

RESOLUTION NO. 3013

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 New York of 1996, as amended (the "DWSRF Act") and the 1996 Act to reauthorize and amend title XIV of the Public Health Service Act, Public Law 104-182 (the "Safe Drinking Water Act"), the Drinking Water State Revolving Fund (the "DWSRF") was established in the custody of the Corporation; and

WHEREAS, the Infrastructure Investment and Jobs Act, Pub. L. No. 117-58 (2021), also referred to as the Bipartisan Infrastructure Law, ("IIJA" or "BIL") reauthorizes and amends funding levels and certain provisions in the Safe Drinking Water Act; 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 and the Safe Drinking Water 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 additional subsidies 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 and the Safe Drinking Water Act, including but not limited to amendments under BIL, 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; and

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; and

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 an compliance is considered impracticable, has provided a detailed statement of justification.

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 Additional Subsidies

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 the Safe Drinking Water 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.

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 Interest-Free Financing

<u>Project Number</u>	<u>Applicant</u>	<u>County</u>	<u>Short-Term Interest-Free Financing Maximum Principal Amount</u>	<u>Maximum Amount Additional Subsidy</u>	<u>Interest Rate</u>
18939	Hermon (T)	St. Lawrence	\$2,412,350	\$1,640,650	0%

Project Description

This project consists of development of new Spring No. 5, installation of a redundant transmission main from the springs to the water treatment plant, improvements to the water treatment plant, installation of individual water meters, and replacement of all distribution mains in the Town of Hermon Water District No.1 (approximately 25,000 linear feet). The project is defined by the engineering report entitled "Water District No.1 Water System Improvements Project" dated July 2021 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 Additional Subsidy</u>	<u>Interest Rate (not to exceed)</u>
18813	Franklinville (V)	Cattaraugus	\$1,191,800	N/A	6%

Project Description

This project consists of improvements to the Village's South and North wellhouses, as well as replacement of approximately 30,000 LF of watermains. The project is defined by the engineering report entitled "Water System Study Preliminary Engineering Report Village of Franklinville, Cattaraugus County" dated March 2020 by the engineering firm Larson Design Group, 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 Additional Subsidy</u>	<u>Interest Rate (not to exceed)</u>
18939	Hermon (T)	St. Lawrence	\$847,000	N/A	6%

Project Description

This project consists of development of new Spring No. 5, installation of a redundant transmission main from the springs to the water treatment plant, improvements to the water treatment plant, installation of individual water meters, and replacement of all distribution mains in the Town of Hermon Water District No.1 (approximately 25,000 linear feet). The project is defined by the engineering report entitled "Water District No.1 Water System Improvements Project" dated July 2021 by the engineering firm Barton & Loguidice, as may be updated, amended, supplemented, and approved by the Agency.

Exhibit B
Financial Assistance Payment Recipient (Drinking Water WIIA Grants)

<u>Project Number</u>	<u>Applicant</u>	<u>County</u>	<u>Maximum Grant Amount</u>
18813	Franklinville (V)	Cattaraugus	\$2,850,000

Project Description

This project consists of improvements to the Village's South and North wellhouses, as well as replacement of approximately 30,000 LF of water mains. The project is defined by the engineering report entitled "Water System Study Preliminary Engineering Report Village of Franklinville, Cattaraugus County" dated March 2020 by the engineering firm Larson Design Group, as may be updated, amended, supplemented, and approved by the Agency.

<u>Project Number</u>	<u>Applicant</u>	<u>County</u>	<u>Maximum Grant Amount</u>
18939	Hermon (T)	St. Lawrence	\$3,000,000

Project Description

This project consists of development of new Spring No. 5, installation of a redundant transmission main from the springs to the water treatment plant, improvements to the water treatment plant, installation of individual water meters, and replacement of all distribution mains in the Town of Hermon Water District No.1 (approximately 25,000 linear feet). The project is defined by the engineering report entitled "Water District No.1 Water System Improvements Project" dated July 2021 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>Maximum Grant Amount</u>
19054	Niagara County Water District	Niagara	\$1,245,750

Project Description

This project consists of the replacement of the water treatment plant's 1,200,000-gallon wash water tank. The existing tank will be replaced with a new glass-lined tank of similar capacity. The project is defined by the engineering report entitled "Niagara County Water District Water Treatment Plant Wash Water Tank" dated November 2021 by the engineering firm Wendel, as may be updated, amended, supplemented, and approved by the Agency.

BY: _____/s/
Kate Siobhan Howard
SECRETARY TO THE CORPORATION

RESOLUTION NO. 3014

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

Funding Increase

Caneadea (T) - Project No. C9-6667-02-00

WHEREAS, by Resolution No. 2903 adopted on March 10, 2022, the Board of Directors (the "Board") authorized a short-term financing to be made by the Corporation to the Town of Caneadea; and

WHEREAS, on March 16, 2022, the Public Authorities Control Board ("PACB") adopted Resolution No. 22-EF-856 approving the financing; and

WHEREAS, costs have increased; and

WHEREAS, the Board desires to amend the financial assistance authorized to the Town of Caneadea to reflect an increase in the short-term interest-free maximum principal amount of the financing as set forth herein.

Maturity Date Extension

Dundee (V) - Project No. C8-6454-01-00

WHEREAS, by Resolution No. 2675 adopted on September 10, 2019, the Board authorized a five-year short-term financing to be made by the Corporation to the Village of Dundee; and

WHEREAS, on September 11, 2019, PACB adopted Resolution No. 19-EF-783 approving the financing; and

WHEREAS, the financing is set to mature on March 26, 2024 and additional time is needed to complete the project; and

WHEREAS, the Board desires to authorize extension of the maturity date of the Village of Dundee's financing as set forth herein.

Funding Increase
Suffern (V) - Project No. C3-5377-03-00

WHEREAS, by Resolution No. 2828 adopted on May 13, 2021, the Board authorized a short-term financing to be made by the Corporation to the Village of Suffern; and

WHEREAS, on May 19, 2021, PACB adopted Resolution No. 21-EF-829 approving the financing; and

WHEREAS, by Resolution No. 2866 adopted on October 14, 2021, the Board authorized an amendment of the financial assistance provided to the Village of Suffern to increase the maximum principal amount of the financing; and

WHEREAS, PACB approved the amendment on October 20, 2021 through adoption of Resolution No. 21-EF-829A; and,

WHEREAS, costs have increased; and

WHEREAS, the Board desires to amend the financial assistance authorized to the Village of Suffern 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 an increase in the short-term interest-free maximum principal amount of the financing previously authorized to the Town of Caneadea as set forth in Exhibit A. All other authorizations, determinations, terms and conditions contained in Resolution No. 2903, and any amendments relating thereto, shall remain in effect.

Section 2. The Board hereby authorizes extension of the maturity date of the financing provided to the Village of Dundee from March 26, 2024 to September 26, 2025. All other authorizations, determinations, terms and conditions contained in Resolution No. 2675, and any amendments relating thereto, shall remain in effect.

Section 3. The Board hereby authorizes an increase in the maximum principal amount of the financing previously authorized to the Village of Suffern as set forth in Exhibit C. All other authorizations, determinations, terms and conditions contained in Resolution No. 2828, and any amendments relating thereto, shall remain in effect.

Section 4. This Resolution shall take effect immediately.

Exhibit A
Town of Caneadea

<u>Project Number</u>	<u>Applicant</u>	<u>County</u>	<u>Short-Term Interest-Free Financing Maximum Principal Amount</u>	<u>Maximum Amount Additional Subsidy</u>	<u>Interest Rate</u>
C9-6667-02-00	Caneadea (T)	Allegany	\$1,290,000	N/A	0%

Project Description

This project consists of planning, design and construction of a disinfection system at the Town of Caneadea's Wastewater Treatment Plant. 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.

Exhibit B
Village of Dundee

<u>Project Number</u>	<u>Applicant</u>	<u>County</u>	<u>Short-Term Interest-Free Financing Maximum Principal Amount</u>	<u>Maximum Amount Additional Subsidy</u>	<u>Interest Rate</u>
C8-6454-01-00	Dundee (V)	Yates	\$8,108,516	N/A	0%

Project Description

This project consists of planning, design and construction of wastewater treatment plant and collection system improvements in the Village of Dundee. The project is defined by the engineering report entitled "Wastewater Treatment Plant Improvements Preliminary Engineering Report" dated July 9, 2019, "Wastewater Treatment Plant Improvements Preliminary Engineering Report Amendment No. 1" dated May 2020, and "Sanitary Sewer Inflow and Infiltration Investigation Preliminary Engineering Report" dated August 2018, by the engineering firm Barton & Loguidice, D.P.C., as may be updated, amended, supplemented, and approved by the Corporation.

<u>Project Number</u>	<u>Applicant</u>	<u>County</u>	<u>Short-Term Market-Rate Financing Maximum Principal Amount</u>	<u>Maximum Amount Additional Subsidy</u>	<u>Interest Rate (not to exceed)</u>
C8-6454-01-00	Dundee (V)	Yates	\$268,000	N/A	4%

Project Description

This project consists of planning, design and construction of wastewater treatment plant and collection system improvements in the Village of Dundee. The project is defined by the engineering report entitled "Wastewater Treatment Plant Improvements Preliminary Engineering Report" dated July 9, 2019, "Wastewater Treatment Plant Improvements Preliminary Engineering Report Amendment No. 1" dated May 2020, and "Sanitary Sewer Inflow and Infiltration Investigation Preliminary Engineering Report" dated August 2018, by the engineering firm Barton & Loguidice, D.P.C., as may be updated, amended, supplemented, and approved by the Corporation.

Exhibit C
Village of Suffern

<u>Project Number</u>	<u>Applicant</u>	<u>County</u>	<u>Short-Term Interest-Free Financing Maximum Principal Amount</u>	<u>Maximum Amount Additional Subsidy</u>	<u>Interest Rate</u>
C3-5377-03-00	Suffern (V)	Rockland	\$5,577,040	N/A	0%

Project Description

This project consists of planning, design and construction of upgrades to the Village of Suffern Wastewater Treatment Plant. The project is defined by the engineering report entitled "Village of Suffern Wastewater Treatment Plant Upgrade" dated July 2019, revised March 2021 by the engineering firm Delaware Engineering, D.P.C. and the revised engineering report entitled "Village of Suffern Sewage Treatment Plant UV Replacement Project" dated April 2023 by the engineering firm Pitingaro & Doetsch Consulting Engineers, P.C., as may be updated, amended, supplemented, and approved by the Corporation.

<u>Project Number</u>	<u>Applicant</u>	<u>County</u>	<u>Short-Term Market-Rate Financing Maximum Principal Amount</u>	<u>Maximum Amount Additional Subsidy</u>	<u>Interest Rate (not to exceed)</u>
C3-5377-03-00	Suffern (V)	Rockland	\$5,577,039	N/A	4%

Project Description

This project consists of planning, design and construction of upgrades to the Village of Suffern Wastewater Treatment Plant. The project is defined by the engineering report entitled "Village of Suffern Wastewater Treatment Plant Upgrade" dated July 2019, revised March 2021 by the engineering firm Delaware Engineering, D.P.C. and the revised engineering report entitled "Village of Suffern Sewage Treatment Plant UV Replacement Project" dated April 2023 by the engineering firm Pitingaro & Doetsch Consulting Engineers, P.C., as may be updated, amended, supplemented, and approved by the Corporation.

BY: _____/s/_____
Kate Siobhan Howard
SECRETARY TO THE CORPORATION

RESOLUTION NO. 3015

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 New York of 1989, as amended (the "CWSRF Act") and the Federal Water Pollution Control Act 33 USC 1383 (the "Clean Water Act"), the Clean Water State Revolving Fund ("CWSRF") was established in the custody of the Corporation; and

WHEREAS, the Infrastructure Investment and Jobs Act, Pub. L. No. 117-58 (2021), also referred to as the Bipartisan Infrastructure Law, ("IIJA" or "BIL") reauthorizes and amends funding levels and certain provisions in the Clean Water Act; 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 the Clean Water Act 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 additional subsidies 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 the Clean Water Act, including, but not limited to, amendments under BIL; 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; and

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; and

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.

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 Additional Subsidies

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, the Clean Water 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 additional subsidies, 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, 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 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.

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 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 Additional Subsidy</u>	<u>Interest Rate</u>
C9-6627-01-00	Hume (T)	Allegany	\$2,448,000	N/A	0%

Project Description

This project consists of planning, design, and construction of a pump station and forcemain in the Town of Hume. The project is defined by the engineering report entitled "Town of Hume Municipal Wastewater Disinfection and Treatment Improvements" dated October 1, 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 Additional Subsidy</u>	<u>Interest Rate</u>
C8-6409-04-00	Lyons (T)	Wayne	\$804,655	\$2,100,000	0%

Project Description

This project consists of planning, design, and construction of improvements to the Town of Lyons Wastewater Treatment Plant. The project is defined by the engineering report entitled "Wastewater Treatment Plant Effluent Disinfection Improvements" dated November 2020 and "Amendment No. 1" dated May 2022 by the engineering firm MRB Group, as may be updated, amended, supplemented, and approved by the Corporation.

Short-Term Market-Rate Financing

<u>Project Number</u>	<u>Applicant</u>	<u>County</u>	<u>Short-Term Market-Rate Financing Maximum Principal Amount</u>	<u>Maximum Amount Additional Subsidy</u>	<u>Interest Rate (not to exceed)</u>
C9-6627-01-00	Hume (T)	Allegany	\$1,000,000	N/A	6%

Project Description

This project consists of planning, design, and construction of a pump station and forcemain in the Town of Hume. The project is defined by the engineering report entitled "Town of Hume Municipal Wastewater Disinfection and Treatment Improvements" dated October 1, 2021 by the engineering firm MRB Group, as may be updated, amended, supplemented, and approved by the Corporation.

Short-Term Additional Subsidization

<u>Project Number</u>	<u>Applicant</u>	<u>County</u>	<u>Maximum Amount Additional Subsidy</u>
C9-6602-28-00	Buffalo Sewer Authority	Erie	\$13,869,533

Project Description

This project consists of planning, design, and construction of secondary treatment upgrades at the Buffalo Sewer Authority's Bird Island Wastewater Treatment Plant. The project is defined by the engineering report entitled "Secondary System Rehabilitation and Upgrade" dated January 28, 2020 by the engineering firm AECOM USA, Inc., 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 Additional Subsidy</u>	<u>Interest Rate</u>
C6-6112-02-00	Ilion (V)	Herkimer	\$7,018,321	N/A	0%

Project Description

This project consisted of planning, design, and construction of sanitary sewer system improvements. The project is defined by the engineering report entitled "Sanitary Sewer System Inflow/Infiltration Investigation" dated August 2017 by the engineering firm Barton & Loguidice, D.P.C. and was approved by the New York State Environmental Facilities Corporation on January 30, 2019. The project is further defined by the plans and specifications entitled "Village of Ilion Sanitary Sewer Rehabilitation" dated April 2020 by the engineering firm Barton & Loguidice, D.P.C. that were approved by the Corporation on August 19, 2020.

<u>Project Number</u>	<u>Applicant</u>	<u>County</u>	<u>Long-Term Interest-Free Financing Maximum Principal Amount</u>	<u>Maximum Amount Additional Subsidy</u>	<u>Interest Rate</u>
C8-6430-09-00	Medina (V)	Orleans	\$4,344,904	N/A	0%

Project Description

This project consisted of planning, design, and construction of improvements to the Village of Medina Wastewater Treatment Plant and collection system. The project is defined by the engineering reports entitled "Village of Medina Wastewater Plant Capital Improvement Project" dated August 2019 by the engineering firm Wendel that was approved by the New York State Department of Environmental Conservation ("NYSDEC") on September 25, 2019 and made eligible by the Corporation on September 25, 2019, "Village of Medina Wastewater Treatment Plant Capital Improvement Project Engineer's Report Amendment" dated October 9, 2020, by the engineering firm Wendel that was approved by the NYSDEC on October 26, 2020, and made eligible by the Corporation on October 27, 2020, and "Wastewater Treatment Plant Capital Improvement Project Amendment 2" dated September 27, 2021, by the engineering firm Wendel that was approved by the Corporation on October 13, 2021.

The project is further defined by the plans and specifications entitled "Wastewater Treatment Plant Phase 1 Upgrades Project" dated March 2019 by the engineering firm Wendel that were approved and made eligible by the Corporation on October 1, 2019; "East Avenue Forcemain Extension and Pump Station Rehabilitation" dated September 2020, by the engineering firm Wendel that were approved and made eligible by the Corporation on January 19, 2021; and "Wastewater Treatment Plant Phase 2 Upgrades" dated September 2020, by the engineering firm Wendel that were approved and made eligible by the Corporation on May 27, 2021.

<u>Project Number</u>	<u>Applicant</u>	<u>County</u>	<u>Long-Term Interest-Free Financing Maximum Principal Amount</u>	<u>Maximum Amount Additional Subsidy</u>	<u>Interest Rate</u>
C6-6076-05-03	Utica (C)	Oneida	\$274,031	N/A	0%

Project Description

This project consisted of planning, design, and construction of the elimination of combined sewer overflow (“CSO”) Outfall 142. The project is defined by the City of Utica’s Combined Sewer Overflows Long-Term Control Plan dated July 2010, amended February 16, 2011 by the engineering firm Schumaker Consulting Engineering & Land Surveying, P.C. that was approved by the New York State Department of Environmental Conservation (“NYSDEC”) on September 9, 2011 and made eligible by the Corporation on December 31, 2018 and the engineering report entitled “CSO Remote Treatment Unit Revision 2” dated October 17, 2019 by the engineering firm O’Brien & Gere Engineers, Inc. and was approved by the NYSDEC on January 9, 2020 and made eligible by the Corporation on May 7, 2020. The project is further defined by the plans and specifications entitled “CSO Control Project C1 CSO 142 Elimination” dated July 17, 2020 by the engineering firm O’Brien & Gere Engineers, Inc. that were approved by the Corporation on October 30, 2020.

Exhibit B
Financial Assistance Payment Recipient (Clean Water WIIA Grants)

<u>Project Number</u>	<u>Applicant</u>	<u>County</u>	<u>Maximum Grant Amount</u>
C9-6667-02-00	Caneadea (T)	Allegany	\$430,000

Project Description

This project consists of planning, design and construction of a disinfection system at the Town of Caneadea's Wastewater Treatment Plant. 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>Maximum Grant Amount</u>
C9-6627-01-00	Hume (T)	Allegany	\$816,000

Project Description

This project consists of planning, design, and construction of a pump station and forcemain in the Town of Hume. The project is defined by the engineering report entitled "Town of Hume Municipal Wastewater Disinfection and Treatment Improvements" dated October 1, 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>Maximum Grant Amount</u>
C8-6409-04-00	Lyons (T)	Wayne	\$804,655

Project Description

This project consists of planning, design, and construction of improvements to the Town of Lyons Wastewater Treatment Plant. The project is defined by the engineering report entitled "Wastewater Treatment Plant Effluent Disinfection Improvements" dated November 2020 and "Amendment No. 1" dated May 2022 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>Maximum Grant Amount</u>
C3-5360-03-00	Mount Kisco (V)	Westchester	\$2,375,000

Project Description

This project consists of planning, design, and construction of improvements to the Saw Mill Pump Station and replacement of the Branch Brook Trunk Sewer. The project is defined by the engineering report entitled "Saw Mill Pump Station Improvements" dated November 2022 by the engineering firm Delaware Engineering, D.P.C, and further defined by the engineering report entitled "Village/Town of Mount Kisco Trunk Sewer Replacement" dated June 2021 including "Addendum 1" dated October 4, 2021 by the engineering firm AI Engineers, as may be updated, amended, supplemented, and approved by the Corporation.

BY: _____/s/_____
Kate Siobhan Howard
SECRETARY TO THE CORPORATION