



City of Kingston Finance and Audit Committee
Meeting Agenda
Monday, September 10, 2018

SPECIAL AGENDA

Kingston Point Rail Trail Award and Bond Authorization

[Communication KPRT Bond Authorization Award.pdf](#)

[2018-08-13 \(4680-001\) KPRT Bid Results \(1\).pdf](#)

[2018-08-13 \(4680-001\) Kingston Point Rail Trail Construction - Recommend....pdf](#)

[Committee Report-KRPT Award Authorization -FIN.pdf](#)

[Resolution-Award KPRT Project to Merritt Construction.pdf](#)

[CITY OF KINGSTON BOND ORDINANCE \(KINGSTON PT RAIL TRAIL PROJECT\) 4144-95....docx](#)

Pike Plan Settlement Discussion

Washington Avenue Tunnel Litigation Discussion

CITY OF KINGSTON

Office of the Mayor

mayor@kingston-ny.gov

Steven T. Noble
Mayor



August 28, 2018

Mr. James L. Noble, Jr.
Alderman-At-Large
President of the Common Council
Kingston City Hall
420 Broadway
Kingston, New York 12401

RE: Kingston Point Rail Trail Bond Authorization & Award

Dear President Noble:

In 2014, the Common Council authorized the Mayor to enter into contract with Saratoga Associates for the purposes of completing design and construction documents for the Kingston Point Rail Trail (Resolution 200 of 2014). Since that time, Saratoga Associates, with KC Engineering as the subcontractor, completed construction and bid documents for the trail, and all necessary approvals from the funding agencies have been obtained. The Council has also approved spending of funding in the first instance for four grants we have been awarded for the project from NYSERDA and the OPRHP. (Resolutions 200 of 2014 and 233 of 2017)

In July 2017, we received final plans, specifications, and construction cost estimates for the Kingston Point Rail Trail Phase 1 project. Work under this project was advertised on July 11, 2018, with bids received August 10, 2018. Bid results, bid analysis, and a recommendation for award were completed by KC Engineering. These documents are enclosed.

The Apparent Low Bidder is Merritt Construction at \$1,591,719.50 plus an 8% contingency (\$127,337.56), Construction Administration and Inspection by KC Engineering has already been contracted for \$60,500 with grant funds previously authorized for spending. Grants funds in the amount of \$1,319,065 are secured through the aforementioned grants.

I am requesting that you schedule a Special Finance Committee Meeting before the September Caucus Meeting to review this information and to consider resolutions to fund these activities through an authorization of bonding in the amount of \$1,720,000, to award the bid for the Kingston Point Rail Trail and to authorize me to execute any and all documents required. It is expected that a maximum amount of \$399,992 would be used from the bond for the project after reimbursement from the grant is completed.

Thank you for your consideration of this request.

Respectfully Submitted,

Steven T. Noble
Mayor

Cc: Douglas Koop, Chair, Finance and Audit Committee
John Tuey, Comptroller

Project: Kingston Point Rail Trail Construction Project - Contract CK-OECD-2019-006	Title: BID RESULTS
KCE No.: 4680-001	Date: August 13, 2018

BASE BID																	
				Merritt Construction		Baker Brothers		Colarusso & Son Inc.		Arold Construction		Collins Construction		Ben Ciccone Inc.		AVERAGE	
Item No.	Description	Estimated Quantity	Unit	Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount
1	Division 1 General Requirements	1	LS	\$ 57,200.00	\$ 57,200.00	\$ 38,000.00	\$ 38,000.00	\$ 55,000.00	\$ 55,000.00	\$ 65,000.00	\$ 65,000.00	\$ 445,000.00	\$ 445,000.00	\$ 400,000.00	\$ 400,000.00	\$ 176,700.00	\$ 176,700.00
2	Construction Sign	3	EA	\$ 1,200.00	\$ 3,600.00	\$ 800.00	\$ 2,400.00	\$ 165.00	\$ 495.00	\$ 1,000.00	\$ 3,000.00	\$ 700.00	\$ 2,100.00	\$ 1,500.00	\$ 4,500.00	\$ 894.17	\$ 2,682.50
3	Survey and Stakeout	1	LS	\$ 15,000.00	\$ 15,000.00	\$ 20,000.00	\$ 20,000.00	\$ 9,000.00	\$ 9,000.00	\$ 10,000.00	\$ 10,000.00	\$ 50,000.00	\$ 50,000.00	\$ 57,000.00	\$ 57,000.00	\$ 26,833.33	\$ 26,833.33
4	Stabilized Construction Entrance	7	EA	\$ 1,200.00	\$ 8,400.00	\$ 800.00	\$ 5,600.00	\$ 1,300.00	\$ 9,100.00	\$ 2,000.00	\$ 14,000.00	\$ 1,800.00	\$ 12,600.00	\$ 2,500.00	\$ 17,500.00	\$ 1,600.00	\$ 11,200.00
5C	Silt Fence	3,200	LF	\$ 6.00	\$ 19,200.00	\$ 4.50	\$ 14,400.00	\$ 3.90	\$ 12,480.00	\$ 1.00	\$ 3,200.00	\$ 6.50	\$ 20,800.00	\$ 5.50	\$ 17,600.00	\$ 4.57	\$ 14,613.33
6	Tree Protection Fence	100	LF	\$ 10.00	\$ 1,000.00	\$ 5.00	\$ 500.00	\$ 5.00	\$ 500.00	\$ 1.00	\$ 100.00	\$ 55.00	\$ 5,500.00	\$ 5.50	\$ 550.00	\$ 13.58	\$ 1,358.33
7	Inlet Protection	4	EA	\$ 850.00	\$ 3,400.00	\$ 200.00	\$ 800.00	\$ 130.00	\$ 520.00	\$ 100.00	\$ 400.00	\$ 425.00	\$ 1,700.00	\$ 2,000.00	\$ 8,000.00	\$ 617.50	\$ 2,470.00
8	Site Demolition and Clearing	1	LS	\$ 70,000.00	\$ 70,000.00	\$ 63,000.00	\$ 63,000.00	\$ 70,000.00	\$ 70,000.00	\$ 515,000.00	\$ 515,000.00	\$ 200,000.00	\$ 200,000.00	\$ 300,000.00	\$ 300,000.00	\$ 203,000.00	\$ 203,000.00
9C	Unclassified Excavation and Disposal	1,148	CY	\$ 40.00	\$ 45,920.00	\$ 18.00	\$ 20,664.00	\$ 62.00	\$ 71,176.00	\$ 32.00	\$ 36,736.00	\$ 40.00	\$ 45,920.00	\$ 108.00	\$ 123,984.00	\$ 50.00	\$ 57,400.00
10C	Embankment in Place	1,810	CY	\$ 26.50	\$ 47,965.00	\$ 20.50	\$ 37,105.00	\$ 25.00	\$ 45,250.00	\$ 50.00	\$ 90,500.00	\$ 55.00	\$ 99,550.00	\$ 84.00	\$ 152,040.00	\$ 43.50	\$ 78,735.00
11C	Strip, Store and Spread Topsoil	85	CY	\$ 45.00	\$ 3,825.00	\$ 65.00	\$ 5,525.00	\$ 57.00	\$ 4,845.00	\$ 80.00	\$ 6,800.00	\$ 80.00	\$ 6,800.00	\$ 79.00	\$ 6,715.00	\$ 67.67	\$ 5,751.67
12C	Geotextile Drainage	9,005	SY	\$ 3.50	\$ 31,517.50	\$ 1.10	\$ 9,905.50	\$ 1.35	\$ 12,156.75	\$ 1.35	\$ 12,156.75	\$ 1.10	\$ 9,905.50	\$ 0.70	\$ 6,303.50	\$ 1.52	\$ 13,657.58
13	Geotextile Stabilization	2,705	SY	\$ 22.50	\$ 61,875.00	\$ 1.25	\$ 3,387.50	\$ 2.25	\$ 6,187.50	\$ 1.35	\$ 3,671.25	\$ 1.60	\$ 4,320.00	\$ 0.70	\$ 1,920.00	\$ 4.94	\$ 13,589.00
14	Concrete Footings	10	CY	\$ 450.00	\$ 4,500.00	\$ 780.00	\$ 7,800.00	\$ 1,250.00	\$ 12,500.00	\$ 1,500.00	\$ 15,000.00	\$ 950.00	\$ 9,500.00	\$ 500.00	\$ 5,000.00	\$ 905.00	\$ 9,050.00
15	Special Manholes	1	EA	\$ 1,200.00	\$ 1,200.00	\$ 4,480.00	\$ 4,480.00	\$ 1,300.00	\$ 1,300.00	\$ 3,000.00	\$ 3,000.00	\$ 10,000.00	\$ 10,000.00	\$ 5,500.00	\$ 5,500.00	\$ 4,246.67	\$ 4,246.67
16	Reconstruct Existing Catch Basin	4	EA	\$ 850.00	\$ 3,400.00	\$ 2,900.00	\$ 11,600.00	\$ 2,150.00	\$ 8,600.00	\$ 1,000.00	\$ 4,000.00	\$ 6,000.00	\$ 24,000.00	\$ 3,000.00	\$ 12,000.00	\$ 2,650.00	\$ 10,600.00
17	8" Perforated PVC Sewer Pipe	323	LF	\$ 25.00	\$ 8,075.00	\$ 9.70	\$ 3,133.10	\$ 9.00	\$ 2,907.00	\$ 60.00	\$ 19,380.00	\$ 15.00	\$ 4,845.00	\$ 10.00	\$ 3,230.00	\$ 21.45	\$ 6,928.35
18	4" HDPE Underdrain Tubing	140	LF	\$ 18.00	\$ 2,520.00	\$ 6.80	\$ 952.00	\$ 2.50	\$ 350.00	\$ 10.00	\$ 1,400.00	\$ 32.00	\$ 4,480.00	\$ 5.00	\$ 700.00	\$ 12.38	\$ 1,733.67
19C	Subbase Course Type 1	1,375	CY	\$ 35.00	\$ 48,125.00	\$ 33.50	\$ 46,062.50	\$ 65.00	\$ 89,375.00	\$ 50.00	\$ 68,750.00	\$ 60.00	\$ 82,500.00	\$ 95.00	\$ 130,625.00	\$ 56.42	\$ 77,572.92
20C	Subbase Course Type 2	110	CY	\$ 35.00	\$ 3,850.00	\$ 110.00	\$ 12,100.00	\$ 148.00	\$ 16,280.00	\$ 50.00	\$ 5,500.00	\$ 58.00	\$ 6,380.00	\$ 110.00	\$ 12,100.00	\$ 85.17	\$ 9,368.33
21C	Crushed Stone NYSDOT #2	125	CY	\$ 38.00	\$ 4,750.00	\$ 86.00	\$ 10,750.00	\$ 68.00	\$ 8,500.00	\$ 50.00	\$ 6,250.00	\$ 78.00	\$ 9,750.00	\$ 250.00	\$ 31,250.00	\$ 95.00	\$ 11,875.00
22C	Crushed Stone NYSDOT #1B	20	CY	\$ 45.00	\$ 900.00	\$ 64.00	\$ 1,280.00	\$ 125.00	\$ 2,500.00	\$ 50.00	\$ 1,000.00	\$ 520.00	\$ 10,400.00	\$ 1,800.00	\$ 36,000.00	\$ 434.00	\$ 8,680.00
23C	Crushed Stone Aggregate Subbase	270	CY	\$ 35.00	\$ 9,450.00	\$ 80.00	\$ 21,600.00	\$ 67.00	\$ 18,090.00	\$ 50.00	\$ 13,500.00	\$ 70.00	\$ 18,900.00	\$ 125.00	\$ 33,750.00	\$ 71.17	\$ 19,215.00
24C	9.5 F2 Top Course HMA, 50 Series	307	TON	\$ 165.00	\$ 34,155.00	\$ 178.00	\$ 36,846.00	\$ 250.00	\$ 51,750.00	\$ 150.00	\$ 31,050.00	\$ 260.00	\$ 53,820.00	\$ 285.00	\$ 58,995.00	\$ 214.67	\$ 44,436.00
25C	19 F9 Binder HMA, 80 Series	1,147	TON	\$ 105.00	\$ 120,435.00	\$ 174.00	\$ 199,578.00	\$ 100.00	\$ 114,700.00	\$ 120.00	\$ 137,640.00	\$ 132.00	\$ 151,404.00	\$ 225.00	\$ 258,075.00	\$ 142.67	\$ 163,638.67
26C	Saw Cutting Asphalt Concrete	1,117	LF	\$ 3.50	\$ 3,909.50	\$ 5.00	\$ 5,585.00	\$ 7.00	\$ 7,819.00	\$ 1.00	\$ 1,117.00	\$ 2.00	\$ 2,234.00	\$ 10.00	\$ 11,170.00	\$ 4.75	\$ 5,305.75
27	Fill Type Retaining Wall (6-12FT)	734	SF	\$ 45.00	\$ 33,030.00	\$ 60.00	\$ 44,040.00	\$ 59.00	\$ 43,306.00	\$ 120.00	\$ 88,080.00	\$ 84.00	\$ 61,656.00	\$ 55.00	\$ 40,370.00	\$ 70.50	\$ 51,747.00
28C	Treated Timber and Lumber	1,050	CF	\$ 128.00	\$ 134,400.00	\$ 59.00	\$ 61,950.00	\$ 115.00	\$ 120,750.00	\$ 200.00	\$ 210,000.00	\$ 58.00	\$ 60,900.00	\$ 120.00	\$ 126,000.00	\$ 113.33	\$ 119,000.00
29	Finish Treatment/Sealant	100	GAL	\$ 45.00	\$ 4,500.00	\$ 80.00	\$ 8,000.00	\$ 120.00	\$ 12,000.00	\$ 50.00	\$ 5,000.00	\$ 80.00	\$ 8,000.00	\$ 100.00	\$ 10,000.00	\$ 79.17	\$ 7,916.67
30	Permeable Concrete Pavers	975	SY	\$ 122.00	\$ 118,950.00	\$ 140.00	\$ 136,500.00	\$ 132.00	\$ 128,700.00	\$ 180.00	\$ 175,500.00	\$ 120.00	\$ 117,000.00	\$ 120.00	\$ 117,000.00	\$ 135.67	\$ 132,275.00
31	Concrete Pavement	21	CY	\$ 900.00	\$ 18,900.00	\$ 896.00	\$ 18,816.00	\$ 885.00	\$ 18,585.00	\$ 925.00	\$ 19,425.00	\$ 755.00	\$ 15,855.00	\$ 900.00	\$ 18,900.00	\$ 876.83	\$ 18,413.50
32	Detectable Warning Panels	11	SY	\$ 425.00	\$ 4,675.00	\$ 403.00	\$ 4,433.00	\$ 450.00	\$ 4,950.00	\$ 360.00	\$ 3,960.00	\$ 390.00	\$ 4,290.00	\$ 360.00	\$ 3,960.00	\$ 398.00	\$ 4,378.00
33	Cast-In-Place Concrete Curb	953	LF	\$ 46.00	\$ 43,838.00	\$ 48.25	\$ 45,982.25	\$ 42.00	\$ 40,026.00	\$ 33.00	\$ 31,449.00	\$ 37.00	\$ 35,261.00	\$ 55.00	\$ 52,415.00	\$ 43.54	\$ 41,495.21
34	Steel Picket Fence	315	LF	\$ 96.50	\$ 30,397.50	\$ 139.00	\$ 43,785.00	\$ 100.00	\$ 31,500.00	\$ 90.00	\$ 28,350.00	\$ 88.00	\$ 27,720.00	\$ 81.00	\$ 25,515.00	\$ 99.08	\$ 31,211.25
35	Steel Picket Single Gate	1	EA	\$ 1,800.00	\$ 1,800.00	\$ 600.00	\$ 600.00	\$ 1,050.00	\$ 1,050.00	\$ 1,000.00	\$ 1,000.00	\$ 1,600.00	\$ 1,600.00	\$ 1,500.00	\$ 1,500.00	\$ 1,258.33	\$ 1,258.33
36	Privacy Fence	470	LF	\$ 65.00	\$ 30,550.00	\$ 190.00	\$ 89,300.00	\$ 95.00	\$ 44,650.00	\$ 86.00	\$ 40,420.00	\$ 65.00	\$ 30,550.00	\$ 60.00	\$ 28,200.00	\$ 93.50	\$ 43,945.00
37	Timber Barrier Rail Type A	360	LF	\$ 114.00	\$ 41,040.00	\$ 105.00	\$ 37,800.00	\$ 175.00	\$ 63,000.00	\$ 130.00	\$ 46,800.00	\$ 110.00	\$ 39,600.00	\$ 150.00	\$ 54,000.00	\$ 130.67	\$ 47,040.00
38	Timber Barrier Rail Type B	460	LF	\$ 119.50	\$ 54,970.00	\$ 182.00	\$ 83,720.00	\$ 175.00	\$ 80,500.00	\$ 130.00	\$ 59,800.00	\$ 127.00	\$ 58,420.00	\$ 150.00	\$ 69,000.00	\$ 147.25	\$ 67,735.00
39	Yellow Preformed Pavement Stripes	450	LF	\$ 3.60	\$ 1,620.00	\$ 2.25	\$ 1,012.50	\$ 4.50	\$ 2,025.00	\$ 1.00	\$ 450.00	\$ 2.05	\$ 922.50	\$ 2.00	\$ 900.00	\$ 2.57	\$ 1,155.00
40C	White Preformed Pavement Stripes	1,125	LF	\$ 3.60	\$ 4,050.00	\$ 2.25	\$ 2,531.25	\$ 9.50	\$ 10,687.50	\$ 1.00	\$ 1,125.00	\$ 2.05	\$ 2,306.25	\$ 2.00	\$ 2,250.00	\$ 3.40	\$ 3,825.00
41	Ground Mounted Sign Panels	23	EA	\$ 185.00	\$ 4,255.00	\$ 145.00	\$ 3,335.00	\$ 300.00	\$ 6,900.00	\$ 200.00	\$ 4,600.00	\$ 66.00	\$ 1,518.00	\$ 264.00	\$ 6,072.00	\$ 193.33	\$ 4,446.67
42	Type A Sign Posts	23	EA	\$ 160.00	\$ 3,680.00	\$ 136.00	\$ 3,128.00	\$ 190.00	\$ 4,370.00	\$ 160.00	\$ 3,680.00	\$ 160.00	\$ 3,680.00	\$ 161.00	\$ 3,703.00	\$ 161.17	\$ 3,706.83
43	Landscape Restoration	7,565	SY	\$ 5.50	\$ 41,607.50	\$ 2.00	\$ 15,130.00	\$ 1.20	\$ 9,078.00	\$ 1.10	\$ 8,321.50	\$ 1.05	\$ 7,943.25	\$ 12.00	\$ 90,780.00	\$ 23.81	\$ 28,810.04
44	Planting-Major Deciduous Trees	18	EA	\$ 700.00	\$ 12,600.00	\$ 875.00	\$ 15,750.00	\$ 700.00	\$ 12,600.00	\$ 620.00	\$ 11,160.00	\$ 610.00	\$ 10,980.00	\$ 1,130.00	\$ 20,340.00	\$ 752.50	\$ 13,905.00
45	Plantings-Evergreen Trees 6' HGT.	3	EA	\$ 700.00	\$ 2,100.00	\$ 174.00	\$ 522.00	\$ 350.00	\$ 1,050.00	\$ 310.00	\$ 930.00	\$ 310.00	\$ 930.00	\$ 885.00	\$ 2,655.00	\$ 454.83	\$ 1,364.50
46	Planting-Deciduous Shrubs	173	EA	\$ 60.00	\$ 10,380.00	\$ 78.00	\$ 13,494.00	\$ 70.00	\$ 12,110.00	\$ 62.00	\$ 10,726.00	\$ 62.00	\$ 10,726.00	\$ 100.00	\$ 17,300.00	\$ 72.00	\$ 12,456.00
47	Plantings-Evergreen Shrubs	65	EA	\$ 50.00	\$ 3,250.00	\$ 90.00	\$ 5,850.00	\$ 80.00	\$ 5,200.00	\$ 72.00	\$ 4,680.00	\$ 72.00	\$ 4,680.00	\$ 145.00	\$ 9,425.00	\$ 84.83	\$ 5,514.17
48	Plantings-Vines and Groundcover	116	EA	\$ 13.00	\$ 1,508.00	\$ 33.00	\$ 3,828.00	\$ 14.00	\$ 1,624.00	\$ 13.00	\$ 1,508.00	\$ 12.50	\$ 1,450.00	\$ 23.00	\$ 2,668.00	\$ 18.08	\$ 2,097.67
49	Plantings-Vines and Groundcover Plugs																

August 13, 2018

Mayor Steven Noble
and City of Kingston Common Council
420 Broadway
Kingston, New York 12401

Subject: Kingston Point Rail Trail Construction Project
Contract CK-OECD-2018-006
Recommendation of Award for Construction

Dear Mayor Noble and the Kingston Common Council:

Bids were received and opened for the Kingston Point Rail Trail Construction Project on Friday, August 10, 2018 at 2:00 P.M. at City Hall, Kingston, NY. A total of six bids were received. The bid results are summarized in the attached bid summary.

The bid proposal form requested Base Bid, including the trail and trailhead parks. The bid proposal form also requested three separate Deduct Bid Alternates to allow flexibility in award to suit available funding. Deduct Alternate 1 called for subtracting Site Furnishings. Deduct Alternate 2 called for subtracting Landscape Plantings. Deduct Alternate 3 called for subtracting the Delaware-Murray Trailhead Park. We understand that the City of Kingston is considering award of the Base Bid.

Merritt Construction, Inc. was the apparent low bidder with a Base Bid amount of \$1,591,719.50.

Merritt Construction remains the apparent low bidder with Deduct Alternate 1 and also Deduct Alternate 2 applied. If Based Bid minus Deduct Alternate 3 is considered, the apparent low bidder changes to the bid received from Kingston Equipment Rental, Inc. / Baker Brothers Excavating.

We have reviewed the documentation submitted by Merritt Construction, Inc. and also by Kingston Equipment Rental, Inc. / Baker Brothers Excavating, and find it to be acceptable. In addition, we have reviewed the bids for mathematical accuracy and the final results are as reported on the attached bid summary.

Based on review of bids as described above, KC Engineering recommends that the City of Kingston consider award of the Base Bid for the Kingston Point Rail Trail Construction Project to Merritt Construction, Inc. in the amount of \$1,591,719.50.

Please inform of City of Kingston decision related to construction contract award. Following City of Kingston decision, KC Engineering will provide a notice to proceed letter to the selected contractor. The letter will reiterate insurance certificate requirements and include construction contract for signature.

Questions related to this project may be directed to me by phone at 845-228-3882 or by e-mail at nclark@kcepc.com.

Sincerely,

KC Engineering and Land Surveying, P.C.

A handwritten signature in black ink that reads "Nancy A. Clark". The signature is written in a cursive, flowing style.

Nancy A. Clark, P.E.
Vice President

cc via email:

Kristen Wilson, Grants Manager, City of Kingston
Ronald Mogren, RLA, Saratoga Associates

2018-08-13 (4680-001) Kingston Point Rail Trail Construction Recommendation of Award

THE CITY OF KINGSTON COMMON COUNCIL

FINANCE AND AUDIT
COMMITTEE REPORT

REQUEST DESCRIPTION

INTERNAL TRANSFER _____
AUTHORIZATION X _____
CLAIMS _____

CONTINGENCY TRANSFER _____
BUDGET MODIFICATION _____
ZONING _____

TRANSFER _____
BONDING REQUEST _____
OTHER _____

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF KINGSTON, AWARDED BIDS FOR THE KINGSTON POINT RAIL TRAIL PHASE 1 PROJECT AND AUTHORIZING THE MAYOR TO EXECUTE DOCUMENTS

Estimated Financial Impact \$399,992 Signature _____

Motion by _____

Seconded by _____

Action Required:

SEQRA Decision:

Type I Action _____

Type II Action _____

Unlisted Action _____

Negative Declaration of Environmental Significance: _____

Conditioned Negative Declaration: _____

Seek Lead Agency Status: _____

Positive Declaration of Environmental Significance: _____

<u>Committee Vote</u>	<u>YES</u>	<u>NO</u>
Douglas Koop, Chairman		
Reynolds Scott-Childress Ward 3		
Anthony Davis, Ward 6		
Steven Schabot, Ward 8		
Patrick O'Reilly, Ward 9		

RESOLUTION ____ of 2018

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF KINGSTON,
AWARDING BIDS FOR THE KINGSTON POINT RAIL TRAIL PHASE 1 PROJECT AND
AUTHORIZING THE MAYOR TO EXECUTE DOCUMENTS

Sponsored by: Finance and Audit Committee Aldermen: Koop Chairman
Scott-Childress, Schabot, O'Reilly, Davis

WHEREAS, Bids for the Kingston Point Rail Trail Phase 1 Project were received on August 10, 2018; and

WHEREAS, the lowest responsible bidder for the Kingston Point Rail Trail Phase 1 Project was Merritt Construction, Inc. with a Base Bid amount of \$1,591,719.50; and

WHEREAS, Construction Administration/Inspection Services will be provided by Saratoga Associates/KC Engineering for an amount of \$60,500 through a contract that has already been executed; and

WHEREAS, funding for this project is intended to come from four secured grants from NYSERDA and the OPRHP and from municipal bonding; and

WHEREAS, the Common Council has previously authorized the spending of first instance for the four grants in Resolutions 200 of 2014 and 233 of 2017; and

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF KINGSTON, NEW YORK, AS FOLLOWS:

SECTION 1. That the Common Council authorizes the awarding of the Kingston Point Rail Trail Phase 1 Project to Merritt Construction, Inc.

SECTION 2. The Common Council authorizes the Mayor to execute all documents related to this project.

SECTION 3. This resolution shall take effect immediately.

Submitted to the Mayor this ____ day
of _____ 2018

Approved by the Mayor this ____ day
of _____ 2018

Carly Williams, City Clerk

Steven T. Noble, Mayor

Adopted by Council on _____, 2018



Orrick, Herrington & Sutcliffe LLP
51 West 52nd Street
New York, NY 10019-6142

+1 212 506 5000

orrick.com

August 22, 2018

VIA E-MAIL (jtuey@kingston-ny.gov)

Mr. John Tuey
City Comptroller
City of Kingston
City Hall, 420 Broadway
Kingston, New York 12401

Thomas E. Myers

E tmyers@orrick.com

D +1 212 506 5212

F +1 212 506 5151

Re: City of Kingston, Ulster County, New York
Kingston Point Rail Trail Project - \$1,720,000 Bonds
Orrick File: 42394-2-77

Dear John:

In accordance with your recent request, we are enclosing draft proceedings of the Common Council containing a bond ordinance in connection with the above matter.

If the ordinance meets with the approval of the Common Council, please have it adopted by a super majority vote; that is a vote of at least two-thirds of the total voting strength of the Board.

As soon as possible after the adoption of such ordinance, the enclosed summary Legal Notice of Estoppel should be published in full in the official newspaper designated for this purpose.

As soon as available, please furnish us with the following:

1. An **ORIGINALLY** certified copy of the enclosed bond ordinance, showing the vote taken thereon.
2. An **ORIGINAL** printer's affidavit of publication of the summary Legal Notice of estoppel from the official newspaper.

With best wishes,

Very truly yours,

Tom

Thomas E. Myers

TEM/es
Enclosures

BOND ORDINANCE

At a regular meeting of the Common Council of the City of Kingston, Ulster County, New York, held at Common Council Chambers, City Hall, 420 Broadway, in said City, on the 12th day of September, 2018, at _____ o'clock P.M., Prevailing Time.

The meeting was called to order by _____, and upon roll being called, the following were

PRESENT:

ABSENT:

The following ordinance was offered by Alderman _____, who moved its adoption, seconded by Alderman _____, to wit:

BOND ORDINANCE DATED SEPTEMBER 12, 2018.

AN ORDINANCE AUTHORIZING CONSTRUCTION OF THE KINGSTON POINT RAIL TRAIL PROJECT IN AND FOR THE CITY OF KINGSTON, ULSTER COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$1,720,000, AND AUTHORIZING THE ISSUANCE OF \$1,720,000 BONDS OF SAID CITY TO PAY COSTS THEREOF.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF KINGSTON, ULSTER COUNTY, NEW YORK, by the favorable vote of not less than two-thirds of all members of said Council, as follows:

Section 1. Construction of the Kingston Point Rail Trail Project in and for the City of Kingston, Ulster County, New York, is hereby authorized at a maximum estimated cost of \$1,720,000.

Section 2. The plan for the financing thereof is by the issuance of \$1,720,000 bonds of said City hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law; provided, however, that the amount of bonds to be issued shall be reduced to the extent of grants received therefor.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is fifteen years, pursuant to subdivision 19(c) of paragraph a of Section 11.00 of the Local Finance Law.

Section 4. The faith and credit of said City of Kingston, Ulster County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. To the extent not paid from other sources, there shall annually be levied on all the taxable real property of said City, a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the City Comptroller, the chief fiscal officer of said City. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said City Comptroller, consistent with the provisions of the Local Finance Law.

Section 6. All other matters, except as provided herein relating to such bonds herein authorized including date, denominations, maturities, interest payment dates, and whether said bonds shall be repaid in accordance with a schedule providing for substantially level or declining annual debt service, within the limitations prescribed herein and the manner of execution of the same and also including the consolidation with other issues, shall be determined by the City Comptroller, the chief fiscal officer of such City. Such bonds shall contain substantially the recital of validity clause provided for in section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by section 52.00 of the Local Finance Law, as the City Comptroller shall determine consistent with the provisions of the Local Finance Law.

Section 7. This ordinance shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this ordinance, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 8. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this Bond Ordinance 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

- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 9. The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the City for expenditures made after the effective date of this ordinance for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

Section 10. This ordinance, which takes effect immediately, shall be published in summary form in The Daily Freeman, the official newspaper of said City hereby designated for such purpose, together

with a notice of the City Clerk in substantially the form set forth in paragraph a of Section 81.00 of the Local Finance Law.

The question of the adoption of the foregoing ordinance was duly put to a vote on roll call, which resulted as follows:

Alderman _____	VOTING _____
Alderman _____	VOTING _____
Alderman _____	VOTING _____
Alderman _____	VOTING _____
Alderman _____	VOTING _____
Alderman _____	VOTING _____
Alderman _____	VOTING _____
Alderman _____	VOTING _____
Alderman _____	VOTING _____

The ordinance was thereupon declared duly adopted.

* * * * *

CERTIFICATION

STATE OF NEW YORK)
) ss.:
COUNTY OF ULSTER)

I, the undersigned Clerk of the City of Kingston, Ulster County, New York, DO HEREBY CERTIFY:

- 1) That a meeting of the Issuer was duly called, held and conducted on the 12th day of September, 2018.
- 2) That such meeting was a **special** **regular** (circle one) meeting.
- 3) That attached hereto is a proceeding of the Issuer which was duly adopted at such meeting by the Common Council of the Issuer.
- 4) That such attachment constitutes a true and correct copy of the entirety of such proceeding as so adopted by said Common Council.
- 5) That all members of the Common Council of the Issuer had due notice of said meeting.
- 6) That said meeting was open to the general public in accordance with Section 103 of the Public Officers Law, commonly referred to as the "Open Meetings Law".
- 7) That notice of said meeting (the meeting at which the proceeding was adopted) was given **PRIOR** **THERETO** in the following manner:

PUBLICATION (here insert newspaper(s) and date(s) of publication)

POSTING (here insert place(s) and date(s) of posting)

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Issuer this
_____ day of September, 2018.

City Clerk

(CORPORATE SEAL)

LEGAL NOTICE OF ESTOPPEL

The bond ordinance, a summary of which is published herewith, has been adopted on September 12, 2018, and the validity of the obligations authorized by such ordinance may be hereafter contested only if such obligations were authorized for an object or purpose for which the City of Kingston, New York, is not authorized to expend money, or if 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 such obligations were authorized in violation of the provisions of the Constitution.

A complete copy of the ordinance summarized herewith is available for public inspection during regular business hours at the Office of the City Clerk for a period of twenty days from the date of publication of this Notice.

Dated: Kingston, New York,

_____, 2018.

City Clerk

BOND ORDINANCE DATED SEPTEMBER 12, 2018.

AN ORDINANCE AUTHORIZING CONSTRUCTION OF THE KINGSTON POINT RAIL TRAIL PROJECT IN AND FOR THE CITY OF KINGSTON, ULSTER COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$1,720,000, AND AUTHORIZING THE ISSUANCE OF \$1,720,000 BONDS OF SAID CITY TO PAY COSTS THEREOF.

Specific object or purpose:	Construction of the Kingston Point Rail Trail Project
Maximum Estimated Cost:	\$1,720,000
Period of probable usefulness:	15 years
Amount of obligations to be issued:	\$1,720,000 bonds (to be reduced by grants)

Such ordinance pledges the full faith and credit of the City to the payment of the obligations authorized to be issued and delegates to the City Comptroller, the Chief Fiscal Officer, the power to authorize the issuance of and to sell such obligations. Additionally, such ordinance contains the estoppel clause provided for by Section 80.00 of the Local Finance Law and authorizes such ordinance, after taking effect to be published in summary form in the official newspaper, together with a notice of the City Clerk, in substantially the form provided in Section 81.00 of the Local Finance Law.