

THOMAS P. DINAPOLI  
STATE COMPTROLLER



STATE OF NEW YORK  
OFFICE OF THE STATE COMPTROLLER

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June 3, 2025

ECLEG JUN 10 '25 2:10:54

Olivia M. Owens, Clerk  
Erie County Legislature  
92 Franklin Street, 4<sup>th</sup> Floor  
Buffalo, NY 14202

Re: County of Erie;  
Increase and Improvement  
of Facilities for Sewer  
District No. 3  
File No. 2024-61

Dear Ms. Owens:

Enclosed for filing is the order of the State Comptroller in the above matter. Your attention is directed to County Law section 268.

Kindly sign, date and return the copy of this letter as a receipt in the enclosed envelope.

Very truly yours,

*Laura M. Crisafulli*

Laura M. Crisafulli  
Assistant Counsel

LMC:jaw  
Enclosure  
(518) 486-1127  
cc: John A. Alessi, Esq.

Filed this 10th day of

June, 2025

Olivia M. Owens  
Clerk

In the Matter

of the

Application of the County Legislature of Erie County, New York, for Consent of the State Comptroller to an increase and improvement of facilities of the Erie County Sewer District No. 3, in said county

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WHEREAS, on the 11<sup>th</sup> day of March, 1963, the Comptroller of the State of New York, upon the application of the County Legislature of Erie County ("County"), New York, did grant permission to establish the Erie County Sewer District No. 3 ("District") in said county; and

WHEREAS, a final order establishing the District was adopted by the County Legislature of the County on April 9, 1963; and

WHEREAS, upon the application duly made to the undersigned by the County Legislature of the County, the State Comptroller, on the 6<sup>th</sup> day of July, 2023, did make an order consenting to an increase and improvement of facilities of the District for the Southtowns Advanced Wastewater Treatment expansion project ("Project") at a maximum cost of \$100,000,000 ("July 2023 Consent");

WHEREAS, a subsequent application has been duly made to the undersigned by the County Legislature of the County for a certificate of the State Comptroller pursuant to section 268 of the County Law consenting to an expenditure of \$215,000,000 for the same Project due to an increase in the estimated cost thereof; and

WHEREAS, we are informed that the County has applied for financial assistance through the Clean Water State Revolving Fund ("CWSRF"), which is administered by the New York State Environmental Facilities Corporation, and the Project is listed on the 2025 CWSRF Intended Use Plan, indicating eligibility to receive financing; and

WHEREAS, the undersigned has duly examined such application,

NOW, THEREFORE, pursuant to such examination and upon such application of the County Legislature of Erie County, the undersigned does hereby find and determine, after due deliberation:


- (1) That the public interest will be served by the additional facilities to be constructed for the Erie County Sewer District No. 3.
- (2) That the additional amount to be expended for such purposes will not be an undue burden upon the property that is to bear the cost thereof.

I, THOMAS P. DiNAPOLI, Comptroller of the State of New York, do hereby order that such application of the County Legislature of Erie County for permission to increase and improve the facilities of the Erie County Sewer District No. 3, as approved by said County Legislature in Resolution No. 151, adopted on October 24, 2024, be and the same is hereby granted at a cost not to exceed \$215,000,000, including any applicable aid. The July 2023 Consent is hereby superseded.

Executed in duplicate by the Comptroller of the State of New York, this 3<sup>rd</sup> day of June, 2025.

THOMAS P. DiNAPOLI  
State Comptroller

By

  
Robin L. Lois  
Deputy Comptroller