

RESOLUTION NO. 2899

A RESOLUTION OF THE NEW YORK STATE ENVIRONMENTAL FACILITIES CORPORATION AUTHORIZING THE PRESIDENT OF THE CORPORATION OR THE PRESIDENT'S DESIGNEE TO ENTER INTO A CONTRACT WITH BLACKBAUD INC., FOR ACCOUNTING SOFTWARE

WHEREAS, the New York State Environmental Facilities Corporation Act, Title 12 of Article 5 of the Public Authorities Law of New York State, as amended, established the New York State Environmental Facilities Corporation (the "Corporation") as a body corporate and politic constituting a public benefit corporation; and

WHEREAS, the Corporation is authorized to enter into contracts to carry out its purposes; and

WHEREAS, pursuant the Corporation's Procurement Guidelines, a contract for services for a term in excess of one year requires the approval by the Board of Directors; and

WHEREAS, accounting is an integral function of the Corporation; and

WHEREAS, the Corporation's current accounting software, Blackbaud' Inc.'s Financial Edge 7, has been in use at the Corporation since 2015; and

WHEREAS, Blackbaud' Inc. now has compatible, upgraded, cloud-based accounting software, Financial Edge NXT, which has significantly more functionality than Financial Edge 7; and

WHEREAS, the Corporation's staff has conducted a single source evaluation of Financial Edge NXT; and

WHEREAS, it is the recommendation of the Corporation's staff that the Board of Directors authorize the purchase of Financial Edge NXT on a single source basis, for a term and fee as more specifically described in Exhibit A; and

WHEREAS, subject to any required approvals by the Office of the State Comptroller, the Board of Directors desires to authorize the President of the Corporation or the President's designee to negotiate and enter into a contract with Blackbaud Inc., for the purchase of Financial Edge NXT accounting software.

NOW, THEREFORE, BE IT RESOLVED BY THE DIRECTORS OF THE NEW YORK STATE ENVIRONMENTAL FACILITIES CORPORATION, AS FOLLOWS:

Section 1. The President of the Corporation or the President's designee is hereby authorized to negotiate and enter into a single source contract with Blackbaud Inc. to purchase the accounting software Financial Edge NXT for the Corporation. The maximum term for any such contract shall be for a period not to exceed three years, including any renewals or extensions from the date of execution of said contract. The fee for the contracted services authorized herein shall be for an amount not to exceed \$70,747. The contract shall include such other terms and conditions as the President or the President's designee determine appropriate and in the best interest of the Corporation.

Section 2. This Resolution shall take effect immediately upon its adoption.

Exhibit A
Blackbaud Inc's Financial Edge NXT

Contract Year	Cost Per Year
Year 1	\$23,949
Year 2	\$23,949
Year 3	\$22,849

BY: _____/s/_____
Kate Siobhan Howard
Secretary to the Corporation

RESOLUTION NO. 2900

A RESOLUTION OF THE NEW YORK STATE ENVIRONMENTAL FACILITIES CORPORATION AMENDING THE PRIOR AUTHORIZATION FOR FINANCIAL ASSISTANCE TO BE PROVIDED BY THE CORPORATION TO CERTAIN RECIPIENTS IN CONNECTION WITH THE DRINKING WATER STATE REVOLVING FUND

Extension of the Financing Maturity Date
Sidney (V) - Project No. 18338

WHEREAS, by Resolution No. 2479 adopted on March 9, 2017, the Board authorized a five-year short-term interest-free financing to be made by the Corporation to the Village of Sidney for a maximum principal amount not to exceed \$5,852,683; and

WHEREAS, on March 16, 2017 the Public Authorities Control Board ("PACB") adopted Resolution No.17-EF-711 approving the financing to the Village of Sidney; and

WHEREAS, the financing was made by the Corporation to the Village of Sidney for the maximum principal sum of \$8,852,683, which included a \$3,000,000 WIIA grant, pursuant to a Project Finance Agreement executed between the parties that closed effective April 6, 2017; and

WHEREAS, the maximum five-year period of the financing will expire on April 6, 2022, and the Village of Sidney has requested additional time to complete the project; and

WHEREAS, the Board desires to authorize an extension of the maturity date of the Village of Sidney's financing to April 6, 2025 as set forth herein.

Funding Increase and Maturity Date Extension

Waterloo (V) - Project No.18214

WHEREAS, by Resolution No. 2634 adopted on March 14, 2019, the Board authorized a five-year short-term interest-free financing for an aggregate maximum principal amount not to exceed \$2,600,000 to be made by the Corporation to the Village of Waterloo; and

WHEREAS, on March 20, 2019, PACB adopted Resolution No. 19-EF-762 approving the financing; and

WHEREAS, the financing was made by the Corporation to the Village of Waterloo for the maximum principal sum of \$5,600,000, which included a \$3,000,000 WIIA Grant, pursuant to a Project Finance Agreement executed between the parties, which closed effective April 11, 2019; and

WHEREAS, the project costs have increased and additional funding is necessary to complete construction of the project; and

WHEREAS, the Corporation's staff has determined that it is necessary to extend the maturity date of the financing beyond the authorized five-year period to October 11, 2025; and

WHEREAS, the Board desires to amend the financial assistance authorized to the Village of Waterloo to reflect an increase in the aggregate maximum principal amount of the financing and to extend the maturity date of the financing as set forth herein.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF THE NEW YORK STATE ENVIRONMENTAL FACILITIES CORPORATION, AS FOLLOWS:

Section 1. The Board hereby authorizes the extension of the maturity date of the financing provided to the Village of Sidney from April 6, 2022 to April 6, 2025. All other authorizations, determinations, terms and conditions contained in Resolution No. 2479, and any amendments relating thereto, shall remain in effect.

Section 2. The Board hereby authorizes the increase in the aggregate maximum principal amount of the financing previously authorized to the Village of Waterloo as set forth in Exhibit B. In addition, the maturity date of the financing is hereby extended to October 11, 2025. All other authorizations, determinations, terms and conditions contained in Resolution No. 2634, and any amendments relating thereto, shall remain in effect.

Section 3. This Resolution shall take effect immediately.

Exhibit A

<u>Project Number</u>	<u>Applicant</u>	<u>County</u>	<u>Short-Term Interest-Free Financing Maximum Principal Amount</u>	<u>Initial Interest Rate</u>
18338	Sidney (V)	Delaware	\$5,852,683	0%

Project Description

The project will improve source water quality by developing new wells, and/or provide the existing two wells with a treatment system to remove manganese and Volatile Organic Compounds (VOCs). Water mains with poor pressure and frequent breaks will be replaced. Meters will be installed on all remaining unmetered services. The project is defined by the engineering report entitled "Preliminary Engineer's Report" dated May 2016 by the engineering firm Lamont Engineers, as may be updated, amended, supplemented, and approved by the Agency.

Exhibit B

<u>Project Number</u>	<u>Applicant</u>	<u>County</u>	<u>Short-Term Interest-Free Financing Maximum Principal Amount</u>	<u>Initial Interest Rate</u>
18214	Waterloo (V)	Seneca	\$9,213,595	0%

Project Description

This project consists of a building expansion, the addition of tri-media pressure filtration, DE filtration upgrades, UV & hydrogen peroxide disinfection upgrades, decant basin replacement, and other improvements within the Village's Water Treatment Plant. The project also includes the replacement of an elevated storage tank, a pump station and a pressure reducing valve vault. Two interconnections with the Town of Seneca Falls are also included to increase system reliability and enhance fire suppression. The project is defined by the engineering report entitled "Engineering Report – Village of Waterloo Water System Improvements" dated August 2015, revised in July 2016 and June 2017, by the engineering firm MRG Group, as may be updated, amended, supplemented, and approved by the Agency.

By: _____/s/_____
Kate Siobhan Howard
Secretary to the Corporation

RESOLUTION NO. 2901

A RESOLUTION OF THE NEW YORK STATE ENVIRONMENTAL FACILITIES CORPORATION MAKING CERTAIN DETERMINATIONS AND AUTHORIZING CERTAIN ACTIONS IN CONNECTION WITH THE DRINKING WATER STATE REVOLVING FUND AND AUTHORIZING FINANCIAL ASSISTANCE PAYMENTS TO CERTAIN MUNICIPALITIES TO FUND ELIGIBLE DRINKING WATER PROJECTS FROM FUNDS APPROPRIATED FOR WATER INFRASTRUCTURE IMPROVEMENT PROJECTS

WHEREAS, pursuant to the New York State Environmental Facilities Corporation Act, being Chapter 744 of the Laws of 1970 constituting Title 12 of Article 5 of the Public Authorities Law and Chapter 43-A of the Consolidated Laws of the State of New York, as amended (the "Act"), the New York State Environmental Facilities Corporation (the "Corporation") has been established as a body corporate and politic constituting a public benefit corporation; and

WHEREAS, pursuant to Chapter 413 of the Laws of 1996, as amended (the "DWSRF Act"), the Drinking Water State Revolving Fund (the "DWSRF") was established in the custody of the Corporation; and

WHEREAS, the Corporation is charged with providing low cost financing to eligible recipients while maintaining the fiscal integrity of the DWSRF; and

WHEREAS, each of the applicants listed in **Exhibit A** hereto has submitted an application to the Corporation for financial assistance under the DWSRF Act, for the purpose of financing or refinancing water supply projects undertaken and completed or to be undertaken and completed by such applicants; and

WHEREAS, each of the water supply projects proposed to be financed or refinanced by such applicants through the short-term interest-free, short-term market-rate or long-term financings and/or grants descriptions of which are set out in **Exhibit A** hereto (collectively, the "DWSRF Projects"), constitute an "eligible project" within the meaning of the DWSRF Act as certified to the Corporation by the New York State Department of Health; and

WHEREAS, with respect to the amounts identified in **Exhibit A**, the Corporation has, where necessary, identified funds available in excess of the amounts listed in the Intended Use Plan (the "IUP") or has made such moneys available through by-pass as provided in the IUP; and

WHEREAS, with respect to the short-term market-rate financings, available funds within the DWSRF have been identified, and in the future the Corporation may seek the Board of Directors' approval to issue its Corporation Bonds to fund any such projects; and

WHEREAS, the Corporation desires to provide such short-term interest-free, short-term market-rate or long-term interest-free financings to the respective applicants, in accordance with the terms and conditions set forth in **Exhibit A**, and as will be more fully set forth in the closing documents for the financings (the "Direct Financings"); and

WHEREAS, the New York State Water Infrastructure Improvement Act of 2015, being Part G of Chapter 60 of the Laws of 2015 ("WIIA 2015"), and the Clean Water Infrastructure Act of 2017, being Part T of Chapter 57 of the Laws of 2017 (the "Infrastructure Act"), each authorizes and directs the Corporation to provide financial assistance payments ("Grants"), from funds appropriated for such purpose, to municipalities in support of water quality infrastructure projects; and

WHEREAS, \$400 million was appropriated over a three-year period for the purposes of WIIA 2015, and no less than \$1 billion was appropriated for purposes of funding water infrastructure improvement projects under the Infrastructure Act; and

WHEREAS, subsequent annual appropriations have been made available for the purpose of providing Grants to municipalities in support of water infrastructure improvement projects;

WHEREAS, preference for award of Grants shall be given to municipalities that meet the Corporation's hardship criteria and projects that result in the greatest water quality improvement or greatest reduction in serious risk to public health; and

WHEREAS, the Department of Health has completed an evaluation of the projects set forth in **Exhibit B** (hereinafter referred to as the "WIIA Projects"), determined that each WIIA Project constitutes an eligible "water quality infrastructure project" as defined in WIIA, and otherwise meets the criteria for award of a WIIA Grant; and

WHEREAS, the Corporation desires to provide WIIA Grants to the applicants listed in **Exhibit B** in support of water quality infrastructure projects in accordance with WIIA and subject to continuing compliance with applicable law as will be more fully set forth in the closing documents for the financing of each WIIA Project.

WHEREAS, pursuant to WIIA, a municipality is not required to accept DWSRF financing from the Corporation to receive a WIIA Grant; however, municipalities often seek DWSRF financing in addition to their WIIA grant to fund the total cost of their project; and

WHEREAS, for any DWSRF Project or WIIA Project subject to Article 6 of the Environmental Conservation Law, or the State Smart Growth Public Infrastructure Policy Act, the President has attested in a written Smart Growth Impact Statement that the project meets the relevant criteria as set forth in the Smart Growth Public Infrastructure Policy Act to the extent practicable or, if a Project does not meet the relevant criteria and compliance is considered impracticable, has provided a detailed statement of justification; and

NOW, THEREFORE, BE IT RESOLVED BY THE DIRECTORS OF THE NEW YORK STATE ENVIRONMENTAL FACILITIES CORPORATION, AS FOLLOWS:

SECTION 1. SHORT-TERM AND LONG-TERM FINANCINGS AND GRANTS

A. The Corporation has reviewed the information supplied by each financing applicant set forth in **Exhibit A**, in connection with its application for DWSRF financial assistance, and the Corporation hereby determines that it would be impracticable or inadvisable to finance all or a portion of the costs of the DWSRF Projects from the proceeds of bonds or notes that are special obligations of the Corporation. The filing of the determination contained in this Section 1.A in accordance with, and to the extent required by, applicable law and regulations by or at the direction of an officer of the Corporation is hereby authorized and confirmed.

B. To accomplish the purposes of the Act and the DWSRF Act, and to provide for the financing or refinancing of the DWSRF Projects, the Corporation is hereby authorized to provide the Direct Financings and/or the grants, from monies in the DWSRF, to the applicants listed in **Exhibit A** in compliance with applicable law. Each Direct Financing shall be in a principal amount not exceeding the principal amount set forth opposite the name of the applicant in **Exhibit A** and shall bear interest at rates not in excess of those set forth in **Exhibit A**. Each short-term Direct Financing shall mature not later than five years from the date of the closing of such short-term Financing, and each long-term Direct Financing shall mature not later than thirty years from the date of the closing of such long-term Direct Financing. Principal amounts and maturities are to be determined by either the President, any Vice President, Chief Financial Officer, General Counsel or Controller (collectively, the "Authorized Officers") of the Corporation.

The Corporation is further authorized to guarantee the payment of each short-term market-rate financing from monies and assets held in the DWSRF, each short-term market-rate financing shall be in a principal amount not exceeding the principal amount set forth opposite the name of the applicant in **Exhibit A**; shall mature not later than five years from the date of the closing of such short-term market-rate financing; and shall initially bear interest at a rate or rates not in excess of those set forth in **Exhibit A** and as may be determined by any Authorized Officer from time to time in accordance with the provisions of the financing agreement. Each short-term market-rate financing shall remain eligible to compete for and receive an interest rate subsidy if authorized in the current IUP and in the event that the project score so qualifies under such IUP, which subsidy shall be provided in accordance with the provisions of the financing agreement. Further, if authorized in the IUP, each short-term market-rate financing remains eligible to apply for a zero-interest rate (hardship) determination and receive an interest rate subject to and in accordance with the applicable IUP.

C. The Authorized Officers and the Secretary to the Corporation are each hereby authorized to prepare, execute, acknowledge and deliver to each applicant a financing agreement for such applicant's Direct Financing (including any grant), in such form as shall be determined by any Authorized Officer, with such amendments, supplements, changes, insertions and omissions as may be approved by any Authorized Officer. The Chief Financial Officer and the Secretary to the Corporation are each hereby authorized to affix the seal of the Corporation on such documents and attest the same. The execution of such documents by an Authorized Officer or the Secretary to the Corporation shall be conclusive evidence of any approval or determination authorized or required by this Section 1.C or by Section 1.B of this Resolution.

SECTION 2. FINANCIAL ASSISTANCE PAYMENTS (WIIA GRANTS)

A. The Corporation has reviewed the information supplied by each applicant set forth in **Exhibit B** in connection with its application for a WIIA Grant.

B. To accomplish the purposes of WIIA and provide financial assistance payments to the WIIA Project recipients, the Corporation is hereby authorized to provide WIIA Grants, from appropriated funds to the applicants set forth in **Exhibit B** subject to continuing compliance with applicable law.

C. The Authorized Officers are each hereby authorized to determine the amount of each WIIA Grant (which amount shall not exceed the amounts authorized herein) and the terms thereof.

SECTION 3. GENERAL

A. All covenants, stipulations, obligations and agreements of the Corporation contained in this Resolution, and in any agreement, prepared pursuant to this Resolution, shall be deemed to be the covenants, stipulations, obligations and agreements of the Corporation to the full extent authorized or permitted by law, and such covenants, stipulations, obligations and agreements shall be binding upon the Corporation and its successors from time to time and upon any board or body to which any powers or duties affecting such covenants, stipulations, obligations and agreements shall be transferred by or in accordance with law. Except as otherwise provided in this Resolution, all rights, powers and privileges conferred and duties and liabilities imposed upon the Corporation by the provisions of this Resolution, or by any financing agreement prepared pursuant to this Resolution, shall be exercised or performed by the Corporation or by such directors, officers, board or body as may be required by law to exercise such powers and to perform such duties.

B. No covenant, stipulation, obligation or agreement contained in this Resolution, or in any agreement prepared pursuant to this Resolution, shall be deemed a covenant, stipulation, obligation or agreement of any director, officer, agent or employee of the Corporation in his or her individual capacity and neither the Directors of the Corporation nor any Authorized Officer or the Secretary to the Corporation executing any such financing agreement shall be liable personally thereon or be subject to personal liability by reason of the execution thereof.

C. The amount of each WIIA Grant (which amount shall not exceed the amounts authorized herein) and the terms thereof shall be determined by Authorized Officers.

D. The Authorized Officers and the Secretary to the Corporation are each individually authorized and directed to execute and deliver any such other agreements or instruments, to do and cause to be done any such other acts and things, and to make such other changes, omissions, insertions, revisions or amendments to each of the documents referred to in this Resolution as they may determine to be necessary or proper for carrying out, giving effect to and consummating the transactions contemplated by this Resolution and any financing agreement prepared pursuant to this Resolution.

E. This Resolution shall take effect immediately.

Exhibit A

DWSRF Direct Financings (Short-Term and Long-Term Financings)

Short-Term Interest-Free Financings:

<u>Project Number</u>	<u>Applicant</u>	<u>County</u>	<u>Short-Term Interest-Free Financing Maximum Principal Amount</u>	<u>Maximum Amount DWSRF Grant</u>	<u>Interest Rate</u>
18719	Elbridge (T)	Onondaga	\$2,686,259	N/A	0%

Project Description

This project consists of installing approximately 51,000 linear feet of watermain including replacement of undersized mains and looping of dead-end water mains; a new storage tank and associated pump station at the City of Syracuse connection; a new storage tank and pump station on Hamilton Road; a new chlorine booster station on Jordan Road; replacement and relocation of an existing confined space pump station; and consolidation of the Champions Mobile Home Park public water system, which will be served by the new Town of Elbridge Water District. The project is a joint project between the Village of Elbridge, Town of Elbridge, and Village of Jordan. Financing for project number 18719 will include the Town of Elbridge's portion of the joint project. The project is defined by the engineering report entitled "(V) Elbridge – (T) Elbridge – (V) Jordan Joint Water System Improvement Project – Preliminary Engineering Report" dated September 2019 by the engineering firm Barton & Loguidice, as may be updated, amended, supplemented, and approved by the Agency.

<u>Project Number</u>	<u>Applicant</u>	<u>County</u>	<u>Short-Term Interest-Free Financing Maximum Principal Amount</u>	<u>Maximum Amount DWSRF Grant</u>	<u>Interest Rate</u>
18720	Elbridge (V)	Onondaga	\$1,748,602	N/A	0%

Project Description

This project consists of installing approximately 51,000 linear feet of watermain including replacement of undersized mains and looping of dead-end water mains; a new storage tank and associated pump station at the City of Syracuse connection; a new storage tank and pump station on Hamilton Road; a new chlorine booster station on Jordan Road; replacement and relocation of an existing confined space pump station; and consolidation of the Champions Mobile Home Park public water system, which will be served by the new Town of Elbridge Water District. The project is a joint project between the Village of Elbridge, Town of Elbridge, and Village of Jordan. Financing for project number 18720 will include the Village of Elbridge's portion of the joint project. The project is defined by the engineering report entitled "(V) Elbridge – (T) Elbridge – (V) Jordan Joint Water System Improvement Project – Preliminary Engineering Report" dated September 2019 by the engineering firm Barton & Loguidice, as may be updated, amended, supplemented, and approved by the Agency.

<u>Project Number</u>	<u>Applicant</u>	<u>County</u>	<u>Short-Term Interest-Free Financing Maximum Principal Amount</u>	<u>Maximum Amount DWSRF Grant</u>	<u>Interest Rate</u>
18721	Jordan (V)	Onondaga	\$2,697,199	\$3,000,000	0%

Project Description

This project consists of installing approximately 51,000 linear feet of watermain including replacement of undersized mains and looping of dead-end water mains; a new storage tank and associated pump station at the City of Syracuse connection; a new storage tank and pump station on Hamilton Road; a new chlorine booster station on Jordan Road; replacement and relocation of an existing confined space pump station; and consolidation of the Champions Mobile Home Park public water system, which will be served by the new Town of Elbridge Water District. The project is a joint project between the Village of Elbridge, Town of Elbridge, and Village of Jordan. Financing for project number 18721 will include the Village of Jordan's portion of the joint project. The project is defined by the engineering report entitled "(V) Elbridge – (T) Elbridge – (V) Jordan Joint Water System Improvement Project – Preliminary Engineering Report" dated September 2019 by the engineering firm Barton & Loguidice, as may be updated, amended, supplemented, and approved by the Agency.

Short-Term Market-Rate Financings:

<u>Project Number</u>	<u>Applicant</u>	<u>County</u>	<u>Short-Term Market-Rate Financing Maximum Principal Amount</u>	<u>Maximum Amount DWSRF Grant</u>	<u>Initial Interest Rate (not to exceed)</u>
18719	Elbridge (T)	Onondaga	\$5,372,516	N/A	4%

Project Description

This project consists of installing approximately 51,000 linear feet of watermain including replacement of undersized mains and looping of dead-end water mains; a new storage tank and associated pump station at the City of Syracuse connection; a new storage tank and pump station on Hamilton Road; a new chlorine booster station on Jordan Road; replacement and relocation of an existing confined space pump station; and consolidation of the Champions Mobile Home Park public water system, which will be served by the new Town of Elbridge Water District. The project is a joint project between the Village of Elbridge, Town of Elbridge, and Village of Jordan. Financing for project number 18719 will include the Town of Elbridge’s portion of the joint project. The project is defined by the engineering report entitled “(V) Elbridge – (T) Elbridge – (V) Jordan Joint Water System Improvement Project – Preliminary Engineering Report” dated September 2019 by the engineering firm Barton & Loguidice, as may be updated, amended, supplemented, and approved by the Agency.

<u>Project Number</u>	<u>Applicant</u>	<u>County</u>	<u>Short-Term Market-Rate Financing Maximum Principal Amount</u>	<u>Maximum Amount DWSRF Grant</u>	<u>Initial Interest Rate (not to exceed)</u>
18720	Elbridge (V)	Onondaga	\$3,497,204	N/A	4%

Project Description

This project consists of installing approximately 51,000 linear feet of watermain including replacement of undersized mains and looping of dead-end water mains; a new storage tank and associated pump station at the City of Syracuse connection; a new storage tank and pump station on Hamilton Road; a new chlorine booster station on Jordan Road; replacement and relocation of an existing confined space pump station; and consolidation of the Champions Mobile Home Park public water system, which will be served by the new Town of Elbridge Water District. The project is a joint project between the Village of Elbridge, Town of Elbridge, and Village of Jordan. Financing for project number 18720 will include the Village of Elbridge’s portion of the joint project. The project is defined by the engineering report entitled “(V) Elbridge – (T) Elbridge – (V) Jordan Joint Water System Improvement Project – Preliminary Engineering Report” dated September 2019 by the engineering firm Barton & Loguidice, as may be updated, amended, supplemented, and approved by the Agency.

<u>Project Number</u>	<u>Applicant</u>	<u>County</u>	<u>Short-Term Market-Rate Financing Maximum Principal Amount</u>	<u>Maximum Amount DWSRF Grant</u>	<u>Initial Interest Rate (not to exceed)</u>
18322	Elmira (C)	Chemung	\$2,870,789	N/A	4%

Project Description

This project consists of replacement of lead service lines and meters; replacement of the 30” High Reservoir Transmission Main that services the entire system; relining of the Harmon Street Chemung River Crossing; replacement of the Madison Avenue Chemung River Crossing; and replacement of the Water Street Distribution/Transmission Main that services the Downtown Core, which is split into two parts due to City road construction. The project is defined by the endorsed engineering report entitled “2017/2018 Elmira Water Board Elmira Refresh Improvements” dated June 2017 by the engineering firm Fagan Engineers, and the subsequent engineering report entitled “2020 Elmira Water Board Elmira Refresh Improvements” dated June 2019, as may be updated, amended, supplemented, and approved by the Agency.

Long-Term Interest-Free Financings:

<u>Project Number</u>	<u>Applicant</u>	<u>County</u>	<u>Long-Term Financing Maximum Principal Amount</u>	<u>Maximum Amount DWSRF Grant</u>	<u>Interest Rate</u>
18096	Orleans (T)	Jefferson	\$7,313,141	N/A	0%

Project Description

This project consisted of the creation of the Town of Orleans NYS Route 12 Water District and included installation of new distribution mains, a pump station and a finished water storage to bring public water to the service area via a connection to the Town of Alexandria Route 12 Water District. The project is defined by the engineering report entitled "Preliminary Engineering Report – Town of Orleans – NYS Route 12 Water District" dated August 2013, revised April 2016 by the engineering firm St. Lawrence Engineering, DPC, and endorsed by DOH on June 15, 2016.

<u>Project Number</u>	<u>Applicant</u>	<u>County</u>	<u>Long-Term Financing Maximum Principal Amount</u>	<u>Maximum Amount DWSRF Grant</u>	<u>Interest Rate</u>
16692	Stark (T)	Herkimer	\$814,467	N/A	0%

Project Description

This project consisted of development of new well sources to replace the existing springs, which were determined to be under the influence of surface water (GWUDI); a new finished water storage tank; replacement of aged water mains throughout the distribution system; and new water meters.

The project is defined by the engineering reports titled "Preliminary Engineering Report" dated June 2010 and endorsed by DOH on April 13, 2011, and "Engineer's Report - Town of Stark Water District No. 1 Improvement Project (Van Hornesville Water District)" dated April 2016 and endorsed by DOH on June 2, 2016, both by the engineering firm Lamont Engineers.

<u>Project Number</u>	<u>Applicant</u>	<u>County</u>	<u>Long-Term Financing Maximum Principal Amount</u>	<u>Maximum Amount DWSRF Grant</u>	<u>Interest Rate</u>
16106	Tannersville (V)	Greene	\$2,249,788	N/A	0%

Project Description

This project consists of the rehabilitation of the Village's existing water treatment plant, the addition of arsenic removal treatment for the existing Rip Van Winkle Well, development of additional groundwater source capacity, replacement of aged water mains and meters, and rehabilitation of the existing water storage tank. The project is defined by the engineering report titled "Water System Improvements Project, Preliminary Engineer's Report", by the engineering firm Lamont Engineers, dated May 2015 and endorsed by DOH on June 24, 2015.

Exhibit B

Financial Assistance Payment Recipients (DW WIIA Grants)

<u>Project Number</u>	<u>Applicant</u>	<u>County</u>	<u>Maximum Grant Amount</u>
18322	Elmira (C)	Chemung	\$3,000,000

Project Description

This project consists of replacement of lead service lines and meters; replacement of the 30” High Reservoir Transmission Main that services the entire system; relining of the Harmon Street Chemung River Crossing; replacement of the Madison Avenue Chemung River Crossing; and replacement of the Water Street Distribution/Transmission Main that services the Downtown Core, which is split into two parts due to City road construction. The project is defined by the endorsed engineering report entitled “2017/2018 Elmira Water Board Elmira Refresh Improvements” dated June 2017 by the engineering firm Fagan Engineers, and the subsequent engineering report entitled “2020 Elmira Water Board Elmira Refresh Improvements” dated June 2019, as may be updated, amended, supplemented, and approved by the Agency.

BY: _____/s/_____
Kate Siobhan Howard
Secretary to the Corporation

RESOLUTION NO. 2902

A RESOLUTION OF THE NEW YORK STATE ENVIRONMENTAL FACILITIES CORPORATION AMENDING THE PRIOR AUTHORIZATIONS FOR FINANCIAL ASSISTANCE TO BE PROVIDED BY THE CORPORATION TO CERTAIN RECIPIENTS IN CONNECTION WITH THE CLEAN WATER STATE REVOLVING FUND

Modification of the Project Scope and Extension of Financing Maturity Date

Poughkeepsie (C) - Project No. C3-7348-03-00

WHEREAS, by Resolution No. 2483 adopted on April 14, 2017, the Board authorized a short-term interest-free financing to be made by the Corporation to the City of Poughkeepsie for a maximum principal amount not to exceed \$8,420,000; and

WHEREAS, on April 19, 2017, the Public Authorities Control Board ("PACB") adopted Resolution No. 17-EF-712 approving the financing; and

WHEREAS, the financing was made by the Corporation to the City of Poughkeepsie for the maximum principal amount of \$11,226,000, which included a WIIA grant of \$2,806,500, pursuant to a Project Finance Agreement executed between the parties that closed effective April 27, 2017; and

WHEREAS, the original scope of the project associated with the City of Poughkeepsie's financing has been expanded to include additional work; and

WHEREAS, the maximum period of the financing will expire on April 27, 2022, and the City of Poughkeepsie has requested additional time in order to complete the project; and

WHEREAS, the Board desires to authorize a modification of the project scope and an extension of the maturity date of the City of Poughkeepsie's financing to April 27, 2024 as set forth herein.

Funding Increase

Sleepy Hollow Lake Sewerage Company, Inc. - Project No. C4-7405-01-00

WHEREAS, by Resolution No. 2557 adopted on May 14, 2018, the Board authorized a five-year short-term market-rate financing for a maximum principal amount not to exceed \$5,245,558 to be made by the Corporation to the Sleepy Hollow Lake Sewerage Company; and

WHEREAS, on June 20, 2018, PACB adopted Resolution No.18-EF-738 approving the financing; and

WHEREAS, the financing was made by the Corporation to the Sleepy Hollow Lake Sewerage Company for the maximum principal amount of \$5,245,558 pursuant to a Project Finance Agreement executed between the parties that closed effective October 11, 2018; and

WHEREAS, the project costs have increased and additional funding is necessary to complete construction of the project; and

WHEREAS, the Board desires to amend the financial assistance authorized to the Sleepy Hollow Lake Sewerage Company, Inc. to reflect an increase in the aggregate maximum principal amount of the financing as set forth herein.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF THE NEW YORK STATE ENVIRONMENTAL FACILITIES CORPORATION, AS FOLLOWS:

Section 1. The Board hereby authorizes a modification of the original project scope associated with the City of Poughkeepsie's financing and an extension of the maturity date to April 27, 2024, as set forth in Exhibit A. All other authorizations, determinations, terms and conditions contained in Resolution No. 2483, and any amendments relating thereto, shall remain in effect.

Section 2. The Board hereby authorizes the increase in the aggregate maximum principal amount of the financing previously authorized to the Sleepy Hollow Lake Sewerage Company, Inc. as set forth in Exhibit B. All other authorizations, determinations, terms and conditions contained in Resolution No. 2557, and any amendments relating thereto, shall remain in effect.

Section 3. This Resolution shall take effect immediately.

Exhibit A

<u>Project Number</u>	<u>Applicant</u>	<u>County</u>	<u>Short-Term Interest-Free Financing Maximum Principal Amount</u>	<u>Interest Rate</u>
C3-7348-03-00	Poughkeepsie (C)	Dutchess	\$8,420,000	0%

Project Description:

This project consists of design and construction of improvements to the City of Poughkeepsie wastewater treatment and collection system and green infrastructure improvements to the Liberty Street parking lot. The project is defined by engineering reports entitled "City of Poughkeepsie Wastewater Improvement Project" dated January 2017 and "Liberty Street Parking Lot – Stormwater Management Plan" dated May 24, 2019 by the engineering firm Clark Patterson Lee, as may be updated, amended, supplemented, and approved by the Corporation.

Exhibit B

<u>Project Number</u>	<u>Applicant</u>	<u>County</u>	<u>Short-Term Market-Rate Financing Maximum Principal Amount</u>	<u>Initial Interest Rate</u> (not to exceed)
C4-7405-01-00	Sleepy Hollow Lake Sewerage Company, Inc.	Greene	\$7,014,558	4%

Project Description:

This project consists of planning, design and construction of sanitary pump station and wastewater treatment plant upgrades. The project is defined by the engineering report entitled "Wastewater Treatment Plant Evaluation and Upgrade" dated September 1, 2016, revised June 19, 2017, by the engineering firm Delaware Engineering, D.P.C., as may be updated, amended, supplemented, and approved by the Corporation.

BY: _____/s/_____
Kate Siobhan Howard
Secretary to the Corporation

RESOLUTION NO. 2903

A RESOLUTION OF THE NEW YORK STATE ENVIRONMENTAL FACILITIES CORPORATION MAKING CERTAIN DETERMINATIONS AND AUTHORIZING CERTAIN ACTIONS IN CONNECTION WITH THE CLEAN WATER STATE REVOLVING FUND AND AUTHORIZING FINANCIAL ASSISTANCE PAYMENTS TO CERTAIN MUNICIPALITIES TO FUND ELIGIBLE CLEAN WATER PROJECTS FROM FUNDS APPROPRIATED FOR WATER INFRASTRUCTURE IMPROVEMENT PROJECTS

WHEREAS, pursuant to the New York State Environmental Facilities Corporation Act, being Chapter 744 of the Laws of 1970 constituting Title 12 of Article 5 of the Public Authorities Law and Chapter 43-A of the Consolidated Laws of the State of New York, as amended (the "Act"), the New York State Environmental Facilities Corporation (the "Corporation") has been established as a body corporate and politic constituting a public benefit corporation; and

WHEREAS, pursuant to Chapter 565 of the Laws of 1989, as amended (the "CWSRF Act"), the Clean Water State Revolving Fund ("CWSRF") was established in the custody of the Corporation; and

WHEREAS, the Corporation is charged with providing low-cost financing to eligible recipients while maintaining the fiscal integrity of the CWSRF; and

WHEREAS, each of the applicants listed in **Exhibit A** hereto has submitted an application to the Corporation for financial assistance under the CWSRF Act, for the purpose of financing or refinancing projects eligible for assistance under 33 USC 1383 (c) and undertaken and completed or to be undertaken and completed by such applicants; and

WHEREAS, each project proposed to be financed or refinanced by such applicants through the short-term interest-free, short-term market-rate or long-term financings and/or grants descriptions of which are set out in **Exhibit A** hereto (collectively, the "CWSRF Projects") constitute an "eligible project" within the meaning of the CWSRF Act; and

WHEREAS, with respect to the amounts identified in **Exhibit A**, the Corporation has, where necessary, identified funds available in excess of the amounts listed in the Intended Use Plan (the "IUP") or has made such moneys available through by-pass as provided in the IUP; and

WHEREAS, with respect to the short-term market-rate financings, available funds within the CWSRF have been identified, and in the future the Corporation may seek the Board of Directors' approval to issue its Corporation Bonds to fund any such projects; and

WHEREAS, the Corporation desires to provide such short-term interest-free, short-term market-rate or long-term interest-free financings to the respective applicants, in accordance with the terms and conditions set forth in **Exhibit A**, and as will be more fully set forth in the closing documents for the financings (the "Direct Financings"); and

WHEREAS, the New York State Water Infrastructure Improvement Act of 2015, being Part G of Chapter 60 of the Laws of 2015 ("WIIA 2015"), and the Clean Water Infrastructure Act of 2017, being Part T of Chapter 57 of the Laws of 2017 (the "Infrastructure Act") each authorizes and directs the Corporation to provide financial assistance payments ("Grants"), from funds appropriated for such purpose, to municipalities in support of water quality infrastructure projects; and

WHEREAS, \$400 million was appropriated over a three-year period for the purposes of WIIA 2015, and no less than \$1 billion was appropriated for purposes of funding water infrastructure improvement projects under the Infrastructure Act; and

WHEREAS, subsequent annual appropriations have been made available for the purpose of providing Grants to municipalities in support of water infrastructure improvement projects;

WHEREAS, preference for award of Grants shall be given to municipalities that meet the Corporation's hardship criteria and projects that result in the greatest water quality improvement or greatest reduction in serious risk to public health; and

WHEREAS, the Corporation has completed an evaluation of the projects set forth in **Exhibit B** (hereinafter referred to as the "WIIA Projects"), determined that each WIIA Project constitutes an eligible "water quality infrastructure project" as defined in WIIA, and otherwise meets the criteria for award of a WIIA Grant; and

WHEREAS, the Corporation desires to provide WIIA Grants to the applicants listed in **Exhibit B** in support of water quality infrastructure projects in accordance with WIIA and subject to continuing compliance with applicable law as will be more fully set forth in the closing documents for the financing of each WIIA Project.

WHEREAS, pursuant to WIIA, a municipality is not required to accept CWSRF financing from the Corporation to receive a WIIA Grant; however, municipalities often seek CWSRF financing in addition to their WIIA grant to fund the total cost of their project; and

WHEREAS, for any CWSRF Project or WIIA Project subject to Article 6 of the Environmental Conservation Law, or the State Smart Growth Public Infrastructure Policy Act, the President has attested in a written Smart Growth Impact Statement that the project meets the relevant criteria as set forth in the Smart Growth Public Infrastructure Policy Act to the extent practicable or, if a Project does not meet the relevant criteria and compliance is considered impracticable, has provided a detailed statement of justification; and

NOW, THEREFORE, BE IT RESOLVED BY THE DIRECTORS OF THE NEW YORK STATE ENVIRONMENTAL FACILITIES CORPORATION, AS FOLLOWS:

SECTION 1. SHORT-TERM AND LONG-TERM FINANCINGS AND GRANTS

A. The Corporation has reviewed the information supplied by each financing applicant, set forth in **Exhibit A**, in connection with its application for CWSRF financial assistance, and the Corporation hereby determines that it would be impracticable or inadvisable to finance all or a portion of the costs of the CWSRF Projects from the proceeds of bonds or notes that are special obligations of the Corporation. The filing of the determination contained in this Section 1.A in accordance with, and to the extent required by, applicable law and regulations by or at the direction of an officer of the Corporation is hereby authorized and confirmed.

B. To accomplish the purposes of the Act and the CWSRF Act, and to provide for the financing or refinancing of the CWSRF Projects, the Corporation is hereby authorized to provide the Direct Financings and/or the grants, from monies in the CWSRF, to the applicants listed in **Exhibit A** in compliance with applicable law. Each Direct Financing shall be in a principal amount not exceeding the principal amount set forth opposite the name of the applicant in **Exhibit A** and shall bear interest at rates not in excess of those set forth in **Exhibit A**. Each short-term Direct Financing shall mature not later than five years from the date of the closing of such short-term Direct Financing. Principal amounts and maturities are to be determined by either the President, any Vice President, Chief Financial Officer, General Counsel, or Controller (collectively, the "Authorized Officers") of the Corporation.

The Corporation is further authorized to guarantee the payment of each short-term market-rate financing from monies and assets held in the CWSRF, each short-term market-rate financing shall be in a principal amount not exceeding the principal amount set forth opposite the name of the applicant in **Exhibit A**; shall mature not later than five years from the date of the closing of such short-term market-rate financing; and shall initially bear interest at a rate or rates not in excess of those set forth in **Exhibit A** and as may be determined by any Authorized Officer from time to time in accordance with the provisions of the financing agreement. Each short-term market-rate financing shall remain eligible to compete for and receive an interest rate subsidy if authorized in the current IUP and in the event that the project score so qualifies under such IUP, which subsidy shall be provided in accordance with the provisions of the financing agreement. Further, if authorized in the IUP, each short-term market-rate financing remains eligible to apply for a zero-interest rate (hardship) determination and receive interest rate subject to and in accordance with the applicable IUP.

C. The Authorized Officers and the Secretary to the Corporation are each hereby authorized to prepare, execute, acknowledge and deliver to each applicant a financing agreement for such applicant's Direct Financing (including any grants), in such form as shall be determined by any Authorized Officer, with such amendments, supplements, changes, insertions and omissions as may be approved by any Authorized Officer. The Chief Financial Officer and the Secretary to the Corporation are each hereby authorized to affix the seal of the Corporation on such documents and attest the same. The execution of such documents by an Authorized Officer or the Secretary to the Corporation shall be conclusive evidence of any approval or determination authorized or required by this Section 1.C or by Section 1.B of this Resolution.

SECTION 2. FINANCIAL ASSISTANCE PAYMENTS (WIIA GRANTS)

A. The Corporation has reviewed the information supplied by each applicant set forth in **Exhibit B** in connection with its application for a WIIA Grant.

B. To accomplish the purposes of WIIA and provide financial assistance payments to the WIIA Project recipients, the Corporation is hereby authorized to provide WIIA Grants, from appropriated funds, to the applicants set forth in **Exhibit B** subject to continuing compliance with applicable law.

C. The Authorized Officers are each hereby authorized to determine the amount of each WIIA Grant (which amount shall not exceed the amounts authorized herein) and the terms thereof.

SECTION 3. GENERAL

A. All covenants, stipulations, obligations and agreements of the Corporation contained in this Resolution, and in any agreement prepared pursuant to this Resolution, shall be deemed to be the covenants, stipulations, obligations and agreements of the Corporation to the full extent authorized or permitted by law, and such covenants, stipulations, obligations and agreements shall be binding upon the Corporation and its successors from time to time and upon any board or body to which any powers or duties affecting such covenants, stipulations, obligations and agreements shall be transferred by or in accordance with law. Except as otherwise provided in this Resolution, all rights, powers and privileges conferred and duties and liabilities imposed upon the Corporation by the provisions of this Resolution, or by any financing agreement prepared pursuant to this Resolution, shall be exercised or performed by the Corporation or by such directors, officers, board or body as may be required by law to exercise such powers and to perform such duties.

B. No covenant, stipulation, obligation or agreement contained in this Resolution, or in any agreement prepared pursuant to this Resolution, shall be deemed a covenant, stipulation, obligation or agreement of any director, officer, agent or employee of the Corporation in his or her individual capacity and neither the Directors of the Corporation nor any Authorized Officer or the Secretary to the Corporation executing any such financing agreement shall be liable personally thereon or be subject to personal liability by reason of the execution thereof.

C. The amount of each WIIA Grant (which amount shall not exceed the amounts authorized herein) and the terms thereof shall be determined by the Authorized Officers.

D. The Authorized Officers and the Secretary to the Corporation are each individually authorized and directed to execute and deliver any such other agreements or instruments, to do and cause to be done any such other acts and things, and to make such other changes, omissions, insertions, revisions or amendments to each of the documents referred to in this Resolution as they may determine to be necessary or proper for carrying

out, giving effect to and consummating the transactions contemplated by this Resolution and any financing agreement prepared pursuant to this Resolution.

E. This Resolution shall take effect immediately.

Exhibit A

CWSRF Direct Financings (Short-Term and Long-Term Financings and Grants)

Short-Term Interest-Free Financings:

<u>Project Number</u>	<u>Applicant</u>	<u>County</u>	<u>Short-Term Interest-Free Financing Maximum Principal Amount</u>	<u>Maximum Amount CWSRF Grant</u>	<u>Interest Rate</u>
C9-6667-02-00	Caneadea (T)	Allegany	\$800,000	N/A	0%

Project Description

This project consists of planning, design and construction of a disinfection system at the Town's Wastewater Treatment Plant (WWTP). The project is defined by the engineering report entitled "Wastewater Treatment Plant Disinfection Improvements" dated March 2021 by the engineering firm MRB Group, as may be updated, amended, supplemented, and approved by the Corporation.

<u>Project Number</u>	<u>Applicant</u>	<u>County</u>	<u>Short-Term Interest-Free Financing Maximum Principal Amount</u>	<u>Maximum Amount CWSRF Grant</u>	<u>Interest Rate</u>
C4-5479-06-00	Cobleskill (V)	Schoharie	\$2,025,000	N/A	0%

Project Description

This project consists of planning, design and construction of wastewater treatment plant and collection system improvements. The project is defined by the engineering report entitled "Wastewater Treatment Plant and Collection System Improvements Project" dated July 16, 2021, and revised October 6, 2021, by the engineering firm C.T. Male Associates, as may be updated, amended, supplemented, and approved by the Corporation.

Short-Term Market-Rate Financings:

<u>Project Number</u>	<u>Applicant</u>	<u>County</u>	<u>Short-Term Market-Rate Financing Maximum Principal Amount</u>	<u>Maximum Amount CWSRF Grant</u>	<u>Initial Interest Rate (not to exceed)</u>
C9-6667-02-00	Caneadea (T)	Allegany	\$1,000,000	N/A	4%

Project Description

This project consists of planning, design and construction of a disinfection system at the Town's Wastewater Treatment Plant (WWTP). The project is defined by the engineering report entitled "Wastewater Treatment Plant Disinfection Improvements" dated March 2021 by the engineering firm MRB Group, as may be updated, amended, supplemented, and approved by the Corporation.

Long-Term Interest-Free Financings:

<u>Project Number</u>	<u>Applicant</u>	<u>County</u>	<u>Long-Term Interest-Free Financing Maximum Principal Amount</u>	<u>Maximum Amount CWSRF Grant</u>	<u>Interest Rate</u>
C4-5402-15-00 & C4-5402-15-01	Albany Municipal Water Finance Authority	Albany	\$4,407,496	N/A	0%

Project Description

This project consisted of planning, design and construction of the Beaver Creek Sewershed Overflow Abatement and Flood Mitigation Project. The project is defined by the engineering report entitled "Beaver Creek Sewershed" dated July 1, 2015 and Addendum dated April 15, 2016 by the engineering firm CHA that was approved by the New York State Department of Environmental Conservation (NYSDEC) on April 27, 2016 and made eligible by the New York State Environmental Facilities Corporation (NYSEFC) on May 11, 2016. The project is further defined by the engineering report supplement dated February 28, 2017 by the engineering firm CHA that was approved and made eligible by the NYSEFC on October 15, 2018. The project is further defined by the engineering report supplement dated October 21, 2019 by the Albany Water Board that was approved and made eligible by the NYSEFC on October 24, 2019. The project is further defined by the plans and specifications entitled "Hansen Alley and Ryckman Alley" dated August 2016 by the engineering firm CHA that were approved by the NYSDEC on August 19, 2014 and made eligible by the NYSEFC on September 22, 2016. The project is further defined by the plans and specifications entitled "Elberon Place – CSO Abatement and Flood Mitigation Project" dated February 2017 by the engineering firm CHA that were approved and made eligible by the NYSEFC on April 2, 2018. The project is further defined by the plans and specifications entitled "Woodlawn Park Stormwater Harvesting Project" dated April 2020 by the engineering firm CHA that were approved and made eligible by the NYSEFC on November 20, 2020.

<u>Project Number</u>	<u>Applicant</u>	<u>County</u>	<u>Long-Term Interest-Free Financing Maximum Principal Amount</u>	<u>Maximum Amount CWSRF Grant</u>	<u>Interest Rate</u>
C4-5477-02-00	New Baltimore (T)	Greene	\$1,875,733	N/A	0%

Project Description

This project consisted of planning, design and construction of wastewater system upgrades. The project is defined by the engineering report entitled “Wastewater System Evaluation” dated December 2012, revised May 2013, and amended May 1, 2014 all by the engineering firm Delaware Engineering, D.P.C. These documents were approved and made eligible by the New York State Environmental Facilities Corporation (NYSEFC) on January 30, 2017. The project was further defined by the plans and specifications entitled “Mill Street Pump Station Upgrade” and “WWTP Upgrades” dated August 2013 and September 2018, respectively. The plans and specifications were developed by the engineering firm Delaware Engineering, D.P.C. and were approved and made eligible by the NYSEFC on February 8, 2017 and August 7, 2019, respectively.

<u>Project Number</u>	<u>Applicant</u>	<u>County</u>	<u>Long-Term Interest-Free Financing Maximum Principal Amount</u>	<u>Maximum Amount CWSRF Grant</u>	<u>Interest Rate</u>
C6-6063-06-00	Ogdensburg (C)	St. Lawrence	\$20,000,000	N/A	0%

Project Description

This project consists of design and construction of wastewater treatment plant and pump station improvements. The project is defined by the engineering report entitled “City of Ogdensburg Preliminary Engineering Report - Wastewater System Improvements” dated March 2017 by the engineering firm GHD Consulting Services and was approved by the New York State Department of Environmental Conservation (NYSDEC) on July 10, 2017 and made eligible by the New York State Environmental Facilities Corporation (NYSEFC) on July 11, 2017 and Engineering Report Amendment entitled “City of Ogdensburg Preliminary Engineering Report Amendment – Wastewater System Improvements” dated June 2018 as prepared by the engineering firm GHD Consulting Services Inc that was approved by the NYSDEC on June 15, 2018 and made eligible by NYSEFC on July 23, 2018. The project is further defined by the plans and specifications entitled “City of Ogdensburg – Wastewater System Improvements” dated April 2019 by the engineering firm GHD Consulting Services Inc. that were approved and made eligible by the NYSEFC on July 30, 2019.

Exhibit B

Financial Assistance Payment Recipients (CW WIIA Grants)

<u>Project Number</u>	<u>Applicant</u>	<u>County</u>	<u>Maximum Grant Amount</u>
C4-5479-06-00	Cobleskill (V)	Schoharie	\$747,250

Project Description

This project consists of planning, design and construction of wastewater treatment plant and collection system improvements. The project is defined by the engineering report entitled "Wastewater Treatment Plant and Collection System Improvements Project" dated July 16, 2021, and revised October 6, 2021, by the engineering firm C.T. Male Associates, as may be updated, amended, supplemented, and approved by the Corporation.

BY: _____/s/_____
Kate Siobhan Howard
Secretary to the Corporation

RESOLUTION NO. 2904

A RESOLUTION OF THE NEW YORK STATE ENVIRONMENTAL FACILITIES CORPORATION MAKING CERTAIN DETERMINATIONS AND AUTHORIZING UP TO \$657,949,860 IN CONNECTION WITH THE CLEAN WATER STATE REVOLVING FUND (NEW YORK CITY MUNICIPAL WATER FINANCE AUTHORITY PROJECTS)

WHEREAS, pursuant to the New York State Environmental Facilities Corporation Act, constituting Title 12 of Article 5 of the Public Authorities Law and Chapter 43-A of the Consolidated Laws of the State of New York, as amended (the "Act"), the New York State Environmental Facilities Corporation (the "Corporation") was established as a body corporate and politic constituting a public benefit corporation; and

WHEREAS, pursuant to Chapter 565 of the Laws of 1989, as amended (the "CWSRF Act"), the Clean Water State Revolving Fund ("CWSRF") has been established in the custody of the Corporation; and

WHEREAS, the Corporation is charged with providing low cost financing to eligible recipients while maintaining the fiscal integrity of the CWSRF; and

WHEREAS, the applicant listed in **Exhibit A** hereto has submitted an application to the Corporation for financial assistance under the CWSRF Act, for the purpose of financing or refinancing water pollution control projects eligible for assistance under 33 USC 1383 (c) undertaken and completed or to be undertaken and completed by such applicant; and

WHEREAS, each project proposed to be financed or refinanced by such applicant through the short-term market-rate financings, descriptions of which are set out in **Exhibit A** hereto (collectively, the "Projects") constitute an "eligible project" within the meaning of the CWSRF Act; and

WHEREAS, with respect to the amount identified in Exhibit A, the Corporation has, where necessary, identified funds available in excess of the amount listed in the Intended Use Plan (the "IUP") or has made such moneys available through by-pass as provided in the IUP; and

WHEREAS, with respect to the short-term market-rate financings, available funds within the CWSRF have been identified, and in the future the Corporation may seek the Board of Directors' approval to issue its Corporation Bonds to fund any such projects; and

WHEREAS, the Corporation desires to provide such short-term market-rate financings to the applicant, in accordance with the terms and conditions set forth in Exhibit A, and as will be more fully set forth in the closing documents for the financing (the "Direct Financing"); and

WHEREAS, the Corporation's staff has conducted an evaluation of the Direct Financing to determine whether the Projects meet the relevant criteria set forth in Article 6 of the Environmental Conservation Law (the "State Smart Growth Public Infrastructure Policy Act") and has made a recommendation to the President; and

WHEREAS, for any Project subject to the State Smart Growth Public Infrastructure Policy Act, the President has attested in a written Smart Growth Impact Statement that the Project meets the relevant criteria as set forth in the Smart Growth Public Infrastructure Policy Act, to the extent practicable or, if a Project does not meet the relevant criteria and compliance is considered impracticable, a detailed statement of justification has been provided.

NOW, THEREFORE, BE IT RESOLVED BY THE DIRECTORS OF THE NEW YORK STATE ENVIRONMENTAL FACILITIES CORPORATION, AS FOLLOWS:

SECTION 1. SHORT-TERM AND LONG-TERM FINANCINGS

A. The Corporation has reviewed the information supplied by the financing applicant set forth in **Exhibit A** in connection with its application for CWSRF financial assistance, and the Corporation hereby determines that it would be impracticable or inadvisable to finance all or a portion of the costs of the Projects from the proceeds of bonds or notes that are special obligations of the Corporation. The filing of the determination contained in this Section 1.A in accordance with, and to the extent required by, applicable law and regulations by or at the direction of an officer of the Corporation is hereby authorized and confirmed.

B. To accomplish the purposes of the Act and the CWSRF Act, and to provide for the financing or refinancing of the Projects, the Corporation is hereby authorized to provide the Direct Financing, from monies in the CWSRF, to the applicant listed in **Exhibit A** in compliance with applicable law. The Direct Financing shall be in a principal amount (including additional subsidization, if any) not exceeding the principal amount set forth opposite the name of the applicant in **Exhibit A**; shall bear interest at a rate not in excess of the rate set forth in **Exhibit A**; the short-term Direct Financing and any extension thereof shall mature not later than five years from the date of the initial making of such short-term Direct Financing, and each long-term Direct Financing shall mature not later than thirty years from the date of the making of such long-term Direct Financing; such principal amounts and maturities to be determined by either the President, any Vice President, Chief Financial Officer or Controller (collectively, the "Authorized Officers") of the Corporation.

The Corporation is further authorized to guarantee the payment of each short-term market-rate financing from monies and assets held in the CWSRF, each short-term market-rate financing shall be in a principal amount not exceeding the principal amount set forth opposite the name of the applicant in Exhibit A; shall mature not later than five years from the date of the initial making of such short-term market-rate financing, and shall initially bear interest at the rate or rates not in excess of those set forth in Exhibit A and as may be determined by any Authorized Officer from time to time in accordance with the provisions of the financing agreement. Each short-term market-rate financing remains eligible to compete for and receive an interest rate subsidy in accordance with any IUP in the event that the project score so qualifies under such IUP, which subsidy shall be provided in accordance with the

provisions of the financing agreement. Further, each short-term market-rate financing remains eligible to apply for a reduced interest rate (hardship) determination and receive such reduced interest rate subject to and in accordance with the applicable IUP.

C. The Authorized Officers and the Secretary to the Corporation are each hereby authorized to prepare, execute, acknowledge and deliver to the applicant a financing agreement for such applicant's Direct Financing, in such form as shall be determined by any Authorized Officer, with such amendments, supplements, changes, insertions and omissions as may be approved by any Authorized Officer. The Chief Financial Officer and the Secretary to the Corporation are each hereby authorized to affix the seal of the Corporation on such documents and attest the same. The execution of such documents by an Authorized Officer or the Secretary to the Corporation shall be conclusive evidence of any approval or determination authorized or required by this Section or by Section 1.B of this Resolution.

SECTION 2. GENERAL

A. All covenants, stipulations, obligations and agreements of the Corporation contained in this Resolution, and in any financing agreement prepared pursuant to this Resolution, shall be deemed to be the covenants, stipulations, obligations and agreements of the Corporation to the full extent authorized or permitted by law, and such covenants, stipulations, obligations and agreements shall be binding upon the Corporation and its successors from time to time and upon any board or body to which any powers or duties affecting such covenants, stipulations, obligations and agreements shall be transferred by or in accordance with law. Except as otherwise provided in this Resolution, all rights, powers and privileges conferred and duties and liabilities imposed upon the Corporation by the provisions of this Resolution, or by any financing agreement prepared pursuant to this Resolution, shall be exercised or performed by the Corporation or by such directors, officers, board or body as may be required by law to exercise such powers and to perform such duties.

B. No covenant, stipulation, obligation or agreement contained in this Resolution, or in any financing agreement prepared pursuant to this Resolution, shall be deemed a covenant, stipulation, obligation or agreement of any director, officer, agent or employee of the Corporation in his or her individual capacity and neither the Directors of the Corporation nor any Authorized Officer or the Secretary to the Corporation executing any such financing agreement shall be liable personally thereon or be subject to personal liability by reason of the execution thereof.

C. The Authorized Officers and the Secretary of the Corporation are each individually authorized and directed to execute and deliver any such other agreements or instruments, to do and cause to be done any such other acts and things, and to make such other changes, omissions, insertions, revisions or amendments to each of the documents referred to in this Resolution as they may determine to be necessary or proper for carrying out, giving effect to and consummating the transactions contemplated by this Resolution and any financing agreement prepared pursuant to this Resolution.

D. This Resolution shall take effect immediately.

Exhibit A

<u>Applicant</u>	<u>Counties</u>	<u>Short-Term Market-Rate Financing Maximum Principal Amount</u>	<u>Initial Interest Rate</u> (not to exceed)
New York City Municipal Water Finance Authority	Bronx, Kings, New York, and Queens	\$657,949,860	4%

<u>Project Number</u>	<u>Description</u>
C2-5201-31	Wards Island Water Pollution Control Plant Final Settling Tank Reconstruction
C2-5203-15	Bowery Bay Water Pollution Control Plant Main Sewage Pump Upgrades
C2-5203-21	Bowery Bay Water Pollution Control Plant Power Distribution System Upgrades
C2-5204-01	Tallman Island Water Pollution Control Plant Phase I Biological Nutrient Removal Upgrades
C2-5206-19	Various Water Pollution Control Plants Phase II Biological Nutrient Removal Carbon Addition
C2-5206-24	26th Ward Water Pollution Control Plant Preliminary Treatment Reliability Improvements
C2-5209-12	Newtown Creek Wastewater Treatment Plant Dechlorination Facility Upgrades
C2-5212-19	Rockaway Water Pollution Control Plant Level 1 Biological Nutrient Removal Upgrades
C2-5218-04	Newtown Creek Combined Sewer Overflow Floatables Control & Bending Weir Construction
C2-5225-16	Inner Harbor Combined Sewer Overflow Gowanus Pump Station and Flushing Tunnel Reconstruction
C2-5225-84	235 th Steet Pumping Station Reconstruction
C2-5225-86	Prospect Expressway Pumping Station Upgrade
C2-5225-88	Rikers Island North & South Pumping Stations Reconstruction
C2-5227-24	NYCDEP Owls Head Water Pollution Control Plant

Dechlorination Facility Construction

- C2-5231-20 Coney Island Water Pollution Control Plant
Level 1 BNR Upgrades
- C2-5231-21 Coney Island Water Pollution Control Plant
Replacement of Main Sewage Pumps
- C2-5234-28 North River Water Pollution Control Plant
North River Cogeneration and Electrification Project
- C2-5234-31 Coney Island and North River Water Pollution Control Plants
Dechlorination Facilities for Total Residual Chlorine Reduction

BY: _____/s/_____
Kate Siobhan Howard
Secretary to the Corporation