

ERIE COUNTY SEWER AGENCY REPORT
ERIE COUNTY SEWER DISTRICT (ECSD) NO. 3
INCREASE & IMPROVEMENT OF FACILITIES (2024)

INTRODUCTION

ECSD No. 3 is located in central Erie County (Exhibit A) and provides wastewater collection, conveyance, and treatment services for the Villages of Blasdell, Hamburg and Orchard Park, as well as portions of the Towns of Boston, Eden, Hamburg, Holland, Orchard Park and West Seneca. Services are also provided by ECSD No. 3 to the Mount Vernon Sewer District, the Town of Orchard Park Sewer Districts, the Woodlawn Sewer District, and a limited number of non-residential properties in the Town of Elma.

The original District was created in the early 1960's. In the late 1970's and early 1980's, extensions to the original District known as the Boston Valley, Armor-McKinley and Holland Extensions were formed. In 2003, the District was consolidated to include all previous extensions and the new Blasdell Extension into a single District. The Blasdell extension was added to incorporate the existing Village of Blasdell system as well as the Ford Motor Company stamping plant. In 2005, the District was extended to include the Village of Hamburg sanitary sewer collection system, and in 2007 and 2008, ECSD No. 3 was again extended to include the remaining sewer districts owned by the Town of Hamburg, along with the Village of Orchard Park and the Wanakah Sewer District.

All flows generated within Erie County Sewer District No. 3 (with the exception of a small portion of the Town of West Seneca and the Town of Holland) – as well as out of district customers in the Town of Elma, the Town of Orchard Park, the Mount Vernon Sewer District, and the Woodlawn Sewer District – receive treatment at the Southtowns Advanced Wastewater Treatment Facility (AWTF).

BACKGROUND

The Southtowns AWTF, located at S3690 Lakeshore Road, Hamburg, New York became operational in December 1980. After many years of discussion and negotiations, ECSD No. 3 and the New York State Department of Environmental Conservation (NYSDEC) came to terms on a new State Pollutant Discharge Elimination System (SPDES) Permit for the Southtowns AWTF in late summer of 2012, with an effective date in the fall of 2012. The “Schedule of Compliance” section of this SPDES permit NY0095401 included, amongst other conditions, the following items:

- Total Residual Chlorine (TRC) Study: for more restrictive chlorine residual limitations on both the main outfall and overflow retention facility (ORF).
- Ammonia Study: for new daily maximum ammonia limits on the main outfall.
- Phenolics & Cyanide Study: for new cyanide and phenolics limits on the main outfall.
- No Feasible Alternatives Analysis: addressing the utilization of the onsite ORF.
- Facility Report: to develop a plan to manage peak flows and meet new SPDES permit limitations.

In October 2015, ECSD No. 3 submitted an “Updated Facilities Plan” detailing the proposed Southtowns AWTF improvements. The “Updated Facilities Plan” included in its appendices previously submitted reports for the TRC Study, Ammonia Study, and Phenolics & Cyanide Study. Presently the average daily flows for the Southtowns AWTF are approximately 20 million gallons per day (MGD) with a peak flow rate through the treatment process limited to a maximum of approximately 40 MGD. After completion of the expansion program, the average rated capacity of the Southtowns AWTF is expected to more than double and the peak flow throughput is expected to increase by 37.5%.

In September 2016, the NYSDEC issued a comment letter regarding the “Updated Facilities Plan” submission. The September 2016 NYSDEC comment letter primarily focused on the plant hydraulics and the amount of flow managed during different scenarios. ECSD No. 3 and NYSDEC subsequently met several times to discuss the September 2016 comment letter and address various questions / concerns. In April 2017 the “No Feasible Alternative Analysis” for the Southtowns AWTF was submitted to the NYSDEC, further refining the upgrade plan.

After additional meetings and discussions with the NYSDEC, in September 2019 ECSD No. 3 submitted an “Updated Facility Plan – Summary Letter Report” providing further hydraulic and ammonia analyses and formally amending the October 2015 submission. The amended plan as presented in the “Summary Letter Report” updated the proposed improvements to be implemented, the proposed schedule, and cost estimate.

The phased approach as detailed in the “Updated Facility Plan – Summary Letter Report” is as follows:

Phase 1

- Disinfection and Effluent Pumping Improvements: including ultraviolet (UV) disinfection or chlorination/dechlorination via a new chlorine contact tank and a new effluent pumping station.

- ORF/Outfall Modifications: including replacement of existing outfall diffuser ports, replacement of existing ORF discharge pipe, and construction of onshore hydraulic relief point.

Phase 2

- Aeration/UNOX Expansion: including two (2) new UNOX tanks, new UNOX influent distribution chamber, various modifications to change the flow path and liquid depths in the UNOX system, new UNOX mixers, and general rehabilitation of existing tanks.
- Bioclarifier Upgrades: including four (4) circular or eight (8) new rectangular bioclarifiers and a new distribution chamber.

Phase 3

- Solids Handling Enhancements: new gravity thickener, new thickener distribution chamber, thickener covers, and dewatering improvements.

In February 2020, the NYSDEC issued an approval letter for the “Updated Facilities Plan” as amended via the “Summary Letter Report.” The NYSDEC approval letter included a caveat regarding the dilution factors utilized by the NYSDEC in the 2012 SPDES permit limitation calculations and subsequently incorporated into the analyses completed for the “Updated Facility Plan – Summary Letter Report.” Additionally, the February 2020 NYSDEC approval letter included implementation schedule milestones that were concerning to ECSD No. 3. As a result, technical memorandums titled “Action Levels for Zinc, Copper, and Nickel; at the Southtowns Advanced Wastewater Treatment Facility – FINAL” and “Effect of Reduced Dilution Factor on Cyanide and Phenol in the Treated Effluent at the Southtowns Advanced Wastewater Treatment Facility” were completed to evaluate the impacts associated with the potential dilution factor changes. These memorandums were transmitted via an August 2020 letter that also addressed ECSD No. 3’s concerns regarding the aforementioned implementation schedule.

In a September 2020 response letter, the NYSDEC verified the conclusions in the technical memorandums and corrected/clarified the approved implementation schedule. ECSD No. 3 responded via letter in October 2020 requesting additional consideration on the schedule impacts. In February 2021 the NYSDEC provided a revised schedule.

With NYSDEC final approval and an amended schedule, ECSD No. 3 issued a request for proposals in April 2021 to retain an engineer to implement Phases 1 and 2 in the “Updated Facility Plan – Summary Letter Report”, as well as conduct an additional needs evaluation for other components of the Southtowns

AWTF (including Phase 3). Hereinafter Phase 1, Phase 2, and the additional needs identified will collectively be referred to as the “Southtowns AWTF expansion.” Following receipt of engineering proposals in June 2021 and interviews in August 2021, Arcadis was awarded the Southtowns AWTF expansion engineering work by the Erie County Legislature in October 2021. After finalizing the necessary professional services agreement, a notice to proceed was given to Arcadis in December 2021.

With the commencement of engineering design services, in 2022 ECSD No. 3 initiated the process of an “Increase & Improvement of Facilities” for the Southtowns AWTF expansion. Utilizing estimates developed in the “Updated Facility Plan – Summary Letter Report”, the expansion program costs were estimated to be a total of \$100 million:

- Phase 1 Project: Disinfection Systems, ORF and Outfall Modifications, Effluent Pumping and Hydraulic Improvements: approximately \$25 million
- Phase 2 Project: Bioclarifier and Aeration/UNOX System Improvements: approximately \$45 million
- Additional Needs: “non-regulatory” items including electrical systems, overall backup power generation, equipment replacements, IT infrastructure, physical plant, HVAC, office / laboratory / locker room space, select Phase 3 improvements, and the like: approximately \$30 million

The Sewer Agency Report for the \$100 million Increase & Improvement of Facilities was approved by the ECSD No. 3 Board of Managers on April 6, 2022. The report was subsequently filed with the Erie County Legislature, a public hearing was held on September 22, 2022, and the Legislature subsequently directed that ECSD No. 3 submit an application to the New York State Comptroller's office on December 19, 2022 through an approving resolution. After the New York State Comptroller's office offered its consent to proceed with Increase & Improvement of Facilities on July 6, 2023, the Erie County Legislature approved the Southtowns AWTF expansion bond resolution on July 20, 2023.

During the period in which ECSD No. 3 was obtaining necessary approvals for the Increase & Improvement of Facilities, Arcadis had been proceeding with design of the expansion program. Phase 1 improvements, along with select electrical and backup power generation, were bid in August 2023. Bids were opened on October 12, 2023 and the lowest responsible bid was \$54,961,454.00.

COST OF THE PROJECT

From 2019-2024, costs have increased well above estimates developed in the “Updated Facility Plan – Summary Letter Report” due to major inflationary pressures, material and labor shortages, a saturated

construction market with limited contractor availability, and other factors. Using the actual bid costs received for Phase 1 (including selected electrical / backup power generation improvements identified in the additional needs evaluation) and the Phase 2 estimates at 60% design, the updated cost of the project is \$215 million. Further details are presented below:

Phase 1 Project – Bid	Schedule of Values
Major Element	
Mobilization/Demobilization & General Conditions	\$3,800,000
Erosion Control / Staging Areas / Temporary Lots and Fencing	\$1,000,000
Demolition	\$800,000
New Effluent Submersible Pump Station	\$12,900,000
Chlorine Contact Tank, Auxiliary Pump Station, Dechlorination Facilities	\$10,200,000
Piping / Hydraulic Improvements	\$5,300,000
Outfall Repairs (in lake)	\$2,500,000
Paving Work, Site Utilities, Restoration	\$2,500,000
New electrical substation, plant-wide generator, other electrical improvements	\$14,800,000
Hazardous Materials, Contingencies, Etc.	\$1,200,000
TOTAL	\$55,000,000

Phase 2 Project – 60% Design	Opinion of Probable Cost
Major Element	
Utility Re-location, Excavation, Dewatering, Prep Work	\$25,000,000
Clarifiers, Activated Sludge Pumping Station, and South Tunnel	\$73,000,000
New Aeration (UNOX) Reactors	\$15,000,000
Rehabilitation of Existing Aeration (UNOX) Reactors and Site Work	\$12,000,000
TOTAL	\$125,000,000

Additional Items To Be Considered	Opinion of Probable Cost
Major Element	
Phase 2 Cost Uncertainty (AACE Class 2 Estimate - 20%)	\$25,000,000
Additional Needs: “non-regulatory” items	\$10,000,000
TOTAL	\$35,000,000

FEDERAL AND STATE AID

ECSD No. 3 has and will be actively pursuing Federal and State aid for the Southtowns AWTF expansion. In December 2023, the Phase 1 project was awarded up to \$17 million through the New York State’s Water Infrastructure Improvement Act grant program to cover 25% of net eligible costs (total

eligible costs less any third-party grants). As the grant agreement has not been finalized it is unknown at this time if the full \$17 million of funding will be realized; nevertheless, this grant is expected to provide significant assistance. Additionally, \$12 million of Erie County's American Rescue Plan Act funding was allocated towards the Phase 1 project. Other potential funding sources include the Federal Infrastructure Investment and Jobs Act, Federal Congressionally Directed Spending Requests, the State Water Quality Improvement Project program, and additional funding through the State Water Infrastructure Improvement Act. ECSD No. 3 will be actively pursuing grant funding.

ANNUAL DEBT SERVICE COST

Both the Phase 1 and Phase 2 projects for the Southtowns AWTF expansion are listed on the New York State Environmental Facilities Corporation's (NYSEFC's) Clean Water State Revolving Fund intended use plan under Category B. As of October 1, 2023, both projects have a score of 51. Presently, all projects on the NYSEFC's intended use plan in Category B with a total score of at least 10 points qualify for 50% subsidized financing. The NYSEFC's current subsidized rate is 2.35% (Exhibit B). Using a 2.5% interest rate the annual principal and interest payments would be approximately \$10.3 million for \$215 million borrowed over a 30-year term.

The annual cost impact to the average home in ECSD No. 3 would be \$221 based on \$10.3 million in annual debt costs and 46,600 total equivalent dwelling units serviced by ECSD No. 3 (Exhibit C). Again, this is conservative, assuming no grant funding. Note the entire increase would not occur at one time, but rather over a number of years as determined by the staging of capital projects and during a time period in which existing debt will be retired. That said, the Office of the New York State Comptroller requires projecting cost impact on the ratepayer for the entire Southtowns AWTF expansion exclusive of other existing bond debt either owed or being retired.

For informational purposes, the capital improvements associated with Phases 1 and 2 of the Southtowns AWTF expansion program are expected to be operational by September 2029, meaning the full scope of the borrowing will likely not incur until 2030. ECSD No. 3 expects it will retire approximately \$420,000 in existing annual bond debt payments by that time. A total maximum of \$29 million in outside funds through the Federal American Rescue Plan Act and New York State Water Infrastructure Improvement Act grant program are currently available. These items provide an opportunity to offset the total cost impacts.

CONNECTION FEES

There will be no additional costs to property owners serviced by the ECSD No. 3 for items such as connection charges or fees. The project will benefit properties presently serviced by the existing sewer system, so costs for such items are not applicable. However, the Sewer District's existing charges for connection, inspection, and per unit fees will apply to any new construction.

SEQRA

On December 1, 2022 the County of Erie adopted a negative declaration for the Southtowns AWTF expansion program pursuant to New York's State Environmental Quality Review Act (SEQRA). The scope of the project has not changed from that considered during the 2022 SEQRA review.

SUMMARY

ECSD No. 3 must proceed with the Southtowns AWTF expansion. This project is necessary to satisfy regulatory requirements, replace aging infrastructure, and increase capacity to service ECSD No. 3 for future decades. The estimated cost is \$215 million. \$215 million in improvements would result in annual principal and interest payments of \$10.3 million and without considering mitigating factors the average home in the Sewer District would see an annual increase of approximately \$221. The maximum potential increase would be implemented over time as construction is completed in phases. This conservative analysis assumes no offsetting grant funding.

NEW YORK STATE COMPTROLLER REVIEW

Submittal of a "Part 85 Application for Permission of State Comptroller" is required as the increased cost to the typical property as a result of this "Increase & Improvement of Facilities" exceeds \$63 annually (Exhibit D). The information required in a Part 85 application is included in Exhibit E.

BOARD OF MANAGERS REVIEW

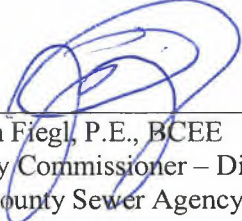
This matter has been discussed with the Board of Managers. On _____, the Board of Managers moved to accept and adopt the Sewer Agency Report and to request the County Legislature approve a Bond authorization for the project in the amount of \$215 million pursuant to Article 5A of New York State County Law. (Exhibit F)

RECOMMENDATION

The recommendations of the Erie County Sewer Agency are that the Legislature should:

1. Accept and adopt this Sewer Agency Report;
2. Adopt necessary resolution calling for a public hearing;
3. Authorize submission of a Part 85 application to the New York State Comptroller's office;
4. Adopt the resolutions necessary for an "Increase & Improvement of Facilities" pursuant to Article 5A of New York State County Law;
5. Approve a Bond Resolution in the amount of \$215 million.

Date: 3/28/24



Joseph Fiegl, P.E., BCEE
Deputy Commissioner – Division of Sewerage Management
Erie County Sewer Agency

David Kaczor, Chairman
Erie County Sewer District No. 3
Board of Managers

Exhibit A

Map of Erie County Sewer District No. 3

Erie County Sewer Districts Map

(not to scale)

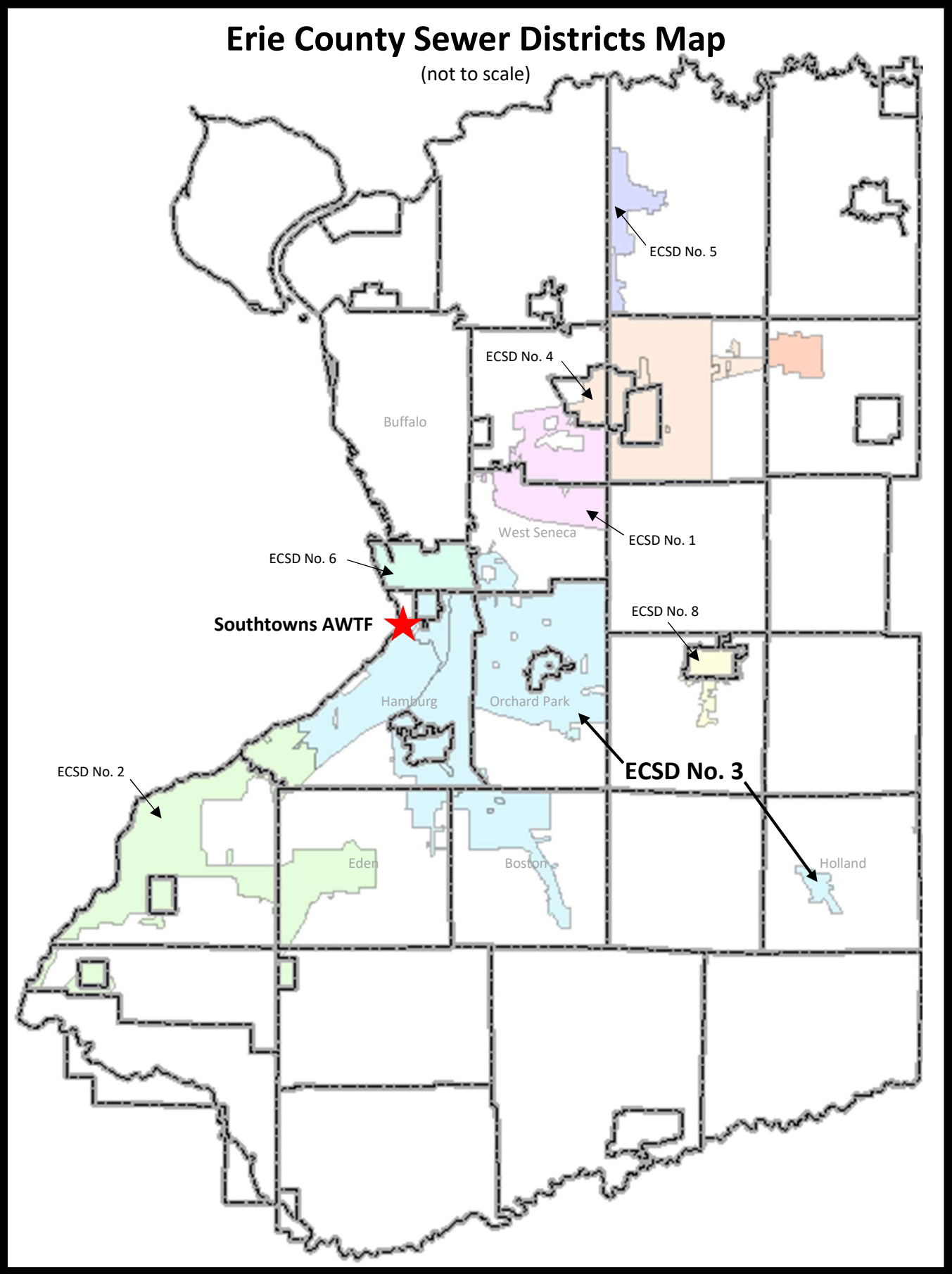


Exhibit B

Borrowing Rate Information

Fiegl, P.E., Joseph L.

From: Moody, Eric (EFC) <Eric.Moody@efc.ny.gov>
Sent: Thursday, February 29, 2024 4:18 PM
To: Fiegl, P.E., Joseph L.
Subject: RE: NYSEFC Interest Rates

[Caution: this email is not from an Erie County employee: attachments or links may not be safe.]

Hi Joe –

There are not standard interest rates. Assuming non-hardship financing, below are rates from the 2023C bond pool that closed this past December, for reference:

True Interest Cost – Long-Term Market-Rate Financing = 4.70%
Clean Water Subsidized Financing Rate = 2.35%

The caveat here is that “these rates are just a guide and in no way reflect what the actual interest rate would be based on the project below. Market conditions at the time of the long-term closing will dictate rates”.

Note I’m out of the office next week. For the requested meeting, can you send me a few dates/times for later that week, and the following?

Hope this is helpful.

Eric

From: Fiegl, P.E., Joseph L. <Joseph.Fiegl@erie.gov>
Sent: Monday, February 26, 2024 1:54 PM
To: Moody, Eric (EFC) <Eric.Moody@efc.ny.gov>
Subject: NYSEFC Interest Rates

You don't often get email from joseph.fiegl@erie.gov. [Learn why this is important](#)

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Good afternoon Eric,

I am presently putting together information to request an increase in the bond authorization available for the Southtowns AWTF expansion project. To identify the potential impact to the typical ratepayer, we need to calculate the annual debt service payments. Would you please provide me the current long-term (30-year) market and CWSRF subsidized rates?

Thank you for your help.

-Joe

Joseph Fiegl, P.E., BCEE | Deputy Commissioner

Exhibit C

Equivalent Dwelling Unit Information

Total Equivalent Dwelling Units (Based on 2023 Information)

	Unit Charge	Equivalent Units (Flow)	Total Equivalent Dwelling Units	Notes
3 ARMOR-MCKINLEY	1,658	225	1,883	Tax Roll
3 BOSTON VALLEY	3,310	87	3,397	Tax Roll
3 HOLLAND	448	47	495	Tax Roll
3 ORIGINAL	31,295	3,564	34,859	Tax Roll
ELMA O/D 42800	5	58	63	Tax Roll
MT VERNON / HAMBURG	1,092	0	1,092	Direct Bill
ORCHARD PARK TD	1,030	0	1,030	Direct Bill
STEUBEN FOODS	0	2,913	2,913	Direct Bill
WEST SENECA TD #12	525	0	525	Direct Bill
WOODLAWN CD	385	0	385	Direct Bill
TOTAL	39,748	6,893	46,641	

Exhibit D

New York State Office of the Comptroller

Average Estimated Costs for County and Town Special Improvement Districts

January 1, 2022 Through December 31, 2022

AVERAGE ESTIMATED COSTS FOR COUNTY AND TOWN SPECIAL IMPROVEMENT DISTRICTS

(EFFECTIVE FOR PROCEEDINGS FOR WHICH A NOTICE OF HEARING IS PUBLISHED FROM JANUARY 1, 2024 THROUGH DECEMBER 31, 2024)

An application for permission of the State Comptroller for counties and towns to establish, extend or increase the maximum amount to be expended in county or town improvement districts, to authorize or increase the maximum amount to be expended for a town improvement, or for the increase and improvement of facilities in a county improvement district is required if debt is proposed to be issued by a county or town and the "cost of the district or extension" to the "typical property" or, if different, the "typical one- or two-family home" as stated in the notice of hearing, is above the average estimated cost thresholds listed below.¹

"Costs" include amounts required to be paid for debt service, operation and maintenance and other charges, including user fees, related to the improvement in the first year following formation of the district or extension, or the increase and improvement of facilities in counties (or, if greater, the first year in which both principal and interest and operation and maintenance will be paid). To ensure accurate calculations of estimated costs, counties and towns should not assume the receipt of federal or state aid in the absence of firm commitments from the appropriate agency. In addition, estimated borrowing costs should be based on the proposed maturity of the obligations and interest rate assumptions derived from current market conditions or a letter of commitment. Charges imposed by other governmental entities, such as public authorities or other municipalities, should also be included in the computation. Costs, for this purpose, do not include hook-up fees.

TOWN DISTRICTS

The following average estimated costs apply to town special district establishments, extensions or increases in the maximum amount to be expended.²

Sewer	\$656
Water	\$1,083

¹ For those proceedings that are subject to a permissive referendum requirement, the Comptroller's Office will accept the filing of an application prior to the expiration of the time for filing a petition requesting a referendum or, if a petition is filed, the vote on the proposition. However, no approval order will be granted until after the completion of all such requirements.

² The application for permission of the State Comptroller, if required in the case of an increase in the maximum amount to be expended, may be given only after a public hearing and, in the case of Article 12-A districts, permissive referendum requirements are met.

COUNTY DISTRICT INCREASES AND IMPROVEMENTS

The following average estimated cost applies to county special district increases and improvements of facilities. Please note that this figure represents only the increased cost to the typical property as a result of the increase and improvement.

Sewer \$ 63

OTHER DISTRICTS

For county water and sewer establishments, county water increases and improvements and all other types of districts, there was insufficient data to calculate meaningful average estimated costs. Therefore, any type of district not listed above will be subject to applicable requirements for obtaining the Comptroller's approval, irrespective of the cost to the typical property or home, if debt is proposed to be issued to finance the improvement.

Note that proceedings under Town Law § 202-b to, among other things, repair, improve or replace facilities within an existing town district do not require the Comptroller's consent, except in certain cases within the Adirondack Park (see Town Law § 202-b[5] and Local Finance Law § 104.10[3]).

Exhibit E

Information Required for Part 85 Application

(original: March 2024; last update: N/A)

§ 85.4 Information required in application

§ 85.4 (a) all documents and information required to be included by the provisions of the Town Law or the County Law pursuant to which the application is being made;

County of Erie response:

Erie County Sewer District (ECSD) No. 3 was created by the Board of Supervisors for the County of Erie on April 9, 1963. The resolution references Article 5-B of New York State County Law; however, present day Article 5-A of New York State County Law (County Water, Sewer, Drainage and Refuse Districts) was derived from former Articles 5-A, 5-B, and 5-C which were repealed in 1963. ECSD No. 3 operates pursuant to Article 5-A of New York State County Law.

All documents and information required for this application are included in this exhibit and Exhibit E-1.

§ 85.4 (b) a description of the proposed improvements;

County of Erie response:

The proposed improvements for the Southtowns Advanced Wastewater Treatment Facility (AWTF) expansion in ECSD No. 3 include the following:

- **Phase 1: Disinfection Systems, Overflow Retention Facility (ORF) and Outfall Modifications, Effluent Pumping and Hydraulic Improvements, select electrical / backup power generation improvements identified in the additional needs evaluation**
- **Phase 2: Bioclarifier and Aeration/UNOX System Improvements**
- **Additional Needs: “non-regulatory” items including electrical systems, equipment replacements, IT infrastructure, physical plant, HVAC, office / laboratory / locker room space, select solids handling improvements, and the like**

The above improvements are referred to as the “Southtowns AWTF expansion.” Additional details regarding the proposed improvements are provided in other portions of the “Erie County Sewer Agency Report, Erie County Sewer District No. 3, Increase & Improvement of Facilities (2024)” (hereinafter referred to as “Increase & Improvement of Facilities”) and in the subsequent responses within this application.

§ 85.4 (c) a statement setting forth the maximum cost of the proposed improvements. If an application is for the approval of an increase of maximum amount, a statement of the original maximum amount, the amount of the increase, and the circumstances which have made the increase necessary;

County of Erie response:

This application is for the approval of an increase of the maximum amount. The original maximum amount as approved by the Office of the State Comptroller on July 6, 2023 was \$100 million. This \$100 million estimate was based on estimates provided in a “Updated Facility Plan” developed in 2019.

During the period in which ECSD No. 3 was obtaining necessary approvals, design of the expansion program proceeded. Phase 1 of the project was bid in August 2023 and in December 2023 an updated cost estimate for Phase 2 was provided at the 60% design stage. From 2019-2024 costs have increased well above initial estimates. Using the actual bid costs received for Phase 1

(including selected electrical / backup power generation improvements identified in the additional needs evaluation) and the updated Phase 2 estimates, the cost of the project is now approximately \$215 million. The \$115 million increase is due to major inflationary pressures, material and labor shortages, a saturated construction market with limited contractor availability, and other factors.

Further details on the current cost estimate are presented below:

Phase 1 Project – Bid	Schedule of Values
Major Element	
Mobilization/Demobilization & General Conditions	\$3,800,000
Erosion Control / Staging Areas / Temporary Lots and Fencing	\$1,000,000
Demolition	\$800,000
New Effluent Submersible Pump Station	\$12,900,000
Chlorine Contact Tank, Auxiliary Pump Station, Dechlorination Facilities	\$10,200,000
Piping / Hydraulic Improvements	\$5,300,000
Outfall Repairs (in lake)	\$2,500,000
Paving Work, Site Utilities, Restoration	\$2,500,000
New electrical substation, plant-wide generator, other electrical improvements	\$14,800,000
Hazardous Materials, Contingencies, Etc.	\$1,200,000
TOTAL	\$55,000,000

Phase 2 Project – 60% Design	Opinion of Probable Cost
Major Element	
Utility Re-location, Excavation, Dewatering, Prep Work	\$25,000,000
Clarifiers, Activated Sludge Pumping Station, and South Tunnel	\$73,000,000
New Aeration (UNOX) Reactors	\$15,000,000
Rehabilitation of Existing Aeration (UNOX) Reactors and Site Work	\$12,000,000
TOTAL	\$125,000,000

Additional Items To Be Considered	Opinion of Probable Cost
Major Element	
Phase 2 Cost Uncertainty (AACE Class 2 Estimate - 20%)	\$25,000,000
Additional Needs: “non-regulatory” items	\$10,000,000
TOTAL	\$35,000,000

§ 85.4 (d) a statement explaining the factors which the governing board considered in making its determination that the proposed improvements are in the public interest. These factors should demonstrate a basis for the board's determinations that the proposed improvements are necessary, convenient or desirable and, if the cost of the improvements is to be assessed in whole or part against benefited property, that all property upon which the assessments are to be imposed will be benefited by the improvements and that no benefited property has been excluded;

County of Erie response:

ECSD No. 3 includes portions of the Towns of Boston, Eden, Hamburg, Holland, Orchard Park, and West Seneca, the Villages of Blasdell, Hamburg and Orchard Park, provides service to the Mount Vernon Sewer District, the Town of Orchard Park Sewer Districts, and the Woodlawn Sewer District, as well as a limited number of commercial / industrial customers in the Town of Elma. The Erie County Legislature has previously determined all properties in ECSD No. 3 are benefited by the services provided by the sewer district. No benefited property will be excluded.

The Southtowns AWTF is the largest facility in ECSD No. 3 and has been integral for the protection of public health, for the protection of the environment, and to support the local community / economy since it went online in December 1980. ECSD No. 3 must proceed with the Southtowns AWTF expansion. This project is necessary to satisfy regulatory requirements, replace aging infrastructure, and increase capacity to service ECSD No. 3 for future decades. An expansion of this type was contemplated when planning documents for the Southtowns AWTF were developed in the 1970s. The proposed improvements are in the public interest.

Specific to the regulatory requirements, ECSD No. 3 is adhering to schedule milestone dates set forth by the New York State Department of Environmental Conservation (NYSDEC), established in February 2021 as enforceable under State Pollutant Discharge Elimination System (SPDES) Permit NY0095401:

Phase I: Disinfection, Effluent Pumping, ORF, and Outfall Modifications

Design Complete: March 1, 2023

Construction Complete: September 1, 2025

Phase II: Aeration/UNOX and Bioclarifiers

Design Complete: March 1, 2025

Bioclarifiers Construction Complete: September 1, 2027

Aeration Construction Complete: September 1, 2029

§ 85.4 (e) a statement describing the proposed manner of financing the cost of the improvements. This statement shall set forth: (1) the anticipated amount, type, term, and interest rate of the proposed town or county indebtedness, together with a statement that the proposed financing is reasonable under current market conditions or is being made available under a State or Federal loan program; and (2) a description of the amount and type of State or Federal aid, if any, together with written documentation from the appropriate State or Federal agency confirming that such aid has been committed. If the town or county's determination that the proposed financing is reasonable is based on the opinion of the town or county's financial advisor, a copy of such opinion should accompany the application;

County of Erie response:

Both the Phase 1 and Phase 2 projects for the Southtowns AWTF expansion are listed on the New York State Environmental Facilities Corporation's (NYSEFC's) Clean Water State Revolving Fund intended use plan (IUP) under Category B. The current IUP, dated October 1, 2023, assigns both projects a score of 51. The IUP further notes that all projects in Category B with a total score of at least 10 points qualify for 50% subsidized financing. The NYSEFC's current subsidized rate is 2.35% for a 30-year borrowing. In summary, the anticipated amount for this "Increase & Improvement of Facilities" is \$215 million, the type of financing is through the Clean Water State Revolving Fund, the term is 30-years, and the interest rate being made available under the State / Federal loan program is 2.35%.

ECSD No. 3 has and will be actively pursuing Federal and State aid for the Southtowns AWTF expansion. Already \$12 million of funding has been obligated by the County of Erie through the Federal American Rescue Plan Act. In December 2023, the Phase 1 project was awarded up to \$17 million through the New York State's Water Infrastructure Improvement Act grant program to cover 25% of net eligible costs (total eligible costs less any third-party grants). As the grant agreement has not been finalized it is unknown at this time if the full \$17 million of funding will be realized; nevertheless, this grant is expected to provide significant assistance. Other potential funding sources include the Federal Infrastructure Investment and Jobs Act, Federal Congressionally Directed Spending Requests, the State Water Quality Improvement Project program, and additional funding through the State Water Infrastructure Improvement Act. ECSD No. 3 will be actively pursuing additional grant funding.

All projections have been prepared with a conservative assumption that no Federal or State aid, including the existing commitments of American Rescue Plan Act will and Water Infrastructure Improvement Act funding, will be realized. Should ECSD No. 3 secure grant funding at a later date, said monies would lower the annual debt service cost of the project. Therefore, this analysis presents a "worst case" scenario.

§ 85.4 (f) an estimate of the cost of operating and maintaining the proposed improvements, including the basis or source of such estimate;

County of Erie response:

When performing engineering analyses in the planning stage for the Southtowns AWTF expansion, life-cycle cost evaluations were performed considering operation/maintenance (O&M costs. For the most part, components of the Southtowns AWTF expansion are augmenting or replacing existing facilities with new, upgraded, more modern installations. The expansion of the secondary treatment process will increase some electrical loads; conversely more efficient operations will be implemented. The proposed dechlorination system to be added as part of Phase 1 is a completely new process. It is estimated the O&M costs for the dechlorination equipment and chemicals will be \$92,000 annually (based on "The Erie County Sewer District No. 3 Southtowns Advanced Wastewater Treatment Facility Effluent Disinfection Evaluation" (AECOM, September 2021)).

The 2024 budget for ECSD No. 3 is \$27,705,960, of which \$25,501,960 is associated with O&M (92%) and \$2,204,000 is associated with debt service (8%). Using 2024 ECSD No. 3 rates, the typical property (single family home) based on one (1) flat usage charge at \$275/unit, 100 feet at \$1.00 / foot of property footage, and a full market (equalized) value of \$317,800 at \$0.492345 per \$1,000 assessed valuation (combined assessed valuation rate at 100% equalization) pays approximately \$531.47. As there is not a single charge in ECSD No. 3's charge formula that is used solely to spread the cost of O&M, a percentage is applied to estimate how much the typical property currently pays for O&M (please see the County of Erie response for Item §85.4 (g) for further details). Using the proportion of the budget allocated to O&M expenses, the current cost of O&M to the typical property is approximately \$489 annually. An extra \$92,000 in O&M expenses would add approximately \$1.75 to the typical property on a proportional basis. Therefore, the total O&M a typical property would pay as a result of the proposed improvements would be approximately \$490.75 (\$489 + \$1.75).

§ 85.4 (g) a statement detailing the manner in which it is proposed to raise the costs of debt service and operation and maintenance. If assessments are to be made on a benefit basis, a description of the proposed benefit formula must be included. If user charges are to be imposed in connection with the improvements, an estimate of the amount of such charges and the basis on which they are to be computed;

County of Erie response:

The manner in which it is proposed to raise the costs of debt service associated with this “Increase & Improvement of Facilities” would be through adjustment of the rates charged as part of ECSD No. 3’s existing benefit/charge formula. The existing formula includes a flat unit usage charge levied on any parcel connected to the sanitary sewer system. The basis of this charge is a single-family property (Property Class 210), which is charged one (1) unit. Two family properties (Property Class 220) are charged two (2) units, three-family properties (Property Class 230) are charged three (3) units, and so on. The second is a footage charge levied on any parcel with access to a sanitary sewer. The footage quantity is based on the property dimensions (in most instances, property frontage) and is capped at 150-feet for single-family residential properties. The third charge is assessed valuation applied to any property within the sewer district. There are two (2) separate assessed valuation charges and both are applied to all parcels in the district, except in the limited circumstances where a parcel is classified as a Roll Section 8 property. Specific user charges (flow, biochemical oxygen demand, suspended solids, phosphorous) are levied on non-residential parcels with high volume and/or high strength wastewaters exceeding certain thresholds (for example – a concentration of 5 milligrams per liter of phosphorus). The typical property (single family home) in Erie County Sewer District No. 3 is not subject to biochemical oxygen demand, suspended solids, phosphorus, or flow (water use) charges.

ECSD No. 3’s 3-part formula does not spread the cost of debt service onto specific charges. As part of the annual budget process, all O&M, debt service, and similar costs are estimated. Various revenues are similarly estimated as part of the annual budget process such as interest earned, connection fees, contractual, and fund balances. The difference between the estimated expenses and these revenues is the amount that must be raised from ratepayers to fully fund the needs of the district.

In alignment with Article 5-A of New York State County Law, a multi-component formula is used to fairly assess these costs to ratepayers in proportion as nearly as may be to the benefit in which each lot and parcel may receive, considering the numerous types of properties residing in the sewer district. The formula includes the aforementioned charges:

- A flat unit usage charge levied on any parcel connected to the sanitary sewer system.
- A footage charge levied on any parcel with access to a sanitary sewer.
- Assessed valuation charges applied to any property within the sewer district. “C- Assessed Value” includes all properties listed in the ECSD No. 3 tax roll; “M- Assessed Value” is the same except it does not include a limited number of properties that are exempt pursuant to New York State Real Property Services Roll Section 8.

The ECSD No. 3 Board of Managers annually approves a budget with the various revenues and expenses set. The Board of Managers considers the benefit received by the various lots and parcels in the District and the associated cost impacts when setting the rates for these charges. After approval by the Board of Managers, a public hearing on the assessment rolls is held annually pursuant to Article 5-A of New York State County Law to hear and consider any objections. Ultimately the rolls and budget are approved by the Erie County Legislature.

As noted in the County of Erie response for Item §85.4 (f), approximately 8% of the 2024 budget for ECSD No. 3 is associated with debt service and the typical property (single family home) pays approximately \$531.47. As there is not a single charge in ECSD No. 3's charge formula that is used solely to spread the cost of debt service, a percentage is applied to estimate how much the typical property currently pays for debt service. Using the proportion of the budget allocated to debt service expenses, the current cost of debt service to the typical property is approximately \$42.50 annually. Borrowing the full \$215 million proposed for this "Increase & Improvement of Facilities" through the NYSEFC's Clean Water State Revolving Fund, using an interest rate of 2.5% and a 30-year term equates to annual principal and interest payments of approximately \$10.3 million. The annual cost impact on the typical property (single family home) in ECSD No. 3 would be \$221 based on 46,600 total equivalent dwelling units serviced by ECSD No. 3. Equivalent dwelling units are used for this calculation to account for water usage from non-residential properties, contractual charges, and similar revenues – allowing for an accurate representation of the potential impact to a typical property. The total debt service a typical property would pay as a result of the proposed improvements would be approximately \$263.50 (\$42.50 + \$221). Note this amount does not include any retirement of debt and assumes no Federal or State aid.

Creation of new user charges to be imposed in connection with the improvements is not contemplated. It is the intention of the County of Erie to apply the rate increases made in connection with these improvements using the existing sewer charge methodology for Erie County Sewer District No. 3. These rate increases are anticipated to be the same throughout the entire district, with proper adjustments for equalization and other factors.

§ 85.4 (h) if an application is for permission to establish or extend a district or for an increase in the maximum amount to be expended in a district or an extension, a statement of the aggregate assessed valuation of the taxable real property in the proposed district or extension, as shown on the latest completed assessment roll;

County of Erie response:

The aggregate assessed valuation of the taxable real property in ECSD No. 3, based on data in the latest completed assessment roll, is \$4,487,178,203.

§ 85.4 (i) if an application is for permission to provide an improvement under section 54 or 209-q of the Town Law or to increase the maximum amount to be expended for such an improvement: (1) if all or part of the cost is to be assessed against a benefited area, a statement of the aggregate assessed valuation of the taxable real property in the proposed benefited area, as shown on the latest completed assessment roll of the town; or (2) if all or part of the cost is to be assessed against the area of the town outside of any villages, a statement of the aggregate assessed valuation of the taxable real property in that area, as shown on the latest completed assessment roll of the town;

County of Erie response:

This item is not applicable to a County special district.

§ 85.4 (j) if an application is made pursuant to section 258, 268, 269, 280-i, 280-t, 299-o or 299-r of the County Law and it is proposed to establish two or more zones of assessment within a county district, a statement of the allocation of costs of the proposed improvements between the zones of assessment and the factors the governing board considered in making such allocation;

County of Erie response:

Establishment of new zones of assessment is not proposed as part of this action.

§ 85.4 (k) a statement of the average full valuation of the taxable real property of the town or county making the application computed pursuant to the first paragraph of subdivision seven-a of section 2.00 of the Local Finance Law;

County of Erie response:

The average full valuation of all taxable real estate in ECSD No. 3 from the last completed and four preceding assessment rolls (2023, 2022, 2021, 2020, and 2019) is as follows:

2023 assessment rolls (2024 tax billing): \$13,076,387,805

2022 assessment rolls: \$11,304,412,555

2021 assessment rolls: \$10,149,767,069

2020 assessment rolls: \$9,354,532,901

2019 assessment rolls: \$8,868,899,176

Average (2019-23): \$10,550,799,901

The average full valuation of all taxable real estate in the County of Erie from the last completed and four preceding assessment rolls (2023, 2022, 2021, 2020, and 2019) is as follows:

2023 assessment rolls (2024 tax billing): \$97,157,289,370

2022 assessment rolls: \$83,955,196,847

2021 assessment rolls: \$74,148,294,674

2020 assessment rolls: \$70,645,602,048

2019 assessment rolls: \$64,771,315,474

Average (2019-23): \$78,135,539,683

§ 85.4 (l) an itemized statement of the outstanding, and authorized but unissued, indebtedness as of the date of the application for all town purposes, if the applicant is a town, and for all county purposes, if the applicant is a county;

County of Erie response:

Please see the County of Erie response to Item § 85.4 (n).

§ 85.4 (m) a statement of all appropriations made during the current fiscal year for repayment of debt principal, the amount of any State or Federal aid available for the payment of debt principal, and the amount of all debt which is excludable for purposes of computing the town or county's debt limit under article VIII of the New York State Constitution;

County of Erie response:

Please see the County of Erie response to Item § 85.4 (n).

§ 85.4 (n) In lieu of the statements required by subdivisions l and m, the town or county may submit a debt statement prepared, as of the date of the Application, in the manner prescribed in title 10 of article 2 of the Local Finance Law;

County of Erie response:

In lieu of the statements required for subdivisions l and m, a debt statement prepared by the Erie County Comptroller's office is enclosed in Exhibit E-1.

§ 85.4 (o) the current tax rates and assessments applicable to the taxable real property which will bear the cost of the proposed improvement itemized for: (1) county; (2) town, including highway; (3) school; (4) fire; (5) any other purpose, with each such purpose being listed individually. Ad valorem rates should be separately listed per \$1,000 of assessed valuation. In the case of benefit assessments, the estimated cost to a typical property should be included;

County of Erie response:

ECSD No. 3 services portions of the Towns of Boston, Eden, Hamburg, Holland, Orchard Park, and West Seneca, as well as the Villages of Blasdell, Hamburg and Orchard Park. The equalized County tax rate will be the same for all parcels in ECSD No. 3. The Town tax rate, including highway, will vary from town to town. School, fire, and other special purpose taxes will vary depending on the districts / special districts individual properties are in.

Utilizing the portion of the County website that details all tax rates within the County

([https://www3.erie.gov/ecrpts/sites/www3.erie.gov/ecrpts/files/2023-](https://www3.erie.gov/ecrpts/sites/www3.erie.gov/ecrpts/files/2023-08/annual_report_book_2023_final.pdf)

08/annual_report_book_2023_final.pdf), the following additional details are presented on ad valorem based assessments within the six (6) towns partially within Erie County Sewer District No. 3 for 2023. Note the specific tax rates applied will vary depending on the location of the property in relation to the bounds of the local special districts. All rates are per \$1,000 of property valuation:

- **Town of Boston (Equalization Rate: 59.5%)**
 - **County Library Tax Rate: \$0.516120**
 - **County Service Tax Rate: \$5.664206**
 - **General Fund Town Rate: \$0.280665**
 - **Highway Fund Town Rate: \$1.456246**
 - **School District Tax Rate**
 - **Eden Central School District (CSD): \$22.345127**
 - **Hamburg CSD: \$22.695945**
 - **Orchard Park CSD: \$22.003871**
 - **Springville-Griffith Institute CSD: \$21.906540**
 - **Fire District (FD) Tax Rate**
 - **Boston FD: \$1.317298**
 - **North Boston FD: \$1.317298**
 - **Patchin FD: \$1.317298**
 - **Any other purpose (outside of sewer)**
 - **Light District: \$0.057608**
 - **Ambulance District Tax Rate: \$0.166277**
 - **Water District Tax Rate**
 - **Boston Water District 1 (combined): \$0.391549**
 - **Boston Water District 1 (Ext 1): \$0.630636**
 - **Boston Water District 2 (Ext 2 w/o Service): \$0.000500**
 - **Boston Water District 2 (Ext 2 w/Service): \$1.050000**

- **Town of Eden (Equalization Rate: 41%)**
 - **County Library Tax Rate: \$0.737716**
 - **County Service Tax Rate: \$8.118370**
 - **General Fund Town Rate: \$2.778423**
 - **Highway Fund Town Rate: \$3.984006**
 - **School District Tax Rate**
 - **Eden CSD: \$32.060400**
 - **Frontier CSD: \$24.849172**
 - **Hamburg CSD: \$32.563747**
 - **Fire District Tax Rate**
 - **Eden FD: \$1.291757**
 - **Any other purpose (outside of sewer)**
 - **Lighting Townwide Tax Rate: \$0.184107**
 - **Consolidated Water District: \$2.115817**

- **Town of Hamburg (Equalization Rate: 32%)**
 - **County Library Tax Rate: \$0.915322**
 - **County Service Tax Rate: \$10.080826**
 - **General Fund Town Rate: \$8.131817**
 - **Highway Fund Town Rate: \$3.307480**
 - **School District Tax Rate**
 - **Frontier CSD: \$30.885462**
 - **Hamburg CSD: \$40.484659**
 - **Orchard Park CSD: \$39.250147**
 - **West Seneca CSD: \$37.599378**
 - **Fire District Tax Rate**
 - **Armor FD: \$2.887333**
 - **Big Tree FD: \$1.889176**
 - **Hamburg FD: \$1.425967**
 - **Lakeshore FD: \$1.697802**
 - **Lakeview FD: \$2.680214**
 - **Newton-Abbott FD: \$2.539931**
 - **Scranton FD: \$2.795986**
 - **Woodlawn FD: \$6.685107**
 - **Any other purpose (outside of sewer)**
 - **Village Tax Rates**
 - **Village of Blasdell: \$5.199163**
 - **Village of Hamburg: \$5.199163**
 - **Town Street Lights Tax Rate: \$0.745859**
 - **Water District Tax Rate**
 - **Town Hydrant: \$0.225908**
 - **Town Wide Water: \$0.000285**
 - **Wanakah Water 1: \$0.212232**
 - **Wanakah Water 2: \$0.073695**

- **Town of Holland (Equalization Rate: 60%)**
 - **County Library Tax Rate: \$0.529386**
 - **County Service Tax Rate: \$5.865605**
 - **General Fund Town Rate: \$2.268297**
 - **Highway Fund Town Rate: \$4.094758**

- **School District Tax Rate**
 - **Holland CSD: \$16.826323**
- **Fire District Tax Rate**
 - **Holland FD: \$2.091737**
- **Any other purpose (outside of sewer)**
 - **Lighting District 1 Tax Rate: \$0.182890**
- **Town of Orchard Park (Equalization Rate: 34%)**
 - **County Library Tax Rate: \$0.862655**
 - **County Service Tax rate: \$9.438264**
 - **General Fund Town Rate: \$4.590192**
 - **Highway Fund Town Rate: \$3.306511**
 - **School District Tax Rate**
 - **Hamburg CSD: \$38.408522**
 - **Orchard Park CSD: \$37.237319**
 - **West Seneca CSD: \$35.671205**
 - **Fire District Tax Rate**
 - **Town FD: \$ 2.391390**
 - **Any other purpose (outside of sewer)**
 - **Village Tax Rates**
 - **Village of Orchard Park General Fund: \$8.040724**
 - **Village of Orchard Park Highway Fund: \$0.004241**
 - **Consolidated Light District Tax Rate: \$0.203785**
 - **Water District Tax Rate:**
 - **District 1 (combined): \$0.685313**
 - **District 1 Exm: \$ 0.122716**
 - **District 2 (combined): \$0.669962**
 - **District 3 (combined): \$0.77057**
 - **District 3 Ex 1 (combined): \$0.505377**
 - **District 3 Ex 2 (combined): \$0.779362**
 - **District 3 Ex 3 (combined): \$0.553569**
 - **District 4 (combined): \$0.507327**
 - **District 4 Exm (combined): \$0.507327**
 - **District 4 Ex 1 (combined): \$0.463629**
 - **District 6 (combined): \$0.653337**
 - **District 6 Exm (combined): \$0.653337**
 - **District 6 Ex 1: \$2.420925**
 - **District 6 Ex 2 (combined): \$0.703836**
 - **District 6 Ex 3 (combined): \$0.803404**
 - **District 6 Ex 4 (combined): \$ 0.424210**
 - **District 6 Ex 5 (combined): \$0.518944**
 - **District 6 Ex 6: \$4.788732**
 - **District 7 (combined): \$0.708819**
 - **District 8 (combined): \$0.481021**
 - **District 8 Exm: \$0.114342**
 - **District 8 Ext 1 (combined): \$0.571104**
 - **District 8 Ext 2 (combined): \$0.462237**
 - **District 8 Ext 3: \$0.074774**
 - **District 8 Ext 4: \$0.743826**

- District 9 (combined): \$0.467369
- District 9 Ext 1 (combined): \$0.58409
- District 9 Ext 2 (combined): \$0.587211
- District 9 Ext 3 (combined): \$0.513628
- District 9 Ext 4 (combined): \$0.602595
- District 10 (combined): \$0.69651
- District 10 Expt (combined): \$0.69651
- District 11 (combined): \$0.653608
- District 12 (combined): \$0.798915
- District 13 (combined): \$0.663909
- District 13 Ex 1 (combined): \$0.643003
- District 14 (combined): \$0.643947
- District 15 (combined): \$0.483673
- District 15 Ci (combined): \$ 0.483673
- District 15 Exm (combined): \$0.483673
- District 17 (combined): \$0.620563
- District 17 Exm (combined): \$0.620563
- District 17-1 (combined): \$0.571503
- District 17-2 (combined): \$0.750739
- District 17-3 (combined): \$1.277851
- District 18 (combined): \$0.663376
- District 20 Brenner (combined): \$0.201484
- District 21 (combined): \$0.956976
- Hydrant 1 Berg Rd: \$0.156855
- Hydrant 1 Melberry: \$0.266928
- Hydrant 2 Burmon Dr: \$0.333560
- Hydrant 3 Lake Ave2: \$ 0.155035
- Hydrant 4 Hazel Ct: \$0.234334
- Hydrant 5 Bielak Rd: \$0.268545
- Hydrant 6 Iroquois: \$0.289877
- Hydrant 7 Bieler Rd: \$0.119183
- Hydrant 8 Sum-Windn: \$0.391186

- Town of West Seneca (Equalization Rate: 26%)
 - County Library Tax Rate: \$1.139880
 - County Service Tax Rate: \$12.579605
 - General Fund Town Rate: \$13.961023
 - Highway Fund Town Rate: \$7.927213
 - School District Tax Rate
 - Orchard Park CSD: \$48.408515
 - West Seneca CSD: \$46.372566
 - Fire District Tax Rate
 - Reserve FD: \$1.728069
 - Seneca Hose FD: \$5.096943

§ 85.4 (p) a statement of the assessed value of a typical property;

County of Erie response:

Using Real Property System (RPS) software, all single-family properties within the various areas of ECSD No. 3 were identified, along with their assessed valuation. Those assessed valuations were equalized based on their town location to determine the full market values. The total number of single-family properties was totaled, as was the sum of the assessed valuations and full market values. Using these data, the assessed value of the typical property (single family home) in ECSD No. 3 is approximately \$109,400 and the full market (equalized) value is approximately \$317,800.

§ 85.4 (q) a statement setting forth the amount that it is estimated that the owner of a typical property and, if different, a typical one- or two-family home will be required to pay in the first year following approval of the application, if granted, for debt service, operation and maintenance and other charges, such as user charges or hook-up fees, related to the proposed improvements, together with an explanation of how such costs have been computed;

County of Erie response:

Notice to Proceed for construction of the Phase 1 project was issued in December 2023. Considering the overall cost of the project and available funding, it is estimated \$33 million will be borrowed in mid-2024 as short-term market rate financing (SMRF) through NYSEFC. SMRF through the NYSEFC requires the County of Erie to pay interest costs and per the NYSEFC, the interest rate on 3/14/24 was 3.20%. A rate of 3.5% will be used for this analysis. \$33 million at 3.5% equates to approximately \$1.2 million for debt costs to be paid in the 2025 budget year. As a result, the amount that the owner of a typical property (single family home) in ECSD No. 3 will be required to pay in the first year following approval of the application is estimated to be \$25.75 based on 46,600 total equivalent dwelling units serviced by ECSD No. 3. Per the County of Erie response for Item § 85.4(f), the project will result in additional O&M expenses related to the dechlorination system of approximately \$1.75 annually to the typical property on a proportional basis. While the dechlorination system will not be operational the entire year, it is conservatively assumed that the full amount of these costs will be required in 2025 as well. Therefore, the owner of a typical property (single family home) in ECSD No. 3 will be required to pay \$27.50 in the first year following approval of the application, if granted, for charges related to the proposed improvements.

§ 85.4 (r) a statement setting forth the maximum amount any real property owner will be required to pay in the first year following approval of an application, if granted, for debt service, operation and maintenance and other charges related to the proposed improvements, together with an explanation of how such costs have been computed;

County of Erie response:

Based on 2024 tax rolls, the property within the district that currently pays the highest amount for ECSD No. 3 services is located at Section-Block-Lot (SBL) 159.00-2-1.1. The type of use is "Property Class 710 Manufacture" and the assessed value is \$10,197,561. Applying all ECSD No. 3 charges, including those applied to non-residential properties for higher strength or higher volumes of wastes discharged, the current amount paid by SBL 159.00-2-1.1 for ECSD No. 3 services is \$75,019.74.

The 2024 budget for ECSD No. 3 is \$27,705,960. Per the County of Erie response for Item § 85.4(f) and additional \$92,000 in O&M costs will be realized due to the project. Per the County of Erie response for Item § 85.4(q), an additional \$1.2 million for debt costs will be included in the 2025 budget. Considering these two items, the 2025 budget would increase approximately 4.7% due to the proposed improvements. Based on a 4.7% increase, SBL 159.00-2-1.1's charges would be \$78,546. in the first year following approval of an application, if granted.

§ 85.4 (s) a statement whether the area which will bear the cost of the proposed improvements contains state lands and, if so, the identity of the State lands and the costs which will be borne by such property in the first year following approval of the application, if granted;

County of Erie response:

The following State lands are wholly or partially within ECSD No. 3:

SBL#	Address	Town	SBL#	Address	Town
150.00-1-17	3580 Lakeshore Rd	Hamburg	172.00-1-35	4504 California Rd	Orchard Park
151.11-4-18	Mckinley Pkwy	Hamburg	173.17-1-38	104 Philson Dr	Orchard Park
151.16-2-56	200 Velore Ave	Orchard Park	195.00-2-25.112	Lakeview Rd	Hamburg
152.20-4-15	6566 Milestrip Rd	Orchard Park	195.00-3-7.11	Hampton Brook Dr	Hamburg
153.14-7-1	Baker Rd	Orchard Park	195.00-3-7.12	Hampton Brook Dr	Hamburg
153.14-7-2	3212 Baker Rd	Orchard Park	195.08-9-12	Evans St	Hamburg
159.00-1-21	3794 Lakeshore Rd	Hamburg	195.11-3-1	3754 Lakeview Rd	Hamburg
159.18-1-10	Lakeshore Rd	Hamburg	195.11-3-3.1	3727 Lakeview Rd	Hamburg
159.18-1-9	Lakeshore Rd	Hamburg	195.11-3-6.2	Lakeview Rd	Hamburg
160.18-1-24	Big Tree Rd	Hamburg	195.12-2-34	69 Evans St	Hamburg
160.20-3-2	4888 Big Tree Rd	Hamburg	195.12-2-36	49 Evans St	Hamburg
161.00-5-39	3699 Southwestern Blvd	Orchard Park	195.16-3-17.1	Brookside Dr	Hamburg
162.09-1-42	3755 N Buffalo Rd	Orchard Park	195.16-3-17.2	Brookside Dr	Hamburg
163.05-2-3	7847 Milestrip Rd	Orchard Park	195.16-4-18	Brookside Dr	Hamburg
170.12-4-6	Southwestern Blvd	Hamburg	196.09-2-9.1	25 Buffalo St	Hamburg
170.83-1-24	3702 Dartmouth St	Hamburg	196.09-3-3	East Main St	Hamburg
171.13-3-10.21	4118 Sowles Rd	Hamburg	196.13-1-6.1	Old East Eden Rd	Hamburg
171.18-2-27.1	4250 Loran Ave	Hamburg	196.14-3-12	Taylor Rd	Hamburg
171.19-3-6	5281 Bayview Rd	Hamburg	196.14-3-13	6717 Taylor Rd	Hamburg
171.19-3-7	Bayview Rd	Hamburg	246.10-2-13.2	60 Legion Dr	Holland

Based on the County of Erie response for Item § 85.4(r), a 4.7% increase is anticipated in the first year following approval of the application, if granted, due to the project. The impact of a 4.7% increase is as follows:

SBL#	2024 Charges	4.7% Increase	SBL#	2024 Charges	4.7% Increase
150.00-1-17	\$2,909.63	\$3,046.38	172.00-1-35	\$996.49	\$1,043.33
151.11-4-18	\$1.00	\$1.05	173.17-1-38	\$958.40	\$1,003.44
151.16-2-56	\$868.97	\$909.81	195.00-2-25.112	\$151.54	\$158.66
152.20-4-15	\$1,003.54	\$1,050.71	195.00-3-7.11	\$2.88	\$3.02
153.14-7-1	\$54.18	\$56.73	195.00-3-7.12	\$0.32	\$0.34
153.14-7-2	\$1,308.52	\$1,370.02	195.08-9-12	\$0.39	\$0.41
159.00-1-21	\$275.00	\$287.93	195.11-3-1	\$2,211.72	\$2,315.67
159.18-1-10	\$0.03	\$0.03	195.11-3-3.1	\$706.23	\$739.42
159.18-1-9	\$0.03	\$0.03	195.11-3-6.2	\$402.29	\$421.20
160.18-1-24	\$2.57	\$2.69	195.12-2-34	\$781.83	\$818.58
160.20-3-2	\$637.65	\$667.62	195.12-2-36	\$55.73	\$58.35
161.00-5-39	\$988.11	\$1,034.55	195.16-3-17.1	\$70.90	\$74.23
162.09-1-42	\$17.63	\$18.46	195.16-3-17.2	\$1.09	\$1.14
163.05-2-3	\$839.46	\$878.91	195.16-4-18	\$34.13	\$35.73
170.12-4-6	\$168.47	\$176.39	196.09-2-9.1	\$21,836.82	\$22,863.15
170.83-1-24	\$450.79	\$471.98	196.09-3-3	\$0.28	\$0.29
171.13-3-10.21	\$795.15	\$832.52	196.13-1-6.1	\$66.56	\$69.69
171.18-2-27.1	\$560.29	\$586.62	196.14-3-12	\$50.10	\$52.45
171.19-3-6	\$639.83	\$669.90	196.14-3-13	\$717.56	\$751.29
171.19-3-7	\$99.96	\$104.66	246.10-2-13.2	\$1,100.96	\$1,152.71

§ 85.4 (t) a statement whether the area which will bear the cost of the proposed improvements is wholly or partially within an existing or proposed agricultural district, and if so, how the assessment base for the proposed improvement will be affected thereby;

County of Erie response:

Based on a query of available information, a total of 727 parcels are wholly or partially within ECSD No. 3 and an agricultural district.

With regard to the assessment base associated with these 727 parcels, it is expected to remain the same. All of ECSD No. 3 would bear the cost of the proposed improvement in accordance with ECSD No. 3's current charge formula. There are no sewer extensions or similar initiatives proposed as part of this "Increase and Improvement" that would directly lead to level of service changes for these 727 parcels.

§ 85.4 (u) a statement of the population of the area which will bear the cost of the improvements, the number of one- and two-family homes located in the area, the assessed value of the typical one- or two-family home, and a description of any nonresidential areas, including the total assessed value thereof;

County of Erie response:

The following estimates are provided:

- **the population of the area which will bear the cost of the improvements: approximately 95,000**
- **the number of one-family homes located in the area: approximately 25,300**
- **the number of two-family homes located in the area: approximately 1,400**
- **the assessed value of the typical one-family home in the area: approximately \$109,400**
- **the assessed value of the typical two-family home in the area: approximately \$95,100**
- **a description of any nonresidential areas, including the total assessed value thereof: there are approximately 7,300 non-residential properties within ECSD No. 3 with a total assessed valuation of approximately \$1,506,180,000.**

§ 85.4 (v) if the proposed district, extension or improvement will benefit vacant land, a statement describing the status of any proposals for the development of such land. If the governing board's determination that the cost of the proposed improvement will not constitute an undue burden on the area which will bear the cost of those improvements is dependent, in whole or in part, on the development of vacant land, a statement of the type of security to be obtained by the governing board to ensure that the cost will not be an undue burden or the factors on which the governing board relied in determining that such security is unnecessary;

County of Erie response:

Analysis of this proposed action is based on existing ECSD No. 3 customers (either direct ratepayers or by contract / agreement); the aforementioned analysis is not dependent upon, and does not account for, new development of benefited vacant properties.

§ 85.4 (w) if it is contemplated that service will be sold to users outside the proposed district, extension or area benefited by an improvement, a statement of the anticipated price to be charged and the amount of revenue expected to be generated in the first year following approval of the application, if granted;

County of Erie response:

Analysis of this proposed action is based on existing ECSD No. 3 customers (either direct ratepayers or by contract / agreement); the aforementioned analysis is not dependent upon, and does not account for, service to be sold to new users outside of the area benefited by the improvement.

§ 85.4 (x) a copy of any and all orders issued by a State or Federal agency or court relating to the proposed district, extension, improvement or expenditure, together with a statement describing any pending judicial or administrative proceedings which relate to the proposed improvements;

County of Erie response:

ECSD No. 3 is not presently subject to any orders issued by a State or Federal agency or court relating to the proposed improvement or expenditure, nor is it aware of any pending judicial or administrative proceedings which relate to the proposed improvements. That said, improvements included in the Southtowns AWTF expansion are necessary to meet SPDES permit requirements as set forth by the NYSDEC.

§ 85.4 (y) a statement of what actions, if any, the governing board has taken, other than those required by the applicable provisions of the Town Law or County Law, to apprise the owners of the properties which will bear the cost of the proposed improvements of that cost, including the estimated first year cost; and

County of Erie response:

The proposed improvements have been discussed at various public meetings of the ECSD No. 3 Board of Managers and the Erie County Legislature in the last few years. The Southtowns AWTF expansion project has been mentioned in various publications including the Buffalo News and ClearWaters magazine. As new cost estimates have been provided indicating that the original Increase and Improvement of \$100 million was insufficient, updates were provided at several ECSD No. 3 Board of Managers meetings. The estimated costs related to the proposed improvements in the first year following approval of this application, if granted, were discussed during the April 17, 2024 meeting of the ECSD No. 3 Board of Managers.

Pursuant to Article 5A of New York State County Law, a public hearing will be held on this proposed Increase and Improvement.

§ 85.4 (z) a statement whether the town or county has received any written objections from the owners of the real property that will bear the cost of the improvements expressing opposition to undertaking the improvements, and if so, the nature and extent of such opposition.

County of Erie response:

To date, the County of Erie has not received any written objections from the owners of the real property that will bear the cost of the improvements expressing opposition to undertaking the improvements.

Exhibit E-1

Additional Items for the Part 85 Application

AC 973
Cities under 125,000 population
Counties
Towns
Villages

Pursuant to § 85.4 (n), the debt statement must be prepared “as of the date of the Application” and therefore will be updated at that time.

OFFICE OF THE STATE COMPTROLLER

ALBANY, NEW YORK 12236

DEBT STATEMENT
OF

County of Erie

NAME OF MUNICIPALITY

Erie

COUNTY, NEW YORK

PREPARED AS OF

November 30, 2022

FORWARD TO: STATE OF NEW YORK
OFFICE OF THE STATE COMPTROLLER
DIRECTOR, MUNICIPAL RESEARCH AND STATISTICS
110 STATE STREET, 12TH FLOOR
ALBANY, NEW YORK 12236

AC 973
Cities under 125,000 population
Counties
Towns
Villages

STATE OF NEW YORK
OFFICE OF THE STATE COMPTROLLER

This is the official debt statement form prescribed by the State Comptroller pursuant to section 141.00 of the Local Finance Law for use by counties, towns, villages and cities having a population of less than 125,000 inhabitants.

THOMAS P. DINAPOLI
State Comptroller

INSTRUCTIONS

1. **STATUTORY REFERENCE.** A statutory reference can be found after each item of indebtedness to be included and excluded in the debt statement. For example, §135.00 (a)(1)" means "subdivision 1 of paragraph (a) of section 135.00 of the Local Finance Law". Wherever a reference appears, that section of the Local Finance Law should be consulted.
2. **DATE OF PREPARATION.** This statement must not be prepared more than thirty days previous to the date of sale of bonds. Local Finance Law, section 109.00.
3. **FILING.** A debt statement must be filed between three and fifteen days before a municipality sells any bonds which are required to be sold at public sale. The statement must be filed with the State Comptroller and a duplicate copy must be filed with the clerk or corresponding officer of the municipality. It is not necessary to file a copy in the county clerk's office. Local Finance law, section 109.00.
4. **AVERAGE FULL VALUATION OF TAXABLE REAL ESTATE.** In computing "Average Full Valuation of Taxable Real Estate" on page 5, use last completed assessment roll and four preceding rolls. An assessment roll is one which has been completed, verified and filed by the assessors and for which a state equalization rate has been finalized. The words "For Fiscal Year Ending" refer to the year for which taxes have been or will be extended on the assessment roll rather than the year in which the roll was completed.

The amounts to be used in Column 1 should be the amounts shown on such rolls after the hearing of grievances and the filing of the final completed assessment rolls, regardless of subsequent changes. In Column 1, include the assessed valuations of special franchises but exclude the assessed valuations of all exempt properties to the extent they are exempt from general taxation. Full valuation (Column 3) is determined as follows: Divide the taxable assessed valuations (Column 1) by the final equalization rate (Column 2) established by the State Board of Equalization and Assessment for such valuation. Where boundary changes have occurred and in the case of newly-created municipalities, see section 2.00 (7)(a) of the Local Finance Law. In the case of counties, average full valuation is computed by dividing the taxable assessed valuations on the last completed and four preceding assessment rolls for each of the cities and towns therein by the final equalization rates established for such rolls; provided, however, in a county having a county department of assessment the state equalization rates established for the cities and towns therein on the basis of the county roll shall be applied to the appropriate portions of the county roll. The sum of the quotients thus obtained must then be divided by five.

5. **INCLUSIONS:** Re item 8, Page 5. Include the respective amounts of all several indebtedness and allocated or apportioned joint indebtedness contracted or incurred pursuant to Article II, Title 1-A of the Local Finance Law in relation to a joint service or a joint water, sewage or drainage project. The amount of joint indebtedness to be so included should not exceed the amount of such indebtedness allocated and apportioned to the municipality in the bond or note resolution authorizing such indebtedness to be contracted.

Joint indebtedness to be included arising out of real property liabilities and contract liabilities should not exceed the amount of such indebtedness required to be allocated and apportioned to the municipality in the agreement of the participating municipalities in relation to such joint service or project. Where the agreement does not provide for any such allocation or apportionment, or in the case of involuntary joint indebtedness, the amount to be allocated and apportioned and included in the debt statement of a participating municipality should be in the same proportion as the full valuation of the real estate subject to taxation or assessment by such municipality for such joint service or project bears to the full valuation of the real estate subject to taxation or assessment by all of the participating municipalities for such joint service or project. See Local Finance Law, section 15.10. However, if the State Comptroller has issued a certificate allocating and apportioning such joint indebtedness pursuant to the provisions of section 15.10 of the Local Finance Law, the amounts so allocated and apportioned by the State Comptroller should be included in the debt statements of each respective municipality as Indebtedness.

6. **GROSS JOINT INDEBTEDNESS.** The aggregate gross amount of all joint indebtedness including borrowings, real property liabilities, contract liabilities, judgments, claims, awards and determinations contracted or incurred and before any apportionment or allocation should be stated at page 5 of the debt statement.

7. *EXCLUSIONS:*

- a. Item 1, Page 6. Do not include any tax or revenue obligations, or renewals thereof, which have not been retired within five years after the date such original obligations were issued.
 - b. Item 2, Page 6. Include only obligations issued for objects or purposes other than the financing of capital improvements and contracted to be redeemed in one of the two fiscal years immediately succeeding the year of their issue. Do not include bonds, bond anticipation notes, capital notes, budget notes or obligations which have been issued for the direct financing of improvements or equipment. Do not include serial bonds of an issue having a maximum maturity of more than two years.
 - c. Item 3, Page 6. Do not include joint or several indebtedness contracted pursuant to Article II, Title 1-A of the Local Finance Law to finance a joint water project. Such indebtedness is to be included in Item 14, page 6.
 - d. Items 4 and 5, Page 6. Do not include any indebtedness contracted pursuant to Article II, Title 1-A of the Local Finance Law in relation to a joint service or a joint water, sewage or drainage project. Such indebtedness is to be included in either Item 15 or 16 at page 6.
 - e. Item 13, Page 6. Include city indebtedness for education purposes, if any, allocated to the city school district by the State Comptroller pursuant to section 1 of chapter 831 of the Laws of 1951.
 - f. Item 14, Page 6. State the respective amounts of any several indebtedness and the allocated or apportioned amounts of any joint indebtedness contracted or incurred in relation to the financing of a joint water project pursuant to Article II, Title 1-A of the Local Finance Law.
 - g. Items 15 and 16, Page 6. State the respective amounts of any several indebtedness and the allocated or apportioned amounts of any joint indebtedness contracted or incurred in relation to the financing of a joint service and a joint sewage or drainage project pursuant to Article II, Title 1-A of the Local Finance Law and excluded pursuant to the provisions of section 15.20, 123.00 and 124.10 of such law.
8. *VERIFICATION* Page 9. This debt statement must be verified by the chief fiscal officer of the municipality. See definition of the term "chief fiscal officer" in the Local Finance Law, section 2.00(5). If a municipality has no chief fiscal officer, then this statement must be verified by the finance board.

The following is a statement of the County of Erie in the County of Erie, New York, to contract indebtedness, and is prepared as of November 30, 2022 pursuant to Title 8, Article II of the Local Finance Law.

DEBT LIMIT

Counties (except Nassau), cities, towns and villages... \$ 4,600,878,758.70
Multiply "Average Full Valuation" (Page 5), Line 7 by .07
(Nassau County .10)

TOTAL NET INDEBTEDNESS

Total Inclusions (Page 5)... \$ 391,553,634.00
Less: Total Exclusions (page 6)... 70,697,265.00
Total Net Indebtedness... \$ 320,856,369.00

NET DEBT-CONTRACTING MARGIN

Debt Limit (Above)... \$ 4,600,878,758.70
Less: Total Net Indebtedness (Above)... 320,856,369.00
Net Debt-Contracting Margin... \$ 4,280,022,389.70

PERCENTAGE OF DEBT-CONTRACTING POWER EXHAUSTED

Divide "Total Net Indebtedness" by "Debt Limit" and enter result here... 6.974%

PROPOSED BOND ISSUE

The amount of bonds proposed to be sold at public sale on TBD,
in connection with which this statement is made and filed is... \$ 100,000,000.00

The amount of bond anticipation notes heretofore issued in anticipation of the
sale and issuance of such bonds and included at "Borrowings" at Item 1 of
Inclusions at page 5 is... \$ N/A

STATEMENT OF TOTAL DEBT

AVERAGE FULL VALUATION OF TAXABLE REAL ESTATE

Computation of Average Full Valuation Based on Last Five Completed Assessment Rolls				
Line No.	For Fiscal Year Ending	(1) Assessed Valuation of Taxable Real Estate	(2) Final State Equalization Rate	(3) Full Valuation of Taxable Real Estate (Column 1 divided by Column 2)
1	2022	\$		\$ 74,148,294,674
2	2021			\$ 70,645,602,048
3	2020			\$ 64,771,315,474
4	2019			\$ 60,970,410,994
5	2018			\$ 58,098,573,962
6	Total of Line 1 to 5 Inclusive.....			\$ 328,634,197,052
7	Average Full Valuation (1/5 of Total of Column 3).....			\$ 65,726,839,410

Note: See instructions 4, Page 1

INCLUSIONS

1. Borrowings. 135.00 (a)(1).....	\$ 391,533,634.00
2. Real property Liabilities. 135.00(a)(2), 142.00.....	_____
3. Contract Liabilities.....	_____
4. Cities, Towns and Villages: Contract Liabilities: Housing Guarantees; Subsidies. 135.00(a)(4),(a)(4-a), (a)(4-b).....	_____
5. Cities, Towns and Villages: State Loans to Certain Housing Authorities and Municipalities. 135.00 (a,5).....	_____
6. Judgments, Claims, Awards and Determinations 135.00(a)(6).....	_____
7. Cities, Towns and Villages: Indebtedness Contracted by Certain District Corporations 135.00 (a)(7).....	_____
8. Indebtedness Contracted or Incurred Pursuant to Article II, Title I-A of the Local Finance Law in relation to a Joint Service or Joint Water, Sewage or Drainage Project: (See Instruction 5, page 2.)	_____
(a) Borrowings: Several Indebtedness	_____
(b) Borrowings: Allocated or Apportioned Joint Indebtedness....	_____
(c) Real Property Liabilities.....	_____
(d) Contract Liabilities.....	_____
(e) Judgments, Claims, Awards and Determinations.....	_____
Total Inclusions.....	\$ 391,533,634.00

GROSS JOINT INDEBTEDNESS

The aggregate gross amount of all joint indebtedness before apportionment or allocation is..... \$ 391,533,634.00
(See Instructions 6, page 3.)

EXCLUSIONS

1.	Tax and Revenue Obligations. §136.00(1)		\$ _____
	(See Instructions 7(a), Page 3).		
2.	Obligations Issued for other than Capital Improvements. §136.00(1-a)		_____
	(See instruction 7(b) Page 3.)		
3.	Water Indebtedness. §136.00(2)		_____
	(See Instruction 7(c) Page 3.)		
4.	Indebtedness Contracted for Self-Liquidating Projects. §136.00(3).....		_____
	(See Instruction 7(d), page 3.) (See also, if applicable, contract payment §136.00 (3-a)) and rental payments (§136.00 (3-b)(3-c))		
5.	Sewer Indebtedness Contracted on or after January 1, 1962, and prior to January 1, 1994. §136.00(4-a).....		_____
6.	Bonds for Pensions. §136.00(4)		_____
7.	Cities and Villages with Population of 5,000 or More: Indebtedness for Housing and Urban Renewal Purposes. §136.00(8)		_____
	(See also, if applicable, indebtedness for housing or urban renewal purposes (§ 136.00(8-a)).		
8.	Towns and Villages with Population of Less than 5,000: Subsidies or Guarantees for Housing Purposes. §136.00(9).....		_____
9.	Assets of Sinking Funds. §136.00(10).....		_____
10.	Refunded and Refunding bonds. §136.00(10-a)(10-b).....		_____
11.	Cash on Hand for Debts. §136.00(11).....		_____
12.	Appropriations. §136.00 (12).....		\$ 4,243,631.00
13.	Cities Only: School Indebtedness. §136.00(13).....		_____
	(See Instruction 7(e), page 3.)		
14.	(a) Several Indebtedness Contracted in relation to a Joint Water Project. §15.20... (a)		_____
	(b) Joint Indebtedness Contracted for such Purpose. (b)		_____
	(See Instruction 7(f), page 3)		
15.	(a) Several Indebtedness Contracted for a Joint Service or Excluded Pursuant to Local Finance Law, sections §15.20 and §123.00..... (a)		_____
	(b) The Apportioned or Allocated Amount of any such Joint Indebtedness so Excluded..... (b)		_____
	(See Instruction 7(g), page 3.)		
16.	a) Several Indebtedness Contracted for a Joint Sewage and/or Drainage Project and Excluded Pursuant to Local Finance Law, §15.20 and §123.00 and §124.10 (a)		\$ 66,453,634.00
	b) The Apportioned or Allocated Amount of any such Joint Indebtedness so Excluded.)..... (b)		_____
	(See Instruction 7(g), page 3.)		
	Total Exclusions.....		\$ 70,697,265.00

SCHEDULE A

Part 1. The following obligations will be sold at the sale in connection with which this debt statement is filed:

Date of Authorization	Type of Obligation	Amount to be Sold	Object or Purpose for Which Authorized
12/01/2022	SEWER	\$ 100,000,000.00	SEWER CAPITAL PROJECTS
Total		\$ 100,000,000.00	

Part 2. The following bond anticipation notes have been issued in anticipation of the bonds listed in PART 1 Above and are now outstanding.

Date of Note	Amount	Object or Purpose for Which Authorized
N/A	\$	
Total	\$	

The following symbols may be used: Serial Bond-SB; Statutory Installment Bond-SIB; Bond Anticipation Note BAN; Capital Note-CN; Tax Anticipation Note-TAN; Revenue Anticipation Note-RAN; Budget Note-BN; Certificate of Indebtedness-CI; Sinking Fund Bonds-SFB.

VERIFICATION BY CHIEF FISCAL OFFICER

State of New York)
County of Erie) ss:

Kevin R. Hardwick being duly sworn, deposes and says:
That he is the duly (elected) (appointed), qualified, and acting chief fiscal officer of the County of Erie in the county of Erie, New York
that he prepared and has read the foregoing debt statement and knows the contents thereof; that the same is true to (his) (her) own knowledge except as to the matters therein stated to be alleged upon information and belief, and that as to those matters he believes it to be true.

Subscribed and sworn to before me

(Sign) Kevin R. Hardwick

This 1st day of December, 2022

(Title) Erie County Comptroller

Susan L. Gregg
Notary Public

(Mail Address) 95 Franklin Street, 11th Floor
Buffalo, NY 14202



VERIFICATION BY FINANCE BOARD
Not necessary if verification is made by chief fiscal officer

State of New York)
County of _____) ss:

being duly sworn, deposes and says: That they are duly (elected) (appointed), qualified, and acting member of the finance board of the _____ in the county of _____, New York; that they prepared and each of them has read the foregoing debt statement and knows the contents thereof; that the same is true of their own knowledge except as to the matters therein stated to be alleged upon information and belief, and that as to those matters they believe it to be true.

Subscribed and sworn to before me this _____ day
of _____, 20____.

Notary Public

Item #2 – resolution from Erie County Legislature
[WILL BE PROVIDED WHEN AVAILABLE]

Resolution must note the following:

- The attached application was prepared at the direction of the Erie County Legislature;
- the Erie County Legislature believes the contents of the application to be accurate;
- that Erie County Legislature Board has determined that the improvement, district, extension or expenditure for which permission is sought is in the public interest and will not constitute an undue burden on the property which will bear the cost thereof;
- and if the cost of the proposed improvements is to be assessed in whole or in part against a benefited area, that all real property to be so assessed will be benefited by the proposed improvements and that no benefited property has been excluded;

**Item #3 – Letter to County of Erie from Legal Counsel
[WILL BE PROVIDED WHEN AVAILABLE]**

The letter must provide the following:

- a) A statement that, in his or her capacity as legal counsel for the county, he or she has examined originals or true and complete copies of those records, documents and other instruments necessary to render his or her opinion, including, but not limited to:
 - 1) the Constitution of the State and relevant statutes, including but not limited to, the statute pursuant to which the application is made and the State Environmental Quality Review Act;
 - 2) any petitions for the establishment or extension of a district or provision of an improvement;
 - 3) all orders and resolutions of the governing board pertaining to such application;
 - 4) proof of any posting and publication of required notice;
 - 5) any petitions requesting a referendum;
 - 6) any certificate stating that no petition requesting a referendum was received or certifying the result of the vote on the proposition submitted at a referendum;
 - 7) any map or plan required by statute;
 - 8) any proposed contracts or agreements referred to in the application; and
 - 9) the application to be submitted to this office; and

- b) An expression of his or her opinion that:
 - 1) the application to this office contains all information required by the applicable statutes and regulations;
 - 2) the county, in relation to the district, extension, improvement, expenditure or increase in maximum for which the permission or consent of the Comptroller is sought, has undertaken all actions and proceedings required by applicable provisions of law. The opinion may contain appropriate qualifications so long as the attorney expresses his or her opinion that there was no substantial or material deviation from the applicable statutes;
 - 3) such district, extension, improvement, expenditure or increase in maximum has been duly authorized by the county as required by statute except for:
 - i) obtaining the permission or consent of the Comptroller;
 - ii) the adoption of any order or resolution required to be adopted after the Comptroller has granted such consent or permission; and
 - iii) any publication of any notice required to be published after receipt of such consent or permission;
 - 4) county officials, as the case may be, are not aware of any material pending or threatened lawsuits or claims relating to the district, extension, improvement, expenditure or increase in maximum for which permission or consent is being sought; and
 - 5) any assessments, charges or taxes to be levied or imposed to finance the improvements or services to be provided are authorized by statute and all necessary action has been taken by the municipality to authorize the imposition or levy of such assessments, charges or taxes.

Exhibit F

Resolution – Erie County Sewer District No. 3 Board of Managers

**RESOLUTION
BOARD OF MANAGERS
ERIE COUNTY SEWER DISTRICT (ECSD) NO. 3**

WHEREAS, the Erie County Sewer Agency has prepared a Sewer Agency Report for consideration by the Board of Managers calling for an Increase & Improvement of Facilities (2024) for ECSD No. 3; and

WHEREAS, the aforementioned Sewer Agency Report describes improvements to the Southtowns Advanced Wastewater Treatment Facility to satisfy regulatory requirements, replace aging infrastructure, and increase capacity to service ECSD No. 3 for future decades; and

WHEREAS, the Erie County Sewer Agency has presented information relative to the cost and rate impacts related to the Increase & Improvement of Facilities proposed.

NOW, THEREFORE, BE IT

RESOLVED, that the ECSD No. 3 Board of Managers does hereby accept and adopt this subject Sewer Agency Report and further, recommends that this Sewer Agency Report be submitted to the Erie County Legislature for further consideration and action pursuant to Article 5A of New York State County Law; and be it further

RESOLVED, that the Erie County Sewer Agency be directed to pursue with the Erie County Legislature an Increase & Improvement of Facilities (2024) in the amount of \$215 million.

Respectfully submitted,

David Millar, P.E.
Secretary, Board of Managers
Erie County Sewer District No. 3

MOVED BY: _____

SECONDED BY: _____

APPROVED/DISAPPROVED: _____

DATE: _____