RESOLUTION No. 22-EF-872

APPROVING SPECIFIED PROJECTS OF THE ENVIRONMENTAL FACILITIES CORPORATION (State Drinking Water Revolving Fund - Direct and Market-Rate Financing Projects)

WHEREAS, the New York State Public Authorities Control Board ("PACB"), created pursuant to Chapter 38, Laws of 1976, as amended, is empowered by section 51 of the Public Authorities Law to receive applications from designated public benefit corporations, including the Environmental Facilities Corporation ("EFC"), for approval of the acquisition, construction or financing of any project by any such public benefit corporation; and

WHEREAS, EFC submits from time to time applications (the "Applications") to PACB for approval of short-term and long-term financings (the "Financings") as authorized in an EFC resolution duly adopted by EFC’s Board of Directors; and

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

WHEREAS, the DWSRF Act authorizes EFC to provide financial assistance to recipients for the purpose of financing or refinancing certain eligible water supply facilities; and

WHEREAS, such financial assistance may include financings to recipients from monies on deposit in the DWSRF, which financings will be made at interest rates at or below "market rates" as defined in
regulations promulgated pursuant to the DWSRF Act (including at a zero percent rate of interest); and

WHEREAS, with respect to short-term market-rate financings, such financial assistance may include financings to recipients for which EFC will guarantee the payment of each short-term market-rate financing from monies and assets held in the DWSRF, and which shall bear interest at the rate or rates as determined by EFC; and

WHEREAS, EFC has received an application from each applicant listed in Exhibit A for financial assistance under the DWSRF Act, for the purpose of financing or refinancing the planning, design, construction and/or installation of certain water supply facilities; and

WHEREAS, pursuant to the DWSRF Act, EFC has determined that it is impracticable or inadvisable to issue bonds or notes to provide financial assistance to each direct financing applicant; and

WHEREAS, each project proposed to be financed or refinanced (the "Project") constitutes an "eligible project" within the meaning of the DWSRF Act; and

WHEREAS, each Financing will be made pursuant to a financing agreement to be entered into between EFC and the respective applicant (the "Finance Agreement") to evidence certain covenants and agreements of each applicant relating to its Financing; and
WHEREAS, each applicant's obligation to repay its Financing will be evidenced by general obligation or revenue bonds or notes of the applicant (the "Recipient Bonds or Notes") issued to EFC to secure payment of principal (and interest, as applicable) on such Financing in a manner consistent with this Resolution and in compliance with applicable law, including but not limited to the Local Finance Law; and

WHEREAS, the Recipient Bonds or Notes will be secured by an irrevocable pledge of the faith and credit, or revenue, of the applicant issuing such Recipient Bonds or Notes; and

WHEREAS, the obligation of EFC to make each Financing under the respective Finance Agreement is not a general obligation of, does not constitute an indebtedness of or a charge against the general credit of, and does not give rise to any pecuniary liability of EFC, other than with respect to amounts available for such purpose within the DWSRF; nor does such obligation to advance the Financing give rise to any liability or obligation of the State of New York; and

WHEREAS, each Financing will be funded (a) with Federal grant money available under the Safe Drinking Water Act through Federal capitalization grant agreements and related State matching funds to the extent State appropriations are available for the Federal grant money and State matching funds, and (b) if such State appropriations are not available, with monies available for such purpose in the
WHEREAS, each Financing shall be made subject to the following conditions: (i) any short-term Financing shall be for a term not to exceed five years, and any long-term Financing shall be for a term not to exceed 30 years; each Financing shall bear interest at a rate determined by EFC in accordance with the DWSRF Act and the regulations promulgated thereunder; (ii) the Recipient Bonds or Notes (including any renewals thereof) issued to evidence any short-term Financing shall mature not later than five years after their original issue date, and the Recipient Bonds or Notes (including any renewals thereof) issued to evidence any long-term Financing shall mature not later than 30 years after their original issue date; and (iii) there shall be funds available for each Financing in the DWSRF; and

WHEREAS, pursuant to the related Finance Agreement, each applicant shall not be entitled to reimbursement of project costs that may be in excess of available monies in the DWSRF; and in the event no such monies are available, the applicant shall be obligated to complete its Project in accordance with the Finance Agreement between EFC and such applicant; and

WHEREAS, a copy of each Application has been filed with the Comptroller, and he has had the opportunity to comment.
NOW THEREFORE BE IT RESOLVED, that PACB approves financing by EFC for each Project identified in *Exhibit A*, in accordance with section 51 of the Public Authorities Law:

(Continued on next page)
This resolution shall become effective immediately.

Robert F. Mujica, Jr. Chair
Public Authorities Control Board

Amy Paulin, Member of the Board

Leroy Comrie, Member of the Board

22-EF-872
Date: November 16, 2022
CERTIFICATION

STATE OF NEW YORK
COUNTY OF ALBANY ss.

I, Elyse Young, Secretary of the New York State Public Authorities Control Board, do hereby certify that at a meeting of such Board, held on November 16, 2022, the attached resolution was duly adopted by the unanimous vote of the Members of the Board. The resolution attached is a true copy of the resolution and the certification of the determination made by such resolution and of the signatures thereto of each of the Members of the Board or their duly appointed representatives, the original of which is on file in my office. As of the date of this certification, such resolution has not been modified, superseded, amended or repealed and remains in full force and effect.

In witness thereof I have hereunto set my hand this 16th day of November 2022.

Elyse Young
Secretary

STATE OF NEW YORK
COUNTY OF ALBANY ss.

On this 16th day of November 2022, before me personally came Elyse Young to me known, who, being by me duly sworn, did depose and say that she is the Secretary of the New York State Public Authorities Control Board, that she executed the foregoing certification and that the contents thereof are true.

Brittany N. Glenn
Notary Public, State of New York
No. 01GL6253075
Qualified in Rensselaer County
Commission Expires: 12/19/2023
## Exhibit A

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

### Short-Term Market-Rate Financing:

<table>
<thead>
<tr>
<th>Project Number</th>
<th>Applicant</th>
<th>County</th>
<th>Principal Amount</th>
<th>Interest Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>18698A</td>
<td>Poughkeepsie (C)</td>
<td>Dutchess</td>
<td>$1,081,657</td>
<td>4%</td>
</tr>
</tbody>
</table>

**Project Description**  
This project consists of upgrading the existing ultraviolet (UV) disinfection system, replacement of the uninterruptable power supply (UPS) system, and improvements to the HVAC system in the Pipe Gallery. The project is defined by the engineering report entitled "UV Disinfection Equipment Replacement Basis of Design Report" dated August 2021 by the engineering firm Tighe & Bond, as may be updated, amended, supplemented, and approved by the Agency.

<table>
<thead>
<tr>
<th>Project Number</th>
<th>Applicant</th>
<th>County</th>
<th>Principal Amount</th>
<th>Interest Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>18698B</td>
<td>Poughkeepsie (T)</td>
<td>Dutchess</td>
<td>$902,918</td>
<td>4%</td>
</tr>
</tbody>
</table>

**Project Description**  
This project consists of upgrading the existing ultraviolet (UV) disinfection system, replacement of the uninterruptable power supply (UPS) system, and improvements to the HVAC system in the Pipe Gallery. The project is defined by the engineering report entitled "UV Disinfection Equipment Replacement Basis of Design Report" dated August 2021 by the engineering firm Tighe & Bond, as may be updated, amended, supplemented, and approved by the Agency.
Long-Term Interest-Free Financings:

<table>
<thead>
<tr>
<th>Project Number</th>
<th>Applicant</th>
<th>County</th>
<th>Financing Maximum Principal Amount</th>
<th>Interest Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>17668</td>
<td>Hornell (C)</td>
<td>Steuben</td>
<td>$3,925,500</td>
<td>0%</td>
</tr>
</tbody>
</table>

**Project Description**
This project consisted of various needed upgrades to the City's water system including for the water treatment plant’s #1 clarifier, rehabilitation of the existing 2.5 MG storage tank, construction of a new 1.6 MG storage tank, a new blow-off for improved usage of reservoir #2, and a new water treatment plant supervisory control and data acquisition (SCADA) system. The project is defined by the engineering report titled “Water Treatment Plant - Opinions of Probable Costs for Various Upgrades” dated August 12, 2015, endorsed on October 13, 2017 and prepared by LaBella Associates DPC.

<table>
<thead>
<tr>
<th>Project Number</th>
<th>Applicant</th>
<th>County</th>
<th>Financing Maximum Principal Amount</th>
<th>Interest Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>18038</td>
<td>Mechanicville (C)</td>
<td>Saratoga</td>
<td>$2,925,600</td>
<td>0%</td>
</tr>
</tbody>
</table>

**Project Description**
This project consisted of a new connection to the Saratoga County Water Authority (SCWA) system to supply the City of Mechanicville. The City’s existing water treatment plant was updated to improve plant function. The project also included improvements to existing finished water storage tanks, distribution main replacement, and new water meters. This project is further defined by the engineering report entitled “Raw Water Transmission Upgrades” dated June 16, 2016 by O’Brien & Gere Engineers, Inc. and endorsed by DOH on August 3, 2016.
This project provided resiliency during storm events by minimizing turbidity around the Shaft 18 intake by stabilizing the Kensico Reservoir shorelines surrounding Shaft 18. The project is defined by the engineering report entitled "Contract CRO-543 Kensico Reservoir Shoreline Stabilization Basis of Design Report" dated February 23, 2015 by the engineering firm CDM Smith and URS.