

Special Rules

May 10, 2022

Please note that Resolutions on this Special Rules Agenda, if voted out at this committee meeting prior to the regular meeting, will be added to that regular meeting agenda.

Time Started:

Attendance:

Staff:

Agenda

ACTION	RESOLUTION	TITLE
Late File	G/220/22	AUTHORIZING THE PURCHASE OF REAL PROPERTY AND BUILDING AND THE NEGOTIATION, EXECUTION AND DELIVERY OF AGREEMENTS AND ENERGY PERFORMANCE CONTRACT WITH SIEMENS INDUSTRY, INC. FOR IMPROVEMENTS OF THE BUILDING AND RELATED LEASE/PURCHASE AGREEMENTS WITH SIEMENS PUBLIC, INC. – BUREAU OF CENTRAL SERVICES
Late File	G/221/22	RESOLUTION AMENDING THE 2022 RENSSELAER COUNTY ADOPTED BUDGET - RENSSELAER COUNTY SEWER DISTRICT NO. 1

RENSSELAER COUNTY LEGISLATURE

Introduced by Legislator(s) Hoffman

Sent To: _____ Committee _____ Date May 10, 2022

Resolution No. G/220/22

AUTHORIZING THE PURCHASE OF REAL PROPERTY AND BUILDING AND THE NEGOTIATION, EXECUTION AND DELIVERY OF AGREEMENTS AND ENERGY PERFORMANCE CONTRACT WITH SIEMENS INDUSTRY, INC. FOR IMPROVEMENTS OF THE BUILDING AND RELATED LEASE/PURCHASE AGREEMENTS WITH SIEMENS PUBLIC, INC. - BUREAU OF CENTRAL SERVICES

WHEREAS, This Resolution is filed with the Rensselaer County Legislature by the Rensselaer County Executive; and

WHEREAS, Pursuant to Resolution No. G/402/13, the County entered into a lease ("Flanigan Square Lease"), under which it leases 52,500 square feet of space in the building commonly known as Flanigan Square and located at 547 River Street in Troy, New York; and

WHEREAS, The County uses its leased space in Flanigan Square to house certain operations for the County Department of Social Services and the County Bureau of Probation; and

WHEREAS, Under the Flanigan Square Lease, the County pays a base rent of \$7.75 per square foot, as adjusted upward each year for inflation, on a triple net basis, with the initial term ending on December 31, 2023 and with notice to the Landlord required on or before March 31, 2022 in order to extend the initial term for an additional 5 years; and

WHEREAS, The County desires to plan for operations housed at Flanigan Square to remain in the City of Troy in a cost-effective manner beyond the expiration of the initial term of the Flanigan Square Lease; and

WHEREAS, The County has learned that the property ("99 Troy Road Property") consisting of approximately 9.78 acres, as improved with an office building consisting of approximately 62,848 of space and corresponding parking, and as located at 99 Troy Road in the Town of East Greenbush, New York, is available for purchase; and

WHEREAS, The County has received a proposal for the purchase and sale of the 99 Troy Road Property, under which the County would purchase the 99 Troy Road Property for \$5,200,000.00 and finance the purchase and energy performance improvements (\$3,810,639.00) through Siemens Public, Inc. or related Siemens entities (hereinafter, "Siemens Public Finance"); and

WHEREAS, The County desires to purchase the 99 Troy Road Property to relocate the Departments currently operating at Flanigan Square to the County Office Building in the City of Troy and relocate certain Departments currently operating at the County Office Building to the 99 Troy Road Property; and

WHEREAS, Article 9 of the New York Energy Law (the "Act") authorizes municipalities and school districts to enter into contracts ("Energy Performance Contracts") for the provision of energy services, including but not limited to, electricity, heating, ventilation, cooling, steam or hot water, in which a person agrees to install, maintain, or manage energy systems or equipment to improve the energy efficiency of, or produce energy in connection with, a building or facility in exchange for a portion of the energy savings or revenues; and

WHEREAS, Rensselaer County (the "County") issued a Request for Proposals (RFP-13-37) for a performance-based energy savings and operations plan for various county facilities; and

WHEREAS, Based on the evaluation of the proposals, Siemens Industry Inc. ("Siemens") was selected to develop and implement a performance-based energy savings and operations plan; and

WHEREAS, Siemens has provided the County with Facility Improvement Measures Report for the 99 Troy Road Property dated February 9, 2022 (the "99 Troy Road FIMS Report") which sets forth detailed design plans for improvements of 99 Troy Road, including LED Lighting Retrofits and Enlighted Controls, installation of energy efficient condensing boilers, installation of new closed-circuit cooler & VFD, replacement of water source heat pump unit, installation of new make-up-air recovery (MAU) with heat recovery, installation of new smart pumps on heat pump loop water system, installation of BAS front end, central command, temperature setback and demand control ventilation systems and installation of needlepoint bipolar ionization (NBPI); now, therefore, be it

RESOLVED, That the Rensselaer County Executive, or his designee, is authorized to negotiate and enter into an agreement to purchase 99 Troy Road Property; and, be it further

RESOLVED, That the Rensselaer County Executive, or his designee, is authorized to sign any and all real estate documents and to take any and all further actions necessary in order to close on the purchase of the 99 Troy Road Property, subject to the approval as to form by the Rensselaer County Attorney; and, be it further

RESOLVED, By the County Legislature of Rensselaer County, New York, as follows:

Section 1. In accordance with Section 9-103 of the Act, the County is hereby authorized to enter into financing agreements and one or more energy performance contracts with Siemens Industry Inc., and related lease/purchase agreements and other agreements with Siemens Public Finance (collectively the "Agreements") in an aggregate original principal amount not to exceed \$3,810,639.00, pursuant to which Siemens will provide capital to improve the energy efficiency of the 99 Troy Road Property, as more particularly described in the 99 Troy Road FIMS Report and to pay reasonable costs of issuance relating to the Agreements.

Section 2. The Chief Fiscal Officer, as Chief Fiscal Officer of the County, and/or the County Executive are hereby authorized to negotiate and deliver on behalf of the County the Agreements and all other certificates or instruments required in connection therewith provided, however, that all amounts payable by the County pursuant to the Agreements shall be subject to annual appropriation of such payments by the County Legislature. The power to prescribe the terms, forms and covenants of the Agreements is hereby delegated to the Chief Fiscal Officer, as Chief Fiscal Officer, and/or the County Executive.

Section 3. The purchase price of \$5,200,000.00 shall be financed by bonding provided for by separate resolution of the County Legislature, or, alternatively, in the event bonding funds are not available, by utilizing the funds on hand of the County.

Section 4. This Resolution is not subject to a mandatory or permissive referendum.

Section 5. The County hereby determines that the provisions of the State Environmental Quality Review Act and the regulations thereunder have previously been satisfied with respect to the expenditures authorized by this Resolution.

Section 6. All acts previously taken by the County with respect to the execution and delivery of the Agreements are hereby further authorized, with the assistance of, and subject to the approval of the County Attorney, ratified and confirmed.

Section 7. This Resolution shall take effect immediately.

Resolution ADOPTED by the following vote:

Ayes:

Nays:

Abstain:

May 10, 2022

Clerk of the Legislature

Sent to County Executive _____

Received from County Executive _____

Clerk of the Legislature



Executive Action

Approved _____ Date _____

Disapproved _____

Veto Message Attached and Returned to Clerk

County Executive

RENSSELAER COUNTY LEGISLATURE

Introduced by Legislator(s) Hoffman

Sent To: _____ Committee _____ Date May 10, 2022

Resolution No. G/221/22

RESOLUTION AMENDING THE 2022 RENSSELAER COUNTY ADOPTED BUDGET - RENSSELAER COUNTY SEWER DISTRICT NO. 1

WHEREAS, This Resolution is filed with the Rensselaer County Legislature; and

WHEREAS, On March 11, 2021, President Biden signed into law the American Rescue Plan (ARP), a nearly \$1.9 trillion COVID-19 relief package containing, among other provisions, the Coronavirus State and Local Fiscal Recovery Funds; and

WHEREAS, On May 17, 2021, the United States Department of the Treasury issued an Interim Final Rule to implement the Coronavirus State Fiscal Recovery Fund and the Coronavirus Local Fiscal Recovery Fund established under the ARP; and

WHEREAS, The Interim Final Rule expressly lists Investments in Infrastructure as an eligible use in Section II - Subsection D stating that funds may be used "To assist in meeting the critical need for investments and improvements to existing infrastructure in water, sewer, and broadband, the Fiscal Recovery Funds provide funds to State, local, and Tribal governments to make necessary investments in these sectors. The Interim Final Rule outlines eligible uses within each category, allowing for a broad range of necessary investments in projects that improve access to clean drinking water, improve wastewater and stormwater infrastructure systems, and provide access to high-quality broadband service. Necessary investments are designed to provide an adequate minimum level of service and are unlikely to be made using private sources of funds".; and

WHEREAS, The Interim Final Rule further states that "By permitting funds to be used for water and sewer infrastructure needs, Congress recognized the critical role that clean drinking water and services for the collection and treatment of wastewater and stormwater play in protecting public health".; and

WHEREAS, The statute authorizes State, territorial, and Tribal governments; counties; metropolitan cities; and non-entitlement units of local government (counties, metropolitan cities, and non-entitlement units of local government are collectively referred to as "local governments") to transfer amounts paid from the Fiscal Recovery Funds to several specific entities. By permitting these transfers, Congress recognized the

importance of providing flexibility to governments seeking to achieve the greatest impact with their funds, including with other levels or units of government or private entities to assist recipient governments in carrying out their programs. This includes special-purpose districts that perform specific functions in the community, such as fire, water, sewer, or mosquito abatement districts; and

WHEREAS, On January 29, 2022, the Sewer District lost power to the entire plant, resulting in an emergency declaration; and

WHEREAS, Under the emergency efforts to return power and fix the problem it was determined that services of High Voltage Electric Service HVES was needed to provide services to diagnose and make necessary repairs to the plant's electrical service; and

WHEREAS, The power has been restored but work is ongoing to create redundancy in the system to ensure a total outage does not happen again; now, therefore, be it

RESOLVED, That the 2022 Rensselaer County Adopted Budget shall be and hereby is amended as follows:

GENERAL FUND REVENUE

<u>CODE/DESCRIPTION</u>	<u>PRESENT</u>	<u>CHANGE</u>	<u>REVISED</u>
Non-Departmental			
A.0000.40894 ARPA			
American Rescue Plan	\$ 0.00	\$3,000,000.00	\$ 3,000,000.00

GENERAL FUND APPROPRIATIONS

<u>CODE/DESCRIPTION</u>	<u>PRESENT</u>	<u>CHANGE</u>	<u>REVISED</u>
Transfers-Capital Fund			
A.9950.09003 Transfers			
to Capital Fund	\$2,100,000.00	\$3,000,000.00	\$5,100,000.00

CAPITAL PROJECTS FUND REVENUE

<u>CODE/DESCRIPTION</u>	<u>PRESENT</u>	<u>CHANGE</u>	<u>REVISED</u>
Sewer District ARA Project			
H.8130.50311 H1208 Interfund			
Transfers-General	\$ 0.00	\$3,000,000.00	\$3,000,000.00

Resolution No. G/221/22

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CAPITAL PROJECTS FUND APPROPRIATIONS

<u>CODE/DESCRIPTION</u>	<u>PRESENT</u>	<u>CHANGE</u>	<u>REVISED</u>
Sewer District ARA Project H.8130.02500 H1208 General Capital Expenditures \$	0.00	\$3,000,000.00	\$3,000,000.00

Resolution ADOPTED by the following vote:

Ayes:

Nays:

Abstain:

May 10, 2022

Clerk of the Legislature

Sent to County Executive_____

Received from County Executive_____

Clerk of the Legislature



Executive Action

Approved_____ Date_____

Disapproved_____
Veto Message Attached and Returned to Clerk

County Executive