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ERIE COUNTY COMPTROLLER
KEVIN R. HARDWICK

March 4, 2026

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

**RE: Erie County Sewer District No. 3
Increase and Improvement of Facilities
Clarifying and Amending Bond Resolution**

Dear Honorable Members:

Enclosed please find a memorandum from the Department of Environment and Planning pertaining to an Increase and Improvement of Facilities for Erie County Sewer District No. 3.

Should your Honorable Body require further information, I encourage you to contact Timothy Callan in the Comptroller's Office or Joseph Fiegl in the Division of Sewerage Management. Thank you for your consideration on this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "K. R. Hardwick".

Kevin R. Hardwick, Ph.D.
Erie County Comptroller

cc: Joseph Fiegl, PE, Division of Sewerage Management

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Comptroller's Office
Re: Erie County Sewer District No. 3
Increase and Improvement of Facilities
Clarifying and Amending Bond Resolution
Date: March 4, 2026

SUMMARY

The Erie County Legislature is requested to approve the attached clarifying and amending bond resolution for the Increase and Improvement of Facilities in Erie County Sewer District (ECSD) No. 3 (the "Project"), approved by your Honorable Body on July 24, 2025. This resolution requires a roll call favorable vote of not less than two-thirds of all members of the Legislature.

FISCAL IMPLICATIONS

Approving this resolution will have no effect on Erie County's general fund.

REASONS FOR RECOMMENDATION

This clarifying and amending resolution follows from, and is responsive to, a recent comment from the New York State Environmental Facilities Corporation ("EFC"). The EFC provides grants and favorable long-term interest rates for major sewer improvement projects such as the Project, and it is in the County's best interest to work closely with the EFC to facilitate a successful funding outcome. Out of abundance of caution and for maximum clarity of intent, the EFC has asked for a reiteration, in one paragraph of the bond resolution passed on July 24, 2025, the consistently expressed desire and plan to issue up to \$215,000,000 in serial bonds or other obligations for the long-term financing of the Project.

The County's bond counsel works frequently with the EFC and recommends that the County accommodate this amended request. The bond resolution originally adopted by the Legislature on July 24, 2025 for the Project, as modified in this way, will remain in full force and effect.

BACKGROUND INFORMATION

ECSD No. 3 is advancing improvements to the Southtowns Advanced Wastewater Treatment Facility, existing pumping stations, and collection systems components. On April 17, 2024, the ECSD No. 3 Board of Managers reviewed the latest information and cost estimates for the Project, and approved a map, plan, and report recommending the Increase and Improvement of Facilities. The map, plan, and report more fully describing the Project and estimates was filed with the Erie County Legislature in July 2024 pursuant to Legislative Comm. 13E-4 (2024). Following New York State County Law, Article 5A, Section 268, the Erie County Legislature approved a resolution on July 25, 2024 (Legislative Comm. 13E-5 (2024)) calling for a public hearing. The public hearing for the Project was held on September 9, 2024, and no objections or concerns were raised.

Subsequently, pursuant to Legislative Comm. 17E-9 (2024), your Honorable Body determined it was in the public interest to proceed with the Project at an estimated cost of \$215,000,000, and directed that an application for the Project be prepared and submitted to the New York State Comptroller's Office. The New York State Comptroller's Office reviewed the application and also determined that the Project was in the public interest, further noting that it would not be an undue burden upon the properties in ECSD No. 3. As a result, the Erie County Legislature passed a final order and bond resolution for the Project pursuant to Legislative Comm. 12E-7 (2025) on July 24, 2025.

CONSEQUENCES OF A NEGATIVE ACTION

The EFC may deny funding the necessary improvements in ECSD No. 3.

STEPS FOLLOWING APPROVAL

The clarifying and amending resolution will be provided to the EFC.

EXTRACT OF MINUTES

Meeting of the County Legislature of the

County of Erie, New York

_____, 2026

* * *

A meeting of the County Legislature of the County of Erie, New York (the "County") was held at the Chambers of the Erie County Legislature, in the Erie County Hall, Buffalo, New York, in said County, on _____ o'clock p.m., local time.

The meeting was called to order by _____ and, upon roll being called, the following Legislators were:

PRESENT:

ABSENT:

ALSO PRESENT:

The following resolution was offered for consideration upon motion by Legislator _____, with the motion for consideration being seconded by Legislator _____, to wit;

RESOLUTION NO. ____, 2026

A RESOLUTION, DATED _____, FURTHER CLARIFYING AND AMENDING A BOND RESOLUTION OF THE COUNTY OF ERIE, NEW YORK (THE "COUNTY") THAT WAS ORIGINALLY ADOPTED ON JULY 20, 2023 AND AMENDED ON JULY 24, 2025.

(Introduced) _____, 2026

(Adopted) _____, 2026

WHEREAS, on July 24, 2025, the County of Erie, New York (the "County"), adopted a resolution (the "July 24, 2025 Resolution") entitled:

AN AMENDING AND RESTATING FINAL ORDER / BOND RESOLUTION, DATED JULY 24, 2025, OF THE LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK (THE "COUNTY"), AMENDING THE BOND RESOLUTION THAT WAS ADOPTED ON JULY 20, 2023, AND AUTHORIZING THE INCREASE AND IMPROVEMENT OF FACILITIES OF ERIE COUNTY SEWER DISTRICT NO. 3 (THE "PROJECT") STATING THE TOTAL ESTIMATED MAXIMUM COST OF THE PROJECT TO BE \$215,000,000, APPROPRIATING SUCH AMOUNT THEREFOR AND AUTHORIZING THE ISSUANCE OF UP TO \$215,000,000 OF BONDS OR OTHER OBLIGATIONS OF THE COUNTY (COLLECTIVELY, THE "OBLIGATIONS") TO FINANCE SUCH APPROPRIATION; AND FURTHER AUTHORIZING ANY AMOUNT RECEIVED FROM THE UNITED STATES OF AMERICA AND/OR THE STATE OF NEW YORK OR ANY OTHER SOURCE FOR THE PROJECT TO BE EXPENDED TOWARDS THE COST OF THE PROJECT AS INDICATED HEREIN, OR TOWARDS THE REDEMPTION OF ANY OF THE OBLIGATIONS ISSUED THEREFOR, OR TO BE BUDGETED AS AN OFFSET TO THE TAXES FOR PAYMENT OF THE PRINCIPAL OF AND INTEREST ON THE OBLIGATIONS AND MAKING OTHER DETERMINATIONS IN CONNECTION WITH SUCH PROJECT

and;

WHEREAS, the July 24, 2025 Resolution expressed the County's general plan and intention to issue up to \$215,000,000 of serial bonds or other obligations for the financing of the Project; and

WHEREAS, the County Legislature now wishes to amend and clarify the July 24, 2025 Resolution to specifically reiterate and reaffirm such intention and plan of financing, in order to access and potentially utilize highly favorable borrowing arrangements that are to be made available through the New York State Environmental Facilities Corporation;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY AS FOLLOWS:

SECTION A. The County hereby clarifies and amends the July 24, 2025 Resolution as follows:

Section 3 of the July 24, 2025 Resolution is hereby amended by revising such Section to read in its entirety as follows:

The increased maximum estimated cost of the Project is \$215,000,000, the County plans to finance the estimated maximum cost of the Project by the issuance of serial bonds in an aggregate principal amount not to exceed \$215,000,000 of the County hereby authorized to be issued therefor pursuant to the Local Finance Law, and unless paid for from other sources or charges, such cost will be apportioned among the benefitted real properties in the District in accordance with charges based on usage and/or special assessments based on units, assessed value and/or footage, as these or other applicable cost apportionment standards may be specified in the District's Benefit and User Charge formulas (as those currently exist or as they may be amended from time to time in accordance with the County's sewer rents local law and the rules and procedures adopted by the Board of Managers of the District).

SECTION B. Except as set forth herein, the July 24, 2025 Resolution has not been modified, amended or revoked since its adoption. The July 24, 2025 Resolution remains in full force and effect and is hereby ratified, confirmed and approved (as amended and clarified hereby).

SECTION C. This resolution is effective immediately.

The adoption of the foregoing resolution was moved by Legislator _____ and seconded by Legislator _____, before being duly put to a vote on roll call, which resulted as follows:

AYES:

NOES:

ABSENT:

Dated: Buffalo, New York,

_____, 2026

The foregoing resolution was thereupon declared duly adopted.

Mark C. Poloncarz, Esq.
County Executive

_____, 2026.

I, Olivia Owens, HEREBY CERTIFY that the County Executive of Erie County approved a resolution of which the foregoing is a certified copy and returned the same for filing in the office of the Erie County Legislature.

_____, 2026.

Olivia Owens
Clerk of the Erie County Legislature

APPROVED AS TO CONTENT:

By _____
Kevin R. Hardwick, Ph.D.
Erie County Comptroller

APPROVED AS TO FORM:

By _____
Jeremy Toth, Esq.
Erie County Attorney

CERTIFICATE

I, Olivia Owens, Clerk of the Erie County Legislature, State of New York, HEREBY CERTIFY that the foregoing annexed extract from the minutes of a meeting of the Erie County Legislature duly called and held on _____, 2026, has been compared by me with the original minutes as officially recorded in my office in the Minute Book of the County Legislature and is a true, complete and correct copy thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the County on _____, 2026.

Olivia Owens
Clerk of the Erie County Legislature