

COMMON COUNCIL OF THE CITY OF ALBANY
SUPPORT LEGISLATION
AUGUST 15, 2022

ORDINANCES

18.82.22 AN ORDINANCE AUTHORIZING AND DIRECTING THE GRANT TO NATIONAL GRID OF AN EASEMENT OVER A PORTION OF CITY-OWNED PROPERTY WITHIN LINCOLN PARK AT THE BEAVER CREEK SATELLITE FACILITY FOR THE INSTALLATION OF A TRANSFORMER AND ELECTRICAL LINE

RESOLUTIONS

81.82.22 A RESOLUTION OF THE COMMON COUNCIL APPROVING AN AMENDMENT TO THE FINANCING AGREEMENT BY AND AMONG THE ALBANY WATER BOARD, THE CITY OF ALBANY AND THE ALBANY MUNICIPAL WATER FINANCE AUTHORITY RELATING TO CERTAIN CAPITAL PROJECTS AND AUTHORIZING THE EXECUTION AND DELIVERY OF CERTAIN DOCUMENTS BY THE CITY IN CONNECTION WITH THE ISSUANCE OF OBLIGATIONS BY THE ALBANY MUNICIPAL WATER FINANCE AUTHORITY

Council Member Adams introduced the following:

ORDINANCE 18.82.22

AN ORDINANCE AUTHORIZING AND DIRECTING THE GRANT TO NATIONAL GRID OF AN EASEMENT OVER A PORTION OF CITY-OWNED PROPERTY WITHIN LINCOLN PARK AT THE BEAVER CREEK SATELLITE FACILITY FOR THE INSTALLATION OF A TRANSFORMER AND ELECTRICAL LINE

The City of Albany, in Common Council convened, does hereby ordain and enact:

Section 1. It is hereby authorized that the City of Albany grants an easement to National Grid over a portion of City-owned property at 6 MLK Blvd (Tax Id. 76.10-1-3), commonly referred to as the Beaver Creek Satellite Facility, in Lincoln Park, in the City of Albany, for the purpose of the installation of transformer and electrical line, and as described more fully in the easement attached hereto.

Section 2. The form, content, terms, and conditions of such easement shall be approved by the Corporation Counsel.

Section 3. The Grantee shall not hinder, interfere with, prevent, delay, obstruct, or adversely affect the Grantor in the reasonable exercise of its governmental operations or function.

Section 4. This ordinance shall take effect immediately.

**APPROVED AS TO FORM THIS
5TH DAY OF AUGUST 2022**

Corporation Counsel

To: Danielle Gillespie, City Clerk

From: Brett Williams, Esq., Senior Assistant Corporation Counsel

Re: Common Council Legislation
Supporting Memorandum

Date: June 10, 2022

Sponsor: Council Member Adams

ORDINANCE 18.82.22

TITLE

AN ORDINANCE AUTHORIZING AND DIRECTING THE GRANT TO NATIONAL GRID OF AN EASEMENT OVER A PORTION OF CITY-OWNED PROPERTY WITHIN LINCOLN PARK AT THE BEAVER CREEK SATELLITE FACILITY FOR THE INSTALLATION OF A TRANSFORMER AND ELECTRICAL LINE

GENERAL PURPOSE OF LEGISLATION

National Grid has gas and electric distribution and transmission facilities and properties located throughout the City of Albany and Capital Region. In this instance, the City of Albany seeks to grant a utility easement to National Grid over a portion of City-owned property located at 6 MLK Blvd, commonly referred to as the Beaver Creek Satellite Facility (hereinafter the "Facility"), in Lincoln Park, in the City of Albany, for the purpose of installing a transformer and electrical line to power the Beaver Creek Satellite Facility.

National Grid's transformer and electrical line, requiring the easement herein described, are necessary to power the Facility. The transformer will be installed adjacent to the Facility and the electrical line will travel from the entrance of the Facility, around the Facility, to the Southwest corner of the Facility.

The easement request has been reviewed by the Technical Review Committee. The Department of General Services noted that National Grid will be required to apply for and receive approval of a street-opening permit for the installation work. All associated project work, construction, and permit and filing fees shall be at National Grid's sole cost and expense. The transformer and electrical will remain National Grid's property. The form, content, terms, and conditions of the easement, once authorized, will be approved by the Corporation Counsel.

NECESSITY FOR LEGISLATION AND ANY CHANGE TO EXISTING LAW

Common Council approval is required for land transactions, such as the granting of a permanent easement over municipal property.

FISCAL IMPACT(S)

None identified.

Council Member Frederick introduced the following:

RESOLUTION 81.82.22R

A RESOLUTION OF THE COMMON COUNCIL APPROVING AN AMENDMENT TO THE FINANCING AGREEMENT BY AND AMONG THE ALBANY WATER BOARD, THE CITY OF ALBANY AND THE ALBANY MUNICIPAL WATER FINANCE AUTHORITY RELATING TO CERTAIN CAPITAL PROJECTS AND AUTHORIZING THE EXECUTION AND DELIVERY OF CERTAIN DOCUMENTS BY THE CITY IN CONNECTION WITH THE ISSUANCE OF OBLIGATIONS BY THE ALBANY MUNICIPAL WATER FINANCE AUTHORITY

WHEREAS, the Albany Municipal Water Finance Authority (the “Authority”) is undertaking certain capital projects consisting of various water and sewer system improvements (collectively, the “Projects”), as described on “Schedule A” attached hereto; and

WHEREAS, the Authority has, by supplemental bond resolutions, each adopted on December 17, 2021 (collectively, the “Bond Resolutions”), authorized the issuance of bonds and notes (collectively, the “Obligations”) by the Authority to finance the Projects; and

WHEREAS, pursuant to section 1115-h(1) of the Public Authorities Law of the State of New York (the “Act”), the Albany Water Board (the “Board”), the City of Albany (the “City”), and the Authority have entered into an agreement dated as of October 1, 1987 (the “Financing Agreement”) for the purposes of providing for the construction and financing of certain projects described in Appendix A to the Financing Agreement; and

WHEREAS, in connection with the financing of the Projects by the Authority, it is necessary that the City, the Board, and the Authority enter into an amendment of the Financing Agreement to add the description of the Projects to the list of projects to be financed; and

WHEREAS, any potential environmental impacts of the undertaking of the Projects have been previously addressed by the Board by resolutions dated November 19, 2021 or by the Authority pursuant to a Consent Order entered into with the New York State Department of Environmental Conservation, and, therefore, no other determination or procedures under the State Environmental Quality Review Act (“SEQR”) are required; and

WHEREAS, the Board convened a public hearing pursuant to the requirement of Section 1115-h(4) and Section 1115-h(6) of the Act on July 21, 2022, with notice of such hearing being duly published pursuant to the Act, and such users of the System (as defined in the Financing Agreement) in attendance wishing to be heard were heard at that time;

NOW, THEREFORE, BE IT RESOLVED by the Common Council that the Financing Agreement is hereby authorized to be amended to add the Projects described on “Schedule A” to this Resolution; and

BE IT FURTHER RESOLVED that the members and officers of the City are hereby authorized and directed for and in the name and on behalf of the City to do all acts and things required and to execute and deliver all such additional certificates and instruments and to do all such further acts and things as may be necessary or in the opinion of the member or officer acting, desirable and proper to effect the purposes of the foregoing Resolution, and the issuance of the bonds, notes or other Obligations of the Authority in furtherance of the Projects contemplated by the amendment of the Financing Agreement is hereby approved; and

BE IT FINALLY RESOLVED that this resolution shall take effect immediately.

SCHEDULE A

DESCRIPTION OF THE PROJECTS

	Project Name	Summary Project Description
1.	<p>Combined Sewer Project – Phase III</p> <p>CWSRF #5402-14-04</p>	<p>Combined sewer overflows (“CSOs”) are point sources subject to the National Pollutant Discharge Elimination System (“NPDES”) permit requirements, including both technology and water quality based requirements of the Clean Water Act (“CWA”). The Albany Water Board (“AWB”) is working collaboratively on a regional basis with the Cities of Cohoes, Rensselaer, Troy, Watervliet and the Village of Green Island to reduce combined sewer discharges to receiving waters in order to maintain compliance with the CWA standards (NYS Department of Environmental Conservation (“Department”) Consent Order Case # CO4-20120911-01); and improve water quality conditions to support recreational activities and development efforts throughout the Capital District. The six communities, often referred to as the Albany Pool Communities (“APCs”), collectively own and operate 92 CSOs that discharge to the Hudson and Mohawk Rivers, and their tributaries.</p> <p>The Albany Pool Combined Sewer Overflow (“CSO”) Long Term Control Plan (“LTCP”) has been developed in accordance with the USEPA CSO Policy and utilizes a regional watershed approach. The Albany Pool CSO LTCP provides for specific Program Definition and Schedule of Compliance under the executed Order on Consent for a defined regional plan (or program) which addresses the CWA water quality standards and requirements. The LTCP utilizes a combination of “grey” and “green” solutions to provide for the improvement of the APCs infrastructure and support the sustainability of these important Capital District communities. The CSO LTCP was approved by the Department in January of 2014.</p> <p>The AWB’s State Pollution Discharge Elimination System (“SPDES”) Permit for the City of Albany’s wastewater system and CSOs hence forth requires the implementation and construction of all projects listed in the executed Order on Consent, and as set forth under the Albany Pool CSO LTCP Program Definition and Schedule of Compliance. The AWB is soliciting project financing and grant funding in support of the implementation of the Albany Pool CSO LTCP under the 2022 Clean Water State Revolving Fund (“CWSRF”) and New York State Water Infrastructure Improvement Act (“WIIA”) Programs. Specifically, the financing and grant applications seek funding assistance in regard to the planning, design, implementation and/or construction of the defined program requirements for the last remaining five-year tranche, or for the period from 2023 to 2027. Projects which are defined in the Schedule of Compliance within this time period include, but are not specifically limited to, the following:</p> <ul style="list-style-type: none"> • BMP-11: Remove Liberty Overflow, City of Albany - The project will provide for the elimination of CSO 015 resulting in a reduction in annual CSO volumes and reduced impacts to the Hudson River. • BMP-13: Remove Schuyler Overflow, City of Albany - The project will provide for the elimination of CSO 022 resulting in a reduction in annual CSO volumes and reduced impacts to the Hudson River. • SSS-13: Van Buren Street Stream Separation, City of Troy – The project diverts an unnamed stream from the CSS, thereby removing inflow to increase conveyance capacity and reduce the frequency and volume of CSOs. • SSS-14: Manor Avenue Sewer Rehabilitation, City of Cohoes – The project entails sewer separation and rehabilitation work along Manor

		<p>Avenue resulting in a reduction in stormwater flows and infiltration, thereby reserving conveyance capacity and reducing the frequency and intensity of CSO events.</p> <ul style="list-style-type: none"> • STCF-04: “Little C” Floatable Control Facility, City of Cohoes – The project will serve to collect floatable debris and materials associated with the “Little C” outfall discharging to the Mohawk River. • TE-03: Cross Street Trunk Sewer Rehabilitation Phase II, City of Troy – The project involves the replacement and/or rehabilitation of the sewer in the vicinity of Upper Campbell Avenue to reduce I&I, thereby reserving conveyance capacity and reducing the frequency and intensity of CSO events. <p>Additional costs incurred during this period will also include those associated with the implementation of the required program elements and administration fees; as well as technical, legal, and financial support or special counsel necessary for the implementation of the CSO LTCP. While a Schedule of Compliance is detailed within the executed Order on Consent, the APCs must reserve the ability to re-prioritize program elements or projects in order to pursue specific grant and funding opportunities; and/or as specifically directed by the Department under any modifications to the Order on Consent. As such, any costs incurred which specifically support the implementation of the Albany Pool CSO LTCP shall be eligible for coverage under this resolution; as specifically agreed upon by the APCs and/or as mandated by the Department.</p>
2.	<p>Beaver Creek Flow Management and Inflow Reduction Project</p> <p>CWSRF #5402-18-00</p>	<p>The Albany Water Board (“AWB”) is soliciting project financing and grant funding in support of the Beaver Creek Flow Management and Inflow Reduction Project under the 2022 Clean Water State Revolving Fund (“CWSRF”) and New York State Water Infrastructure Improvement Act (“WIIA”) Programs. Specifically, the financing and grant applications seek funding assistance in regard to the planning, design, implementation and/or construction of the Project. Proposed improvements will achieve a 10.6 million gallon reduction in the untreated overflow volumes on an average annual basis.</p> <p>The Project will include the modernization of the flow controls within the “Big C” regulator to optimize the management of wet weather flows. The new flow controls will operate based upon flow conditions at the Beaver Creek Satellite Treatment Facility as well as the real-time conditions within the Hudson River Interceptor Sewer (“HRIS”). The project will also include measures to prevent inflow from the Hudson River, during periods of high river stages and estuary tidal surges. The Preferred Alternative proposes to utilize a stainless steel in-line flap gate system which will be designed to provide adequate backflow prevention of river waters while also minimizing headloss and enhancing flow properties through the gates. An in-line application of this technology will allow for a cost-effective solution; and will provide enhanced access for inspection and maintenance of the tide gates. The reduction of Hudson River inflows through the CSO during high river stages will provide additional capacity within the HRIS and reduce the treatment of river inflows at the Albany County Water Purification District’s South Wastewater Treatment Plant. The Project will effectively serve to protect, preserve, and enhance surface water quality in the Hudson River; and support additional recreational activities and development efforts.</p>
3.	<p>Academy Road Constructed Wetlands Project</p> <p>CWSRF #5402-17-00</p>	<p>The Albany Water Board (“AWB”) is soliciting project financing and grant funding in support of the Academy Road Constructed Wetlands Project under the 2022 Clean Water State Revolving Fund (“CWSRF”) and New York State Water Infrastructure Improvement Act (“WIIA”) Programs. Specifically, the financing and grant applications seek funding assistance in regard to the planning, design, implementation, and construction of the Project.</p>

		<p>The Project consists of the expansion and conversion of an existing, small stormwater detention basin, located to the north of Hackett Boulevard and to the east of Academy Road and Congregation Beth Emeth, into a constructed wetland area. The constructed wetland will allow the City of Albany Water Department to detain up to 2.9 million gallons or 3-inches of runoff from the surrounding watershed area; thereby increasing the amount of infiltration and evapotranspiration while improving the water quality of the stormwater flows captured. The expanded volume of the constructed wetland will provide a reduction in stormwater runoff that is currently conveyed to the existing combined sewer system; and will serve to abate flooding and surface discharges along the Hackett Boulevard corridor.</p> <p>Providing solutions to abate the existing flooding problems along Hackett Boulevard is a priority for the AWB and City leadership. This project builds upon previous capital investments in the Beaver Creek Sewer District to implement green infrastructure (“GI”) practices in conjunction with the City’s “smart wastewater infrastructure system”. The project effectively promotes additional GI practices in the collection system to abate flooding along this important transportation corridor; and supports the City’s commitment to reduce combined sewer overflows (“CSOs”) under the executed Order on Consent for the Albany Pool CSO Long Term Control Plan.</p>
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To: Danielle Gillespie, City Clerk

From: Brett Williams, Esq., Senior Assistant Corporation Counsel

Re: Request for Common Council Legislation
Supporting Memorandum

Date: July 28, 2022

Sponsor: Frederick

RESOLUTION NUMBER 81.82.22R

TITLE

A RESOLUTION OF THE COMMON COUNCIL APPROVING AN AMENDMENT TO THE FINANCING AGREEMENT BY AND AMONG THE ALBANY WATER BOARD, THE CITY OF ALBANY AND THE ALBANY MUNICIPAL WATER FINANCE AUTHORITY RELATING TO CERTAIN CAPITAL PROJECTS AND AUTHORIZING THE EXECUTION AND DELIVERY OF CERTAIN DOCUMENTS BY THE CITY IN CONNECTION WITH THE ISSUANCE OF OBLIGATIONS BY THE ALBANY MUNICIPAL WATER FINANCE AUTHORITY

GENERAL PURPOSE OF LEGISLATION

Section 2.1 of the Financing Agreement provides that upon the decision by the Authority and the Board to undertake additional capital projects (the “Additional Projects”), and the determination by the Authority to finance the Additional Projects by the issuance of obligations by the Authority, the Financing Agreement must be amended to include the Additional Projects. As a party to the financing agreement, the City must approve such amendments.

NECESSITY FOR LEGISLATION AND ANY CHANGE TO EXISTING LAW

Amendments to the Financing Agreement must be approved by resolution of the Common Council.

FISCAL IMPACT(S)

None.