



City of Kingston Common Council Caucus
Meeting Agenda
Monday, September 30, 2019
7:00 PM
City Hall Conference Room 1
420 Broadway Kingston, NY

CONFERENCE ROOM 1, CITY HALL, 420 BROADWAY, KINGSTON, NY

DISCUSSION OF PROPOSED LEGISLATION

Report of Committees
[20190927134050.pdf](#)

Common Council Caucus Agenda Item Report

Meeting Date: September 30, 2019

Submitted by: Dee Sills

Submitting Department: Common Council

Item Type: Proposed Resolution

Agenda Section:

Subject:

Report of Committees

Suggested Action:

Attachments:

[20190927134050.pdf](#)

RESOLUTION 192 of 2019

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF KINGSTON, NEW YORK, TO UNDERTAKE A COORDINATED REVIEW OF THE CITY OF KINGSTON, NY OPEN SPACE PLAN

Sponsored By: Laws and Rules Committee: Alderman Shaut,
Alderman Ventura Morell, Alderman Scott-Childress,
Alderman Carey, Alderman O'Reilly

WHEREAS, the City of Kingston and the Conservation Advisory Council began the process of developing a Natural Resources Inventory and Open Space Index for the City, which identifies the natural resources and related areas of the community; and

WHEREAS, the Kingston Conservation Advisory Council would like to recommend that the City of Kingston Common Council adopt the Open Space Plan as an element of the Kingston Comprehension Plan-Kingston 2025, which would necessitate that SEQR requirements be met, including the establishment of Lead Agency and SEQR review.

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

SECTION-1. That pursuant to 6NYRCC Part 617, (b)(1), the City of Kingston Common Council hereby determines that this action is a Type I action under SEQR Act and a coordinated review must be undertaken.

SECTION-2. That the Common Council will circulate a request to all involved and interested agencies requesting that it act as Lead Agency in the SEQR review process.

SECTION-3. That this resolution shall take effect immediately.

Submitted to the Mayor this ____ day of _____, 2019

Approved by the Mayor this ____ day of _____, 2019

Elisa Tinti, City Clerk

Steven T. Noble, Mayor

Adopted by Council on _____, 2019

THE CITY OF KINGSTON COMMON COUNCIL

LAWS & RULES COMMITTEE REPORT

192

DEPARTMENT Parks and Recreation DATE 9/18/19

Description A Resolution to undertake a coordinated review of the City of Kingston, NY Open Space Plan and as such

- determine such action to be a Type 1 Action as defined in 6 NYCRR Part 617.4 (b) (1) of the SEQRA Act and a coordinated review must be undertaken

and

- that the Common Council will circulate a request to all involved and interested agencies, to request to act as lead agency in the SEQRA review process

Signature Julie L. Noble

Motion by BC

Seconded by JVM

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: _____

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Committee Vote	YES	NO
<u>[Signature]</u> Andrea Shaut, Chairman	✓	
<u>[Signature]</u> Jeffrey Ventura Morell, Ward 1	✓	
<u>[Signature]</u> Reynolds Scott-Childress, Ward 3	✓	
<u>[Signature]</u> William Carey, Ward 5	✓	
<u>[Signature]</u> Patrick O'Reilly, Ward 7	✓	

RESOLUTION 182 of 2019

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF KINGSTON, NEW YORK, TO UNDERTAKE A COORDINATED REVIEW OF THE CITY OF KINGSTON, NY OPEN SPACE PLAN

Sponsored By: Laws & Rules Committee: Alderman: Shaut ,
Ventura Morell, Koop, Carey

WHEREAS, the City of Kingston and the Conservation Advisory Council began the process of developing a Natural Resources Inventory and Open Space Index for the City, which identifies the natural resources and related areas of the community; and

WHEREAS, the Kingston Conservation Advisory Council would like to recommend that the City of Kingston Common Council adopt the Open Space Plan as an element of the Kingston Comprehensive Plan-Kingston 2025, which would necessitate that SEQRA requirements be met, including the establishment of Lead Agency and SEQRA review.

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

SECTION 1. That pursuant to 6 NYCRR Part 617.4 (b)(1), the City of Kingston Common Council hereby determines that this action is a Type I action under SEQR Act and a coordinated review must be undertaken.

SECTION 2. That the Common Council will circulate a request to all involved and interested agencies requesting that it act as Lead Agency in the SEQR review process.

SECTION 3. This resolution shall take effect immediately.

Submitted to the Mayor this ____ day of _____, 2019

Approved by the Mayor this ____ day of _____, 2019

Elisa Tinti, City Clerk

Steven T. Noble, Mayor

Adopted by Council on _____, 2019

RESOLUTION 193 of 2019

**RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF KINGSTON, NEW YORK,
AUTHORIZING THE IMPLEMENTATION AND FUNDING IN THE FIRST INSTANCE 100% OF
THE FEDERAL-AID (AND STATE "MARCHISELLI" PROGRAM-AID) ELIGIBLE COSTS FOR THE
BROADWAY STREETSCAPE TRANSPORTATION FEDERAL-AID PROJECT, AND
APPROPRIATING FUNDS THEREFORE**

Sponsored By: Finance & Audit Committee: Alderman Koop,
Alderman Scott-Childress, Alderman Davis, Alderman
Schabot

WHEREAS, a Project for the Kingston Connectivity – Broadway: Foxhall Avenue to St. James Street in the City of Kingston, Ulster County, PIN 8780.49 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% non-federal funds; and

WHEREAS, the City of Kingston desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of construction and construction inspection work.

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

RESOLVE, that the Common Council of the City of Kingston hereby approves the above-subject project; and it is hereby further

RESOLVED, that the Common Council of the City of Kingston hereby authorizes the City of Kingston to pay in the first instance 100% of the federal and non-federal share of the cost of construction and construction inspection work for the Project or portions thereof; and it is further

RESOLVED, that the sum of **\$3,001,500** is hereby appropriated from bonding and made available to cover the cost of participation in the above phase of the Project; and it is further

RESOLVED, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the Common Council of the City of Kingston shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the Mayor thereof, and it is further

RESOLVED, that the Mayor of the City of Kingston be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or applicable Marchiselli Aid on behalf of the City of Kingston with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the

Project and the municipality's first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and it is further

RESOLVED, that in addition to the Mayor, the following municipal titles: Superintendent of Public Works, City Engineer, City Comptroller, and Director of the Office of Grants Management are also hereby authorized to execute any necessary Agreements or certifications on behalf of the Municipality/Sponsor, with NYSDOT in connection with the advancement or approval of the project identified in the State/Local Agreement;

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project, and it is further

RESOLVED, this Resolution shall take effect immediately.

Submitted to the Mayor this ____ day of _____, 2019

Elisa Tinti, City Clerk

Approved by the Mayor this ____ day of _____, 2019

Steven T. Noble, Mayor

Adopted by Council on _____, 2019

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 _____

DEPARTMENT: Office of Grants Management DATE: September 6, 2019

Description

To request authorization for the implementation, and funding in the first instance 100% of the federal-aid and State "Marchiselli" Program-aid eligible costs, of a federal-aid transportation project, and appropriating funds therefore for the costs of construction and construction inspection work on the Broadway Streetscape Project for the NYSDOT Supplemental Agreement #3 that covers earmark funds for Broadway

The sum of \$335,300 will be appropriated from bonding authorized by Resolution 93 of 2017. Eighty percent these funds will be reimbursed by the NYSDOT.

Estimated Financial Impact: \$67,060 Signature _____

268,240 + 67,060 = 335,300

via previously authorized bonding

Motion by PCR

Seconded by SS

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 <i>DKoop</i>	✓	
Reynolds Scott-Childress Ward 3 <i>Reynolds Scott-Childress</i>	✓	
Anthony Davis, Ward 6		
Steven Schabot, Ward 8 <i>Steve Schabot</i>	✓	
Patrick O'Reilly, Ward 7 <i>PO'Reilly</i>	✓	

**RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF KINGSTON,
NEW YORK, AUTHORIZING THE MAYOR TO EXECUTE AN
INTERMUNICIPAL AGREEMENT BETWEEN THE KINGSTON CITY
SCHOOL DISTRICT AND THE CITY OF KINGSTON**

Sponsored By: Finance & Audit Committee: Alderman Koop,
Alderman Scott-Childress, Alderman Davis, Alderman
Schabot

WHEREAS, municipal corporations are authorized, pursuant to both Article 9, §1 of the State Constitution and Article 5-G of the General Municipal Law to enter into intergovernmental agreements; and

WHEREAS, Article 5-G of the General Municipal Law specifically authorizes and encourages municipal corporations to enter into agreements with each other in order to provide cooperatively, jointly, or by contract any facility, service, activity, or undertaking which each participating municipal corporation has the power to provide separately; and

WHEREAS, the School District and the City each currently owns one-half interest in Dietz Stadium, located at 170 North Front Street and 51-65 Joys Lane, Kingston, New York; and

WHEREAS, the School District voters authorized the School District's Board of Education to convey the School District's interest in Dietz Stadium to the City of Kingston at the Annual Meeting on May 16, 2018, for no consideration and upon such terms and conditions as determined by the School District's Board of Education; and

WHEREAS the School District's Board of Education believes that the School District should have first priority in the use of Dietz Stadium for School District athletics and activities; and

WHEREAS, the respective governing boards of the Kingston City School District and the City of Kingston have determined that it is in their mutual best interests to enter into this agreement for the purpose of transferring management and capital control to the City, and the City providing guarantees to the School District that it may use Dietz Stadium on the same basis as it currently uses Dietz Stadium for the benefit of students of the School District and the school community on a continued basis;

WHEREAS, in consideration of the mutual covenants and agreements herein contained, and compliance with the terms and conditions specified herein, the School District and the City hereby agree to the following:

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

SECTION-1. The School District agrees to convey to the City of Kingston the School District's management and capital control in Dietz Stadium after this Intermunicipal Agreement has been approved by the governing body of the School District and the City, and executed by authorized representatives of both parties.

SECTION-2. This Agreement shall remain in effect for an initial period of five (5) years, commencing September 1, 2019 and terminating on August 31, 2024 and will automatically renew for additional five (5) year terms unless terminated by either party upon at least twelve (12) months written notice to the other party prior to the commencement of each five year term. The parties agree that in the event that the City terminates this Agreement unilaterally, or defaults in any material provision of this Agreement, particularly the provision regarding the School District having first priority use of Dietz Stadium for School District athletics, events and activities, the Dietz Stadium Commission shall be reinstated with the same membership that existed as of the last time the Dietz Stadium Commission held a meeting and, at the School District's option, management of Dietz Stadium shall revert to the Dietz Stadium Commission.

SECTION-3. In consideration for the conveyance by the School District of its management and capital control in Dietz Stadium to the City of Kingston, the City agrees:

- a. That the School District's programs, activities and events, as described herein, shall have first priority for use of Dietz Stadium.
- b. To allow the School District to use Dietz Stadium for School District athletics and band activities and J. Watson Bailey Middle School physical education program needs, at no cost except as set forth herein, as detailed in Attachment A:

The schedule of the School District's use of Dietz Stadium for each school year will be provided to the City each school year, in September and January, and updated as needed. Ultimately, any scheduling conflicts will be resolved by the City, with the School District having first priority for use of Dietz Stadium.

- c. To allow the School District to use Dietz Stadium for Sectional games, contests and competitions, which it will manage, and other special activities and events in coordination with the City.
- d. When the School District uses Dietz Stadium and charges attendees an entrance fee, which includes sectional and other School related athletic events, the School District will be entitled to collect and receive such entrance fees. The City may impose an additional "per-ticket" fee or surcharge for stadium events, other than for the School District's regularly scheduled athletic events, which fee or surcharge shall not exceed \$2.00 per ticket. In such event, the School District, or their designee will collect and remit those fees to the City. The City will be entitled to collect and receive all other fees imposed for Dietz Stadium usage.

SECTION 4. The School District will budget and pay the City annually on or before December 1st with such funds to be used for the maintenance and upkeep of Dietz Stadium. The annual payment due December 1, 2019 will be \$95,000 and will increase 2% per year thereafter. The School District will be responsible for the purchase and

maintenance of portable equipment used for school activities. The School District has provided a list of assets (Attachment B) currently owned by the district that will continue to be owned and maintained by the School District and will be provided storage space at Dietz Stadium for said equipment. The School District agrees to continue to pay for any current bond payments it is responsible for related to the stadium.

SECTION 5. The School District agrees to fund 50% of all locally funded capital design and construction costs incurred by the City of Kingston through the end of this agreement. This would include 50% of local matches required for various capital grants awarded to the City of Kingston. It would also include 50% of principal and interest payments on debt issued during the term of this agreement for capital design and construction costs. The School District's responsibility for funding 50% of principal and interest payments on debt issued during the term of this agreement shall continue until the debt is fully repaid and would extend beyond expiration of the agreement. On January 1st of each year, the City will submit an invoice to the School District for its share of capital design and construction costs for the previous calendar year." (an example would be if City receives \$1 million dollar grant, and it requires \$200,000 match. The School District will reimburse the City, \$100,000.)

SECTION 6. If security personnel are required for any special School District event or managed activity, the School District will provide such security personnel at its own cost.

SECTION 7. The City Recreation Superintendent and the District's Director of Athletics and/or the Director of Facilities shall consult with each other prior to scheduling to avoid conflicts.

SECTION 8. The School District and the City will meet once a month to discuss Dietz Stadium and the City will allow the Superintendent of Schools and a Board Member representative to serve as Liaisons to the Kingston Recreation Commission, an advisory board that provides guidance and input on parks and recreation matters within the City of Kingston.

SECTION 9. Upon ratification of this agreement, the City of Kingston will no longer be responsible for managing/scheduling Gruner Field, located in the Town of Ulster

during the Summer Months and will revert back to the Kingston City School District for year round management and scheduling.

SECTION 10. The School District and the City shall each maintain, at their respective expense, comprehensive public liability and property damage insurance in the amount of at least \$2,000,000.00 for personal injury and \$1,000,000.00 for property damage and provide proof of such coverage to the other party. Such liability policy should be placed with a carrier that is rated at least an A- under A.M. Best for financial strength. The insurance policies will name the School District and the City, respectively, as an additional insured on the other party's insurance policy and provide a certificate of insurance evidencing such coverage. The insurance shall remain in force at all times during the term of this Agreement, and any renewal hereof, and shall provide for any notice of cancellation to be sent to the other party at least twenty (20) days prior to any cancellation.

SECTION 11. Both the School District and the City agree to mutually indemnify and hold harmless one another and their respective officers, employees, volunteers, and agents for all third party claims, damages, losses, and expenses including but not limited to reasonable attorney's fees resulting from bodily injury and physical injury to property loss of use thereof caused by the School District's or the City's own negligence arising out of the subject matter of this Intermunicipal Agreement.

SECTION 12. Upon approval of this Agreement by the governing bodies of the School District and the City, the Dietz Stadium Commission will be dissolved. Any money remaining in the Dietz Stadium Commission account(s) will be maintained in a capital reserve fund by the City of Kingston, to be used only for maintenance, repairs and improvements to Dietz Stadium. Additionally, all other assets, excluding assets covered in Attachment B and liabilities not covered by this document, will be transferred to the City of Kingston.

SECTION 13. Any notices, demands or other writings required to be given under this Intermunicipal Agreement precedent to any action by either party shall be deemed to have been given, made or sent when in writing and deposited in United States Mail by certified mail, return receipt requested or Express Mail, with postage paid thereon, or by paid overnight delivery service and addressed as follows, unless notice has been provided to the other party of a change of address:

To the School District: Kingston City School District

21 Wynkoop Place
Kingston, New York 12401
Attn: Superintendent of Schools;

To the City: City of Kingston
420 Broadway
Kingston, New York 12401
Attn: Mayor.

SECTION 14. Both parties shall comply with all applicable federal, state and local laws and ordinances relating to their operation and use of the property.

SECTION 15. This Agreement may only be modified, amended or terminated by an instrument in writing, duly executed and acknowledged by the authorized representative of each party, after approval by the governing body of each party.

SECTION 16. In the event a dispute arises as to the responsibilities of the parties under the terms of this Agreement or as to the performance or nonperformance of the parties of the terms, conditions and covenants of this Agreement, the parties' sole remedy shall be upon application to a court of competent jurisdiction in Ulster County, New York. Any dispute arising under this Agreement shall be adjudicated under the laws of the State of New York.

SECTION 17. If any provision of this Agreement is deemed to be invalid or inoperative for any reason, that part shall be deemed modified to the extent necessary to make it valid or operative, or lawful, pursuant to the laws of the State of New York, or if it cannot be so modified, then severed and the remainder of the contract shall continue in full force and effect as in the contract had been signed or filed with the designated filing agent with the invalid portion so modified or eliminated.

SECTION 18. The parties agree that this writing represents the entire Agreement between them and that there are no oral or collateral agreements or understandings of any kind or character except those contained herein. Neither this Agreement nor any term or provision hereof may be changed, waived, discharged or terminated orally, or

in any manner other than by instrument in writing, signed by the parties or their duly authorized agents.

SECTION 19. That the Mayor of the City of Kingston has executed this Agreement pursuant to Resolution No. ___ of 2019 of the City Council duly adopted by the City Council at a meeting thereof held on the _____ day of _____, 2019.

SECTION 20. That the Board President of the Kingston City School District has executed this Agreement pursuant to Resolution ____ of 2019-2020 of the Board of Education of the School District at a meeting thereof held on the ____ day of _____, 2019.

IN WITNESS WHEREOF, the parties have caused this Agreement to be signed at the dates indicated below.

KINGSTON CITY SCHOOL DISTRICT

CITY OF KINGSTON

BY: _____

BY: _____

**JAMES SHAUGHNESSY, JR.
MAYOR**

STEVEN T. NOBLE,

PRESIDENT

BOARD OF EDUCATION

Dated

Submitted to the Mayor this ____ day of
_____, 2019

Elisa Tinti, City Clerk

Approved by the Mayor this ____ day of
_____, 2019

Steven T. Noble, Mayor

Adopted by Council on _____, 2019

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THE CITY OF KINGSTON COMMON COUNCIL

FINANCE AND AUDIT COMMITTEE REPORT

REQUEST DESCRIPTION

INTERNAL TRANSFER _____
AUTHORIZATION X _____
CLAIMS _____

CONTINGENCY TRANSFER _____
BUDGET MODIFICATION X _____
ZONING _____

TRANSFER _____
BONDING REQUEST _____
OTHER _____

DEPARTMENT Finance

DATE 9/11/19

Description: Authorize the Mayor to execute an intermunicipal agreement between the Kingston City School District and the City of Kingston which will provide the City of Kingston with management and capital control of Dietz Stadium as per attached.

Estimated Financial Impact N/A

Signature [Signature]

Motion by SS

Seconded by RS-C

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 <u>[Signature]</u>	✓	
Reynolds Scott-Childress Ward 3 <u>[Signature]</u>	✓	
Anthony Davis, Ward 6		
Patrick O'Reilly, Ward 7 <u>[Signature]</u>		
Steven Schabot, Ward 8 <u>[Signature]</u>	✓	

**RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF KINGSTON,
NEW YORK, AUTHORIZING AN INTERNAL TRANSFER OF FUNDS TO
REPAIR THE LOWER ROOF AT THE RONDOUT NEIGHBORHOOD
CENTER AND REPLACE THE HVAC UNITS IN THE BUILDING AS PER
ATTACHED**

Sponsored By:

Finance & Audit Committee: Alderman Koop,
Alderman Scott-Childress, Alderman Davis, Alderman
Schabot

WHEREAS, a request has been made by the Parks & Recreation Department to transfer funds internally to pay the costs of repair to the lower roof and to replace the original, 1972, HVAC units in the building. The \$95,000.00 in funds would be transferred as follows;

WHEREAS, the Finance/Audit Committee has received, reviewed and approved this request:

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

SECTION-1. That the sum of \$95,000.00 be transferred as follows;

FROM: CDBG Reimbursement A1714122.42020 \$95,000.00

TO: Contracted Services A1714113.5301 \$95,000.00

Submitted to the Mayor this ____ day of
_____, 2019

Approved by the Mayor this ____ day of
_____, 2019

Elisa Tinti, City Clerk

Steven T. Noble, Mayor

Adopted by Council on _____, 2019

THE CITY OF KINGSTON COMMON COUNCIL

FINANCE AND AUDIT COMMITTEE REPORT

<u>REQUEST DESCRIPTION</u>		
INTERNAL TRANSFER <u> X </u> AUTHORIZATION _____ CLAIMS _____	CONTINGENCY TRANSFER _____ BUDGET MODIFICATION <u> X </u> ZONING _____	TRANSFER _____ BONDING REQUEST _____ OTHER _____
DEPARTMENT: Parks and Recreation _____ DATE: August 30, 2019 Description: Internal transfer of funds to repair the lower roof at the Rondout Neighborhood Center and replace each of the original, 1972, HVAC units in the building. The \$95,000 in funds would be transferred from A1714122.42020 (CDBG Reimbursement) to A1714113.5301 (Contracted Services). Transfer To: A1714113.5301 Transfer From: A1714122.42020 Estimated Financial Impact _____ 0 Signature		

Motion by SS

Seconded by RSC

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		
Patrick O'Keilly, Ward 7 	✓	
Steven Schabot, Ward 8 	✓	

RESOLUTION 196 of 2019

**RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF KINGSTON, NEW YORK,
AUTHORIZING THE ADOPTION OF A BOND ORDINANCE FOR THE SUM OF
\$2,500,000 FOR THE BROADWAY STREETSCAPE PROJECT
CONSTRUCTION AND CONSTRUCTION INSPECTION COSTS**

Sponsored By: Finance & Audit Committee: Alderman Koop,
Alderman Scott-Childress, Alderman Davis, Alderman
Schabot

WHEREAS, a request for bonding is being made in the sum of \$2,500,000 for the
Broadway Streetscape Project construction and construction inspection costs.

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

SECTION-1. That the Common Council of the City of Kingston authorizes an
amount of \$2,500,000 be provided through General Municipal bonding for the Broadway
Streetscape Project construction and construction inspection costs.

SECTION-2. This resolution shall take effect immediately.

Submitted to the Mayor this ____ day of
_____, 2019

Elisa Tinti, City Clerk

Approved by the Mayor this ____ day of
_____, 2019

Steven T. Noble, Mayor

Adopted by Council on _____, 2019

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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 _____

DEPARTMENT: Office of Grants Management DATE: September 6, 2019

Description

A request to approve bonding in the amount of \$2,500,000 for the Construction and Construction Inspection phases of the Broadway Streetscape Project.

Estimated Financial Impact: 420,500 ~~\$0~~ Signature _____

Motion by P O'R

Seconded by RS-C

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 <i>D Koop</i>	✓	
Reynolds Scott-Childress, Ward 3 <i>Reynolds Scott-Childress</i>	✓	
Anthony Davis, Ward 6		
Steven Schabot, Ward 8 <i>Schabot</i>	✓	
Patrick O'Reilly, Ward 7 <i>PO'Reilly</i>	✓	

BOND ORDINANCE DATED OCTOBER 1, 2019.

AN ORDINANCE AUTHORIZING THE ISSUANCE OF AN ADDITIONAL \$2,500,000 BONDS OF THE CITY OF KINGSTON, ULSTER COUNTY, NEW YORK, TO PAY PART OF THE COST OF PHASE I OF THE BROADWAY STREETScape PROJECT, IN AND FOR SAID CITY.

BE IT ORDAINED, by the affirmative vote of not less than two-thirds of the total voting strength of the Common Council of the City of Kingston, Ulster County, New York, as follows:

Section 1. For the object or purpose of paying part of the cost of Phase I of the Broadway Streetscape Project, including street improvements, rights-of-way and incidental expenses in connection therewith, in and for the City of Kingston, Ulster County, New York, there are hereby authorized to be issued an additional \$2,500,000 bonds pursuant to the provisions of the Local Finance Law. Said specific object or purpose is hereby authorized at the new maximum estimated cost of \$3,422,000.

Section 2. The plan for the financing of such \$3,422,000 maximum estimated cost is as follows:

- a) By the issuance of the \$432,000 bonds of said City heretofore authorized to be issued therefor pursuant to a bond ordinance dated May 2, 2017; and
- b) By the issuance of the \$490,000 bonds of said City heretofore authorized to be issued therefor pursuant to a bond ordinance dated December 5, 2017; and
- c) By the issuance of the additional \$2,500,000 bonds of said City herein authorized; 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 20(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. 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 bonds herein authorized, including renewals of such notes, is hereby delegated to the City Comptroller, the chief fiscal officer. 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, including determining whether to issue such bonds having substantially level or declining debt service and all matters related thereto, the date, denominations, maturities and interest payment dates, and also including the consolidation with other issues, shall be determined by the City Comptroller. 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.

Section 7. 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 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 8. 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 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, which is hereby designated as the official newspaper of said City for such purpose, together with a notice of the City Clerk in substantially the form provided in 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:

_____	VOTING	_____
_____	VOTING	_____
_____	VOTING	_____
_____	VOTING	_____
_____	VOTING	_____
_____	VOTING	_____
_____	VOTING	_____
_____	VOTING	_____
_____	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, in the County of Ulster, New York (the "Issuer"),
DO HEREBY CERTIFY:

1. That a meeting of the Issuer was duly called, held and conducted on the 1st day of October, 2019.
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 caused to
be given **PRIOR THERETO** in the following manner:

PUBLICATION (here insert newspaper(s) and date(s) of publication - should be a date or dates falling prior to the date
set forth above in item 1)

POSTING (here insert place(s) and date(s) of posting- should be a date or dates falling prior to the date set forth above in
item 1)

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Issuer this
_____ day of October, 2019.

City Clerk

(CORPORATE SEAL)

LEGAL NOTICE OF ESTOPPEL

The bond ordinance, summary of which is published herewith, has been adopted on October 1, 2019, 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, Ulster County, 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,
_____, 2019.

City Clerk

BOND ORDINANCE DATED OCTOBER 1, 2019.

AN ORDINANCE AUTHORIZING THE ISSUANCE OF AN ADDITIONAL \$2,500,000 BONDS OF THE CITY OF KINGSTON, ULSTER COUNTY, NEW YORK, TO PAY PART OF THE COST OF PHASE I OF THE BROADWAY STREETSCAPE PROJECT, IN AND FOR SAID CITY.

Specific object or purpose:	Phase I of the Broadway Streetscape Project, including street improvements and rights-of-way
Period of probable usefulness:	15 years
Revised maximum estimated cost:	\$3,422,000
Amount of obligations to be issued pursuant to this ordinance:	\$2,500,000 bonds/\$922,000 bonds previously authorized

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.



Orrick, Herrington & Sutcliffe LLP
51 West 52nd Street
New York, NY 10019-6142
+1 212 506 5000
orrick.com

September 24, 2019

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

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

Re: City of Kingston, Ulster County, New York
Phase I - Broadway Streetscape Project – Additional \$2,500,000 Bonds
Orrick File: 42394-2-75

Thomas E. Myers
E tmyers@orrick.com
D +1 212 506 5212
F +1 212 506 5151

Dear John:

In accordance with your recent request, we have prepared and enclose herewith a draft form of bond ordinance relating to the above matter for adoption by the Common Council.

Please see that this ordinance is adopted by the affirmative vote of at least two-thirds of the entire voting strength of the Common Council. After adoption, the summary Legal Notice of Estoppel of the ordinance, a form of which is enclosed herewith for your convenience, should be published once in the official newspaper of the City.

When available kindly furnish us with the following:

- (a) A certified copy of the enclosed ordinance; and
- (b) An original printer's affidavit of publication of the Legal Notice of Estoppel thereof.

Please do not hesitate to call if you have any questions.

With best wishes,

Very truly yours,

Tom

Thomas E. Myers
TEM/es
Enclosures

ADDITIONAL MONEY BOND ORDINANCE

At a regular meeting of the Common Council of the City of Kingston, Ulster County, New York, held at the Common Council Chambers, City Hall, 420 Broadway, in said City, on the 1st day of October, 2019, 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:

RESOLUTION 198 of 2019

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF KINGSTON, NEW YORK, AUTHORIZING THE IMPLEMENTATION, AND FUNDING IN THE FIRST INSTANCE 100% OF THE FEDERAL-AID AND STATE "MARCHISELLI" PROGRAM-AID ELIGIBLE COSTS, OF A TRANSPORTATION FEDERAL-AID PROJECT, AND APPROPRIATING FUNDS THEREFORE.

Sponsored By: Finance & Audit Committee: Alderman Koop,
Alderman Scott-Childress, Alderman Davis, Alderman
Schabot

WHEREAS, a Project for the Flatbush and Foxhall Safety Improvements in the City of Kingston, Ulster County, PIN 8762.54 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% non-federal funds; and

WHEREAS, the City of Kingston desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of preliminary engineering and right-of-way incidentals.

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

SECTION 1. That the Kingston City Council hereby approves the above-subject project.

SECTION 2. That the Kingston City Council hereby authorizes City of Kingston to pay in the first instance 100% of the federal and non-federal share of the cost of preliminary engineering and right-of-way incidentals work for the Project or portions thereof.

SECTION 3. That the sum of **\$686,000** is hereby appropriated from a General Municipal Bond and made available to cover the cost of participation in the above phase of the Project.

SECTION 4. That in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the Kingston City Council shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the Mayor

SECTION 5. That the Mayor of the City of Kingston be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or applicable Marchiselli Aid on behalf of the City of Kingston with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible.

SECTION 6. That in addition to the Mayor, the following municipal titles: Superintendent of Public Works, City Engineer, and City Comptroller are also hereby authorized to execute any necessary Agreements or certifications on behalf of the Municipality/Sponsor, with NYSDOT in connection with the advancement or approval of the project identified in the State/Local Agreement.

SECTION 7. That a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project.

SECTION 8. This Resolution shall take effect immediately.

Submitted to the Mayor this ____ day of _____, 2019

Elisa Tinti, City Clerk

Approved by the Mayor this ____ day of _____, 2019

Steven T. Noble, Mayor

Adopted by Council on _____, 2019

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THE CITY OF KINGSTON COMMON COUNCIL

FINANCE AND AUDIT
COMMITTEE REPORT

REQUEST DESCRIPTION		
INTERNAL TRANSFER _____	CONTINGENCY TRANSFER _____	TRANSFER _____
AUTHORIZATION <u>X</u>	BUDGET MODIFICATION _____	BONDING REQUEST _____
CLAIMS _____	ZONING _____	OTHER _____

DEPARTMENT: <u>Engineering</u>	DATE: _____
Description: A resolution to authorize implementation and funding in the first instance 100% of the federal-aid and state "Marchiselli" program-aid eligible costs of a transportation federal-aid project for preliminary engineering and right-of-way incidentals for Safe and Accessible Flatbush and Foxhall Avenues.	
Estimated Financial Impact: \$200	Signature _____

Motion by SS

Seconded by RS-C

Action Required:

SEQRA Decision:

Type I Action _____

Type II Action _____

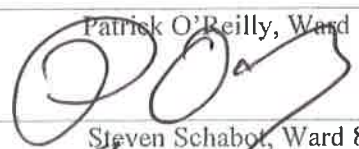
Unlisted Action _____

Negative Declaration of Environmental Significance: _____

Conditioned Negative Declaration: _____

Seek Lead Agency Status: _____

Positive Declaration of Environmental Significance: _____

Committee Vote	YES	NO
Douglas Koop, Chairman 	☒	☐
Reynolds Scott-Childress Ward 3 	☒	☐
Anthony Davis, Ward 6	☐	☐
Patrick O'Reilly, Ward 7 	☒	☐
Steven Schabot, Ward 8 	☒	☐

RESOLUTION 199 of 2019

**RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF KINGSTON, NEW YORK,
AUTHORIZING THE ADOPTION OF A BOND ORDINANCE FOR THE SUM OF
\$686,000 FOR THE SAFE AND ACCESSIBLE FLATBUSH AND FOXHALL
AVENUES PROJECT PRELIMINARY ENGINEERING AND RIGHT-OF-WAY
INCIDENTALS COSTS**

Sponsored By: Finance & Audit Committee: Alderman Koop,
Alderman Scott-Childress, Alderman Davis, Alderman
Schabot

WHEREAS, a request for bonding is being made in the sum of \$686,000 for the Safe and Accessible Flatbush and Foxhall Avenues project preliminary engineering and right-of-way incidentals costs.

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

SECTION-1. That the Common Council of the City of Kingston authorizes an amount of \$686,000 be provided through General Municipal bonding for the Safe and Accessible Flatbush and Foxhall Avenues project preliminary engineering and right-of-way incidentals costs.

SECTION 2. This resolution shall take effect immediately.

Submitted to the Mayor this ____ day of
_____, 2019

Elisa Tinti, City Clerk

Approved by the Mayor this ____ day of
_____, 2019

Steven T. Noble, Mayor

Adopted by Council on _____, 2019

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THE CITY OF KINGSTON COMMON COUNCIL

FINANCE AND AUDIT
COMMITTEE REPORT

REQUEST DESCRIPTION

INTERNAL TRANSFER _____
AUTHORIZATION _____
CLAIMS _____

CONTINGENCY TRANSFER _____
BUDGET MODIFICATION _____
ZONING _____

TRANSFER _____
BONDING REQUEST X _____
OTHER _____

DEPARTMENT: Engineering

DATE: _____

Description:

Request to authorize bonding in the amount of \$686,000 for design and right-of-way incidental costs related to the Flatbush and Foxhall Safety Improvements Project. \$548,800 will be reimbursed through grant funds administered by the NYSDOT. \$137,000 will be reimbursed through grant funds administered by the NYSDEC. This will result in a \$200 local shared related to right-of-way incidentals.

Estimated Financial Impact: \$200

Signature _____

Motion by RS-C

Seconded by POIR

Action Required:

SEQRA Decision:

Type I Action _____

Type II Action _____

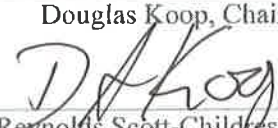
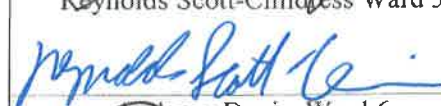
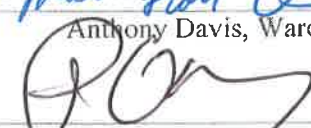
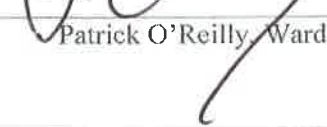
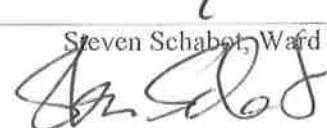
Unlisted Action _____

Negative Declaration of Environmental Significance: _____

Conditioned Negative Declaration: _____

Seek Lead Agency Status: _____

Positive Declaration of Environmental Significance: _____

Committee Vote	YES	NO
Douglas Koop, Chairman 	☒	☐
Reynolds Scott-Childress Ward 3 	☒	☐
Anthony Davis, Ward 6 	☒	☐
Patrick O'Reilly, Ward 7 	☐	☐
Steven Schabot, Ward 8 	☒	☐

BOND ORDINANCE DATED OCTOBER 1, 2019.

AN ORDINANCE AUTHORIZING FLATBUSH AVENUE AND FOXHALL AVENUE SAFETY IMPROVEMENTS IN AND FOR THE CITY OF KINGSTON, ULSTER COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$686,000, AND AUTHORIZING THE ISSUANCE OF \$686,000 BONDS OF SAID CITY TO PAY THE COST 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. Flatbush Avenue and Foxhall Avenue safety improvements, consisting of engineering and right-of-way incidentals and expenses in connection therewith, in and for the City of Kingston, Ulster County, New York, is hereby authorized at a maximum estimated cost of \$686,000.

Section 2. The plan for the financing thereof is by the issuance of \$686,000 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 five years, pursuant to subdivision 35 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. 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 1st day of October, 2019.
- 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 October, 2019.

City Clerk

(CORPORATE SEAL)

LEGAL NOTICE OF ESTOPPEL

The bond ordinance, a summary of which is published herewith, has been adopted on October 1, 2019, 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,
_____, 2019.

City Clerk

BOND ORDINANCE DATED OCTOBER 1, 2019.

AN ORDINANCE AUTHORIZING FLATBUSH AVENUE AND FOXHALL AVENUE SAFETY IMPROVEMENTS IN AND FOR THE CITY OF KINGSTON, ULSTER COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$686,000, AND AUTHORIZING THE ISSUANCE OF \$686,000 BONDS OF SAID CITY TO PAY THE COST THEREOF.

Specific object or purpose:	Flatbush Avenue and Foxhall Avenue safety improvements, consisting of engineering and right-of-way incidentals
Maximum Estimated Cost:	\$686,000
Period of probable usefulness:	five years
Amount of obligations to be issued:	\$686,000 bonds, to be reduced by any grants-in-aid received therefor

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.



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

+1 212 506 5000
orrick.com

September 24, 2019

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
Flatbush Avenue and Foxhall Avenue Safety Improvements
\$686,000 Bonds
Orrick File: 42394-2-82

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 Council.

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.
3. Evidence of compliance with SEQR.

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 1st day of October, 2019, 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:

**RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF KINGSTON,
NEW YORK, AUTHORIZING A BUDGETARY TRANSFER OF \$1,167.00 FROM
CONTINGENCY TO THE 2019 COMMON COUNCIL BUDGET TO PAY
ADDITIONAL COSTS RELATED TO THE NEW MICROPHONE SYSTEM**

Sponsored By:

Finance & Audit Committee: Alderman Koop,
Alderman Scott-Childress, Alderman Davis, Alderman
Schabot

WHEREAS, a request has been made by the City Clerk to transfer funds to pay the expense of ADA compliant earbuds for the microphone system to be in compliance with the New York State regulations.

WHEREAS, the Finance/Audit Committee has received, reviewed and approved this request:

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

SECTION-1. That the sum of \$1,167.00 be transferred as follows;

FROM: Contingency A1199014.5404 \$1,167.00

TO: Other Equipment A1101012.5211 \$1,167.00

Submitted to the Mayor this ____ day of

_____, 2019

Approved by the Mayor this ____ day of

_____, 2019

Elisa Tinti, City Clerk

Steven T. Noble, Mayor

Adopted by Council on _____, 2019

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THE CITY OF KINGSTON COMMON COUNCIL

FINANCE AND AUDIT
COMMITTEE REPORT

REQUEST DESCRIPTION

INTERNAL TRANSFER _____
AUTHORIZATION _____
CLAIMS _____

CONTINGENCY TRANSFER _____
BUDGET MODIFICATION X _____
ZONING _____

TRANSFER _____
BONDING REQUEST _____
OTHER _____

DEPARTMENT City Clerk DATE 9/11/19

Description: 2019 Budgetary Transfer for additional costs related to
Common Council microphone system

Increase A1101012.5211 Other Equipment \$1,167

Decrease A1199014.5404 Contingency \$1,167

Estimated Financial Impact \$1,167 Signature _____

Motion by P O'R

Seconded by RSC

Action Required:

SEQRA Decision:

Type I Action _____

Type II Action _____

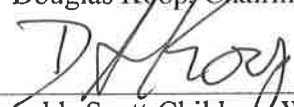
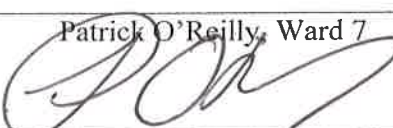
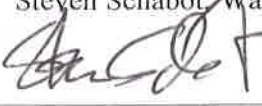
Unlisted Action _____

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	☐	☐
Patrick O'Reilly, Ward 7 	☒	☐
Steven Schabot, Ward 8 	☒	☐

**RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF KINGSTON,
NEW YORK, AUTHORIZING A BUDGETARY TRANSFER IN THE 2019
POLICE DEPARTMENTS BUDGET OF \$87,000.00 TO COVER THE EXPENSE
OF A CARPETING PROJECT OF THE KINGSTON CITY COURT AND
OFFICES. ALL COSTS WILL BE REIMBURSED BY THE NYS COURTS.**

Sponsored By:

Finance & Audit Committee: Alderman Koop,
Alderman Scott-Childress, Alderman Davis, Alderman
Schabot

WHEREAS, a request has been made by the Police Department to transfer
\$87,000.000 to pay for new carpeting in the City Court portion of the building at 1
Garraghan Drive. This expense will be reimbursed

WHEREAS, the Finance/Audit Committee has received, reviewed and approved this
request:

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

SECTION-1. That the sum of \$95,000.00 be transferred as follows;

FROM: CDBG Reimbursement A1714122.42020 \$95,000.00

TO: Contracted Services A1714113.5301 \$95,000.00

Submitted to the Mayor this ____ day of
_____, 2019

Approved by the Mayor this ____ day of
_____, 2019

Elisa Tinti, City Clerk

Steven T. Noble, Mayor

Adopted by Council on _____, 2019

THE CITY OF KINGSTON COMMON COUNCIL

FINANCE AND AUDIT COMMITTEE REPORT

REQUEST DESCRIPTION		
INTERNAL TRANSFER _____	CONTINGENCY TRANSFER _____	TRANSFER _____
AUTHORIZATION _____	BUDGET MODIFICATION <u>X</u>	BONDING REQUEST _____
CLAIMS _____	ZONING _____	OTHER _____

DEPARTMENT: Police

DATE: August 5, 2019

Description: Budget transfer for the 2019 Budget. This is request for transfer from our NYS Court Reimbursement Revenue Account to our Furniture and Fixtures Account to fund a carpeting project of the City Court and Offices. All costs will be reimbursed by NYS Courts.

Estimated Financial Impact: \$-0-

Signature _____

Motion by RS-C

Seconded by SS

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: _____

Committee Vote	YES	NO
Douglas Koop, Chairman <i>DAKoop</i>		✓
Reynolds Scott-Childress, Ward 3 <i>Reynolds Scott-Childress</i>	✓	
Anthony Davis, Ward 6		
Patrick O'Reilly, Ward 7 <i>PO7</i>	✓	
Steven Schabot, Ward 8 <i>Steven Schabot</i>	✓	

Tinti, Elisa

From: Bonse, Michael
Sent: Tuesday, August 06, 2019 8:56 AM
To: Noble, James; Noble, Steve
Cc: Tinti, Elisa; Tuey, John; Tinti, Egidio
Subject: Budget Transfer Request - City Court
Attachments: 20190806084710.pdf

Mr. Noble,

Attached is a copy of a proposed budget transfer request for the transfer of funds from our NYS Courts Reimbursement Revenue Account to our Furniture and Fixture Account to fund the re-carpeting of the City Court and Offices.

Please forward this to the appropriate committee for review and approval.

Respectfully submitted,

Michael Bonse

Lieutenant of Police
City of Kingston Police Department

Office #: (845) 943-5707
Fax #: (845) 943-5782
Email: mbonse@kingston-ny.gov

CITY OF KINGSTON

Police Department

police@kingston-ny.gov

Egidio F. Tinti, Chief of Police



Steven T. Noble, Mayor

August 6, 2019

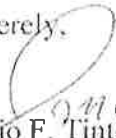
Honorable James Noble
Alderman-at-Large
420 Broadway
Kingston, NY 12401

Dear Mr. Noble,

I am respectfully requesting that you refer these internal budget transfers from our NYS Court Reimbursement Revenue Account to our Furniture and Fixtures Account to the appropriate committee for their review. This project is to carpet the City Court and offices and will fully reimbursed by NYS Courts. As you can see, there is no financial impact or obligation to the City of Kingston regarding this request.

Thank you for your time and consideration in this matter. If you or your committee needs additional information, please do not hesitate to contact me.

Sincerely,


Egidio F. Tinti
Chief of Police
City of Kingston Police Department

EFT/mab

Enclosure

cc: Honorable Steven T. Noble
Mayor, City of Kingston

John Tuey
City Comptroller

THE CITY OF KINGSTON COMMON COUNCIL

FINANCE AND AUDIT COMMITTEE REPORT

REQUEST DESCRIPTION

INTERNAL TRANSFER _____
AUTHORIZATION _____
CLAIMS _____

CONTINGENCY TRANSFER _____
BUDGET MODIFICATION X
ZONING _____

TRANSFER _____
BONDING REQUEST _____
OTHER _____

DEPARTMENT: Police

DATE: August 5, 2019

Description: Budget transfer for the 2019 Budget. This is request for transfer from our NYS Court Reimbursement Revenue Account to our Furniture and Fixtures Account to fund a carpeting project of the City Court and Offices. All costs will be reimbursed by NYS Courts.

Estimated Financial Impact: \$-0-

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		
Patrick O'Reilly, Ward 7		
Steven Schabot, Ward 8		

2019 Budget Modification

Account #	Transfer Out of	Transfer Into
FURNITURE & FIXTURES		
A1.3120.5202		\$ 87,000.00
REVENUE - NYS COURT REIMBURSEMENT	\$ 87,000.00	
A1.3120.3330		
TOTALS	\$ 87,000.00	\$ 87,000.00

**RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF KINGSTON,
NEW YORK, AUTHORIZING AN TRANSFER OF FUNDS FROM THE GRANT
REVENUE AND HEALTH & WELLNESS GENERAL MATERIALS &
SUPPLIES ACCOUNTS TO PAY THE EXPENSE OF THE AARP GRANT
FUNDED CHESS “PLAYGROUND” PROJECT**

Sponsored By:

Finance & Audit Committee: Alderman Koop,
Alderman Scott-Childress, Alderman Davis, Alderman
Schabot

WHEREAS, a request has been made by the Health and Wellness Department to transfer funds from the Grant Revenue and Health & Wellness General Materials & Supplies accounts to the Health and Wellness Other Equipment account in the amount of \$190.00 to pay for the AARP Grant funded Chess “Playground” project.

WHEREAS, the Finance/Audit Committee has received, reviewed and approved this request:

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

SECTION-1. That the sum of \$190.00 be transferred as follows;

FROM: Health & Wellness General Materials A4010.485 \$190.00

FROM: Grant Revenue Account A4010.2705 \$11,224.00

TO: Health & Wellness Other Equipment A4010.5211 \$11,414.00

Submitted to the Mayor this ____ day of

_____, 2019

Approved by the Mayor this ____ day of

_____, 2019

Elisa Tinti, City Clerk

Steven T. Noble, Mayor

Adopted by Council on _____, 2019

THE CITY OF KINGSTON COMMON COUNCIL

FINANCE AND AUDIT COMMITTEE REPORT

REQUEST DESCRIPTION

INTERNAL TRANSFER _____
AUTHORIZATION _____
CLAIMS _____

CONTINGENCY TRANSFER _____
BUDGET MODIFICATION _____
ZONING _____

TRANSFER X _____
BONDING REQUEST _____
OTHER _____

DEPARTMENT Health and Wellness DATE 08/26/19

Description: Transfer funds from the Grant Revenue and Health & Wellness General Materials & Supplies accounts to the Health and Wellness Other Equipment account for the AARP grant funded chess "Playground" project.

FROM Health & Wellness General Materials # 4010.485 in the amount of \$190 TO Health & Wellness Other Equipment Account # 4010.5211

FROM Grant Revenue Account # 4010.2705 in the amount of \$11,224 TO Health & Wellness Other Equipment Account # 4010.5211

Estimated Financial Impact \$0 Signature _____

Motion by RS-C

Seconded by SS

Action Required:

SEQRA Decision:

Type I Action _____

Type II Action _____

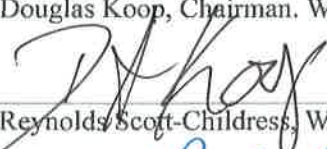
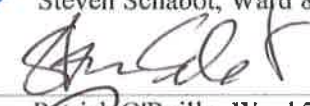
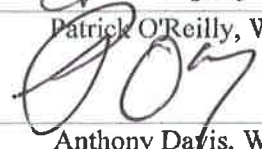
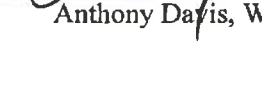
Unlisted Action _____

Negative Declaration of Environmental Significance: _____

Conditioned Negative Declaration: _____

Seek Lead Agency Status: _____

Positive Declaration of Environmental Significance: _____

Committee Vote	YES	NO
Douglas Koop, Chairman, Ward 2 	☒	☐
Reynolds Scott-Childress, Ward 3 	☒	☐
Steven Schabot, Ward 8 	☒	☐
Patrick O'Reilly, Ward 7 	☒	☐
Anthony Davis, Ward 6 	☐	☐

RESOLUTION 204 of 2019

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF KINGSTON, NEW YORK, AUTHORIZING THE EXECUTION OF A PILOT AGREEMENT BY AND AMONG CITY OF KINGSTON, ROUNDOUT AND KINGSTON L.P. AND LANDMARK PLACE HOUSING DEVELOPMENT FUND COMPANY, INC.

Sponsored By: Finance and Audit Committee: Alderman: Koop,
Scott-Childress, O'Reilly, Schabot

WHEREAS, the City of Kingston (the "City") desires to encourage a sufficient supply of adequate, safe and sanitary dwelling accommodations properly planned for individuals and families with low incomes; and

WHEREAS, Landmark Place Housing Development Fund Company, Inc., a to-be-formed Article XI New York Private Housing Finance Law corporation and a New York not-for-profit corporation (the "HDFC") and Roundout and Kingston L.P., a to-be-formed New York limited partnership (the "Partnership"), have identified a certain improved parcel of real property, located at 300 Flatbush Avenue, City of Kingston, County of Ulster, State of New York, (the "Property"), for the purpose of developing on the Property a housing project for individuals and families of low income to be commonly known as Landmark Place, said project to consist of: (i) the acquisition of the Property; (ii) the demolition of existing buildings on the Property and construction of the improvements thereon to provide for approximately sixty-six (66) units of housing for seniors aged 55 and older of low income and commercial and civic space (the "Improvements"); and (iii) the acquisition and installation therein and thereon of certain machinery, equipment, furniture, fixtures and other tangible personal property (the "Equipment", and collectively with the Property and the Improvements, the "Project"); and

WHEREAS, the HDFC will be formed for the purpose of providing residential rental accommodations for individuals and families of low income; and

WHEREAS, the HDFC has, or will, acquire fee title to the Property, as nominee for the Partnership, and has, or will, convey its equitable and beneficial interests in the Property to the Partnership in furtherance of the development of the Project; and

WHEREAS, the HDFC's and the Partnership's plan for the use of the Property constitutes a "housing project" as that term is defined in the Private Housing Finance Law of the State of New York ("PHFL"); and

WHEREAS, the HDFC is or will be a "housing development fund company" as the term is defined in Section 572 of the PHFL and Section 577 of the PHFL authorizes the Members of the City Common Council to exempt the Project from real property taxes; and

WHEREAS, the HDFC is, or will be, a general partner of the Partnership; and

WHEREAS, the Partnership and the HDFC are willing to enter into a PILOT Agreement whereby they will make annual payments in lieu of taxes to the City as set forth in the PILOT Agreement presented to this Common Council for approval, a copy of which is attached hereto as Exhibit A.

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

SECTION 1. That the Common Council of the City of Kingston hereby exempts the project from real property taxes to the extent authorized by Section 577 of the PHFL and approves the proposed Pilot Agreement among the City, Roundout and Kingston L.P. (Partnership) and Landmark Place Housing Development Fund Company, Inc. (HDFC) in substantially the form presented at this meeting, providing the annual payments as set forth in such agreement.

SECTION 2. That upon formation of the Partnership and the HDFC, the Mayor of the City of Kingston is hereby authorized to execute and deliver the foregoing PILOT Agreement on behalf of the City.

SECTION 3. This resolution shall take effect immediately.

Submitted to the Mayor this ____ day of _____, 2019

Approved by the Mayor this ____ day of _____, 2019

Elisa Tinti, City Clerk

Steven T. Noble, Mayor

Adopted by Council on _____, 2019

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THE CITY OF KINGSTON COMMON COUNCIL

FINANCE AND AUDIT COMMITTEE REPORT

<u>REQUEST DESCRIPTION</u>		
INTERNAL TRANSFER _____	CONTINGENCY TRANSFER _____	TRANSFER _____
AUTHORIZATION _____	BUDGET MODIFICATION _____	BONDING REQUEST _____
CLAIMS _____	ZONING _____	OTHER <u>X</u> _____

DEPARTMENT Assessor's Office DATE 9/17/2019

Description: Agreement to exempt real property authorized under Private Housing Finance Law 577 to run concurrent with an agreement for payment in lieu of taxes (PILOT) by and among the City of Kingston, Roundout and Kingston L.P. and Landmark Place Housing Development Fund Company, Inc.

Estimated Financial Impact -0- Signature [Signature]

Motion by RS-C

Seconded by SS

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 <u>[Signature]</u>	✓	
Reynolds Scott-Childress Ward 3 <u>[Signature]</u>	✓	
Anthony Davis, Ward 6		
Patrick O'Reilly, Ward 7 <u>[Signature]</u>		✓
Steven Schabot, Ward 8 <u>[Signature]</u>	✓	

Landmark Place - PILOT Information Sheet

Original PILOT request was to pay \$1000 per unit for 30 years (plus 2 year build up payment of \$25,000) increasing the per unit payment to \$1,106 in year 13, and then to \$1,212 per unit in year 23. Total payments of \$2,240,000 over 32 years

Newly negotiated PILOT would pay \$1000 per unit plus an additional \$3,000 for community service facility space (plus 2 year build up payment of \$25,000). These payments would increase 2% annually. Total payments of \$2,849,197 over 32 years.

Initial Proposal vs. New proposal

\$66,000 year 3 vs. \$69,000 year 3.

\$80,000 year 32 vs. \$122,533 year 32

\$2,240,000 Total vs \$2,849,197 Total

An increase of \$609,197 in payment when comparing the original PILOT request and the newly negotiated

Schedule Comparison Attached

**AGREEMENT FOR PAYMENT IN LIEU OF TAXES (PILOT)
BY AND AMONG THE CITY OF KINGSTON,
ROUNDOUT AND KINGSTON L.P.
AND LANDMARK PLACE HOUSING DEVELOPMENT FUND COMPANY, INC.**

THIS AGREEMENT FOR PAYMENT IN LIEU OF TAXES (the “Agreement”), dated October ___, 2019, by and among the **CITY OF KINGSTON, NEW YORK**, a New York incorporated municipality, having its principal office located at City Hall, 420 Broadway, Kingston, New York 12401 (the “City”), and **LANDMARK PLACE HOUSING DEVELOPMENT FUND COMPANY, INC.**, an Article XI New York private housing finance law corporation and a New York not-for-profit corporation, having its principal office located c/o RUPCO, INC., 289 Fair Street, Kingston, New York 12401 (the “HDFC”), which HDFC will hold title to the Property (as hereinafter defined) for the benefit of **ROUNDOUT AND KINGSTON L.P.**, a New York limited partnership, having its principal office located c/o RUPCO, INC., 289 Fair Street, Kingston, New York 12401 (the “Partnership”).

WHEREAS, the HDFC is, or will become, the bare legal or record owner, and the Partnership is, or will become, the beneficial and equitable owner, of certain real property located at 300 Flatbush Avenue, City of Kingston, County of Ulster, State of New York, as more particularly described in Exhibit A attached hereto (the “Property”); and

WHEREAS, the HDFC is a corporation established pursuant to Section 402 of the Not-For-Profit Corporation Law and Article XI of the Private Housing Finance Law (“PHFL”); and

WHEREAS, the HDFC is the general partner of the Partnership; and

WHEREAS, the HDFC and the Partnership have been formed for the purpose of providing residential rental accommodations for persons of low-income; and

WHEREAS, the Partnership will develop, own, construct, maintain and operate a mixed use-mixed income housing project for persons of low income at the Property, anticipated to consist of approximately sixty-six (66) residential rental units for seniors of low income aged 55 or older, one superintendent’s unit plus community service facility space, to be commonly known as Landmark Place (the “Project”); and

WHEREAS, the HDFC has or will acquire fee title to the Property, as nominee for the Partnership, and has or will convey its equitable and beneficial interests in the Property to the Partnership in furtherance of the development of the Project; and

WHEREAS, the HDFC’s and the Partnership’s plan for the use of the Property constitutes a “housing project” as that term is defined in the PHFL; and

WHEREAS, the HDFC is a “housing development fund company” as the term is defined in Section 572 of the PHFL; and

WHEREAS, pursuant to Section 577 of the PHFL, the local legislative body of a municipality may exempt the real property of a housing project of a housing development fund company from local and municipal taxes, including school taxes, other than assessments for local

improvements, to the extent of all or a part of the value of the property included in the completed project; and

WHEREAS, the Council Members of the City of Kingston, New York, by resolution adopted October ____, 2019, approved and authorized the Mayor's execution of this Agreement;

NOW, THEREFORE, it is agreed as follows:

1. Pursuant to Section 577 of the PHFL, the City hereby exempts from local and municipal taxes, other than assessments for local improvements, one hundred percent (100%) of the value of the Property, including both the land and the improvements included in the Project. "Local and Municipal Taxes" shall mean any and all real estate taxes levied by any affected Taxing Jurisdiction (as defined in Subdivision 1(b) of Section 577 of the PHFL), which has jurisdiction over the Property and intending to bind the applicable Taxing Jurisdictions to the fullest extent provided under Section 577 of the PHFL (collectively, the "Taxing Jurisdictions").

2. This tax exemption will take effect on the first tax status date for the Taxing Jurisdictions following the date of the HDFC's acquisition of the fee title interest in the Property and shall continue for a period of thirty-two (32) years, unless terminated earlier as a result of an Event of Default as provided in Section 6 in this Agreement. This Agreement shall not limit or restrict the HDFC's or the Partnership's right to apply for or obtain any other tax exemption to which the Property might be entitled upon the expiration of this Agreement.

3. For so long as the exemption hereunder continues, the Partnership shall make annual payments in lieu of taxes in the amount of Twenty-Five Thousand and 00/100 Dollars (\$25,000.00) per year for the first two years (pro-rated for the year in which the HDFC acquires the Property and pro-rated for the year in which said certificate of occupancy is issued) through construction and lease up of the Project and conversion of the Project's construction financing to its permanent phase, increasing thereafter to Sixty-Nine Thousand and 00/100 Dollars (\$69,000.00) per year for the residential and community service facility components of the Project (the "Permanent Phase Increase"), increasing two percent (2%) annually, on or before January 31st, which PILOT payments shall cover all Local and Municipal Taxes, other than assessments for local improvements, owed in connection with the Property and the Project, and which payments shall be shared by the Taxing Jurisdictions on the same basis as property taxes would be shared if the Property and the Project were fully taxed. The Permanent Phase Increase shall be allocated \$66,000 to the residential component and \$3,000 to the community service facility space component. If additional units in excess of the aforementioned sixty-six (66) residential units, including the conversion of the superintendent's unit to a revenue generating unit, and the community service facility space or other improvements are made to the Property, the PILOT payment amount shall increase (a) One Thousand and 00/100 Dollars (\$1,000.00) per unit for each additional residential unit and (b) proportionately based on increases in square footage for the community service facility space component of the Project, consistent with the terms of this Agreement. See **Schedule A**, a copy of which is attached hereto.

4. The tax exemption provided by this Agreement will continue for the term described above provided that the Property and the Project continue to be used as housing facilities for persons of low income and (i) the HDFC and the Partnership own and operate the Property and the Project in conformance with Article XI of the PHFL; or (ii) the HDFC assumes sole legal and beneficial ownership of the Property and the Project and operates the Project in conformance with

Article XI of the PHFL; or (iii) in the event an action is brought to foreclose a mortgage upon the Property and the legal and beneficial interest in the Property and the Project shall be acquired at the foreclosure sale, or from the mortgagee, or by a conveyance in lieu of such sale, by a housing development fund corporation organized pursuant to Article XI of the PHFL, and such successor in interest operates the Project in conformance with Article XI of the PHFL.

5. The failure to make the required payment will be treated as failure to make payment of taxes and will be governed by the same provisions of law as apply to the failure to make payment of taxes, including but not limited to enforcement and collection of taxes to the extent permitted by law.

6. All notices and other communications hereunder shall be in writing and shall be sufficiently given when delivered to the applicable address stated above (or such other address as the party to whom notice is given shall have specified to the party giving notice) by registered or certified mail, return receipt requested or by such other means as shall provide the sender with documentary evidence of such delivery.

7. This Agreement shall inure to the benefit of and shall be binding upon the City, the HDFC and the Partnership and their respective successors and assigns, including the successors in interest of the HDFC and the Partnership. There shall be no assignment of this Agreement by the HDFC or the Partnership except with prior written consent of the City, which consent shall not be unreasonably withheld, conditioned or delayed.

8. If any provision of this Agreement or its application is held invalid or unenforceable to any extent, the remainder of this Agreement and the application of that provision to other persons or circumstances shall be enforced to the greatest extent permitted by law.

9. No waiver or modification of this Agreement or any covenant, condition or limitation therein shall be valid unless in writing and duly executed by the individual party to be charged therewith; and no evidence of any waiver or modification shall be offered or received in evidence in any proceeding, arbitration, or litigation between the parties hereto arising out of or affecting this Agreement, or the rights or obligations of any party hereunder, unless such waiver or modification is in writing, duly executed as aforesaid. The provisions of this Section may be waived as herein set forth.

10. This Agreement and the performance hereunder, and all actions and special proceedings relating thereto shall be construed in accordance with, under, and pursuant to the laws of the State of New York.

11. This Agreement may be executed in any number of counterparts with the same effect as if all the signing parties had signed the same document. All counterparts shall be construed together and shall constitute the same instrument.

12. This Agreement constitutes the entire agreement of the parties relating to payments in lieu of taxes with respect to the Property and supersedes all prior contracts, or agreements, whether oral or written, with respect thereto.

13. Each of the parties individually represents and warrants that the execution, delivery and performance of this Agreement, (i) has been duly authorized and does not require any other

consent or approval, (ii) does not violate any article, by-law or organizational document or any law, rule, regulation, order, writ, judgment or decree by which it is bound, and (iii) will not result in or constitute a default under any indenture, credit agreement, or any other agreement or instrument to which any of them is a party. Each party represents that this Agreement shall constitute the legal, valid and binding agreement of the parties enforceable in accordance with its terms.

Remainder of page intentionally left blank.

IN WITNESS WHEREOF, the City, the HDfC and the Partnership have caused this Agreement to be executed in their respective names by their duly authorized representatives and their respective seals to be hereunder affixed, all as of the date above-written.

CITY OF KINGSTON, NEW YORK

DATED: October __, 2019

By: _____
Name: Steve Noble
Title: Mayor

**LANDMARK PLACE HOUSING
DEVELOPMENT FUND COMPANY, INC.**

DATED: October __, 2019

By: _____
Name: Kevin O'Connor
Title: President

ROUNDOUT AND KINGSTON L.P.

By: Landmark Place Housing Development Fund
Company, Inc., its general partner

DATED: October __, 2019

By: _____
Name: Kevin O'Connor
Title: President

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

On the ____ day of October in the year 2019, before me personally appeared Steve Noble, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or person upon behalf of which the individual acted, executed the instrument.

NOTARY PUBLIC

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

On the ____ day of October in the year 2019, before me personally appeared Kevin O'Connor personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacities, and that by his signatures on the instrument, the individual, or persons upon behalf of which the individual acted, executed the instrument.

NOTARY PUBLIC

EXHIBIT A

LEGAL DESCRIPTION OF THE PROPERTY

SCHEDULE A
SCHEDULE OF PILOT PAYMENTS

Payment Year		Payment Minimum
1	Year 1 (construction)	\$25,000
2	Year 2 (construction and lease up)	\$25,000
3	Year 3	\$69,000
4	Year 4	\$70,380
5	Year 5	\$71,788
6	Year 6	\$73,223
7	Year 7	\$74,688
8	Year 8	\$76,182
9	Year 9	\$77,705
10	Year 10	\$79,259
11	Year 11	\$80,844
12	Year 12	\$82,461
13	Year 13	\$84,111
14	Year 14	\$85,793
15	Year 15	\$87,509
16	Year 16	\$89,259
17	Year 17	\$91,044
18	Year 18	\$92,865
19	Year 19	\$94,722
20	Year 20	\$96,617
21	Year 21	\$98,549
22	Year 22	\$100,520
23	Year 23	\$102,530
24	Year 24	\$104,581
25	Year 25	\$106,673
26	Year 26	\$108,806
27	Year 27	\$110,982
28	Year 28	\$113,202
29	Year 29	\$115,466
30	Year 30	\$117,775
31	Year 31	\$120,131
32	Year 32	\$122,533
Year 32 Total		\$2,849,197

RESOLUTION 205 of 2019

**RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF KINGSTON,
NEW YORK, AUTHORIZING THE MAYOR TO EXPEND FUNDS IN THE
FIRST INSTANCE FOR THE AARP GRANT FOR THE PURCHASE OF CHESS
TABLES**

Sponsored By:

Finance & Audit Committee: Alderman Koop,
Alderman Scott-Childress, Alderman Davis, Alderman
Schabot

WHEREAS, the City of Kingston has been awarded a AARP Community Challenge Grant in the amount of \$11,224 to create a chess “playground” consisting of two chess tables and four benches;

WHEREAS, the \$11,224 grant from the AARP has been received and deposited; and

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

SECTION 1. Administration of all funds under these grants will be in accordance with all terms and conditions contained in guidelines provided by the AARP.

SECTION 2. The Mayor of the City of Kingston is hereby authorized to expend funds in the first instance under the terms of the Memorandum of Understanding with the AARP.

SECTION 3. This resolution shall take effect immediately.

Submitted to the Mayor this ____ day of
_____, 2019

Approved by the Mayor this ____ day of
_____, 2019

Elisa Tinti, City Clerk

Steven T. Noble, Mayor

205

THE CITY OF KINGSTON COMMON COUNCIL

FINANCE AND AUDIT
COMMITTEE REPORT

<u>REQUEST DESCRIPTION</u>		
INTERNAL TRANSFER _____	CONTINGENCY TRANSFER _____	TRANSFER <u>X</u>
AUTHORIZATION _____	BUDGET MODIFICATION _____	BONDING REQUEST _____
CLAIMS _____	ZONING _____	OTHER _____

DEPARTMENT <u>Health and Wellenss</u>	DATE <u>08/26/19</u>
Description: A resolution authorizing the implementation and funding in the first instance 100% of the costs of the chess playground at T.R. Gallo Park.	
Estimated Financial Impact <u>\$0</u> Signature _____	

Motion by SS

Seconded by PG'R

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, Ward 2 <i>D Koop</i>	☒	☐
Reynolds Scott-Childress, Ward 3 <i>Reynolds Scott-Childress</i>	☒	☐
Steven Schabot, Ward 8 <i>Steven Schabot</i>	☒	☐
Patrick O'Reilly, Ward 7 <i>POg</i>	☒	☐
Anthony Davis, Ward 6	☐	☐

**RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF KINGSTON,
NEW YORK, SUPPORTING REDUCED SPEED LIMITS FROM 30 MILES PER
HOUR TO 25 MILES PER HOUR IN APPROPRIATE AREAS OF THE CITY OF
KINGSTON, NEW YORK**

Sponsored By:

Public Safety/General Government Committee:
Alderman Schabot, Alderman Scott-Childress,
Alderman Ventura Morell, Alderman Worthington,
Alderman Koop

WHEREAS, , the construction of significant portions of City of Kingston streets predate the modern automobile by centuries; and

WHEREAS, these streets and even more-recently constructed ones do not meet any reasonable justification for a 30 mile-per-hour speed limit; and

WHEREAS, the observed speeds that citizens report as feeling unsafe in their communities has been shown to be less than 30 miles per hour through speed evaluations; and

WHEREAS, Federal Highway Administration methodologies recommend speed limits of 25 miles per hour or lower on the type of roadways common in the historic City of Kingston ; and

WHEREAS, a study by the Insurance Institute for Highway Safety demonstrated that a City-wide speed limit reduction in Boston from 30 miles per hour to 25 miles per hour resulted in lower speeds, especially in excess of 35 miles per hour; and

WHEREAS, reduced speeds minimize stopping distance of vehicles and the likelihood of injury or fatality as a result of a collision with a pedestrian; and

WHEREAS, reduced speeds narrow the difference in operating speeds of vehicles and bicycles, which can improve safety for these vulnerable users of the roadway network; and

WHEREAS, lower speeds provide greater flexibility in roadway design; and

WHEREAS, revised New York State Department of Transportation guidelines (as of the TSMI report dated August 10, 2017) no longer use the traditional ASHTO “85 percent” of speeding motorists measure to determine whether speeding is a problem, but rather rely on the objective collection of data to evaluate appropriate speeds for City streets; and

WHEREAS, recent studies for the Kingston Safe Routes to School project demonstrated that fear of traffic injuries and pedestrian fatalities leads a significant portion of area parents to drive their children to school thereby creating the very conditions they fear as well as increased pollution; and **WHEREAS**, a reduction in speed from 30 miles per hour to 25 miles per hour represents an increase in travel time of only 24 seconds per mile under free flow conditions; and

WHEREAS, the State Vehicle and Traffic Law Section 1643 prohibits cities and villages from establishing area-wide speed limits below 30 miles per hour and also prohibits establishing any speed limit under 25 miles per hour on any roadway (except school zones); and

WHEREAS, in some cases, this law prevents the City from establishing appropriate speed limits based on accepted engineering practices;

WHEREAS, the City will, if allowed to reduce speed limits to 25 miles per hour, use an expert systems approach to evaluate appropriate speeds on City streets based on objective criteria; now, therefore be it

RESOLVED, That the City of Kingston hereby requests that the State of New York amend Vehicle and Traffic Law Title 8, Article 38, Section 1643 to allow the City of Kingston to establish a city-wide speed acceptable limit as low as 25 miles per hour. Further, on roadways where established FHWA methodologies for establishing speed limits recommend speed limits lower than 25 miles per hour, all cities and villages should be permitted to post speed limits lower than 25 miles per hour, and be it further

RESOLVED, That certified copies of this Resolution be sent to Assemblyman Kevin Cahill, Senator George Amadore, and Governor Andrew Cuomo.

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

Submitted to the Mayor this ____ day of
_____, 2019

Approved by the Mayor this ____ day of
_____, 2019

Elisa Tinti, City Clerk

Steven T. Noble, Mayor

Adopted by Council on _____, 2019

THE CITY OF KINGSTON COMMON COUNCIL

PUBLIC SAFETY/GENERAL GOVERNMENT COMMITTEE REPORT

DEPARTMENT _____	DATE <u>9/25/19</u>
Description <u>A Resolution Supporting Reduced Speed Limits from 30 MPH to 25 MPH as per the attached. Specifically it is requested that NYS Veh Traffic Law be amended to allow cities and villages to establish area wide speed limits.</u>	
(As appropriate, always give cross streets: North, South, East, West directions; and Vehicle & Traffic Section from City of Kingston Code Book)	
Signature _____	

Motion by DF

Seconded by RSC

Action Required: _____

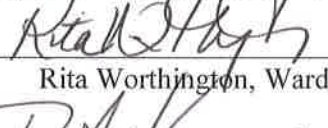
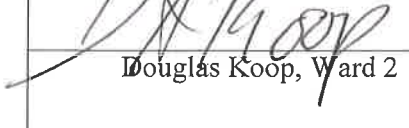
SEQRA Decision:
 Type I Action _____
 Type II Action _____
 Unlisted Action _____

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>
 Steve Schabot, Chairman	✓	
 Jeffrey Ventura Morell, Ward 1	✓	
 Reynolds Scott-Childress, Ward 3	✓	
 Rita Worthington, Ward 4	✓	
 Douglas Koop, Ward 2	✓	

A Resolution Supporting Reduced Speed Limits from 30 Miles Per Hour to 25 Miles Per Hour in Appropriate Areas of the City of Kingston, New York

WHEREAS, the construction of significant portions of City of Kingston streets predate the modern automobile by centuries; and

WHEREAS, these streets and even more-recently constructed ones do not meet any reasonable justification for a 30 mile-per-hour speed limit; and

WHEREAS, the observed speeds that citizens report as feeling unsafe in their communities has been shown to be less than 30 miles per hour through speed evaluations; and

WHEREAS, Federal Highway Administration methodologies recommend speed limits of 25 miles per hour or lower on the type of roadways common in the historic City of Kingston ; and

WHEREAS, a study by the Insurance Institute for Highway Safety demonstrated that a City-wide speed limit reduction in Boston from 30 miles per hour to 25 miles per hour resulted in lower speeds, especially in excess of 35 miles per hour; and

WHEREAS, reduced speeds minimize stopping distance of vehicles and the likelihood of injury or fatality as a result of a collision with a pedestrian; and

WHEREAS, reduced speeds narrow the difference in operating speeds of vehicles and bicycles, which can improve safety for these vulnerable users of the roadway network; and

WHEREAS, lower speeds provide greater flexibility in roadway design; and

WHEREAS, revised New York State Department of Transportation guidelines (as of the TSMI report dated August 10, 2017) no longer use the traditional ASHTO "85 percent" of speeding motorists measure to determine whether speeding is a problem, but rather rely on the objective collection of data to evaluate appropriate speeds for City streets; and

WHEREAS, recent studies for the Kingston Safe Routes to School project demonstrated that fear of traffic injuries and pedestrian fatalities leads a significant portion of area parents to drive their children to school thereby creating the very conditions they fear as well as increased pollution; and

WHEREAS, a reduction in speed from 30 miles per hour to 25 miles per hour represents an increase in travel time of only 24 seconds per mile under free flow conditions; and

WHEREAS, the State Vehicle and Traffic Law Section 1643 prohibits cities and villages from establishing area-wide speed limits below 30 miles per hour and also prohibits establishing any speed limit under 25 miles per hour on any roadway (except school zones); and

WHEREAS, in some cases, this law prevents the City from establishing appropriate speed limits based on accepted engineering practices;

WHEREAS, the City will, if allowed to reduce speed limits to 25 miles per hour, use an expert systems approach to evaluate appropriate speeds on City streets based on objective criteria; now, therefore be it

RESOLVED, That the City of Kingston hereby requests that the State of New York amend Vehicle and Traffic Law Title 8, Article 38, Section 1643 to allow the City of Kingston to establish a city-wide speed acceptable limit as low as 25 miles per hour. Further, on roadways where established FHWA methodologies for establishing speed limits recommend speed limits lower than 25 miles per hour, all cities and villages should be permitted to post speed limits lower than 25 miles per hour, and be it further

RESOLVED, That certified copies of this Resolution be sent to Assemblyman Kevin Cahill, Senator George Amadore, and Governor Andrew Cuomo.

AN ORDINANCE AMENDING AN ORDINANCE IN RELATION TO TRAFFIC ON THE PUBLIC STREETS OF THE CITY OF KINGSTON, NEW YORK REMOVING “NO PARKING” SIGNS ON PEARL STREET IN FRONT OF THE FORMER ST JOSEPH’S SCHOOL.

Sponsored By:

Public Safety/General Government Committee:
Alderman Schabot, Alderman Scott-Childress,
Alderman Ventura Morell, Alderman Worthington,
Alderman Koop

WHEREAS, in the interest of safety and the needs of the residents, parking on the streets must be regulated:

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

SECTION 1: ARTICLE 13, SCHEDULE XVI, SECTION 390-99
‘Parking Prohibited’ is hereby amended by removing the following:

No Parking on Pearl Street in front of the former St. Joseph’s School

SECTION 2: All ordinances and parts thereof, inconsistent herewith are hereby repealed.

SECTION 3: This ordinance shall take effect immediately after passage, approval and publication as provided by law.

Submitted to the Mayor this ____ day of _____, 2019

Approved by the Mayor this ____ day of _____, 2019

Elisa Tinti, City Clerk

Steven T. Noble, Mayor

Adopted by Council on _____, 2019

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THE CITY OF KINGSTON COMMON COUNCIL

PUBLIC SAFETY/GENERAL GOVERNMENT COMMITTEE REPORT

DEPARTMENT DPW DATE 9/25/19

Description Resolution to remove "No Parking" signs on Pearl at the former St. Josephs School.

~~Repealed~~

(As appropriate, always give cross streets: North, South, East, West directions; and Vehicle & Traffic Section from City of Kingston Code Book)

Signature [Signature]

Motion by JM

Seconded by RSC

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:

Committee Vote		YES	NO
[Signature] Steve Schabot, Chairman		✓	
[Signature] Jeffrey Ventura Morell, Ward 1		✓	
[Signature] Reynolds Scott-Childress, Ward 3		✓	
[Signature] Rita Worthington, Ward 4			
[Signature] Douglas Koop, Ward 2		✓	

Tinti, Elisa

From: Noble, James
Sent: Monday, September 09, 2019 10:45 AM
To: Tinti, Elisa
Subject: Fwd: Parking spaces at the former St. Joseph's school

Please add to the PS Committee. Thank you.

Sent from my iPhone

Begin forwarded message:

From: "Koop, Douglas" <dkoop@kingston-ny.gov>
Date: September 8, 2019 at 4:55:32 PM EDT
To: "Noble, James" <jnoble@kingston-ny.gov>
Cc: "Schultheis, John" <jschultheis@kingston-ny.gov>, "Norman, Edward" <enorman@kingston-ny.gov>, "Scott-Childress, Reynolds" <rscott-childress@kingston-ny.gov>, Steve Schabot <sschabot@hvc.rr.com>
Subject: Parking spaces at the former St. Joseph's school

Dear Alderman-at-Large Noble:

There are 3-5 parking spaces at the former St. Joseph's school on Pearl Street, with signs that specify "No Parking, 8: 30 am-4 pm. September 1-May 30."

As St. Joseph's School has closed, these parking restrictions are obviously no longer necessary.

These spaces should now be allocated to revenue producing parking spaces.

I ask that this issue be place on the agenda for the appropriate Common Council committee.

Sincerely,

Douglas Koop

Ward 2 Alderman

AN ORDINANCE AMENDING AN ORDINANCE IN RELATION TO TRAFFIC ON THE PUBLIC STREETS OF THE CITY OF KINGSTON, NEW YORK ADDING A STOP INTERSECTION AT WINCHELL AVENUE AND S. WALL STREET.

Sponsored By:

Public Safety/General Government Committee:
Alderman Schabot, Alderman Scott-Childress,
Alderman Ventura Morell, Alderman Worthington,
Alderman Koop

WHEREAS, in the interest of safety and the needs of the residents, traffic on the streets must be regulated;

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

SECTION 1. ARTICLE 13, SCHEDULE 9, SECTION 390-92, “Stop Intersections” be amended by ADDING the following:

Stop Sign at Winchell Avenue and S. Wall Street

SECTION 2. All ordinances and parts thereof, inconsistent here with are hereby repealed.

SECTION 3. This ordinance shall take effect immediately after passage, approval and publication as provided by law.

Submitted to the Mayor this ____ day of _____, 2019

Approved by the Mayor this ____ day of _____, 2019

Elisa Tinti, City Clerk

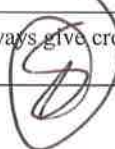
Steven T. Noble, Mayor

Adopted by Council on _____, 2019

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THE CITY OF KINGSTON COMMON COUNCIL

PUBLIC SAFETY/GENERAL GOVERNMENT COMMITTEE REPORT

DEPARTMENT <u>DPW</u>	DATE <u>9/25/19</u>
Description <u>Resolutions to add a Stop sign at painted</u> <u>Stop bar on Winchell Ave DT S. Wall St.</u> <u>as per attached recommendation from John Schmitt</u> <u>Additionally "All-Way" placards are to be</u> <u>added to all stop signs at this location</u>	
(As appropriate, always give cross streets: North, South, East, West directions; and Vehicle & Traffic Section from City of Kingston Code Book) Signature <u></u>	

Motion by RSC

Seconded by JM

Action Required: _____

SEQRA Decision:

Type I Action ☐

Type II Action ☐

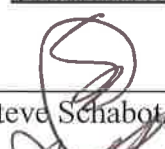
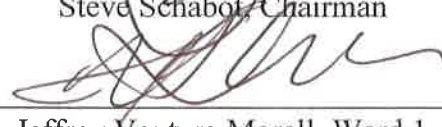
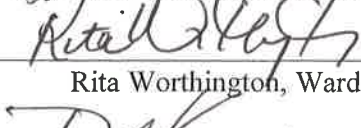
Unlisted Action ☐

Negative Declaration of Environmental Significance: ☐

Conditioned Negative Declaration: ☐

Seek Lead Agency Status: ☐

Positive Declaration of Environmental Significance: ☐

<u>Committee Vote</u>	<u>YES</u>	NO
 Steve Schabot, Chairman	✓	
 Jeffrey Ventura Morell, Ward 1	✓	
 Reynolds Scott-Childress, Ward 3	✓	
 Rita Worthington, Ward 4	✓	
 Douglas Koop, Ward 2	✓	

From: Schultheis, John
Sent: Wednesday, September 25, 2019 12:42 PM
To: Carey, Bill; Tinti, Elisa; Koop, Douglas; Shaut, Andrea; Sills, Dee
Cc: Norman, Edward
Subject: Winchell At S. Wall Street - STOP sign request

Hello Alderman Carey:

I have reviewed your request to add STOP signs on Winchell Avenue at S. Wall Street. I concur with your suggested change at this location as it is supported by traffic engineering practice. Discussion is below.

Request: Add stop signs on Winchell Avenue at South Wall Street, which would convert the intersection from its existing configuration as a 2-way STOP intersection to an all-way STOP intersection.

Data Collection: The area was reviewed in the field on 9-25-19 by the City Engineer. Crash data were not requested. Intersection was observed for operational problems and relative traffic volumes. A large tree was observed on Winchell at the north corner of the intersection.

Analysis and Recommendation:

1. An all-way STOP could be supported if there were similar traffic volumes on the two intersecting streets. However traffic volume is much higher on S. Wall than on Winchell.
2. An all-way STOP could be supported if there is a sight distance problem. However sight distance appears to be adequate at this location.
3. Some amount of disregard for the existing STOP signs on S. Wall Street at this location was observed. Most drivers made less than complete stops at the STOP signs. A few drivers were observed to slow to about 10 mph and "roll through" the intersection.
4. Traffic volume on S. Wall was observed to be much higher than on Winchell. Normally an intersection such as this would have only STOP signs on the minor street (Winchell in this case).

It is recommended to install a STOP sign and painted stop bar on Winchell Avenue at S. Wall Street. Ideally, the STOP signs on S. Wall Street would be removed as they are not warranted by usual practice. However, it is understood that there is a speeding concern for motorists on S. Wall and the STOP signs were likely installed in an effort to reduce average operating speeds in this area. Thus removal of the existing STOP signs on S. Wall Street is not recommended at this time.

Additionally, ALL-WAY placards should be added to all 3 STOP signs at this location. Further, it was observed that the existing STOP signs may not be installed at the standard 7-ft mounting height. The mounting height should be corrected.

The intersection should be monitored for ongoing disregard of the STOP signs on S. Wall Street. If there is evidence of increasing disregard, further consideration to removal of the STOP signs on S. Wall, enhanced enforcement, or other alternatives should be made.

Please let me know if you have any questions or wish to discuss further.

Thank you,

From: Schultheis, John
Sent: Wednesday, September 25, 2019 12:42 PM
To: Carey, Bill; Tinti, Elisa; Koop, Douglas; Shaut, Andrea; Sills, Dee
Cc: Norman, Edward
Subject: Winchell At S. Wall Street - STOP sign request

Hello Alderman Carey:

I have reviewed your request to add STOP signs on Winchell Avenue at S. Wall Street. I concur with your suggested change at this location as it is supported by traffic engineering practice. Discussion is below.

Request: Add stop signs on Winchell Avenue at South Wall Street, which would convert the intersection from its existing configuration as a 2-way STOP intersection to an all-way STOP intersection.

Data Collection: The area was reviewed in the field on 9-25-19 by the City Engineer. Crash data were not requested. Intersection was observed for operational problems and relative traffic volumes. A large tree was observed on Winchell at the north corner of the intersection.

Analysis and Recommendation:

1. An all-way STOP could be supported if there were similar traffic volumes on the two intersecting streets. However traffic volume is much higher on S. Wall than on Winchell.
2. An all-way STOP could be supported if there is a sight distance problem. However sight distance appears to be adequate at this location.
3. Some amount of disregard for the existing STOP signs on S. Wall Street at this location was observed. Most drivers made less than complete stops at the STOP signs. A few drivers were observed to slow to about 10 mph and "roll through" the intersection.
4. Traffic volume on S. Wall was observed to be much higher than on Winchell. Normally an intersection such as this would have only STOP signs on the minor street (Winchell in this case).

It is recommended to install a STOP sign and painted stop bar on Winchell Avenue at S. Wall Street. Ideally, the STOP signs on S. Wall Street would be removed as they are not warranted by usual practice. However, it is understood that there is a speeding concern for motorists on S. Wall and the STOP signs were likely installed in an effort to reduce average operating speeds in this area. Thus removal of the existing STOP signs on S. Wall Street is not recommended at this time.

Additionally, ALL-WAY placards should be added to all 3 STOP signs at this location. Further, it was observed that the existing STOP signs may not be installed at the standard 7-ft mounting height. The mounting height should be corrected.

The intersection should be monitored for ongoing disregard of the STOP signs on S. Wall Street. If there is evidence of increasing disregard, further consideration to removal of the STOP signs on S. Wall, enhanced enforcement, or other alternatives should be made.

Please let me know if you have any questions or wish to discuss further.

Thank you,

Sills, Dee

From: Carey, Bill
Sent: Wednesday, July 31, 2019 2:05 PM
To: Sills, Dee
Subject: Fwd: Stop sign communication

Dee

I got Elisa's out of office message so am forwarding this to you in case. I will send two more requests as well that I sent earlier.

Thanks

Bill

Sent from my iPhone

Begin forwarded message:

From: <bcarey@kingsion-ny.gov>
Date: July 31, 2019 at 1:57:11 PM EDT
To: "jnoble39@aol.com" <jnoble39@aol.com>, <enlinb@kingsion-ny.gov>
Subject: Stop sign communication

Jim

Could you refer to the proper committee a request for a stop sign on Winchell Avenue where it intersects with South Wall Street. Currently there are stop signs on South Wall at that location which means cars coming out of the side streer have the right of way and no stop sign. I think this presents a dangerous situation.

Thanks

Bill Carey
Ward 5

Sent from my iPhone