

Council Member \_\_\_\_\_ introduced the following:

**RESOLUTION NUMBER 16.21.21R (MC)**

**RESOLUTION 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 A CERTAIN PROJECT 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 a capital project consisting of various water and sewer system improvements (collectively, the “Project”), as described on Schedule A attached hereto; and

**WHEREAS**, the Authority has by supplemental bond resolution adopted on January 28, 2021 (the “Bond Resolution”) authorized the issuance of bonds and notes (collectively, the “Obligations”) by the Authority to finance the Project; 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 Project 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 Project to the list of projects to be financed; and

**WHEREAS**, any potential environmental impacts of the undertaking of the Project have been previously addressed by the Board by resolution dated January 22, 2021, and, therefore, no other determination or procedures under the State Environmental Quality Review Act (“SEQR”) is 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 January 21, 2021; 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 as follows:

Section 1. The Financing Agreement is hereby authorized to be amended to add the Project described on Schedule A to this Resolution.

Section 2. 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 Project contemplated by the amendment of the Financing Agreement is hereby approved.

**BE IT FURTHER RESOLVED** that this resolution shall take effect immediately.

SCHEDULE A

DESCRIPTION OF THE PROJECT

<b>Project Name</b>	<b>Summary Project Description</b>
1.) Supply Reservoir	Alcove Office Demolition and Replacement Basic Creek Reservoir Dam Safety Improvements – Design and Permitting
2.) Supply Conduit	Condition Assessment and Preliminary Engineering Report
3.) Feura Bush Water Filtration Plant	Elevator Replacement Lime Storage and Feed Systems Replacement Controls System Upgrades Filter gallery valve and actuator replacement
4.) Distribution System	Pressure Reducing Valve Telemetry Pressure Relief on New Scotland Pressure Zone Lark Street Valve Replacements Water Main Replacements and Dead End Eliminations University Place Everett Road at Watervliet Avenue Washington Avenue at Eagle Street Crescent Drive Commerce Avenue Catherine Street Lancaster Street Westerlo Street South Pearl Street at Mount Hope South Pearl Street at Kenwood Fay Street Lead Service Replacement Program
5.) Loudonville Reservoir	UV Facility Equipment Replacement New Guard Building and Garage Basin Condition Assessments and Repairs
6.) Water Pumping Stations and Tanks	Harriman Pump Station equipment replacement and upgrades Upper Service Pump Station equipment replacement and upgrades
7.) 35 Erie Boulevard	Building Demolition and New Equipment Building Site Improvements Design of improvements at 10 N Enterprise Drive

8.) Sewer Rehabilitation	Washington Park Lake Trunk Sewer Lining Catherine Street Westerlo Street Trunk Sewer Condition Assessments Sewer lining projects Krumkill Trunk Sewer Access Improvements Chimney Manhole Rehabilitations
9.) Sewage Pump Stations	Sewer SCADA upgrades McCormack Pump Station Flowmeter Marlborough Court Pump Station Replacement Northern Boulevard Pump Station Comminutor

**To:** Danielle Gillespie, City Clerk

**From:** Brett Williams, Senior Assistant Corporation Counsel

**Re:** Request for Common Council Legislation  
Supporting Memorandum

**Date:** January 20, 2021

**ORDINANCE NUMBER 16.21.21 (MC)**

**TITLE**

RESOLUTION 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 A CERTAIN PROJECT 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**

The Common Council, acting on behalf of the City, must approve by resolution an amendment to the City’s Financing Agreement with the Albany Water Board and the Albany Municipal Water Finance Authority whenever the Water Board and the Water Finance Authority add new projects to the list of projects to be financed by the agreement.

**EXPLANATION OF DEADLINE OR REQUESTED TIME FRAME FOR PASSAGE**

In order to begin these important capital and infrastructure improvement projects, the Authority has requested that this resolution be introduced and acted upon as soon as possible.

**FISCAL IMPACT(S)**

None.