents seem willing to do so.

Re-installing the NYS Constitutional regional representation of counties to the Assembly should be a priority.

Libertarian Candidate, 139th Assembly District 12

(1) <https://supreme.justica.com/cases/federal/us/377/533/>

(2) which would elect a representative with Fulton until Hamilton had sufficient population to elect a representative,

(3) https://history.nycourts.gov/wp-content/uploads/2019/01/Publications_1846-NY-Constitution-compressed.pdf

(4) An equivalent is the total population divided by 150, or in today's terms, with approximately 18 million adults in NYS, an equivalent is approximately 120,000 people. Counties having more than 180,000 residents would get two Assembly members.

(5) https://history.nycourts.gov/wp-content/uploads/2019/01/Publications_1894-NY-Constitution-compressed.pdf

(6) https://history.nycourts.gov/wp-content/uploads/2019/01/Publications_1938-NY-Constitution-compressed.pdf

(7) <https://www.dos.ny.gov/info/constitution.htm>

(8) https://en.wikipedia.org/wiki/Partition_and_secession_in_New_York.

(9) https://www.niagara-gazette.com/news/local_news/divide-nys-brings-two-bills-before-legislature/article_dab159e7-ff88-57a1-a032-a481e76d6ae5.html

(10) <https://www.divideny.org/>

(11) <https://www.nysenate.gov/legislation/bills/2019/s5416>

(12) <https://www.nysenate.gov/legislation/bills/2019/a5498>

(13) <https://www.oleantimesherald.com/news/upstate-senator-renews-push-for-one-senator-per-ny-county/article>

(14)

<https://www.democratandchronicle.com/story/news/politics/albany/2019/10/15/divide-new-york-into-two-states-people-have-strong-opinion/3984202002/>

(15) https://en.wikipedia.org/wiki/Baker_v._Carr

(16) <https://supreme.justia.com/cases/federal/us/377/533/>

(17) https://en.wikipedia.org/wiki/List_of_U.S._county_secession_proposals

(18) <https://supreme.justia.com/cases/federal/us/377/533/> &

https://en.wikipedia.org/wiki/Wesberry_v._Sanders

(19) Baker v. Carr, 369 U. S. 186,. pp. 377 U.S. 568-571.

(20) Oklahoma was the latest state to declare itself “Sovereign”. Texas, Florida, and other states have done so, and more than 10 other states have bills pending that will declare their state “Sovereign” and not under direct US Government control.

(21) Center for Governmental Research, a public-policy group in Rochester.

(22) Mayor Michael Bloomberg’s testimony to New York state legislators.

(23)

https://en.wikipedia.org/wiki/Partition_and_secession_in_New_York#cite_note-10

(24) One organization, the Divide New York State Caucus, Inc., has drafted a proposal to partition the State into three autonomous regions: The “New Amsterdam” Region (Upstate), the “New York” Region (the City), and a third region of “Montauk” (comprising Long Island, and Rockland and Westchester Counties). These autonomous regions would, according to the plan, work in tandem with a token state government to comply with the U.S. Constitution.

A Road to No-Where

Two Abandoned Resources:

A Road to No-Where, and An Expressway that Never Was

A Road to No-Where

In 1944, there was a proposal to create a Lake Ontario State Parkway. It was to be part of the Seaway Trail project. The parkway was to extend from Charlotte Beach in Rochester, through Monroe, Orleans, and Niagara Counties and end at Niagara Falls. When the Robert Moses State Parkway was proposed, the western terminus was moved north to Fort Niagara.

The construction of the Lake Ontario State Parkway began in the late 1940s, with the first section opening in the early 1950s, linking the Hamlin Beach State Park to NY 261 (Manitou Road). The section through Greece to Charlotte was built in stages during the 1950s and 1960s. The portion between Hamlin Beach state park and Lakeside Beach State Park was planned in the '60s and finished in 1972. Officially opening February 16, 1973. (1)

There was a US Supreme Court ruling in 1964, that caused Counties to lose their representation in the Assembly. That ruling began to take a toll fairly quickly. With the NYS Legislature putting its focus on the seven counties downstate, the parkway was abandoned, half-finished. Little focus was ever again placed on the Lake Ontario State Parkway, at least not for the next 56 years.

It wasn't until the Lake Ontario Parkway began to be an eyesore and embarrassment, and even a safety hazard, that the state made any effort to make repairs. The parkway was in such disrepair that drivers had to slow to 35-40 MPH, slower in some places, or risk serious damage to their vehicles. Many users preferred driving on the shoulder rather than over the broken parkway pavement. In 2017, the parkway from Route 19 east to Payne Beach was repaved (approximately 8 miles). In 2018, seven miles from Route 19 to Route 237 were repaved, but the shoulders in this stretch narrowed from 12 to 8 feet. (2)

As of today, about 12 miles of the western end of the parkway is in poor condition. The only consideration actually keeping that stretch open is that it is treated as a sessional highway and is viewed as a historical landmark(3). With serious deterioration, lack of state funding, failure to complete the parkway to Fort Niagara, and no plans on the books, the Lake Ontario Parkway has become a highway to nowhere

Our current Assemblyman, after 14 years in office, has done little to resurrect the seaway/parkway project as a resource for Orleans County.

An Expressway that Never Was

There was a limited access, toll-free, interstate highway planned, and started that would have run from Rochester to Buffalo and serviced the towns in western Monroe, Orleans, and Niagara counties, including Spencerport, Brockport, Holley, Albion, Medina, Middleport, Gasport, Lockport, and Niagara Falls.

The initial stretch, from Interstate 490 to Elmgrove Road, was completed in the early 1960s. The stretch to Manitou Road was completed in 1984, and the stretch to Route 36, now referred to as Interstate 531, was completed in 1995. The latter stretch was the combined effort of the many Monroe County Assembly members and NYS Senator Ralph Quattrociochi.

There was federal interest in Interstate 531, and the project was included in the Federal-Aid Highway Act of 1968. Unfortunately, when the City of Niagara Falls released its Regional Highway Plan for the Buffalo–Niagara Falls area in 1971, that plan did not contain mention of the Niagara Falls to Rochester expressway. With the Assembly Districts now not being organized around county lines, no Assemblyman stood up for the needs of Orleans County or the western towns of Monroe County, and thus the proposed Niagara Falls–Rochester freeway (4) was abandoned.

In the period from 2012 to 2016, the NYS Department of Transportation held public hearings on the redesign of the 531 termini at the intersection at Route 36. During these discussions, our representative for the 139th Assembly appears to have been absent. Consequently, there was no consideration of the impact of the DoT's proposal on the long-term growth or needs of western Monroe County or Orleans County. The \$12 million spent terminating 531 provides little benefit for the development of western Monroe County and no benefit to Orleans county. It just moved the traffic jam further down the road.

What Now

The loss of these two roadways as resources for the 139th Assembly District will negatively impact western Monroe County and Orleans County for some time. The current loss of County representation in the NYS Assembly, and the failure of the incumbent Assemblyman to represent the needs of the western Monroe County towns and Orleans County, combined with the lack of a county focus in the NYS Assembly itself, is to blame (5).

The focus of the NYS Legislature has turned south, and it has remained that way for over 56 years.

(1) https://en.wikipedia.org/wiki/Lake_Ontario_State_Parkway#cite_note-survey-20

(2) https://en.wikipedia.org/wiki/Lake_Ontario_State_Parkway#cite_note-5

(3) https://en.wikipedia.org/wiki/Lake_Ontario_State_Parkway

(4) https://en.wikipedia.org/wiki/Interstate_990#cite_note-6

(5) <https://supreme.justia.com/cases/federal/us/377/533/>

SUPERVISOR
716-778-8531

TOWN CLERK
716-778-8822
FAX 716-638-4183

ASSESSOR
716-778-8827

TAX COLLECTOR
716-778-6052

BUILDING INSPECTOR
716-778-5947

WATER/SEWER
716-778-8132



TOWN OF NEWFANE

2737 Main Street
Newfane, New York 14108
FAX 716-638-4261

JUSTICE COURT
2896 Transit Road
Newfane, New York
14108
716-778-9292

HIGHWAY
716-778-8844

WATER/SEWER
MAINTENANCE
716-778-8587

6176 McKee Street
Newfane, New York
14108

TDD 1-800-662-1220

Monday, January 9, 2023

5:00 PM

Buffalo Public Hearing

Location: Buffalo State College (SUNY)

Burchfield Penney Art Center 1300 Elmwood Avenue Buffalo, New York 14222

Dear Chairman Imamura and Members of the New York Independent Redistricting Commission:

As the Town Supervisors of the Lakeshore / Agriculture Corridor communities in northeastern Niagara County, we are writing to express our concern of any redistricting proposal that would separate our respective towns of Newfane, Somerset, Wilson, Royalton and Hartland into different Assembly Districts.

Over the past decade, our communities have shared similar experiences in relation to controversial intrusive energy siting projects, protecting agriculture interests, promoting continued agri-tourism such as the Niagara Wine Trail, and improving infrastructure initiatives. Our communities also have similar socio-economic demographics and share school districts that work cooperatively to advocate for the needs of students and families. Three of our communities also are directly on the Lake Ontario shoreline and have dealt cooperatively on flooding and shoreline redevelopment and refortification (REDI Initiative).

Our communities are truly an area of common interest and should be represented by one voice in the State Assembly. Through these issues and mutual experiences, we have relied heavily on having one Assembly representative at a time to assist, advocate, and deliver resources and has truly permitted us to work together with our State Official to handle our similar matters of concern.

We respectfully submit to the Members of the New York Independent Redistricting Commission for the record, our shared testimony regarding the importance of keeping the Lakeshore / Agriculture Corridor in northeastern Niagara County intact in whole with the Towns of Newfane, Somerset, Wilson, Royalton and Hartland under the same Assembly Representative when redrawing district lines for the next 10 years.

Your consideration is sincerely appreciated.

Sincerely,

Doyal Phillips - Supervisor, Wilson

John Syracuse - Supervisor, Newfane

Jeff Deward - Supervisor, Somerset

W. Ross Annable - Supervisor, Hartland

Dan Bragg - Supervisor, Royalton

From: [Patricia LaVell](#)
To: [Submissions](#)
Subject: NYIRC's new Map for the NYS Assembly which divides the Town of Amherst
Date: Monday, March 13, 2023 5:19:36 PM

To whom it may concern:

I vehemently object to the NYIRC's new Map for the NYS Assembly which divided the Town of Amherst into two with each part of another Assembly District. The NYIRC's map dilutes and eliminates any role for the Town in NYS government because the two districts are gerrymandered solely to shift power away from the current Democratic majority town to be a minority Democratic faction in two Republican-leaning districts. The NYIRC's Map is purely political and disgraceful.

Amherst is large enough to have its own Assembly member representing its interests in Albany. Under the Constitutional standards, Amherst consists of contiguous territory and is as compact in form as practicable. Having the Town represented by one Assembly member means that the 146th Assembly District Member can advocate for the Town of Amherst residents.

The NYIRC's new map violates the prohibition on drawing lines to discourage competition and for the purpose of favoring or disfavoring incumbents or other particular candidates or political parties. The NYIRC's change is purely political: Dividing Amherst takes the Town of Amherst, which voted for Biden 60% in the 2020 vote to a District won by Trump. This leaves the Amherst sections of the two new Districts with no commonality as seen in recent election cycles.

Amherst has eight communities within it with common interests (Village of Williamsville and multiple hamlets or neighborhoods). The current lines for the 146th Assembly District keep those neighborhoods together. Similar to the Assembly-drawn map, the current 146th Assembly District conforms to the allowable population deviation. But the NYIRC's new map ignores the core of the existing district and the pre-existing political subdivision.

The NYIRC's map targets Amherst's Asian community that I believe make up about 13% of the population and the NYIRC's splitting Amherst into two new Assembly districts dilutes the Asian community's vote to around 9 % and 7 %.

Leave the 146th Assembly District with Assembly lines coterminous with the Town of Amherst's boundary lines!

Sincerely,
Patricia A. LaVell
[Sent from Yahoo Mail for iPhone](#)

From: [Robert C. Brucato, Esq.](#)
To: [Submissions](#)
Subject: Redistricting in the Town of Amherst
Date: Thursday, March 16, 2023 6:09:33 PM

Good afternoon,

As a long time, taxpayer, and voter in the Town of Amherst, I vehemently object to the NYIRC's new Map for the NYS Assembly which divided the Town of Amherst into two with each part of another Assembly District. The NYIRC's map dilutes and eliminates any role for the Town in NYS government because the two districts are gerrymandered solely to shift power away from the current Democratic majority town to be a minority Democratic faction in two Republican-leaning districts. The NYIRC's Map is purely political and disgraceful. It is making a mockery of our electoral system. Gerrymandering is ruining this country.

Amherst is large enough to have its own Assembly member representing its interests in Albany. Under the Constitutional standards, Amherst consists of contiguous territory and is as compact in form as practicable. Having the Town represented by one Assembly member means that the 146th Assembly District Member can advocate for the Town of Amherst residents. Amherst deserves its own district based on the size of the town. It is inappropriate to split up Amherst so as to dilute it's influence.

The NYIRC's new map violates the prohibition on drawing lines to discourage competition and for the purpose of favoring or disfavoring incumbents or other particular candidates or political parties. The NYIRC's change is purely political: Dividing Amherst takes the Town of Amherst, which voted for Biden 60% in the 2020 vote to a District won by Trump. This leaves the Amherst sections of the two new Districts with no commonality as seen in recent election cycles. Moves like this are destroying our democracy.

Amherst has eight communities within it with common interests (Village of Williamsville and multiple hamlets or neighborhoods). The current lines for the 146th Assembly District keep those neighborhoods together. Similar to the Assembly-drawn map, the current 146th Assembly District conforms to the allowable population deviation. But the NYIRC's new map ignores the core of the existing district and the pre-existing political subdivision.

The NYIRC's map targets Amherst's Asian community that I believe make up about 13% of the population and the NYIRC's splitting Amherst into two new Assembly districts dilutes the Asian community's vote to around 9 % and 7 %.

Leave the 146th Assembly District with Assembly lines coterminous with the Town of Amherst's boundary lines!

Sincerely,

Robert C. Brucato

March 6, 2023

Re: New York State Independent Redistricting Commission

To Whom It May Concern:

As a longtime resident of the East Buffalo/West Cheektowaga community, I write to you today to urge the New York State Independent Redistricting Commission not to divide our neighborhood into separate Assembly Districts. I'm acutely aware of the close-knit ties binding our community, having grown up attending the Cheektowaga-Sloan school district and residing in the Lovejoy neighborhood for the past 8 years. In fact, I was attracted to reside in this neighborhood not because it is similar or close to the community that I grew up in, but because it *is* the community I grew up in.

Residents of Sloan, Lovejoy, and neighboring areas of Cheektowaga and Buffalo share much more than a border. My neighbors utilize the same community centers, shopping plazas, churches, parks, and small businesses, regardless of which side of the city line they are on. Most longtime residents are intimately familiar with institutions like Camillo's Sloan Super Market and the Broadway Market, with public amenities like Hennepin Senior Center and Sloan Community Center, and with parks like Griffith Park and the Lincoln Field House. Though we are separated by a municipal border on a map, in reality we are physically separated from other parts of Cheektowaga and Buffalo by infrastructure, including a rail yard, thruways, and railroad tracks in every direction. That is why we have gotten the nickname Iron Island. This geographic isolation gives our neighborhood a unique and cohesive character, which is notably different from other areas of Buffalo or Cheektowaga. It simply makes no sense to split a continuous, close-knit community like Sloan-Lovejoy into separate and vastly different Assembly districts.

Furthermore, I'm concerned about the IRC's proposal to split our community and enjoin Sloan with rural and exurban areas that have very different racial, ethnic, and socioeconomic demographics. Sloan-Lovejoy is a working class neighborhood, where many residents struggle with poverty, whereas eastern Lancaster is far more wealthy. Sloan-Lovejoy is an urban neighborhood that features a mix of homeowners and renters, motorists and public transit riders; eastern Lancaster mainly features single-family zoning and has almost no public transit service. Sloan-Lovejoy is a multi-racial neighborhood populated by white, Black, and Asian residents, including a significant immigrant population. As a result, our neighborhood has unique institutions to serve these groups, including Catholic churches and Slavic eateries that cater to our large Polish population, as well as mosques and halal grocers/restaurants that serve our growing Muslim community. By contrast, eastern Lancaster is predominantly white and lacks sizable communities of ethnic, racial, or religious minorities.

Sloan and Lovejoy are clearly one continuous community — a working-class, multi-ethnic neighborhood with a shared history, and brought closer by our geographic isolation from other areas. Should the IRC split this community into separate Assembly Districts, you will make it more likely that many of our neighbors will be represented by an Assembly member who will not prioritize our community's unique needs and interests. For all these reasons, I urge you to keep our community whole in the new Assembly maps.

Thank you,



Jeremy Sasiadek

Resident of Lovejoy in Assembly District 143

David A. Gaeddert
606 Longmeadow Road
Amherst, NY 14226-2426
ph: 716-447-9206
cell: 716-587-2648
dgaedd@gmail.com
March 09, 2023

*Attention: Submissions
Independent Redistricting Commission
250 Broadway, 22nd Floor
New York, NY 10007*

Dear People:

I vehemently object to the NYIRC's new Map for the NYS Assembly which divided the Town of Amherst into two with each part of another Assembly District. The NYIRC's map dilutes and eliminates any role for the Town in NYS government because the two districts are gerrymandered solely to shift power away from the current Democratic majority town to be a minority Democratic faction in two Republican-leaning districts. The NYIRC's Map is purely political and disgraceful.

Amherst is large enough to have its own Assembly member representing its interests in Albany. Under the Constitutional standards, Amherst consists of contiguous territory and is as compact in form as practicable. Having the Town represented by one Assembly member means that the 146th Assembly District Member can advocate for the Town of Amherst residents.

The NYIRC's new map violates the prohibition on drawing lines to discourage competition and for the purpose of favoring or disfavoring incumbents or other particular candidates or political parties. The NYIRC's change is purely political: Dividing Amherst takes the Town of Amherst, which voted for Biden 60% in the 2020 vote to a District won by Trump. This leaves the Amherst sections of the two new Districts with no commonality as seen in recent election cycles.

Amherst has eight communities within it with common interests (Village of Williamsville and multiple hamlets or neighborhoods). The current lines for the 146th Assembly District keep those neighborhoods together. Similar to the Assembly-drawn map, the current 146th Assembly District conforms to the allowable population deviation. But the NYIRC's new map ignores the core of the existing district and the pre-existing political subdivision.

The NYIRC's map targets Amherst's Asian community that I believe make up about 13% of the population and the NYIRC's splitting Amherst into two new Assembly districts dilutes the Asian community's vote to around 9 % and 7 %.

Leave the 146th Assembly District with Assembly lines coterminous with the Town of Amherst's boundary lines!

Attention: Submissions
 Independent Redistricting Commission
 250 Broadway, 22nd Floor
 New York, NY 10007

February 9th, 2023

Dear Commission Members,

It is understood that this commission is tasked with the important purpose of redrawing assembly maps for New York State. We write to you to express the importance of keeping communities together, especially our south Asian / Bangladeshi population that exists within the Fillmore and Lovejoy districts in the City of Buffalo and the Village of Sloan. These areas are currently combined within the 143rd assembly district. The district, as currently comprised, allows our south Asian / Bangladeshi minority community a stronger amplified voice that was previously diluted as part of two separate assembly districts.

Over the past 10 years our community has grown in the Broadway – Fillmore, Lovejoy, and Sloan/Cheektowaga section of Western New York. Our growth is evidenced by the opening of mosques and the holding of community events in schools and spaces throughout these neighborhoods. Our residents frequently travel back and forth between these areas and often live in one while working in another. The interconnection between the Lovejoy/Fillmore districts and Cheektowaga/Sloan can also be seen in the similar socioeconomic status of our neighborhoods.

We ask that you keep our community together in the redrawing process to the current 143rd Assembly district. Below are signatures from our neighborhood.

NAME	ADDRESS
SHelika N MIGH	322 GIBSON ST
AKTHER HUSSIN	37 B St. Buffalo NY 14211
ABDUL MISHAN FAHIM	347 935 2267 929 Fillmore
MD IBRAHIM ALI FILLMORE	716 292 259e
AHM A MATIN	40 B ST BUFFALO 347-5502
Sloan Alam.	345 Sherman St. 347-750-9676
Md A Shamel	969 Fillmore Ave
MD Ahmed	1003 Fillmore Ave
Javid Akbar	43 Rother ave. buff, ny 14212
B3d Masud Karim	86 Shepard St BUFFALO 14211
Nayna Chowdhury	76 Wade Ave 716 704 0589
MD. Rahman	132 Bissell Ave Buffalo 14211
MD B ALI	282 GUYLFORD 917 3924 787
TUFAIAL AHMED	107 Koons Ave Buffalo NY 14212
JAMAL UDIN	1003 Fillmore Ave Buffalo NY 14211



KAREN MCMAHON
Assemblymember 146th District

5500 Main Street, Suite 224
Williamsville, New York 14221
716-634-1895
FAX: 716-634-1250

THE ASSEMBLY
STATE OF NEW YORK
ALBANY

CHAIR
Subcommittee on Trusts and Estates

COMMITTEES
Environmental Conservation
Higher Education
Judiciary
Libraries and Education Technology
People With Disabilities
Transportation

February 24, 2023

Independent Redistricting Commission
250 Broadway, 22nd Floor
New York, NY 10007

Dear Commissioners:

Thank you for the opportunity to provide my input with respect to the proposed NY Assembly redistricting map. I have had the honor of representing the people of the 146th Assembly District since 2018. During that time (and for years before), the District has always included the entire Town of Amherst. A fairly densely populated first-ring suburb, Amherst has a unique and long history, and is one of the largest Towns in New York State.

I strongly object to the NYIRC's proposed Assembly map which splits the Town of Amherst into two districts and creates a 146th Assembly District which would be a sprawling and contorted collection of dissimilar towns having nothing in common with the segmented portion of Amherst. Over the past five years, I have forged relationships that allow me to have particular insight into the needs of this community. I currently have on-going projects with schools, businesses and other institutions throughout the entirety of Amherst. Splitting Amherst into two districts will make it difficult to maintain support for those institutions going forward.

I believe the proposed new 146th District clearly runs afoul of the constitutional requirement that districts be drawn with compactness respecting the geographic, political and economic characteristics of the community. Amherst is large enough to have its own Assembly member representing its interests in Albany. Retaining the entirety of Amherst in one Assembly District means that the 146th Assembly representative can advocate wholly and effectively for the similarly situated residents of the Town of Amherst. The proposed new district includes populations that are substantially dissimilar geographically, politically, and economically.

Finally, the newly proposed map would disadvantage the largest growing minority community in Amherst. The Asian community currently makes up approximately 13% of the population of the 146th Assembly District. By splitting Amherst into two, the NYIRC will reduce the influence of the Asian community by approximately half.

I ask that the NYIRC re-address the boundaries of the 146th Assembly District to include the entirety of the Town of Amherst.

Respectfully,

Karen M. McMahon
Assemblymember, 146th District