

City of Northampton

MASSACHUSETTS

In City Council _____ May 5, 2022

Upon recommendation of the Mayor

22.100 An Order to Authorize Borrowing \$22,500,000 for Sludge Dewatering, Clarifier, Plant Water System and SCADA Upgrades to the Wastewater Treatment Plant

Ordered, that

Whereas, in 2016, the City finalized its Comprehensive Wastewater Management Plan, which is an evaluation of existing conditions and future needs for its wastewater collection system and Wastewater Treatment Plant that includes a Capital Improvement Plan to prioritize its most critical needs, and;

Whereas, the Massachusetts Clean Water Trust is a state agency that improves water quality and infrastructure throughout the Commonwealth by providing low interest loans to municipalities, and the City applied for and received approval for inclusion on the 2022 Intended Use Plan, which details the projects, borrowers and amounts to be financed through the Clean Water State Revolving Fund loan program, and;

Whereas, the City is required to comply with the provisions of multiple federal and state water pollution statutes, enforced by the United States Environmental Protection Agency and the Massachusetts Department of Environmental Protection, including but not limited to 33 U.S.C. section 1251 et seq., MGL c 21 sections 26-53, the Surface Water Discharge Permit Regulations at 314 CMR 3.00, the Groundwater Discharge Permit Regulations at 314 CMR 5.00, the Sewer System Extension and Connection Permit Regulations at 314 CMR 7.00, and the Operation and Maintenance and Pretreatment Standards for Wastewater Treatment Works and Indirect Discharges at 314 CMR 12.00,

Now therefore be it ordered that,

\$22,500,000 is appropriated for the purpose of financing the construction of sludge dewatering, clarifier, plant water system and SCADA upgrades to the City's Wastewater Treatment Plant including all costs incidental and related thereto and, without limitation, all costs thereof as defined in Section 1 of Chapter 29C of the General Laws, as amended; that to meet this appropriation the Treasurer with the approval of the Mayor is authorized to borrow \$22,500,000 and issue bonds or notes therefor under any

enabling authority, including Chapter 44, Section 7(1) or 8(14) of the General Laws and/or Chapter 29C of the General Laws, as amended; that such bonds or notes shall be general obligations of the City unless the Treasurer with the approval of the Mayor determines that they should be issued as limited obligations and may be secured by local system revenues as defined in Section 1 of Chapter 29C of the General Laws, as amended; that the Treasurer with the approval of the Mayor is authorized to borrow all or a portion of such amount from the Massachusetts Clean Water Trust established pursuant to Chapter 29C, as amended; and in connection therewith to enter into one or more loan agreements and/or security agreements with the Trust and otherwise to contract with the Trust and the Department of Environmental Protection with respect to any such loan, and for any federal or state aid available for the project or for the financing thereof; that the Mayor is authorized to enter into one or more project regulatory agreements with the Department of Environmental Protection, to expend all funds available for the project and to take any other action necessary to carry out the project. Any premium received by the City upon the sale of any bonds or notes approved by this order, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this order in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.