



DANIEL P. McCOY
COUNTY EXECUTIVE

MICHAEL McLAUGHLIN
DEPUTY COUNTY EXECUTIVE

COUNTY OF ALBANY
DEPARTMENT OF GENERAL SERVICES
112 STATE STREET, SUITE 1300
ALBANY, NEW YORK 12207
(518) 447-7210 FAX (518) 447-7747
WWW.ALBANYCOUNTY.COM

DAVID M. LATINA
COMMISSIONER

SCOTT D. ALLARDICE
DEPUTY COMMISSIONER

March 21, 2024

Honorable Joanne Cunningham, Chairwoman
Albany County Legislature
112 State Street, Room 710
Albany, New York 12207

Re: HVAC upgrades at the Marillac Shelter

Dear Chairwoman Cunningham:

The Department of General Services requests authorization to enter into an agreement with John W. Danforth Company for HVAC upgrades at the Albany County Marillac Shelter at a proposed cost of \$464,090 which includes a 10% Contingency Allowance of the Base Proposal Price (\$421,900 + \$42,190).

The Department of General Services solicited a proposal for this project located at 195 Washington Avenue Ext., Albany, NY 12203 utilizing the Town of Greece, NY statewide Job Order Contracting Services. The Town of Greece extends these services to other eligible governmental entities including all government agencies, education agencies including colleges and universities pursuant to NYS General Municipal Law, allowing them access to complete repair, renovation and maintenance services at competitively solicited prices. Albany County Purchasing Division has also determined that the Town of Greece, NY statewide Job Order Contracting Services meets the requirements of N.Y. Gen. Mun. Law and the County's Procurement Policies.

These upgrades will remove existing electric baseboard heaters and install new ductless HVAC systems in each of the twenty four residential units.

Costs for these upgrades will be spread across two bonds, Res. No 503 of 2017 HKUV for \$201,514.00 and Res. No. 570 of 2018 HHWO for \$262,576.00

The contract term will commence upon the signing of the contract and remain in effect through to the completion of the project. The Projected term of the contract is June 1, 2024 through November 30, 2025

If you should have any further questions, please do not hesitate to contact me.

Sincerely yours,

David M. Latina
Commissioner

DML:tas
Enclosure(s)

cc: Honorable Dennis Feeney, Majority Leader
Honorable Frank Mauriello, Minority Leader
Arnis Zilgme, Minority Counsel
Rebekah Kennedy, Majority Counsel



County of Albany

Harold L. Joyce
Albany County Office
Building
112 State Street - Albany,
NY 12207

Legislation Text

File #: TMP-5317, **Version:** 1

REQUEST FOR LEGISLATIVE ACTION

Description (e.g., Contract Authorization for Information Services):

General Services requests authorization to enter into an agreement with John W. Danforth Company for HVAC upgrades at the Marillac Shelter

Date: March 25, 2024
Submitted By: David M. Latina
Department: General Services
Title: Commissioner
Phone: 518-447-7210
Department Rep.
Attending Meeting: Commissioner Latina

Purpose of Request:

- Adopting of Local Law
- Amendment of Prior Legislation
- Approval/Adoption of Plan/Procedure
- Bond Approval
- Budget Amendment
- Contract Authorization
- Countywide Services
- Environmental Impact/SEQR
- Home Rule Request
- Property Conveyance
- Other: (state if not listed) [Click or tap here to enter text.](#)

CONCERNING BUDGET AMENDMENTS

Increase/decrease category (choose all that apply):

- Contractual
- Equipment
- Fringe
- Personnel

File #: TMP-5317, **Version:** 1

- Personnel Non-Individual
- Revenue

Increase Account/Line No.: [Click or tap here to enter text.](#)
Source of Funds: [Click or tap here to enter text.](#)
Title Change: [Click or tap here to enter text.](#)

CONCERNING CONTRACT AUTHORIZATIONS

Type of Contract:

- Change Order/Contract Amendment
- Purchase (Equipment/Supplies)
- Lease (Equipment/Supplies)
- Requirements
- Professional Services
- Education/Training
- Grant

Choose an item.

Submission Date Deadline [Click or tap to enter a date.](#)

- Settlement of a Claim
- Release of Liability
- Other: (state if not listed) [Click or tap here to enter text.](#)

Contract Terms/Conditions:

Party (Name/address):

John W. Danforth Company
5 Liebich Lane
Halfmoon, New York 12065

Additional Parties (Names/addresses):

[Click or tap here to enter text.](#)

Amount/Raise Schedule/Fee: \$464,090.00
Scope of Services: Remove existing electric baseboard heaters and install new ductless HVAC systems in each of the twenty four residential units

Bond Res. No.: Res. No. 503 of 2017 HKUV & Res. No. 570 of 2018 HHWO
Date of Adoption: December 4, 2017 December 3, 2018

CONCERNING ALL REQUESTS

Mandated Program/Service: Yes No
If Mandated Cite Authority: [Click or tap here to enter text.](#)

Is there a Fiscal Impact: Yes No
Anticipated in Current Budget: Yes No

County Budget Accounts:

Revenue Account and Line: Click or tap here to enter text.
Revenue Amount: Click or tap here to enter text.

Appropriation Account and Line: 1620-4046
Appropriation Amount: \$464,090.00

Source of Funding - (Percentages)

Federal: Click or tap here to enter text.
State: Click or tap here to enter text.
County: 100%
Local: Click or tap here to enter text.

Original Awarding Agency / Funder:
Click or tap here to enter text.
New York State Pass-Through Agency (if applicable):
Click or tap here to enter text.

Term

Term: (Start and end date) Projected June 1, 2024 through November 30, 2025
Length of Contract: Two Years

Impact on Pending Litigation Yes No
If yes, explain: Click or tap here to enter text.

Previous requests for Identical or Similar Action:

Resolution/Law Number: Click or tap here to enter text.
Date of Adoption: Click or tap here to enter text.

Justification: (state briefly why legislative action is requested)

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DANIEL C. LYNCH, ESQ.
DEPUTY COUNTY EXECUTIVE

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DAVID M. LATINA
COMMISSIONER

SCOTT D. ALLARDICE
DEPUTY COMMISSIONER

To: Pam O Neill, Purchasing Agent

From: David M. Latina, Commissioner

Date: March 26, 2024

Re: HVAC upgrades at the Albany County Marillac Shelter

I have reviewed the proposal received from Gordian for the HVAC upgrades at the Albany County Marillac Shelter. I recommend awarding the contract to John W Danforth Company as an authorized vender pursuant to the terms of the Town of Greece, NY statewide Job Order Contracting Services for \$464,090. Budget proposal of \$421,900 plus a 10% contingency allowance of \$42,190.

If you need any further information or have any questions, please feel free to contact me.

DML:tas



JOHN W. DANFORTH COMPANY
GENERAL CONTRACTORS FOR MECHANICAL SYSTEMS

Industrial Piping • Power Plants • Heating/Air Conditioning • Plumbing • Air and Water Pollution Control • Sheetmetal

BUDGET Proposal

March 21, 2024

Mr. Thomas Stover
Spec Assistant to the Commissioner
Albany County Dept. of General Services

Subject: Marillac House Heat/AC Installation

Site: Marillac House
195 Washington Ave Ext Ste 1
Albany, NY 12205

Dear Mr. Stover,

Thank you for the opportunity to work with you on the Marillac House upgrade. John W. Danforth has a long history of partnering on Design-Build projects with some of the best developers and Design-Build construction companies in the country and we look forward to sharing our turnkey project expertise with you.

For this project, the following outline is what forms our basis of pricing for your consideration. To accomplish the tasks related to your project, we propose the following scope of supply and performance. Danforth has evaluated the site further and determined that the detailed scope for an electrician to compliment our work. At this stage we only included one electrical number and if this was to move forward through our co-operative process, Danforth will be bidding out the electrical and taking the low bid, that most likely will help to bring the project value down.

Danforth also requested bulk pricing for equipment and materials to increase savings for the project. That includes new baseboard heating and T-stats for the bathrooms. Lastly, the more vacant units we can have available, the lower the cost of the work, we have valued for (2) vacant units at a time.

JOHN W. DANFORTH COMPANY

Removals

- Disconnect, remove and dispose of (48) total indoor baseboard units in each apartment's living room space and bedroom space only. (Bathroom baseboard heaters to remain)
- Patch walls from removal of baseboard units.
 - Metal wall plate to cover area left from the baseboard removal
- Remove existing line voltage thermostat and covers
- Remove existing bathroom base board heating systems in all apartments

Installation

- Labor to install (2) ductless heads (heat & cool) x (24) apartments; (48) total ductless heads. Final location will need to be determined.
- Labor to install (1) outdoor condenser unit per apartment (24 apartments); (24) total condenser units. - Exterior wall mounted bracket
- Provide and install new refrigeration piping from outdoor unit to indoor units per manufactures recommendations.
 - Line sets will be routed up exterior wall thru exterior soffit, into the attic, and continued into each apartment from the sheet rocked ceiling
 - Provide cover on any interior or exterior refrigerant piping
 - Any penetrations will be sealed to prevent fire, mold, or pest concerns.
- Each new indoor unit to have its own condensate pump
- Provide new baseboard bathroom units and t-stats in all apartments.
- Modify existing electrical panel to provide new circuit to new equipment
- Provide and install disconnects for each new piece of equipment
- Provide and install new thermostats with cover to control new equipment
- Perform proper testing, refrigerant charging and equipment start

The above scope of work will be performed for the BUDGET sum of:

FOUR HUNDRED TWENTY ONE THOUSAND NINE-HUNDRED DOLLOARS AND 00/100

\$421,900.00

National grid- potential Incentives to be evaluated (see last 2 pages)

- National Grid Heat Pump Incentive Program
 - \$500/condensing unit (pending heating load delta)
 - *Estimated \$12,000.00 check back to the county from the utility.*

JOHN W. DANFORTH COMPANY

Terms, Notes and Special Conditions:

- All work to be performed during normal working hours
- Work areas to be broom clean on completion of proposed work.
- The above pricing does not include sales tax
- Payment terms are Net 30 days.

Price Does Not Include:

- Field commissioning and owner training
- Painting of any equipment or piping
- Repair or replacement of millwork
- MWBE participation
- Liquidated damages
- Seismic or wind restraints
- Premium time costs
- Temporary heating or cooling
- Environmental remediation of any kind (i.e. asbestos, lead, mold, etc.)
- Performance and payment bond
- Special insurance.
- Design engineering
- Permits

THANK YOU

Ian O'Brien
Energy Solutions Sales Manager

 **danforth** since 1884
5 Liebech Lane, Clifton Park, NY 12065
Direct Cell: 518.423.2264
Email: jobrien@jwdanforth.com

JOHN W. DANFORTH COMPANY

Terms: Net 30 Days

ACCEPTANCE OF PROPOSAL: The above prices, specifications, and conditions are satisfactory and are hereby accepted. You are authorized to do the work as indicated. Payment will be made as outlined above. The conditions above stand good for 30 days

Albany County

BY: _____ DATE: _____

John W. Danforth Company

DATE: _____ DATE: _____

NYS Clean Heat Statewide Heat Pump Program

Heat Pumps keep your home temperature – and energy costs – just right!

Whether you use a mini-split, central air source or ground source heat pump, these all-in-one heating and air conditioning systems optimize air flow throughout your home or building to use less energy. This technology has the potential to deliver energy savings, especially during the cooling season, while also saving on your heating bill when upgrading from oil, propane and electric resistance. Heat Pumps are now more affordable than ever with National Grid rebates. Additional Heat Pump resources for customers are available, please visit <https://cleanheat.ny.gov/>

How do Heat Pump heating and cooling systems work?

Heat Pumps extract heat from the air or ground outside and distribute it inside your home or building. During warmer months the process is reversed. Heat is pulled from your interior space and released outside. These clean energy systems are not only convenient but also highly efficient.

What are the benefits?

- **Increased efficiency.** Heats and cools your home more efficiently than traditional HVAC systems.
- **Increased comfort.** Heat Pumps provide quiet, even heating and cooling throughout your home.
- **Low maintenance.** Systems last longer than conventional HVAC units and require minimal maintenance.
- **Clean, healthy and safe.** No combustion of fossil fuels, no fuel storage, no emissions, and no risk of carbon monoxide fumes.

Customers should consider installing heat pumps if:

- Experiencing hot or cold spots in your home
- Your heating or cooling system is approaching end of life
- Undergoing home or building renovations
- New construction
- Interested in adding cooling to existing system

For more information on incentives please visit: ngrid.com/nys-cleanheat

For more information on Federal Tax Credits please visit: EnergyStar.gov

Category	Technology	Incentive	Contractor Reward (from Incentive)
1	ccASHP: Partial Load Heating	\$500 / outdoor condenser unit	\$100 / outdoor condenser unit
2	ccASHP: Full Load Heating	\$1,000 / \$10,000 BTUH of maximum heating capacity at NEEP 5°F	\$500 / project
3	GSHP: Full Load Heating	\$1,500 / 10,000 BTUH of full load heating capacity as certified by AHRI	\$500 / project
4	Custom Incentive	\$80 / MMBTU of annual energy savings	N/A
5	HPWH (<120 gallons of tank capacity)	\$700 / unit	N/A
6	Commercial HPWH (> 120 gallons of tank capacity)	\$80 / MMBTU of annual energy savings	N/A
7	GSHP Desuperheater	\$100 / unit	N/A
8	Dedicated domestic hot water (DHW) Water-to-Water Heat Pump (WWHP)	\$900 / unit	N/A
9	Simultaneous Installation of Space Heating and Water Heating	\$250 / Additional bonus per combination installation	\$250 / project

ELIGIBILITY

NYS Clean Heat rebates are available to all customers statewide through their electric utility. National Grid gas customers receiving electric service from other utilities should visit cleanheat.ny.gov

Category	Description	Target Segments	Eligible Technologies	Eligibility Criteria
1	ccASHP: Partial Load Heating	Residential, Multi-Family, Small Commercial	MSHP	<ul style="list-style-type: none"> • Each unit in system must be on the Northeast Energy Efficiency Partnership ccASHP Product and Specification List ("NEEP Product List") • Total heat pump system heating capacity is <300,000 British Thermal Units per hour ("Bth/h") • Total heat pump system heating capacity satisfies <90% of the building's design heating load ("BHL")

ELIGIBILITY *continued*

Category	Description	Target Segments	Eligible Technologies	Eligibility Criteria
2	ccASHP: Full Load Heating	Residential, Multi-Family, Small Commercial	Central ccASHP, MSHP	<ul style="list-style-type: none"> Each unit in system must be on the NEEP ccASHP Product List Total heat pump system heating capacity is <300,000 Btu/h for central ASHPs installed with a back-up furnace in the same cabinet, the back-up furnace must have capacity <225,000Btu/h Total heat pump system heating capacity satisfies 90%-120% of the BHL
3	GSHP: Full Load Heating	Residential, Multi-Family, Small Commercial	GSHP	<ul style="list-style-type: none"> Each heat pump in the system must meet or exceed ENERGY STAR® Tier 3 Geothermal Heat Pump Key Product Criteria Total heat pump system heating capacity <300,000 Btu/h and consists only of individual appliance cooling capacity for closed-loop GSHP installs <135,000 Btu/h and/or individual appliance cooling capacity for direct exchange GSHP installs ≤180,000 Btu/h Total heat pump system heating capacity satisfies 90%-120% of the BHL Ground loops must comply with applicable New York Department of Environmental Conservation ("NY DEC"), New York City ("NYC"), and International Ground-Source Heat Pump Association ("IGSHPA") standards
4	Custom Incentive	Residential, Multi-Family, Small Commercial, Large C&I	Central ccASHP, MSHP, VRF & GSHP	<ul style="list-style-type: none"> All VRF systems ASHP, MSHP and GSHP systems with three-phase heat pump equipment or with total system heating capacity >300,000 Btu/h If all individual appliances in a MSHP system in this category are on the NEEP Product List, the system is eligible If all individual units in a GSHP system in this category meet or exceed ENERGY STAR Tier 3 criteria, the system is eligible Central ccASHP and VRF systems with heating capacities >65,000 Btu/h and <240,000 Btu/h must meet or exceed ENERGY STAR Light Commercial HVAC Key Product Criteria Individual appliance cooling capacity for closed-loop GSHP installs ≥ 135,000 Btu/h Individual appliance cooling capacity for direct exchange GSHP installs >180,000 Btu/h Installed systems must satisfy the dominant HVAC load for the building, per applicable code. If the building has a higher BHL than BCL, the system must be sized to satisfy BHL. If the building has a higher BCL, the system must be sized to satisfy BCL. For new construction or the comprehensive upgrade of a heating plant, the heat pump system heating capacity must satisfy at least 90% of the BHL; for phased upgrade of a heating plant, eligibility will be determined on a case-by-case basis via project-level analysis. Eligibility for all other systems 1) within this category and 2) other technologies (e.g., commercial water-source heat pump system) will be determined on a case-by-case basis via project-level analysis. Requires confirmation of projected MMBTU savings to determine incentive amount.
5	HPWH (<120 gallons of tank capacity)	Residential, Multi-Family, Small Commercial	HPWH	<ul style="list-style-type: none"> ENERGY STAR® Certified HPWH
6	Commercial HPWH (> 120 gallons of tank capacity)	Multi-Family, Large C&I	HPWH	<ul style="list-style-type: none"> ENERGY STAR® Certified HPWH
7	GSHP Desuperheater	Residential, Multi-Family, Small Commercial	Optional Component to GSHP systems	<ul style="list-style-type: none"> Installed as integral component in an eligible
8	Dedicated domestic hot water (DHW) Water-to-Water Heat Pump (WWHP)	Residential, Multi-Family, Small Commercial	Dedicated DHW WWHP	<ul style="list-style-type: none"> Can be integrated into an eligible certified GSHP or installed as a separate, Tier 3 ENERGY STAR® certified WWHP Must meet 100% of water heating load
9	Simultaneous Installation of Space Heating and Water Heating	All	HPWH plus others	<ul style="list-style-type: none"> Category 2 ccASHP: Full Load Heating or Category 3 GSHP: Full Load Heating projects that opt to add Category 5 HPWH (<120 gallons of tank capacity) or Category 8 Dedicated domestic hot water (DHW) Water-to-Water Heat Pump (WWHP)

Additional Information for Contractors: Visit <https://saveenergy.ny.gov/NYScleanheat/> for:

- List of participating contractors
- Program enrollment forms
- NYS Clean Heat Statewide Heat Pump Program

To process rebate application, applications are to be submitted by the Participating Contractor using the online application portal hosted by ICF on behalf of National Grid. **NYSCleanHeat.nationalgrid.com** NYS Clean Heat Hotline: **844-212-7823**

Custom applications are to be submitted to NYSCleanHeatCI@nationalgrid.com

Custom Incentive Application Forms:

Visit <https://www.nationalgridus.com/Upstate-NY-Home/Energy-Saving-Programs/Cooling>

UNY residential program offerings are subject to change without notice and the program may be terminated due to funding constraints at any time. ICF is an experienced energy efficiency service provider and National Grid's partner for this program.



RESOLUTION NO. 503

BOND RESOLUTION OF THE COUNTY OF ALBANY, NEW YORK, ADOPTED DECEMBER 4 2017, AUTHORIZING VARIOUS CAPITAL IMPROVEMENTS FOR COUNTY FACILITIES, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$2,450,000, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$2,450,000 OF SERIAL BONDS OF SAID COUNTY TO FINANCE SAID APPROPRIATION.

Introduced: 12/4/17

By Audit and Finance Committee:

THE COUNTY LEGISLATURE OF THE COUNTY OF ALBANY, NEW YORK, HEREBY RESOLVES AS FOLLOWS:

Section 1. The County of Albany, New York (the "County") is hereby authorized to undertake various County facility improvement projects located in Albany County, New York. The improvement projects consist of various upgrades and improvements in various buildings, which shall include interior painting, carpeting, HVAC modifications, departmental relocation costs, design fees, construction fit-up costs (retrofit/office buildout), moving expenses and the installations of energy management systems at various facilities and improvements for the Times Union Center Garage and Spruce Street Garage, including any necessary site work and the acquisition and installation of furnishings, equipment, machinery and apparatus for the foregoing purposes, together with the preparation of planning, engineering and feasibility studies and review, as further described in the 2018 Capital Plan in the County's 2018-2022 Capital Program, as amended and supplemented (hereinafter referred to as the "Capital Program"). The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof (including costs relating to the issuance of the obligations authorized by this resolution), is an amount not to exceed \$1,550,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of an amount not to exceed \$1,550,000 of serial bonds (and bond anticipation notes in anticipation of the issuance of such serial bonds) in such series and amounts as may be necessary to pay the cost thereof, but in no event in excess of \$1,550,000 to pay the costs of the capital project.

The period of probable usefulness of the specific object or purpose herein authorized and for which \$1,550,000 of said serial bonds are herein authorized to be issued, within the limitations of Section 11.00a.35 of the New York Local Finance Law (the "Law") is at least five (5) years.

Section 2. The County is hereby authorized to undertake a capital project consisting of energy systems upgrades to various County facilities, including any necessary site work and the acquisition and installation of furnishings, equipment, machinery and apparatus for the foregoing purposes, together with the preparation of planning, engineering and feasibility studies and review, as further described in the 2018 Capital Plan in the County's Capital Program. The estimated maximum

cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof (including costs relating to the issuance of the obligations authorized by this resolution), is an amount not to exceed \$550,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of an amount not to exceed \$550,000 of serial bonds (and bond anticipation notes in anticipation of the issuance of such serial bonds) in such series and amounts as may be necessary to pay the cost thereof, but in no event in excess of \$550,000 to pay the cost of the capital project.

The period of probable usefulness of the class of objects or purposes herein authorized and for which \$550,000 of said serial bonds are herein authorized to be issued, within the limitations of Section 11.00a.13 of the Law, is at least five (5) years.

Section 3. The County is hereby authorized to undertake structural and engineering evaluations of various County owned facilities in Albany, New York, together with any necessary site work and the acquisition and installation of furnishings, equipment, machinery and apparatus for the foregoing purpose, together with the preparation of planning, engineering and feasibility studies and review as further described in the 2018 Capital Plan in the County's Capital Program. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof (including costs relating to the issuance of the obligations authorized by this resolution), is an amount not to exceed \$350,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of an amount not to exceed \$350,000 of serial bonds (and bond anticipation notes in anticipation of the issuance of such serial bonds) in such series and amounts as may be necessary to pay the cost thereof, but in no event in excess of \$350,000.

The periods of probable usefulness of the class of objects or purposes herein authorized and for which \$350,000 of said serial bonds are herein authorized to be issued, within the limitations of Section 11.00a.62 of the Law, is five (5) years.

Section 4. Serial bonds (and bond anticipation notes in anticipation of the issuance of such serial bonds) in the aggregate principal amount not to exceed \$2,450,000 to finance said appropriations are hereby authorized to be issued pursuant to the provisions of the Law.

Section 5. The following additional matters are hereby determined and stated:

(a) Certain facilities described in Section 2 above are class "A" or "B" buildings, as defined in Section 11.00a.11(a) of the Law.

(b) Current funds are not required by the Law to be provided as a down payment prior to the issuance of the serial bonds authorized by this resolution or any bond anticipation notes issued in anticipation thereof in accordance with Section 107.00 of the Law.

(c) The proposed maturity of a portion of the bonds authorized by this resolution will exceed five (5) years.

Section 6. The serial bonds authorized by this resolution and any notes issued in anticipation of the sale of such bonds shall contain the recital of validity prescribed by Section 52.00 of the Law and said serial bonds and any notes issued in anticipation of said bonds shall be general obligations of the County, payable as to both principal and interest by a general tax upon all the taxable real property within the County without limitation of rate or amount. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and provision shall be made annually in the budget of the County by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 7. Subject to the provisions of this resolution and of the Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals of said notes and of Section 21.00, Section 50.00, Sections 56.00 to 60.00, Section 62.00, Section 63.00 and Section 164.00 of the Law, the powers and duties of the County Legislature pertaining or incidental to the sale and issuance of the obligations herein authorized, including but not limited to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the County Comptroller, the chief fiscal officer of the County.

Section 8. The County Comptroller is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the bonds authorized by this resolution and any notes issued in anticipation thereof, if applicable, as "qualified tax-exempt bonds" in accordance with Section 265(b)(3)(B)(i) of the Code.

Section 9. The County Comptroller is further authorized to enter into a continuing disclosure undertaking with the initial purchaser of the bonds or notes authorized by this resolution, containing provisions which are satisfactory to such purchaser in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

Section 10. Pursuant to Article 8 of the Environmental Conservation Law, Chapter 43-B of the Consolidated Laws of New York, as amended (the "SEQR Act") and the regulations adopted pursuant thereto by the Department of Environmental Conservation of the State of New York, being 6 NYCRR Part 617, as amended (the "Regulations" and collectively with the SEQR Act, "SEQRA"), the County must satisfy the requirements contained in SEQRA prior to making a final determination whether to proceed with the above referenced projects.

(a) Based upon an examination of the projects and memoranda from the Albany County Department of Economic Development, Conservation and Planning, the County hereby makes the following determination: The projects authorized by this resolution described in Sections 1 and 2 constitute a "Type II action" pursuant to 6 NYCRR 617.5(c)(1), (2) and (25), and therefor that, pursuant to 6 NYCRR 617.6(a)(1)(i), the County has no further responsibilities under SEQRA with respect to that project.

(b) Based upon an examination of the project and a memorandum from the Albany County Department of Economic Development, Conservation and Planning, the County hereby makes the following determination: The project authorized by this resolution described in Section 3 constitutes a "Type II action" pursuant to 6 NYCRR 617.5(c)(18) and (21), and therefor that, pursuant to 6 NYCRR 617.6(a)(1)(i), the County has no further responsibilities under SEQRA with respect to that project.

Section 11. The County may initially use funds from the General Fund or such other funds that may be available to pay the cost of the specific objects or purposes authorized by this resolution, pursuant to Section 165.10 of the Law. The County then reasonably expects to reimburse such expenditure with the proceeds of the bonds or bond anticipation notes authorized by Section 4 of this resolution. This resolution shall constitute the declaration of the County's "official intent" to reimburse the expenditures authorized by Sections 1, 2, and 3 hereof with the proceeds of the bonds and notes authorized herein, as required by United States Treasury Regulation Section 1.150-2.

Section 12. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) (1) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or

(2) the provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

(b) such obligations are authorized in violation of the provisions of the constitution.

Section 13. This bond resolution shall take effect immediately and the Clerk of the County Legislature is hereby authorized and directed to publish the foregoing resolution in full, together with a notice attached in substantially the form as prescribed in Section 81.00 of the Law, in the Evangelist and the Times Union, newspapers designated as the official newspapers of the County for such publication.

On roll call vote the following voted in favor: Messrs. Beston, Bullock, Burgdorf, Ms. Chapman, Messrs. Clay, Clenahan, Commisso, Crouse, Ms. Cunningham, Messrs. Dawson, Domalewicz, Drake, Duncan, Ethier, Feeney, Fein,

Grimm, Higgins, Hogan, A. Joyce, R. Joyce, Mss. Lekakis, Lockart, Messrs. Mauriello, Mayo, Mss. McKnight, McLean Lane, Messrs. Mendick, Miller, O'Brien, Reinhardt, Signoracci, Smith, Stevens, Touchette, Tunny, Ward and Ms. Willingham - 38

Those opposed - 0

Resolution was adopted 12/4/17

RESOLUTION NO. 570

BOND RESOLUTION OF THE COUNTY OF ALBANY, NEW YORK, AUTHORIZING VARIOUS CAPITAL IMPROVEMENTS FOR COUNTY FACILITIES, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$8,475,000, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$8,475,000 OF SERIAL BONDS OF SAID COUNTY TO FINANCE SAID APPROPRIATION

Introduced: 12/3/18

By: Audit and Finance Committee and Ms. McKnight

THE COUNTY LEGISLATURE OF THE COUNTY OF ALBANY, NEW YORK, HEREBY RESOLVES AS FOLLOWS:

Section 1. The County of Albany, New York (the "County") is hereby authorized to undertake various County facility improvement projects located in Albany County, New York. The projects consist of various upgrades and improvements in various buildings, which shall include mechanical, chillers, electrical, and roof upgrades; HVAC modifications; departmental relocation costs; design fees; construction fit-up costs (retrofit/office buildout); the installation of energy management systems at various facilities; and improvements for the Times Union Center Garage and Spruce Street Garage, including any necessary site work and the acquisition and installation of furnishings, equipment, machinery and apparatus for the foregoing purposes, together with the preparation of planning, engineering and feasibility studies and review, as further described in the 2019 Capital Plan in the County's 2019-2023 Capital Program, as amended and supplemented (hereinafter referred to as the "Capital Program"). The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof (including the costs relating to the issuance of the obligations authorized by this resolution), is an amount not to exceed \$1,750,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of an amount not to exceed \$1,750,000 of serial bonds (and bond anticipation notes in anticipation of the issuance of such serial bonds) in such series and amounts as may be necessary to pay the cost thereof, but in no event in excess of \$1,750,000 to pay the costs of the capital projects.

The period of probable usefulness of the class of objects or purposes herein authorized and for which \$1,750,000 of said serial bonds are herein authorized to be issued, within the limitations of Section 11.00(a)(35) of the New York Local Finance Law (the "Law") is at least five (5) years.

Section 2. The County is hereby authorized to undertake a capital project consisting of energy systems upgrades to various County facilities, including any necessary site work and the acquisition and installation of furnishings, equipment, machinery and apparatus for the foregoing purposes, together with the preparation of planning, engineering and feasibility studies and review, as further described in the 2019 Capital Plan in the County's Capital Program. The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental

thereto and the financing thereof (including costs relating to the issuance of the obligations authorized by this resolution), is an amount not to exceed \$525,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of an amount not to exceed \$525,000 of serial bonds (and bond anticipation notes in anticipation of the issuance of such serial bonds) in such series and amounts as may be necessary to pay the cost thereof, but in no event in excess of \$525,000 to pay the cost of the capital project.

The period of probable usefulness of the class of objects or purposes herein authorized and for which \$525,000 of said serial bonds are herein authorized to be issued, within the limitations of Section 11.00(a)(13) of the Law, is at least five (5) years.

Section 3. The County is hereby authorized to undertake the Youth Facility Renovation and Upgrade Project involving the reconstruction, renovation and improvements to the Capital District Youth Center and the Family Court, together with any necessary site work and the acquisition and installation of furnishings, equipment, machinery and apparatus for the foregoing purpose, together with the preparation of planning, engineering and feasibility studies and review as further described in the 2019 Capital Plan in the County's Capital Program. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof (including the costs relating to the issuance of the obligations authorized by this resolution), is an amount not to exceed \$6,200,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of an amount not to exceed \$6,200,000 of serial bonds (and bond anticipation notes in anticipation of the issuance of such serial bonds) in such series and amounts as may be necessary to pay the costs thereof, but in no event in excess of \$6,200,000. As described in the Capital Program, the plan of financing also includes the receipt by the County of funding from federal, state, and local sources to pay the balance of any costs of the capital project and/or to reimburse the County of such costs initially financed by the County.

The periods of probable usefulness of the specific object or purpose herein authorized and for which \$6,200,000 of said serial bonds are herein authorized to be issued, within the limitations of Section 11.00(a)(12)(a)(1) of the Law, is twenty-five (25) years.

Section 4. Serial bonds (and bond anticipation notes in anticipation of the issuance of such serial bonds) in the aggregate principal amount not to exceed \$8,475,000 to finance said appropriations are hereby authorized to be issued pursuant to the provisions of the Law.

Section 5. The following additional matters are hereby determined and stated:

- (a) Certain facilities described in Section 2 above are class "A" or "B" buildings, as defined in Section 11.00(a)(11)(a) of the Law.
- (b) The facilities described in Section 3 above are class "A" buildings, as defined in Section 11.00(a)(11)(a) of the Law
- (c) Current funds are not required by the Law to be provided as a down payment prior to the issuance of the serial bonds authorized by this resolution or any bond

anticipation notes issued in anticipation thereof in accordance with Section 107.00 of the Law.

(d) The proposed maturity of a portion of the bonds authorized by this resolution will exceed five (5) years.

Section 6. The serial bonds authorized by this resolution and any notes issued in anticipation of the sale of such bonds shall contain the recital of validity prescribed by Section 52.00 of the Law and said serial bonds and any notes issued in anticipation of said bonds shall be general obligations of the County, payable as to both principal and interest by a general tax upon all the taxable real property within the County without limitation of rate or amount. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and provision shall be made annually in the budget of the County by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 7. Subject to the provisions of this resolution and of the Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals of said notes and of Section 21.00, Section 23.00, Section 50.00, Sections 56.00 to 60.00, Section 62.00, Section 63.00 and Section 164.00 of the Law, the powers and duties of the County Legislature pertaining or incidental to the sale and issuance of the obligations herein authorized, including but not limited to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the County Comptroller, the chief fiscal officer of the County.

Section 8. The County Comptroller is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the bonds authorized by this resolution and any notes issued in anticipation thereof, if applicable, as "qualified tax-exempt bonds" in accordance with Section 265(b)(3)(B)(i) of the Code.

Section 9. The County Comptroller is further authorized to enter into a continuing disclosure undertaking with the initial purchaser of the bonds or notes authorized by this resolution, containing provisions which are satisfactory to such purchaser in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

Section 10. Pursuant to Article 8 of the Environmental Conservation Law, Chapter 43-B of the Consolidated Laws of New York, as amended (the "SEQR Act") and the regulations adopted pursuant thereto by the Department of Environmental

Conservation of the State of New York, being 6 NYCRR Part 617, as amended (the "Regulations" and collectively with the SEQR Act, "SEQRA"), the County must satisfy the requirements contained in SEQRA prior to making a final determination whether to proceed with the above referenced projects. Based upon an examination of the projects and memoranda from the Albany County Department of Economic Development, Conservation and Planning, the County hereby makes the following determination: The projects authorized by this resolution described in Sections 1, 2, and 3 constitute a "Type II action" pursuant to 6 NYCRR 617.5(c)(1), (2) and (25), and therefore, pursuant to 6 NYCRR 617.6(a)(1)(i), the County has no further responsibilities under SEQRA with respect to the projects.

Section 11. The County may initially use funds from the General Fund or such other funds that may be available to pay the cost of the specific objects or purposes authorized by this resolution, pursuant to Section 165.10 of the Law. The County then reasonably expects to reimburse such expenditure with the proceeds of the bonds or bond anticipation notes authorized by Section 4 of this resolution. This resolution shall constitute the declaration of the County's "official intent" to reimburse the expenditures authorized by Sections 1, 2, and 3 hereof with the proceeds of the bonds and notes authorized herein, as required by United States Treasury Regulation Section 1.150-2.

Section 12. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) (1) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or
- (2) the provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- (b) such obligations are authorized in violation of the provisions of the constitution.

Section 13. This bond resolution shall take effect immediately and the Clerk of the County Legislature is hereby authorized and directed to publish the foregoing resolution in full, together with a notice attached in substantially the form as prescribed in Section 81.00 of the Law, in the newspaper(s) designated as the official newspaper(s) of the County for such publication.

On roll call the following members voted in favor: Messrs. Beston, Bullock, Burgdorf, Ms. Chapman, Messrs. Clenahan, Commisso, Crouse, Ms. Cunningham, Messrs. Dawson, Domalewicz, Drake, Ethier, Feeney, Fein, Grimm, Higgins, Hogan, A. Joyce, R. Joyce, Mss. Lekakis, Lockart, Messrs. Mauriello, Mayo, Mss. McKnight, McLean Lane, Messrs. Mendick, Miller, O'Brien, Ms. Plotsky, Messrs. Reinhardt, Signoracci, Smith, Stevens, Touchette, Tunny, Ward and Ms. Willingham – 37

Those opposed: – 0

Adopted by unanimous vote – 12/3/18

Ms. McLean Lane abstained.

CLERK'S CERTIFICATE

I, Paul T. Devane, Clerk of the County Legislature of the County of Albany, State of New York, HEREBY CERTIFY that the foregoing annexed extract from the minutes of a meeting of the County Legislature of the County duly called and held on December __, 2018, has been compared by me with the original minutes as officially recorded in my office in the Minute Book of said County Legislature and is a true, complete and correct copy thereof and of the whole of said original minutes so far as the same relate to the subject matters referred to in said extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said County of Albany this ____ day of December, 2018.

Clerk of the County Legislature

NOTICE OF BOND RESOLUTION

NOTICE IS HEREBY GIVEN that the resolution published herewith has been adopted for the County of Albany, on the ___ day of December, 2018 and the validity of the obligations authorized by such resolution may be hereafter contested only if:

- (1) (a) such obligations were authorized for an object or purpose for which the County of Albany is not authorized to expend money or
- (b) the provisions of law which should have been complied with as of the date of publication of this notice were not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of publication of this notice; or

- (2) such obligations were authorized in violation of the provisions of the Constitution of New York.

Hon. Bruce A. Hidley
Albany County Clerk